

THE CITY OF LOG CABIN
ORDINANCE #31-K AMENDED
ZONING AND BUILDING STANDARDS
ADOPTED JULY 21, 2022
AMENDED AUGUST 25, 2022
AMENDED OCTOBER 19, 2023

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AN ORDINANCE SUPERSEDING THE ZONING AND BUILDING ORDINANCE NUMBER 31-J OF THE CITY OF LOG CABIN, AS PASSED AND APPROVED BY THE CITY COUNCIL ON THE 20TH OF JUNE, 2019 AND ENACTING A ZONING AND BUILDING STANDARDS ORDINANCE ESTABLISHING AND PROVIDING FOR SITE BUILT SINGLE FAMILY DWELLINGS AND MANUFACTURED HOMES; PROVIDING FOR ZONING AND BUILDING ORDINANCE REGULATIONS; A ZONING DISTRICT MAP REVISED IN ORDINANCE 31-H AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKING AND TABLES APPEARING ON SAID MAP OR IN THE ORDINANCE; REGULATING WITHIN ZONING DISTRICTS THE USE OF LAND AND BUILDINGS; PROVIDING FOR SPECIFIC USE AND BUILDING PERMITS AND THE INCLUSION OF NEW AND UNLISTED USES, REGULATING THE PLACEMENT OF DWELLINGS, ACCESSORY BUILDINGS AND OTHER STRUCTURES UPON LOTS; PROVIDING FOR THE REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF SWIMMING POOLS; PROVIDING FOR THE REGULATION OF THE CONSTRUCTION AND MAINTENANCE OF FENCES; REGULATING THE STORAGE AND PARKING OF VEHICLES, MACHINERY, TRAILERS AND BOATS; CREATING A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; ESTABLISHING A BOARD OF ADJUSTMENTS; PROVIDING FOR NONCONFORMING USES AND A METHOD FOR DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; AND PROVIDING FOR PENALTIES.

WHEREAS, under the laws of the State of Texas, authority is conferred upon the City of Log Cabin to establish zoning districts within the city for the purpose of regulating the use of land and the building of structures thereon to the end that congestion may be lessened, the public health, safety, convenience and general welfare promoted;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LOG CABIN, HENDERSON COUNTY, TEXAS:

SECTION I. ENACTING CLAUSE

The provisions of this ordinance support and supplement, and in no way diminish or conflict with, other city ordinances providing specific regulation for land and building uses.

SECTION II. PURPOSE

The zoning districts and building regulations as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, and general welfare of the city. They have been designed to lessen congestion; to secure safety from fire; to provide

adequate light and air; to facilitate the adequate provision of transportation, water, sewage, parks, and other public requirements. They have been made with reasonable consideration for the character of the district and its peculiar suitability for the particular uses and structures specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

SECTION III. ZONING DISTRICTS

A. Designation of Districts. The City of Log Cabin, Texas is hereby divided into seven (7) zoning districts. The land use and building regulations as set out herein are uniform within each district. The seven (7) districts established herein shall be known as

Table 1: Zoning Districts

<u>ZONING DISTRICT NAME</u>	<u>ABBREVIATION</u>	<u>ZONE/S</u>
Residential Dwelling (1,200 sq. ft. min.)	R-1	Zones A & D
Residential Dwelling (600 sq. ft. min.)	R-2	Zone B & C
HUD-Code Manufactured Home (600 sq. ft. min.)	MH-1	Zone C
HUD-Code Manufactured Home (1,200 sq. ft. min.)	MH-2	Zone D
Commercial Tract	CT	Zones E-K, M & O
City Parks/Municipal Use (Civic)	CV	Zones L & N
Property Owner's Association	POA	POA

B. District Boundaries/Zoning Map. The boundaries of the zoning districts set out herein are delineated upon the zoning district map of the City of Log Cabin, said map being a part of this ordinance as fully as if the same were set forth herein in detail. Two (2) original, official and identical copies of the zoning district map are hereby adopted bearing the signature of the Mayor and the attestation of the City Secretary and shall be filed and maintained as follows:

1. One copy shall be filed with the City Secretary and retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the Planning and Zoning Commission and shall be maintained up to date by posting thereon all changes and subsequent amendments for reference observation in issuing building permits, certificates of occupancy and compliance and for otherwise enforcing the Zoning and Building Standards Ordinance.
3. Reproductions for information purposes may, from time to time, be made of the official zoning district map.

C. Ambiguous Boundaries. The district boundary lines shown on the zoning district maps are usually along streets, property lines, or extensions thereof. When uncertainty exists as to the boundaries of districts as shown on the official zoning maps, the following rules shall apply:

1. Boundaries indicated, as approximately following the certain lines of streets or highways shall be construed to follow such center lines.
2. Boundaries indicated, as approximately following platted lot lines shall be as following lot lines.
3. Boundaries indicated, as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated, as approximately following lake or inlet shore lines shall be construed as following the shore line indicated in the original plat maps as filed by the county.
5. Where physical features of the ground or water areas are at a variance with information shown on the official zoning district map, or when a question arises as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of sub-section III.C.1 through III.C.4, the property shall be considered as classified temporarily as determined by majority approval of City Council. In such instances the issuance of building permits and determination of permanent zoning classification shall be in accordance with the provisions in Sections IV.D or X for temporarily zoned areas.

SECTION IV. USE OF LAND AND BUILDINGS

A. Uses Specific to Zoning Districts. Land and buildings in each of the defined zoning districts may be used for the specified purposes and in accordance with the regulations and building permits specified herein, provided also that no land shall hereafter be used and no building or structure shall hereafter be erected, altered, converted, used or occupied which is arranged, designed or used for other than those uses specified for the zoning district in which it is located as set forth by the following schedule of uses and regulations:

- 1. Residential Dwelling (R-1) (Zones A and D).** Land in the R-1 zoning districts shall be used as follows: exclusively for single-family site-built dwellings of no less than 1,200 sq. ft. in Zone A or primarily in Zone D, subject to the following requirements designed to create and preserve the residential nature of this district:
 - a) Only one dwelling shall be erected, used, or permitted to remain on any residential lot within the R-1 zoning districts.

In the circumstances of common ownership of adjoining lots, such lots may be combined in area and be treated as a single lot on which one dwelling may be erected, provided that all other standards of residential land use and building are met.

- b) Dwellings in R-1 zoning district shall be located at least twenty (20) feet from the front lot line, five (5) feet from the side lot lines, and six (6) feet from the back lot line of any lot.
 - 1) The front lot line is that lot line which parallels and faces upon a public street.
 - 2) When a lot has multiple frontages facing upon two or more streets, the front lot line shall be determined by the 911 Street Address issued by Henderson County for the property, where applicable. The dwelling on such a lot shall be located at least twenty (20) feet from the front lot line and ten (10) feet from other street frontages. For corner lots, ten (10) feet variance shall be considered in cases regarding odd-shaped lots. This variance requires majority approval by the City Council. See Section V.D Variances.
 - 3) Distance from lot lines shall be measured to the nearest face, corner, or portion of the dwelling, attached accessory structure or porch.
- c) Detached accessory buildings may be constructed or positioned in the R-1 zoning district according to the following restrictions:
 - 1) No nearer to the front lot line than the front face, corner, or portion of the dwelling, except where lot topography/layout/dimensions or other conditions make conformance impractical as determined by the City Council.
 - 2) No nearer than five (5) feet from the side lot lines
 - 3) No nearer than six (6) feet from the back lot line.
 - 4) No closer than five (5) feet to any adjacent structure.
 - 5) Limit of 2 accessory buildings per property, based on above restrictions and lot size. Additional accessory buildings allowance at the recommendation of the Planning and Zoning Commission and majority approval of the City Council.

