

ZONING ORDINANCE NO. 26-00X

AN ORDINANCE, REPEALING ZONING ORDINANCE NOS. 13-001, 25-002, 10-001, 09-004, 07-002, 06-003, 05-005, 02-002, 97-001, AND 99-003, WHICH REPEALED ZONING ORDINANCE NO. 84-001, AND REPEALS ORDINANCE AMENDMENTS NOS. 07-001, 06-002, 0-007 AND 04-001, AND FURTHER REPEALING ORDINANCE NOS. 19-001, 19-003, AND 24-004; ESTABLISHING ZONING REGULATIONS GOVERNING THE DEVELOPMENT AND USE OF LAND WITHIN THE VILLAGE OF SAN LEANNA INCLUDING THE FOLLOWING: AN INTRODUCTION; A TITLE; ZONING DISTRICTS; CONSTRUCTION WITHIN THE 100-YEAR FLOOD PLAIN; TYPES OF STRUCTURES ALLOWED IN THE SINGLE-FAMILY DWELLING DISTRICT; LOT AND YARD REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS; CONSTRUCTION REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS; USES OF SINGLE-FAMILY DWELLINGS; PORTABLE AND PERMANENT STRUCTURES; TYPES AND USES OF PORTABLE ACCESSORY STRUCTURES; RAIN WATER COLLECTION SYSTEMS; SWIMMING POOLS, SPAS AND HOT TUBS; DECKS, PORCHES, AND PATIO/SHED TYPE ROOFS; SOLAR PANELS AND SOLAR ROOFING; CONSTRUCTION CODES AND BUILDING PERMITS; APPLICATION FOR BUILDING PERMITS; SEPTIC TANK AND SEWERAGE DISTRIBUTION SYSTEM; CERTIFICATE OF OCCUPANCY; VARIANCES; SPECIAL USE PERMITS; FEES; A ZONING COMMISSION; BUILDING INSPECTION COMPANY SERVICES; MISCELLANEOUS PROVISIONS RELATING TO ANIMAL RESTRICTIONS INCLUDING DOG WASTE REMOVAL, SATELLITE DISHES, SIGNS, FENCES, DRIVEWAYS AND DRIVEWAY OPENING PERMITS, PARKING, SPRINKLER SYSTEMS, AND PORTABLE STORAGE CONTAINERS; ENFORCEMENT OF THE ZONING ORDINANCE AND PENALTIES FOR VIOLATIONS INCLUDING A FINE NOT TO EXCEED \$2,000 PER OFFENSE, PENALTIES NOT TO EXCEED \$2,000 PER DAY, AND INJUNCTIVE RELIEF; AND, A SEVERABILITY PROVISION.

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WHEREAS, on November 18, 2010, the Board of Aldermen (“Board”) of the Village of San Leanna (“Village”), Travis County, Texas, adopted Ordinance No. 10-001 which repealed the zoning ordinance of August 20, 2009, and replaced it with a revised ordinance; and

WHEREAS, through experience and administration, the Board is of the opinion that a new comprehensive zoning ordinance is necessary to serve the public interest, afford sufficient protection to the general welfare of the citizenship, and further the peaceful enjoyment of the homes and properties within the Village; and

WHEREAS, the Board requested the Zoning Commission (“Commission”) to study all zoning ordinances and to take into consideration, among other things, the fact that the Village is uniquely a residential community; and

WHEREAS, the Commission, after study, filed with the Board, proposed revisions for the zoning ordinances and recommended that Ordinance No. 10-001 be repealed and that the revised ordinance be adopted; and

WHEREAS, the regulations established by this Ordinance are designed to prevent property owners from adversely affecting adjoining property owners in an unreasonable manner; and

WHEREAS, the regulations established by this Ordinance are part of a comprehensive regulatory scheme designed to protect the culture, heritage, ecology, and aesthetics of the Village; and

WHEREAS, the regulations established by this Ordinance are in furtherance of the public interest, for the good government, peace, order, trade, and commerce of the Village and necessary and proper for carrying out the power granted by law to the Village; and

WHEREAS, the following regulations are a valid exercise of the Village's broad police powers and based upon the Village's statutory regulatory authority, including but not limited to Texas Local Government Code Chapters 51, 52, 211, 212, 213, 215, 217, and 219; and

WHEREAS, parties in interest and citizens have had an opportunity to be heard at a public hearing conducted by the Zoning Commission and a public hearing conducted by the Board of Aldermen, notice of which was published in the Village's official newspaper and on the Village Bulletin Boards before the fifteenth (15th) day before the first public hearing, and agendas for each hearing were posted at three (3) public locations at least seventy-two (72) hours prior to the respective hearings; and

WHEREAS, after the hearings, the Board directed that the revised ordinance be presented in its final form, for the Board's inspection, and after such inspection, found that the proposed revision of the ordinance was in the Board's best judgment and opinion an improved means to promote the health, safety, and general welfare of the people of the Village.