An exception would be a garage or carport which may not be constructed nearer than ten (10) feet from the front lot line.

- d) Easements for the installation and maintenance of utilities and drainage facilities in the R-1 zoning district are reserved across the front five (5) and the rear six (6) feet for the full width of each lot and for five (5) feet on the sides for the full length of each lot. There is an exception for fences (See Section IV.B.1).
- e) No tent, shed, barn, shack, vehicle, detached garage, manufactured home (excluding nonconforming or “grandfathered” structures), travel trailer or RV, accessory building or boat house shall be used as a permanent or temporary residence on any lot within the R-1 zoning district at any time.

Temporary living quarters during construction may be allowed by specific permission of the City Council for a period not to exceed one hundred eighty (180) days from the

beginning construction date stated on the building permit. Any extensions must be approved by the City Council.

- f) No accessory buildings shall be constructed, erected, or positioned on any lot in the R-1 zoning district prior to the construction of the residential dwelling on such lot.

Exception 1: When a lot without a residential dwelling adjoins or abuts a lot with a residential dwelling, that is owned by the same person, an accessory building may be placed, without square footage minimums, provided that all other standards of residential land use and building are met.

Exception 2: If a property owner in Log Cabin wishes to build an accessory building on a lot that does not have a residential dwelling and that lot does not adjoin or abut a lot with a residential dwelling, that is owned by the same person, they must submit a permit application, as outlined in Section VI below. The proposed accessory building must meet the minimum square footage requirements for dwellings in the district and the exterior of the structure must conform to the standards outlined in Ordinance 5 Building Codes. The Planning and Zoning Commission shall review the permit application and may recommend the application to City Council for a determination.

- g) Dwelling and accessory buildings in the R-1 zoning district shall be appropriate in design, materials, and construction for the intended use and shall be completed on the exterior within the duration of the building permit.
 - 1) The exterior facing of dwellings shall comply with International Residential Codes (IRC) and be of fire-proof/resistant materials.
 - 2) The dwelling erected on any lot within the R-1 zoning district shall contain a minimum of one thousand two hundred (1,200) square feet of enclosed living space, exclusive of porches, breezeways, carports, patios, garages, or accessory structures, and shall not exceed two (2) stories in height. Additional stories or elevations shall be permitted at the approval of the City Council in consideration of lot space/sides and neighboring dwellings.
 - 3) All buildings and structures must meet the minimum construction standards set forth in Ordinance 5 Building Codes.
- h) City Services in the R-1 zoning district shall be designed, located, constructed, equipped, and maintained in accordance with standards and requirements set forth in city ordinances.
- i) A minimum of two (2) off-street parking spaces shall be constructed and maintained for each residence on a lot within the R-1 zoning district.
 - 1) Each parking space shall be an enclosed or unenclosed surfaced area of not less than one hundred eighty (180) square feet. Such parking spaces shall be connected by a surfaced driveway to a public street. Surfaced is defined, but not

limited to, products such as: concrete, brick, asphalt, gravel, crushed stone, pavers, basalt, cobblestone, tar, and chip.

- 2) Resident vehicles shall be parked upon surfaced areas provided, and not on lawn or yard areas.
 - 3) Vehicles shall not be parked on public streets at any time. Vehicles may be parked next to the street, but no part of any vehicle shall be on the street.
- j) Subsequent to construction and occupancy, dwellings in the R-1 zoning district shall be maintained in an acceptable state of repair and appearance. The residential lot shall be landscaped, and drainage provisions (culverts and ditches) shall be kept clear and in working condition. Lawns shall be kept clear of all clutter.
 - k) Storage and use of flammable liquids, gases and materials within the R-1 zoning district shall be limited to quantities needed for normal household or maintenance uses. Safety precautions against fire or explosive hazards shall be observed as provided in city ordinances.
 - l) No lot in the R-1 zoning district shall be used or maintained as a dumping ground for garbage or other refuse. Trash, garbage, and other refuse shall be kept in closed sanitary containers pending disposal. Incinerators, cans, and other equipment for storing and disposal of such materials shall be kept in a clean and sanitary condition. Closed trash containers shall be placed at the road no earlier than 7:00pm the night before trash pick-up and trash containers shall be pulled back in no later than the same day of trash pickup. All containers shall be kept behind the front line of the dwelling. See Ordinance 3 Rubbish.
 - m) No lot in the R-1 zoning district shall be used to conduct a business, trade, or profession thereon, nor shall any noxious, offensive, or hazardous activity or condition which is likely to or does create a nuisance, hazard or environmental problem be permitted to exist or be developed thereon. See Ordinance 17 Businesses in Residential Areas.
 - n) The owner of each lot in the R-1 zoning district is responsible for maintaining such lot in a condition in keeping with the appearance of other property in the neighborhood and community, free from high grass and weeds, brush, clutter, and other debris. Failure to accomplish adequate and timely maintenance may be subject to actions and penalties as provided in applicable city ordinances.
 - o) No vacant lot within the R-1 zoning district shall be used for storage of vehicles, machinery, power equipment or accessories, boats, boat trailers or other recreational equipment, construction materials or like commodities. See Ordinance 2 Junk Vehicles.

- p) No inoperable, unregistered or junk vehicles, machinery, power equipment or accessories shall be stored within the R-1 zoning district on any lot or lots occupied by a residence. Boats, boat trailers or other recreational or maintenance equipment shall not be stored on such lot or lots forward of the front face of the dwelling unless stored in an approved accessory building. Nothing shall be placed, arranged, or stored in such manner or condition as to be or become detrimental to the appearance of the surrounding neighborhood and the City of Log Cabin. See Ordinance 2 Junk Vehicles.
- q) No lot in the R-1 zoning district shall be used for raising, keeping, or maintaining animals or fowl, other than those provided in city ordinances. See Ordinance 1 Animal Control.

2. Residential Dwelling (R-2) (Zones B and C). Land in the R-2 zoning districts shall be used as follows: exclusively for single-family site-built dwellings of no less than 600 sq. ft. in Zone B or primarily in Zone C. Dwellings in the R-2 district are subject to the same requirements as R-1, except allowing for the 600 sq. ft. minimum requirement, as stated above, to create and preserve the residential nature of this district.

3. HUD-Code Manufactured Home (MH-1) (Zone C). Land in the MH-1 zoning district shall be used exclusively for single family dwellings and primarily for HUD-Code manufactured homes of no less than 600 sq. ft. This clause shall not be construed as barring the construction of R-1 or R-2 dwellings in these areas as defined in subsection IV.A.1 and 2, respectively. Dwellings in the MH-1 district are subject to the following requirements designed to create and preserve the residential nature of this district:

- a) Only one dwelling shall be erected, used, or permitted to remain on any residential lot within the MH-1 zoning district. Manufactured Homes brought in shall be new or less than ten (10) years old. Manufactured Homes that are used/pre-owned must pass inspection by a City Council Approved Certified Building Inspector, at the owner's expense, prior to obtaining a permit for installation. See Section VI.B.5.

In the circumstances of common ownership of adjoining lots, such lots may be combined in area and be treated as a single lot on which one dwelling may be erected, provided that all other standards of residential land use and building are met.