WHEREAS, since the adoption of Ordinance No. 25-002, the Board of Aldermen has adopted Ordinance Nos. 19-001, 19-003, and 24-004, the substantive provisions of which are incorporated into this Ordinance, and has determined that a comprehensive revision and restatement of the Village's zoning regulations is necessary to consolidate those provisions, resolve ambiguities, and address additional matters of public concern identified through administration of the Ordinance; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE VILLAGE OF SAN LEANNA, COUNTY OF TRAVIS, STATE OF TEXAS:

That Ordinance No. 25-002, previously passed by the Board, is repealed, and the new Ordinance No. 26-00X is hereby enacted in lieu thereof, to read as follows:

SECTION 1. INTRODUCTION

- (A) All of the above premises are hereby found to be true and correct legislative and factual findings of the Village of San Leanna and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety;
- (B) The zoning requirements and districts, as established in this Ordinance, have been made in accordance with comprehensive planning for the purpose of promoting the health, safety, and general welfare of the Village. They have been designed with the fact in mind that the Village is a purely residential community, with the exception that a cemetery exists within its corporate boundaries.
- (C) Because the Village is unique in this respect, certain requirements are necessary to prevent the overcrowding of land and to facilitate the purposes for which the Village was incorporated, among other things, to preserve the character of the zoning districts and their suitability for particular uses, to conserve the value of the buildings, and to encourage the most appropriate use of land throughout the Village.

SECTION 2. TITLE

This Zoning Ordinance shall be known, cited, and referred to as the “Zoning Ordinance.”

SECTION 3. DEFINITIONS

(A) General

Words and phrases used in this Ordinance shall have the meanings set forth in this section. For the convenience of the reader, these defined words and phrases are underlined, but the absence of such indications does not imply a different meaning. Words and phrases which are not defined in this Ordinance but are defined in other ordinances of the Village of San Leanna shall be given the meanings set forth in those ordinances. Other words and phrases shall be given their common, ordinary meaning unless the context clearly requires otherwise. Headings and captions are for reference purposes only, and shall not be used in the interpretation of this ordinance.

(B) Specific Definitions

(1) Board:

The Board of Aldermen, the governing body (i.e., city council) of the Village of San Leanna.

(2) Building:

Any structure of any kind or any part thereof, erected for the support, shelter, or enclosure of persons, animals, chattel, or property of any kind.

(3) Cemetery:

Area on the western edge of the Village, north of FM 1626, known as Onion Creek Memorial Park, Inc.

(4) **Commission:**

The Zoning Commission of the Village of San Leanna.

(5) **Driveway:**

A private roadway providing access to a building or a house which could be made of among other things, gravel, cement, brick, dirt, or asphalt.

(6) **Fees:**

Charges for various permits and failed inspections.

(7) **Height:**

As applied in this Ordinance, height is measured from the slab to one-half the distance between the roof eave and the peak. An average two-story home is 35' (feet) high.

(8) **Home Occupation:**

An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes. A home occupation may not be carried on in a recreational vehicle parked on a lot or at a residence.

(9) **Inspection Company:**

The individual or corporation designated by the Village to inspect all construction, replacements, additions, and remodeling to assure that the work complies with the appropriate Village codes and regulations.

(10) **Mobile Home:**

A structure that was constructed before June 15, 1976, transportable in one or more sections, which in traveling mode is eight (8) or more body feet in width or forty (40) body feet or more in length, or which 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. This definition does not apply to HUD Code-Manufactured Homes (see current HUD Ordinance).

(11) **Person:**

Any individual, corporation, organization, government agency, business, trust, partnership, association, or other legal entity.