- b) Dwellings in MH-1 zoning district shall be located at least twenty (20) feet from the front lot line, five (5) feet from the side lot lines, and six (6) feet from the back lot line of any lot.
 - 1) The front lot line is that lot line which parallels and faces upon a public street.
 - 2) When a lot has multiple frontages facing upon two or more streets, the front lot line shall be determined by the 911 Street Address issued by Henderson County for the property, where applicable. The dwelling on such a lot shall be located at least twenty (20) feet from the front lot line and ten (10) feet from other street

frontages. For corner lots, ten (10) feet variance shall be considered in cases regarding odd-shaped lots. This variance requires the majority approval of the City Council. See Section V.D Variances.

- 3) Distance from lot lines shall be measured to the nearest face, corner, or portion of the dwelling, attached accessory structure or porch.
- c) Detached accessory buildings may be constructed or positioned in the MH-1 zoning district according to the following restrictions:
 - 1) No nearer to the front lot line than the front face, corner, or portion of the dwelling, except where lot topography/layout/dimensions or other conditions make conformance impractical as determined by the City Council.
 - 2) No nearer than five (5) feet from the side lot lines
 - 3) No nearer than six (6) feet from the back lot line.
 - 4) No closer than five (5) feet to any adjacent structure.
 - 5) Limit of 2 accessory buildings per property, based on above restrictions and lot size. Additional accessory buildings allowance at the recommendation of the Planning and Zoning Commission and majority approval of the City Council.

An exception would be a garage or carport which may not be constructed nearer than ten (10) feet from the front lot line.

- d) Easements for the installation and maintenance of utilities and drainage facilities in the MH-1 zoning district are reserved across the front five (5) and the rear six (6) feet for the full width of each lot and for five (5) feet on the sides for the full length of each lot. There is an exception for fences (See Section IV.B.1).
- e) No tent, shed, barn, shack, vehicle, detached garage, travel trailer or RV, accessory building or boat house shall be used as a permanent or temporary residence on any lot within the MH-1 zoning district at any time.

Temporary living quarters during construction may be allowed by specific permission of the City Council for a period not to exceed one hundred eighty (180) days from the beginning construction date stated on the building permit. Any extensions must be approved by the City Council.

- f) No accessory buildings shall be constructed, erected, or positioned on any lot in the MH-1 zoning district prior to the construction of the residential dwelling on such lot.

Exception 1: When a lot without a residential dwelling adjoins or abuts a lot with a residential dwelling, that is owned by the same person, an accessory building may be placed, without square footage minimums, provided that all other standards of residential land use and building are met.

Exception 2: If a property owner in Log Cabin wishes to build an accessory building on a lot that does not have a residential dwelling and that lot does not adjoin or abut a lot with a residential dwelling, that is owned by the same person, they must submit a permit application, as outlined in Section VI below. The proposed accessory building must meet the minimum square footage requirements for dwellings in the district and the exterior of the structure must conform to the standards outlined in Ordinance 5 Building Codes. The Planning and Zoning Commission shall review the permit application and may recommend the application to City Council for a determination.

- g) Dwelling and accessory buildings in the MH-1 zoning district shall be appropriate in design, materials, and construction for the intended use and shall be completed on the exterior within the duration of the building permit.
 - 1) The exterior facing of dwellings shall comply with International Residential Codes (IRC) and/or HUD-Code and be of fire-proof/resistant materials. Skirting shall be required and at a minimum consistent with Manufactured Home exterior facing.
 - 2) The dwelling erected on any lot within the MH-1 zoning district shall contain a minimum of six hundred (600) square feet of enclosed living space, exclusive of porches, breezeways, carports, patios, garages, or accessory structures, and shall not exceed two (2) stories in height. Additional stories or elevations shall be permitted at the approval of the City Council in consideration of lot space/sides and neighboring dwellings.
 - 3) All buildings and structures must meet the minimum construction standards set forth in Ordinance 5 Building Codes.
- h) City Services in the MH-1 zoning district shall be designed, located, constructed, equipped, and maintained in accordance with standards and requirements set forth in city ordinances.
- i) A minimum of two (2) off-street parking spaces shall be constructed and maintained for each residence on a lot within the MH-1 zoning district.
 - 1) Each parking space shall be an enclosed or unenclosed surfaced area of not less than one hundred eighty (180) square feet. Such parking spaces shall be connected by a surfaced driveway to a public street. Surfaced is defined, but not limited to, products such as: concrete, brick, asphalt, gravel, crushed stone, pavers, basalt, cobblestone, tar, and chip.
 - 2) Resident vehicles shall be parked upon surfaced areas provided, and not on lawn or yard areas.
 - 3) Vehicles shall not be parked on public streets at any time. Vehicles may be parked next to the street, but no part of any vehicle shall be on the street.

- j) Subsequent to construction and occupancy, dwellings in the MH-1 zoning district shall be maintained in an acceptable state of repair and appearance. The residential lot shall be landscaped, and drainage provisions (culverts and ditches) shall be kept clear and in working condition. Lawns shall be kept clear of all clutter.
- k) Storage and use of flammable liquids, gases and materials within the MH-1 zoning district shall be limited to quantities needed for normal household or maintenance uses. Safety precautions against fire or explosive hazards shall be observed as provided in city ordinances.
- l) No lot in the MH-1 zoning district shall be used or maintained as a dumping ground for garbage or other refuse. Trash, garbage, and other refuse shall be kept in closed sanitary containers pending disposal. Incinerators, cans, and other equipment for storing and disposal of such materials shall be kept in a clean and sanitary condition. Closed trash containers shall be placed at the road no earlier than 7:00pm the night before trash pick-up and trash containers shall be pulled back in no later than the same day of trash pickup. All containers shall be kept behind the front line of the dwelling. See Ordinance 3 Rubbish.
- m) No lot in the MH-1 zoning district shall be used to conduct a business, trade, or profession thereon, nor shall any noxious, offensive, or hazardous activity or condition which is likely to or does create a nuisance, hazard or environmental problem be permitted to exist or be developed thereon. See Ordinance 17 Businesses in Residential Areas.
- n) The owner of each lot in the MH-1 zoning district is responsible for maintaining such lot in a condition in keeping with the appearance of other property in the neighborhood and community, free from high grass and weeds, brush, clutter, and other debris. Failure to accomplish adequate and timely maintenance may be subject to actions and penalties as provided in applicable city ordinances.
- o) No vacant lot within the MH-1 zoning district shall be used for storage of vehicles, machinery, power equipment or accessories, boats, boat trailers or other recreational equipment, construction materials or like commodities. See Ordinance 2 Junk Vehicles.
- p) No inoperable, unregistered or junk vehicles, machinery, power equipment or accessories shall be stored within the MH-1 zoning district on any lot or lots occupied by a residence. Boats, boat trailers or other recreational or maintenance equipment shall not be stored on such lot or lots forward of the front face of the dwelling unless stored in an approved accessory building. Nothing shall be placed, arranged, or stored in such manner or condition as to be or become detrimental to the appearance of the surrounding neighborhood and the City of Log Cabin. See Ordinance 2 Junk Vehicles.

q) No lot in the MH-1 zoning district shall be used for raising, keeping, or maintaining animals or fowl, other than those provided in city ordinances. See Ordinance 1 Animal Control.

4. HUD-Code Manufactured Home (MH-2) (Zone D). Land in the MH-2 zoning district shall be used exclusively for single family dwellings and primarily for HUD-Code manufactured homes of no less than 1,200 sq. ft. This clause shall not be construed as barring the construction of R-1 residences in these areas as defined in subsection IV.A.1. Dwellings in the MH-2 district are subject to the same requirements as MH-1, except for the minimum sq. ft. requirement, as stated above, to create and preserve the residential nature of this district.