(12) **Permanent Accessory Building:**

A building more than one hundred and twenty (120) square feet in size, constructed upon a permanent concrete slab (structurally engineered if the building is one thousand and one

(1,001) square feet or larger), and not capable of being relocated without dismantling or demolition.

(13) Portable Accessory Building:

A building one hundred and twenty (120) square feet or fewer in size, not constructed on a permanent concrete foundation, resting on skids (not axles), and secured firmly to the ground.

(14) Power Company:

The company which installs the construction loop for new construction at the building site, and will move it to permanent hook-up.

(15) Remodel:

To make over; structural changes including plumbing and or electricity; removing walls, not painting or replacing broken doors, windows, or cabinets.

(16) Right-of-Way (“ROW”):

The area on, below, above, or bordering a public roadway, highway, street, public sidewalk, alley, waterway, or utility easement, in which the Village has an interest.

(17) Sign:

Any outdoor device, sign, display, light device, figure, painting, drawing, message, plaque, poster, billboard, or other thing that is designed, intended, or used to advertise or inform.

(a) Signs may be made of paper, wood, or other material.

(b) Signs covered by this Ordinance include, but are not limited to: rent, sale, or lease of a house, construction of any kind, roofing and sprinkler system installation, and political signs promoting candidates or voting in general.

(18) Single Family Dwelling:

One dwelling unit, other than a mobile home, that is a free standing and structurally separated building used for residential purposes. It is located on a lot or building site that is not occupied by any other dwelling unit or main building except as allowed by this Ordinance. A typical use is a single detached dwelling.

(19) Variance:

A variance is the relief from strict application of any term or provision of this ordinance when such strict application would cause an undue hardship. The hardship must be due to the nature of the land or tract of land, and cannot be economic in nature. Under no circumstances can a variance be issued to allow any use other than those set forth in the zoning district in question.

(20) Village:

The Village of San Leanna, an incorporated municipality located in Travis County, Texas.

SECTION 4. VILLAGE ZONING DISTRICTS

(A) The Village is hereby divided into two (2) types of zoning districts, as follows:

- (1) A Single-Family Dwelling District; and
- (2) A Cemetery District (see current Cemetery Ordinance).

The definitions of the two Village Districts are described in Section 3 of this Ordinance. The Cemetery District is under the name of “Onion Creek Memorial Park, Inc.”

- (B) No land shall be used for, and no building shall be erected for or converted to, any use(s) other than those provided in the requirements stipulated in this Ordinance for the district in which the land and buildings are located, except as otherwise provided by Village ordinance.
- (C) Any building or structure lawfully in place at the time of the enactment of this Ordinance may be maintained and used for the purposes for which it was erected; however, the building or structure may not be added to, replaced, or remodeled (make over in a somewhat different way) without meeting the requirements of this Ordinance.

SECTION 5. CONSTRUCTION WITHIN THE 100-YEAR FLOOD PLAIN

- (A) The Village participates in the Federal Emergency Management Act’s (“FEMA”) flood plain insurance program.
- (B) No permit shall be issued and no person shall construct in the Village’s 100-year flood plain unless the construction complies with applicable:
- (1) Federal Emergency Management Act’s flood plain requirements;
 - (2) Federal and Texas state flood plain regulations;
 - (3) Austin/Travis County Health Department requirements;
 - (4) Village Ordinance and requirements on flood damage prevention (see current Flood Plain Ordinance); and
 - (5) Other applicable Village regulations.

SECTION 6. AUTHORIZED TYPES OF STRUCTURES IN SINGLE-FAMILY DWELLING DISTRICT

- (A) In the single-family dwelling district, no land shall be used for, and no building shall be erected for, or converted to, any use(s) other than:
- (1) single-family dwellings. A single-family dwelling shall also be referred to in this Ordinance as a “main residence”;
 - (2) temporary buildings for use(s) incidental to construction work on the premises, provided that they shall not be used for residences and shall be removed upon completion or abandonment of the construction work (e.g. portable toilets);
 - (3) water supply reservoirs, plumbing plants and towers, including necessary accessory structures; and
 - (4) accessory structures, as defined in this Ordinance.
- (B) Recreational type vehicles are allowed in the Village but shall not be inhabited, set up as a dwelling either permanently or temporarily, **or used for the operation of a home occupation.**
- (C) No mobile home of any size will be allowed to be set up, inhabited, or stored in the Village.
- (D) HUD-code manufactured housing is a restricted use as provided by the current HUD Code-Manufactured Home Ordinance and other Village regulations.