5. Commercial Tract (CT) (Zones E-K, M, and O). Land within the CT zoning district shall be used only for those commercial enterprises that are authorized and for which a specific use permit has been granted by the City Council. Procedures for obtaining approval for a special commercial use and which deal with specific use permits and new land uses, defined in the subsequent sections of this ordinance.

a) Enterprises for which land within the CT district may be used, but not limited to, are:

- 1) Stores and shops where goods and merchandise are sold at retail
- 2) Personal service shops, such as barber and beauty shops
- 3) Pet grooming services (no boarding)
- 4) Offices
- 5) Temporary lodging structures where length of rental is not more than two (2) weeks.
- 6) Self-service individual storage
- 7) Bakery
- 8) Restaurant

b) Zoning for commercial use shall not be interpreted to permit practices and conditions which are contrary to, or degrade, community standards of health or safety, which expose the neighborhood to noxious or offensive activities, or which create a visual or physical nuisance, hazard, or environmental problem. Any land zoned commercial (CT) that shares its boundary lines with areas zoned as residential (R-1, R-2, MH-1, or MH-2) districts will be required to shield its activities from the residential areas. The method used must be approved by the majority approval of the City Council.

c) Buildings in the CT zoning district shall be located at least twenty-five (25) feet from the front lot line, five (5) feet from the side lot lines, and six (6) feet from the back lot line of any lot.

- 1) The front lot line is that lot line which parallels and faces upon a public street.
 - 2) When a lot has multiple frontages facing upon two or more streets, each street frontage shall be a front lot line. The building on such a lot shall be located at least twenty-five (25) feet from each front lot line on each street. For corner lots, ten (10) feet variance shall be considered in cases regarding odd, shaped lots. This variance requires approval by the City Council.
 - 3) Distance from lot lines shall be measured to the nearest face, corner, or portion of the building.
- d) Detached accessory buildings may be constructed or positioned in the CT zoning district according to the following restrictions:
- 1) No nearer to the front lot line than the front face, corner, or portion of the structure
 - 2) No nearer than five (5) feet from the side lot lines
 - 3) No nearer than six (6) feet from the back lot line.
 - 4) No closer than five (5) feet to any adjacent structure.
 - 5) Limit of 2 accessory buildings per property, based on above restrictions and lot size. Additional accessory buildings allowance at the majority approval of the City Council.
- e) Buildings erected in the CT zoning district shall be appropriate in design, materials, and construction for the intended use, as well as in compliance with national building codes, and shall be completed on the exterior within one hundred eighty (180) days from the beginning construction date stated on the building permit.
- 1) The exterior facing of structures in such districts shall comply with International Building Codes (IBC) and be of fire-proof/resistant materials. See Ordinance 5 Building Codes.
 - 2) Structures erected on any lot within the CT zoning district shall contain a minimum of six hundred (600) square feet of enclosed operating space, exclusive of porches, breezeways, carports, patios, garages, or accessory structures, and shall not exceed two (2) stories in height.
 - 3) All buildings and structures must meet the minimum construction standards set forth in Ordinance 5 Building Codes.
- f) Buildings, commercial structures, and grounds within the CT zoning district shall be maintained in a neat and orderly appearance, painted, or stained as required, and free from high grass and weeds, brush or debris. The commercial lot shall be landscaped, and drainage provisions (culverts and ditches) shall be kept clear and in working condition.

- g) No vacant lot within the CT zoning district shall be used for storage of vehicles, machinery, power equipment or accessories, boats, boat trailers or other recreational equipment, construction materials or like commodities. See Ordinance 2 Junk Vehicles.
 - h) Open storage of materials, commodities and equipment required for the specific commercial use is permitted in the CT zoning district, except that no junkyard, salvage yard or permanent storage of dilapidated equipment shall be permitted. Stored material may not be visible from public streets, land, or throughfares.
 - i) No lot in the CT zoning district shall be used for raising, keeping or maintaining animals or fowl except where allowed elsewhere in this ordinance. See Ordinance 1 Animal Control.
 - j) City Services in the CT zoning district shall be designed, located, constructed, equipped and maintained in accordance with standards and requirements set forth in city ordinances.
 - k) Parking shall conform the Texas Department of Licensing and Regulation guidelines.
 - l) Land in the CT zoning district shall not be used or maintained as a dumping ground for garage and other refuse. Temporary storage of trash, garage, and other commercial refuse shall be kept in closed sanitary containers pending disposal. Incinerators and other equipment for storing and disposal of such materials shall be kept in a clean and sanitary condition, hidden from public view, and behind the front line of the building. See Ordinance 3 Rubbish.
 - m) Signs and landscaping must comply with applicable city ordinances. See Ordinance 61 Signage.
- 6. City Parks/Municipal Use (Civic) (CV) (Zones L and N).** Areas designed as CV districts shall be restricted to use for city offices; city utilities; water wells, treatment and storage facilities; sewage treatment facility; storage for city vehicles, equipment, and supplies; city parks; boat ramps; green belts; and recreation areas. Direction, regulation, and maintenance of specific use areas shall be provided by the City Council and should be consistent with the requirements identified in subsection IV.A.5.
- 7. Property Owners Associations (POA).** Land in the POA zoning district shall be used exclusively for single-family site-built dwellings and are subject to the minimum requirements established for R-1 zoning districts, in addition to the requirements set forth in the POA's guidelines and restrictions, to create and preserve the residential nature of this district.

B. Uses Common to Zoning Districts.

- 1. Fences.** No person, firm, or corporation shall build, erect, or install a fence on any property within the City of Log Cabin without locating water lines and having applied for

and obtained a building permit for such fence, either as a separate construction project, or as an identified element within a building site plan.

- a) Any application for a fence building permit shall be accompanied by a survey and building site plan specifying the location of the fence on a plotted lot or lots or other land within the City of Log Cabin showing location of water lines. The application shall also provide drawings and description defining materials, dimensions, construction details and the final finish of the proposed fence in detail. The application shall describe the appearance of the proposed fence in detail sufficient to permit the Planning and Zoning Commission and/or City Council Representative to evaluate the effect of the fence on the appearance and environmental use of the neighborhood.
- b) Fences shall be constructed of chain link, wood, composite material, wrought iron or material acceptable to the City Council, with a minimum of 1 gate that is at least 36 inches wide. Fence vertical posts shall be 4X4 wood or galvanized steel and have required concrete footing. Height shall be no lower than four (4) feet and no higher than eight (8) feet.
- c) Silt Fences/retaining walls are required to comply with Tarrant Regional Water Districts guidelines and requirements.
- d) Fences constructed out of razor or barbed wire, or that are electrically charged (excluding “imaginary” dog fences) are prohibited.
- e) Fences may be built on lot line but must allow for easement access. Fences built on the front lot line are permissible so long as the proposed fence does not conflict with any section of this ordinance or other city ordinance as determined by the City Council, i.e. parking. Fence material for fences at the front lot line are restricted to chain link, wood, composite material, wrought iron or material acceptable to the Zoning and Building Standards Commission, and must be four (4) feet in height. CAUTION!! THE CITY OF LOG CABIN WILL NOT BE HELD LIABLE FOR ANY DAMAGES TO A FENCE BUILT WITHIN ANY UTILITY EASEMENT DURING REPAIRS OR GENERAL MAINTENANCE TO UTILITIES ALSO LOCATED WITHIN THE EASEMENT.
- f) No fence is allowed on a property without a dwelling unless said lot is owned by and adjacent to a lot with a dwelling and is a continuation of a fence on a lot with a dwelling.
- g) Subsequent to construction or installation, a fence shall be maintained in an acceptable state of repair and appearance.
- h) Failure to comply with this section shall be subject to replacement or removal of fence at owner’s expense.

2. Swimming Pools. No person, firm or corporation shall build, erect, or install a swimming pool on any property within the City of Log Cabin without having applied for and obtained a building permit for such swimming pool, either as a separate construction project, or as an identified element within building site plan.

- a) Swimming pool fences are required to be a minimum of four (4) feet in height, the gates must be self-closing, self-latching, and there shall be no gaps greater than four (4) inches in diameter. Fence must be installed prior to filling the pool. Fences must the same standards as Section IV.B.1.
- b) Subsequent to construction or installation the swimming pool shall be maintained so that it does not become a nuisance or hazard to the neighborhood.
- c) Swimming pools may only be installed as an adjacent facility to a residence or commercial structure, as applicable, occupying such lot or lots. If it is desired to install a permanent or in-ground pool on an adjoining lot, that does not have a residential dwelling, the lots must be re-platted into one property.
- d) A swimming pool located within R-1, R-2, MH-1, and MH-2 zoning districts shall be used only for private recreational or therapeutic purposes and shall not be available to the general public.

3. Boat Docks, Boat Lifts, Retaining Walls, Silt Fences, etc. The City of Log Cabin does not have jurisdiction of any structure extending from or between the shore and Cedar Creek Reservoir. Per Tarrant Regional Water District (TRWD)'s Cedar Creek Lake Improvement Permit Guidelines: "A permit is required for all construction, placement or operation of any structure, improvement of facility of any type, or to excavate or place fill materials, at or below elevation 325.00' (expressed in feet above mean sea level). This includes any addition or modification to any existing structure or improvement. The conservation or spillway elevation of Cedar Creek Lake is 322.00 feet above m.s.l. The current 100-year flood level is 325.00. Due to the potential of shoreline flooding the District purchased a flood easement that encompasses the property between the conservation level of 322.00 and elevation 325.00. Cedar Creek Lake is a water supply and water conservation project and the level of water in the lake will vary depending on the amount of water used from the lake, evaporation rates, amounts of rainfall and runoff in the reservoir watershed and other factors. TRWD requires permits for all structures extending from the shore into Cedar Creek Reservoir."

Property owners should contact the District for any questions or guidance. The TRWD website is www.trwd.com. The address for the Cedar Creek Office is:

Cedar Creek Lake
6613 Ashby Lane
Trinidad, TX 75163

4. **Solar Panels.** The installation of solar panels does not require a permit so long as the solar panels are to be installed on an existing roof or structure. For the installation of solar panels on the ground or on a new structure, a building permit is required. See Section VI. All solar panel installation shall conform with applicable county, state, and federal regulations.

5. **Special Consideration.** The City Council will give special consideration to odd-shaped and corner lots.

C. **Future Annexations.** All territory hereafter annexed to the City of Log Cabin shall be temporarily zoned as it was zoned prior annexation, until permanent zoning classification is established by the City Council. The procedure for establishing permanent zoning for annexed territory shall conform to procedures established by law for the adoption of original zoning regulations.

No person, firm, or corporation shall erect, construct, or proceed or continue with the erection or construction of any building or structure, or add to any building or structure, or cause the same to be done in any territory newly annexed to the City of Log Cabin without first applying for and obtaining a building permit.

D. **New Zoning District Types.** It is recognized that new types of land use may develop, and types of land used not anticipated may seek to locate in the City of Log Cabin. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new form of land use shall be as follows:

1. The question concerning any new or unlisted use of land shall be referred to the Planning and Zoning Commission for an interpretation as to the zoning classification into which such use should be placed. The referral for interpretation shall be accompanied by a statement of facts listing the nature of the proposed uses and whether it involves dwelling activity, sales, processing, type of product, storage, anticipated employment, transportation requirements, the amount of noise, odor, dust, toxic material and vibration likely to be generated, hazardous or nuisance conditions which may be resultant, security factors anticipated, environmental impact and effect upon neighborhood appearance and the general requirements for public utilities such as water, drainage, and sewage disposal.
2. After considering the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts, the Planning and Zoning Commission shall recommend the zoning district or districts within which such use should be permitted.
3. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council may by resolution approve the recommendation of the Planning and Zoning

Commission or make such determination concerning the classification of the proposed use as it deems appropriate, based upon its findings.

E. Specific Use Permits. The City Council of the City of Log Cabin, after public and proper notice to all parties affected and after recommendations by the Planning and Zoning Commission, may authorize the issuance of specific use permits, as long as such use is in compliance with the provisions of this ordinance.

1. The Planning and Zoning Commission, in considering any request for a specific use permit, may require from the applicant, plans, information, operating data and expert evaluation concerning the location, function and land characteristics of any building or use proposed. The City Council may, in the interest of public welfare and to assure compliance with this ordinance, establish conditions of operation, location, arrangement and construction of any use for which a permit is authorized. In authorizing specific use permits, the City Council may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view or other undesirable or hazardous conditions.
2. All specific use permits approved in accordance with the provision of this ordinance in its original form or as amended shall be referred on the zoning district map and a list of such permits shall be maintained in the appendix of this ordinance.

SECTION V. PLANNING AND ZONING COMMISSION & BOARD OF ADJUSTMENT

A. Establishment. There is hereby created a Planning and Zoning Commission consisting of five (5) members, each to be appointed by the Mayor and confirmed by resolution of the City Council. Each member will serve for a term of two (2) years. Each member may be subject to removal by the City Council. Vacancies shall be filled for the unexpired term of any member whose place becomes vacant for any cause, in the same manner as the original appointment was made.

The City Council for the City of Log Cabin is hereby established as the City's Board of Adjustment.

B. Operation. The Planning and Zoning Commission shall abide by the Texas Open Meetings Act. Meetings of the commission shall be held at the call of the chair, or in their absence, the vice-chair. The City Secretary shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or abstaining from voting, indicate such fact. The Commission shall keep records of its deliberations and decisions and other official actions, all of which shall be promptly recorded in the Commission records and shall be public record.

C. Duties and Responsibilities. The duties and responsibilities of the Planning and Zoning Commission shall encompass the following:

1. Review building permit applications for completeness and conformity to the applicable ordinances. The Planning and Zoning Commission may make suggestions to the applicant and/or request additional documentation to complete the application. If the Planning and Zoning Commission concludes that the proposed building, structure, or improvement will meet applicable zoning standards and requirements and that the application is complete, the Commission shall send the application and their comments/suggestions to the City Council for final consideration.
2. Study and consideration of land uses, buildings, and structures in the City of Log Cabin to assure consistent and appropriate application of comprehensive plans for the development and welfare of the community.
3. Development of zoning districts and regulations for land use in each and, after public hearings on same, preparation of proposed ordinances or changes which are submitted to the City Council for approval and enactment, or other disposition. Proposed changes, which comprise "spot zoning", being contrary to Texas Law, will not be considered by the Commission.
4. Preparation of recommended zoning and land uses new zoning districts, residential tracts and newly annexed territory for consideration and adoption by the City Council.
5. Regular review of existing nonconforming land and building uses and recommendation for upgrading to conforming use, with due regard for the property rights of the persons affected, when considered in the light of public welfare, the character of the surrounding area, and the conservation and preservation of property values.
6. Review and consideration of appeals for changes or amendments to zoning regulations, including requests for specific use permits and requests for new and unlisted land or buildings uses, at the request of and for the information of the City Council.
7. Review Ordinance 31 Zoning and Building and Ordinance 5 Building Codes to keep both current with state and federal requirements.
8. Make recommendations to the City Council regarding long term and short-term growth and development for Log Cabin.
9. Approve or review and make recommendations to the City Council for approval or disapproval in whole or in part, of plans and re-plats within the city, as applicable.