SECTION 7. LOT AND YARD REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS

- (A) The lot on which a single-family dwelling is to be built shall meet the following requirements:
- (1) Property within the Village shall be divided or subdivided into lots of a size not less than **one (1) acre**, for septic purposes as required by the Travis County Health Department as **(date this amendment is adopted). Village lot size requirements may change if Travis County Health Department requirements are modified.**
 - (2) Nothing in this Ordinance shall be construed to prevent construction, which is not in violation with other provisions of the Ordinance, on a lot of less than **43,560 square feet (one (1) acre)**, **IF such lot had been subdivided prior to April 17, 1973.**
 - (3) The owner of any property being subdivided in accordance with applicable Village regulations must pay for all water lines to be installed linking existing Village water lines with the subdivided property, and must conform to all policies established by the Board (see current Subdivision Ordinance).
- (B) The lot on which a single-family dwelling is to be built shall meet the following yard requirements:

- (1) There shall be a front yard with a depth of not less than thirty (30) feet from the front lot line to the single-family dwelling foundation. Where lots have double frontage (ex. a corner lot) running from one street to another, the required front yard shall be provided on both streets.
- (2) There shall be a side yard on each side of the lot with a depth of not less than ten (10) feet from the side lot line to the single-family dwelling foundation. A side yard adjacent to a side street shall not be less than thirty (30) feet from the lot line to the foundation.
- (3) There shall be a rear yard having a depth of not less than ten (10) feet from the rear lot line to the single-family dwelling foundation.

SECTION 8. CONSTRUCTION REQUIREMENTS FOR SINGLE-FAMILY DWELLINGS

- (A) A single-family dwelling shall be no more than two (2) stories thirty-five feet (35) in height and shall have a living area of not less than one thousand six hundred and fifty (1650) square feet, exclusive of accessory buildings, open porches, decks, storage rooms, utility rooms, and garages.

(B) Exterior Building Materials for Single-Family Dwellings

- 1) The exterior walls of a single-family dwelling must be constructed using durable, weather-resistant materials that comply with the most recent International Building Code (IBC) and International Residential Code (IRC) as adopted by the Village.
- 2) No specific building material shall be required or prohibited if it is otherwise permitted under nationally recognized building codes, in accordance with Texas House Bill 2439 (HB 2439).
- 3) All exterior building materials must:
 - a) Be structurally sound and properly installed to ensure safety and durability.
 - b) Meet or exceed fire, wind, and weather resistance standards established by national model codes.

- (C) A single-family dwelling, whether being built, replaced, remodeled, or added to, shall be of new or structurally sound materials, as determined by the inspection company, and shall comply with the building code(s) adopted by reference in this Ordinance.

- (D) A single-family dwelling's electrical wiring shall conform to the electrical code adopted by reference in this Ordinance.

- (E) A single-family dwelling's exterior, including the masonry, shall be completed within nine (9) months of issuance of the building permit.

- (1) If the applicant exceeds this time limit, the applicant must obtain a new building permit; Prior to permit expiration, the applicant may apply to the Village in writing for an extension, **for a fee of \$25.**
 - (2) In requesting a time extension, the applicant must show unforeseeable circumstances beyond his/her control. If the applicant cannot show this, the Village may not grant an extension of time and require the purchase of a new building permit, per this Ordinance.
- (F) **No clearing of land**, except for a small portion for the percolation test required for (“on site sewage facility”) septic permit, **or trimming of trees without consultation with the Village arborist and valid tree removal/tree trimming permit.**
- (G) Trash box or dumpster required from beginning to end of construction. **Failure to provide this will result in an automatic stop work order.**
- (1) Trash box or dumpster must be emptied when full, may not be filled to overflowing.
 - (2) No garbage may be placed in trash box/dumpster, only construction debris. Remove garbage (snack papers, food wrappers, soda/water bottles, etc.) from site daily.
- (H) **No burning of ANY debris** from construction site; includes wood and wood products, wall board and/or roofing tiles.
- (I) Builders may not allow their electrician to change the construction loop to permanent power. If such unauthorized change is made, the Village shall require the power company to return the service to a construction loop at the builder’s expense, and the builder shall be fined XXX (\$XXX) plus twenty-five dollars (\$25.00) for Village administrative costs, for a total fixed penalty of five hundred twenty-five dollars (\$XXX.00).
- (J) Mechanical energy code compliance may be checked online by builders at: www.energycodes.gov
- (K) Erosion Control
- (1) **Erosion control measures must be implemented and maintained throughout all phases of construction to prevent soil displacement and runoff. Failure to comply will result in a stop work order until the site meets the required standards.**
 - (2) **All disturbed soil must be stabilized through temporary and/or permanent re-vegetation or other approved methods as soon as practicable to prevent erosion.**
 - (3) **A Certificate of Occupancy will not be issued until erosion control measures are properly in place and the site is stabilized in compliance with this ordinance.**
- (L) Parking vehicles and/or storing or dumping materials in drainage ditches is prohibited.