D. Variances. The City Council, acting as the City's Board of Adjustment, in appropriate cases and subject to appropriate conditions and safeguards, may make special exceptions to the terms of the City's Zoning Ordinance that are consistent with the general purpose and intent of the Ordinance and in accordance with any applicable rules contained in the Ordinance.

Each case before the Board of Adjustment must be heard by at least seventy-five percent (75%) of its members. In carrying out its duties, the Board of Adjustment may:

1. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of the City's Zoning Ordinance; and
2. Hear and decide special exceptions to the terms of the City's Zoning Ordinance; and
3. Authorize in specific cases a variance from the terms of the Zoning Ordinance if the variance is contrary to the public interest and, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship; and so that the spirit of the Ordinance is observed and substantial justice is done; and
4. The Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make correct order, requirement, decision or determination.
5. The concurring vote of seventy-five (75%) of the members of the Board is necessary to:
 - a. Reverse an order, requirement, decision or determination of an administrative official;
 - b. Decide in favor of an applicant on a matter in which the Board is required to pass under a Zoning Ordinance; or
 - c. Authorize a variation from the terms of a Zoning Ordinance

E. Elements of a Variance. Under Texas Law, a variance requires that seven elements exist simultaneously; it may be granted only:

1. Upon appeal. The appeal must be filed with the Secretary of the Commission. There may be no direct appeal to the Commission.
2. In specific cases. A variance will be granted only for a specific owner or property and on a specific application.
3. Provided it will not be contrary to the public health, safety, or general welfare.
4. Owing to special conditions. The conditions must exist on a particular lot and must be peculiar to that lot. (If the conditions in the area are general, the remedy should be an amendment to this ordinance).
5. If a literal enforcement of this ordinance will result in unnecessary hardship. The essential test is whether this ordinance as applied to the applicant's particular property would make it practically worthless because no reasonable use could be made of it.
6. If the spirit of this ordinance is observed. The variance would be in general harmony with the purpose, Section II, and the purpose of each zoning district classification, Section IV.

7. If substantial justice is done, not only to the applicant but also to the public as a whole.

F. Judicial Review of Board Decision. Parties authorized by Texas Local Government Code Section 211.011 desiring to appeal a decision of the Board of Adjustment may do so by filing a verified petition in District Court, County Court or County Court at Law stating that the decision of the Board of Adjustment is illegal in whole or in part and specifying the grounds of the illegality. Said petition must be presented within ten (10) days after the date the decision is filed by the Board. The petition must meet all requirements of the Texas Local Government Code Section 211.011.

SECTION VI. BUILDING REGULATIONS

A. Requirements for Building Permit. No person, firm, or corporations shall erect, construct, or make major (50% of structure) improvements to any building, residence, or other structure, on any lot or land within the zoning districts of the City of Log Cabin, without first applying for and obtaining a building permit from the City Council. Applications need to be submitted to City Hall no later than the first Thursday of the month in order to be placed on that month's Planning and Zoning Commission meeting agenda, excepting weeks affected by holiday closures. Otherwise, the application will be added to the soonest possible agenda.

If a structure is to be removed from one lot and reinstalled on another lot within the City, the three phases of the operation (preparation of the structure for removal, transportation of the structure, and reinstallation on another lot) shall be included in one building permit.

B. Building Permit Application– General.

1. Each application for a building permit shall be accompanied by the following:

- a. Completed and signed application obtained from Log Cabin City Hall that contains a 911 Address issued by the Henderson County 911 Address Office.
- b. A building site plan specifying the planned location of the proposed building structure of improvement on a platted lot or lots, or other land, and any existing structures on the property within the City of Log Cabin. Site plans must also include the legal description of property, property lines, lot dimensions, all easements, setbacks, and street names.
- c. Property Survey of the specific property. Acceptance of surveys older than ten (10) years old are subject to City Council approval.
 - i. Exception: A survey is not required when a portable accessory building is installed, so long as it is not permanently affixed.
- d. A printout from Henderson County Appraisal District pertaining to the applicable property/properties

- e. Plans, drawings, and detailed descriptions which define the materials, structural dimensions, arrangement, construction details, and planned final finishing and appearance of the proposed building, residence, or structure. Plans shall include description and location of culverts, surface, and sub-surface drains to be installed or constructed.
 - f. Proposed building schedule/timeline
 - g. Permit applications for pre-owned/used HUD-Manufactured Homes must be accompanied by the above applicable documents and a copy of an inspection performed by an independent, City Council approved Certified Building Inspector that certifies that the structure conforms to relevant building codes and is suitable for safe habitation.
 - h. Proof of ownership, or a written, notarized statement from the owner attesting to the ownership of the property.
 - i. A statement identifying the general contractor, the scheduled start date for beginning construction, and establishing conformance or non-conformance with the regulations of the zoning district involved. Permitted work must be performed by a licensed contractor or manufacturer, as applicable.
 - i. Should the property owner wish to perform any electrical or plumbing repairs/installation themselves, they must attest that they own and reside in the dwelling, in accordance with the Texas Occupations Code, Title 8, Section 1305.003(6), as evidenced by submitted proof of homestead exemption for the property, and stipulate such on the building permit application.
2. If a structure is to be removed from one lot and reinstalled on another lot within the City of Log Cabin, a relocate permit is needed. Permit shall include description of building, lot where building is moving from and lot where building is being installed. Subsequent to the move, the installation of the structure on the other lot is treated as a new installation and is subject to all of the provisions of this ordinance.
 3. A building permit fee shall accompany an application for building a residence or a commercial structure; for erecting an accessory building or residential alteration; for external additions over 400 square feet to any existing residential structure; for installing a swimming pool; or for installing a fence subsequent to completion of the building or structure. See Section VII Permit Fees.
 4. Building permits shall be good for a six (6) month period. If after the six (6) month period the project is not completed, a new permit must be obtained for another (6) months. If construction exceeds a 12-month period or 2 consecutive approved permits, the property owner(s) must go before the City Council to request approval for an

additional permit extension. *New permits/Permit extension fees may equal the full permit price, based on the current permit fee schedule, for each extension, at City Council discretion.*

5. The subsequent fee schedule does not apply to HUD-code manufactured homes, providing that the installation is performed by a registered retailer or installer. The permit for a HUD-code manufactured home has to be permitted by a registered retailer or installer at City Hall with a processing fee of \$275.00. The permit fee includes moving in the manufactured home, front and back porches (size 10 x12), culvert, driveway, and fence. Approved permits must be picked up prior to home installation.
6. Proceeding without obtaining a permit for any structure in any zone shall double the permit fee.
7. Any structure that does not require a permit fee shall be subject to a \$50.00 penalty for proceeding without a permit. Section VII Permit Fees.

C. Building Permit Application – Swimming Pools.

1. Any application for a building permit which proposes the construction or installation of a swimming pool shall be accompanied by the following:
 - a. Proof of ownership and Survey
 - i. Exception: A survey is not required for temporary or above ground pools.
 - b. A building site plan showing the planned location of the swimming pool and required fence on a plotted lot in relation to the residence and other structures on such lot.
 - c. Drawings and description of the dimensions and materials, finish and final appearance of the proposed swimming pool.
 - d. Definitions of the source and quantity of water to be used in the proposed swimming pool and of the provisions, control and disposal of overflow and complete or partial draining of the swimming pool.
 - e. Description of the fence access gate and security provisions for the positive control of access to the completed swimming pool and proof of appropriate liability insurance.
 - f. Proposed building schedule.

D. Processing of Building Permits. Building Permit Applications shall be submitted to City Hall and then:

1. The Ordinance Enforcement Officer shall review the site plan, building plans, and use of the proposed building, structure, or improvement for which a permit is requested. The Ordinance Enforcement Officer shall have the authority to review and approve building

permits for accessory buildings, fences, temporary or above ground swimming pools, decks, carports, porches, or patios that conform to this ordinance, at his/her discretion. All other permit applications shall be reviewed by the Ordinance Enforcement Officer and then forwarded to the Planning and Zoning Commission.

- a. If the Ordinance Enforcement Officer concludes that the proposed building, structure, or improvement will meet applicable zoning standards and requirements, a building permit shall be issued upon receipt of the required fee. Permits must be paid for within five (5) business days of approval, otherwise the permit will not be issued, and applicant will have to resubmit their permit application. Permits will be ready for pick up within 1 business day of payment receipt.
 - b. If the Ordinance Enforcement Officer concludes that the proposed building, structure, or improvement will not meet applicable zoning standards and requirements, the application is incomplete, or the application is outside the scope of Ordinance Enforcement Officer's authority to approve, the building permit application shall be forwarded to the Planning and Zoning Commission for review.
2. Building permit applications forwarded to the Planning and Zoning Commission will be placed on the soonest meeting agenda possible, in conformance with the Texas Open Meetings Act.
 - a. The Planning and Zoning Commission will review the application for completeness and conformity to the applicable ordinances. The Planning and Zoning Commission may make suggestions to the applicant and/or request additional documentation to complete the application. If the Planning and Zoning Commission concludes that the proposed building, structure, or improvement will meet applicable zoning standards and requirements and that the application is complete, the application will be sent to the City Council for final consideration.
3. The City Council will review the application and consider all relevant information including recommendations/comments from the Ordinance Enforcement Official and Planning and Zoning Commission. If the City Council, by majority vote, concludes that the proposed building, structure, or improvement will meet applicable zoning standards and requirements, a building permit shall be issued upon receipt of the required fee. Permits must be paid for within five (5) business days of approval, otherwise the permit will not be issued, and applicant will have to resubmit their permit application. Permits will be ready for pick up within 1 business day of payment receipt.
4. The Ordinance Enforcement Officer and City Council shall not issue a building permit when the application is found to be deficient in any respect, or when the proposed building, structure, or improvement would result in a condition or use not in conformance

with the ordinance or the appropriate use of land and buildings consistent with the zoning regulations of the City of Log Cabin.

5. All appeals of the Ordinance Enforcement Officer's decisions shall be filed to the City Council within fifteen (15) days after the decision has been made. All appeals must be in writing and specify the grounds of the appeal. Appeals will be heard by the City Council at the next regularly scheduled meeting or at a special city council meeting, at the Council's discretion.
6. Appeals of City Council's decision regarding building permit applications must be filed with district court, county court, or county-at-large.

E. Procedures Subsequent to Issuance of Building Permits. One copy of the plans, drawings, and specifications forming the basis for the building permit shall be retained by the Ordinance Enforcement Officer at City Hall for review during the construction and upon completion of the building or alteration.

1. The Ordinance Enforcement Officer shall review construction in process as necessary to determine conformance to zoning and building regulations and committed plans.
2. The Ordinance Enforcement Officer conducts a final inspection of the building and land use upon notice of completion, ready for occupancy or use, prior to issuing a certificate of occupancy (CO) and compliance, see below.

F. Certificates of Occupancy and Compliance (CO). No building hereafter erected, constructed, or structurally altered shall be used, occupied, or changed in use, and no land may be used until a certificate of occupancy and compliance has been issued by the Ordinance Enforcement Officer per Ordinance 78 Water/Sewer.

1. The certificate of occupancy and compliance shall be applied for coincident with the application for water service and will be performed after the completion of the erection, construction, or alteration of such building or land use made in complete conformity to the provisions of this ordinance.
2. The certificate of occupancy and compliance shall state that the building or proposed use of a building or land complies with the provisions of this ordinance. A record of certificates issued shall be maintained by the City and copies shall be furnished, upon request, to persons having proprietary interest in the building or land affected.

G. Customer Service Inspection (CSI). Any person or persons who is in the process of building a new home, building or similar structure, performing major renovation (75% renovations or anything to do with plumbing), or existing service where contaminant hazards are suspected shall require a CSI before utilities are turned on. This is in accordance with TCEQ Title 30 of the Texas Administrative Code (30TAC) 290.46(j)(4). The State requires a CSI Inspection be performed and the document be filed with the City of Log Cabin Water Department. If the CSI Inspection is performed by an outside source other than Log Cabin

Water Department Personnel, a copy of the source's plumber's license number and driver's license must accompany the form. See Ordinance 78 Water/Sewer.

- H. Electrical and Plumbing Inspections.** Electrical and Plumbing Inspections are required for all New Residential or Commercial Construction. Inspections must be done by a State of Texas Licensed Building Inspector or applicable licensed tradesmen. Inspections are not included in the permit fee and are at the owner's expense. The property must pass the Electrical and Plumbing inspections before a Certificate of Occupancy (CO) and Customer Service Inspection (CSI) can be completed. Proof of inspection is required prior to (CO). See Ordinance 78 Water/Sewer.
- I. Destruction of property.** If a structure in any zoning district is partially or wholly destroyed by fire, the elements, or by other cause, the debris and residue of such structure shall be cleared and disposed of within six (6) months, or a building permit for reconstruction and restoration of such structure shall be obtained and the clearance and rework shall be initiated for completion within the specified six (6) months.

SECTION VII. PERMIT FEES

In accordance with HB 852, the fee schedule for applications submitted after June 16th, 2022 is:

Table 2: Fee Schedule

Residential Structure	\$0.40	Per square foot (i.e. 1200 square feet=\$480; 600 square feet=\$240)
Commercial Structure	\$0.40	Per square foot - 1-2500 square feet
	\$0.30	Per square foot - 2501-10,000 square feet
	\$0.20	Per square foot - 10,001 square feet and above
HUD-code Manufactured home	\$275.00	See Section VI.B.5
Accessory Buildings	\$0.40	Per square foot - 120 sq. ft and up;
	N/A	Under 120 sq. ft; Building Permit Still Required

Table 3: Other Permit Fees

Carports:	\$35.00
Culverts:	\$25.00
Fences:	\$20.00
Porches, Decks, or Patios:	\$0.30 Per square foot

Swimming Pools:

Above Ground (over 4 ft. high) \$50.00

In-Ground \$150.00

Existing Roof Repair: No fee, but permit is required. *

***Roof Replacement or structural changes to roof are subject to residential structure fees.**

SECTION VIII. NONCONFORMING USES AND STRUCTURES

- A. Definition of Nonconforming Structure.** Any existing structure that does not meet the construction or zoning guidelines set forth for new structures in this ordinance.
- B. Maintenance of Nonconforming Structures.** An existing nonconforming structure may be enlarged, remodeled, occupied, used, and maintained in a state of good repair, but no such structure shall be enlarged, remodeled, or repaired, except as provided and permitted in Section VIII.C of this ordinance. No remodeling, enlargement, or change in use shall be such as to affect an increase in the degree of nonconformance to any provisions of this ordinance.
- C. Re-construction of Nonconforming Structure.** The re-construction of a nonconforming dwelling, which is destroyed by fire, the elements, or other cause, shall conform to the provisions of this ordinance, except that the enclosed living space may be that which existed in the dwelling prior to its destruction.
- D. Maintenance of Nonconforming Use.** See Ordinance 5 Building Codes.
- E. Correction of Nonconforming Use.** Nonconforming uses of land or structures, which are found to be hazardous to citizens or to property, or which create a public nuisance shall be processed for correction in the manner provided by the applicable ordinance of the City of Log Cabin.

SECTION IX. BUILDINGS UNDER CONSTRUCTION

Nothing herein contained shall require any change in plans, construction, or designated use of a building for which a building permit has been issued and which is actually under construction at the time of passage of this ordinance and which entire building shall be completed within ninety (90) days from the passage of this ordinance.

SECTION X. AMENDMENTS

- A. Authority to Begin the Amendments Procedures.** Any person, firm, or corporation having a proprietary interest in any property within the city may petition the City Council for a

change or amendment to the provisions of this ordinance. Any person may also petition the Planning and Zoning Commission to initiate a change of land use zoning regulations of building requirements and the Planning and Zoning Commission may, if it deems it in the public interest, call a public hearing, or the Planning and Zoning Commission may on its own motion, or on request from the City Council, institute study and proposal for changes in the public interest.

B. Procedures.

1. The City Council can amend, supplement, or change, by ordinance, the boundaries of the zoning districts or the regulations herein established as provided by the statutes of the State of Texas. In accordance with Texas Law, one section must stay zoned for manufactured homes.
2. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and preliminary report.
3. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and submit a report to the City Council detailing the proposed change or amendment, the attendance and outcome of the hearing, and recommendations based on the public hearing. If only certain uses to the districts are to be changed the Planning and Zoning Commission does not have to send letters to property owners within 200 feet of the proposed change 10 days before the date of the public hearing on the proposed amendment. If the Planning and Zoning Commission are actually rezoning a piece of property or district from one classification to another, a written notice to all owners of real property within 200 feet of the property on which the change is requested must be sent. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved city tax roll. Such notice shall state the time and place of such hearing and the nature of subject to be considered, which time shall not be earlier than ten (10) days from the date of publication.
4. After the hearing the Planning and Zoning Commission must make a final report to the City Council, as referenced in Section X.B.3, above. The City Council cannot act until it receives the final report from the Planning and Zoning Commission.
5. Then, a public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or zoning change. Notice of such hearings shall be given by publication in a newspaper of general circulation in the City of Log Cabin stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. At which time the public that has an interest in the change may be heard.

6. Once the City Council has held such public hearing and the people have been heard, the City Council can then consider and vote on the proposed change or amendment.

SECTION XI. DEFINITIONS

Words used in the present tense include the future; words in the singular number include the plural number and vice versa; the word “building” includes the word “structure”; the word “lot” includes the words “plot” or “tract”; the word “shall” is mandatory. Certain words in this ordinance, not heretofore defined, are defined as follows:

- A. **Accessory building or structure:** A subordinate building or structure used for a purpose customarily incidental to that of the main structure, such as a garage or carport for automobile storage, tool house or shed, storage house, garden shelter, green house, boat house or fence, but not involving the conduct of a business or providing shelter for farm animals or fowl.
- B. **Accessory use:** A use subordinate to and incidental to the primary use of the premises.
- C. **Building:** Any structure built for the support, shelter, and enclosure of persons, domestic animals, chattels, or moveable property and interpreted to include any fence, swimming pool, or other accessory or adjunct facility.
- D. **Business:** The practice of making one’s living (either full time or part time).
- E. **Certificate of Occupancy and Compliance (CO):** An official certificate issued by the City which indicates conformance with the zoning and building regulations, completion of construction and clean up, and authorized legal use of the premises for which it is issued.
- F. **Construction sign:** A temporary accessory sign identifying the property owner, architect, contractor, or decorator engaged in the design, construction or improvement of the premises involved.
- G. **HUD-Code Manufactured Homes:** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.
- H. **International Building Codes (IBC):** A model building code developed by the International Code Council (ICC).
- I. **International Residential Codes (IRC):** A model building code developed by the International Code Council (ICC).
- J. **Living Area:** The total square feet of space within the outside dimensions of a residential, including both floor levels, but excluding cellars, carports, garages, porches, breezeways, patios, and attached accessory or storage structures.
- K. **Lot:** Land defined by a lot and block description.

- L. **Major Improvement:** Improvement which increases or decreases the existing square footage of any existing building, structure, dwelling or residence, and any improvement which shall enclose existing square footage of an existing building, structure, dwelling, or residence so as to make the enclosure an addition to the existing building, structure, dwelling, or residence.
- M. **Mobile Home:** A structure, constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.
- N. **Modular Home:** A prefabricated residential building which conforms to the International Residential Code (IRC) that is built off-site, then delivered in sections and assembled on-site and is permanently affixed to a pier and beam or slab foundation.
- O. **Nameplate:** An accessory sign showing only the name and address of the occupant of the premises which it is erected or placed.
- P. **Nonconforming Use:** A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations in the zoning district in which it is situated.
- Q. **Real Estate Sign:** A temporary accessory sign, pertaining to the sale of property and advertising such property only for the use for which it is legally sound.
- R. **Resident Vehicle:** An automobile, pickup truck, van, or camper which is owned or leased by, and regularly operated by, a person or persons residing full or part time in a permanent dwelling in the City of Log Cabin.
- S. **Residential Dwelling:** A structure designed and constructed for occupancy by one family and located on a lot or tract and having no physical connection to another dwelling located on the same or another lot or tract and occupied by one family.
- T. **Site-Built:** A structure that is constructed completely on the building site and complies with all state, regional, and local codes.
- U. **Spot Zoning:** An amendment to a zoning ordinance by classifying one or more tracts or lots for a use prohibited by the original ordinance and out of harmony with.
- V. **Storage:** Causing or allowing materials, equipment, or vehicles to remain unused and idle at any location within the City of Log Cabin for a period in excess of thirty (30) days.
- W. **Toxic or Noxious Matter:** Any solid, liquid, or gaseous matter present in sufficient quantities to endanger health, safety, and comfort of persons in the vicinity of the premises involved.
- X. **Tract:** Large undeveloped real property defined by a boundary.
- Y. **Vehicle:** Any device, machine, or contrivance for carrying or conveying persons or objects on land, water, or in air and specifically wheeled conveyances such as automobiles, trucks,

vans, campers, mobile homes, travel trailers, recreational vehicles, and other similar conveyances or parts thereof.

SECTION XII. PENALTIES FOR VIOLATION

Any person, firm, or corporation violating any of the provisions of this ordinance shall, upon conviction, be fined any sum not exceeding five hundred dollars (\$500.00); and each and every day that the provisions of this ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any zoning district, where such property owner may be affected or invaded by a violation of the terms of this ordinance, to bring suit in such court or courts having jurisdiction thereof and to obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

In addition to the aforementioned remedies herein, the city shall also have the right to seek injunctive relief from a court of competent jurisdiction to enforce the provisions of this ordinance.

SECTION XIII. SEVERABILITY

Should any section or part of this Ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstances for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof, but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.


SECTION XIV. REPEALER

Any ordinance or section(s) of an ordinance in conflict with the provisions of this Ordinance are hereby repealed to the extent of said conflict.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF LOG CABIN ON THE
19TH DAY OF OCTOBER, 2023.**

ATTEST:


Leana Thorp, City Secretary


Jennifer Williams, Mayor