(M) Construction will be allowed between the following hours:

- (1) Monday through Friday - 6:00 a.m. through 8:00 p.m
- (2) Saturday and Sunday – 8:00 a.m. through 8:00 p.m.
- (3) Any exceptions to construction hours require written permission from the Village of San Leanna staff

SECTION 9. AUTHORIZED USES OF SINGLE-FAMILY DWELLINGS

(A) A single-family dwelling's primary use is that of the main residence for the single family.

(B) A single-family dwelling may have a secondary or accessory use as a location for a home occupation, which:

- (1) is performed for gain;
- (2) is conducted by member(s) of the household (e.g., roommates, partners, family) residing in the main residence;
- (3) does not require the employment of persons who do not reside in the main residence, except as required by applicable federal or state law;
- (4) is conducted as an accessory use that is clearly incidental and secondary to the use of the main residence;
- (5) does not involve the display of a sign to advertise the occupation;
- (6) is not a nuisance;
- (7) includes, but is not limited to doctors, lawyers, artists, home computer businesses, architects, engineers, home child care, accountants, and music teachers; and
- (8) may be conducted in an accessory building on the property by a household member.

SECTION 10. DEFINITIONS AND TYPES OF ACCESSORY STRUCTURES

(A) An accessory structure is a structure which:

- (1) is incidental to the use(s) of the single-family dwelling (“main residence”); and

(2) is not authorized unless there is a main residence.

(B) The two types of accessory structures which are authorized in the Village are:

(1) a permanent accessory structure; and

(2) a portable accessory structure.

(C) **Combined Limit on Accessory Structures.** No more than two (2) accessory structures in total, in any combination of permanent and portable types, shall be permitted on any one lot in the Village.

OPTIONAL — Foundation-Based Classification

SECTION 11. REQUIREMENTS FOR PERMANENT ACCESSORY STRUCTURES

(A) **Size:** A permanent accessory structure must:

(1) be more than one hundred and twenty (120) square feet in size, and not more than sixteen (16) feet in height;

and

(2) be of less square footage than the main residence.

(B) **Location:** A permanent accessory structure must be located:

(1) on the same lot as the main residence;

(2) in the backyard or behind the main residence;

OPTIONAL EXCEPTION — Driveway Carports and Shade Structures:

Notwithstanding subsection (B)(2) above, a carport or shade structure constructed directly over an approved, permitted driveway may be located in the front or side yard, provided all of the following conditions are met:

(a) The structure is constructed directly over and does not extend beyond the footprint of a driveway for which a permit has been issued under this Ordinance;

(b) The structure is open on at least three sides and does not constitute an enclosed habitable space;

(c) The structure does not exceed sixteen (16) feet in height;

(d) The roof pitch of the structure is compatible with the roof pitch of the main residence;

(e) Any wood or wood-product components are painted or sealed; and

(f) A building permit is obtained prior to construction.

- (3) at least ten (10) feet or more from any side or rear lot line and shall be no taller than sixteen (16) feet in height; and
- (4) at least thirty (30) feet or more from the side lot line in the case of a corner lot.

(C) **Construction:**

- (1) A permanent accessory structure must:
 - (a) be of new construction or structurally sound construction as determined by the inspection company;
 - (b) be painted or sealed, if a wood or wood product; and
 - (c) be constructed upon a structurally engineered concrete slab, if the building is one thousand and one (1001) square feet or larger.
- (2) The exterior construction of a permanent accessory structure must be completed:
 - (a) within nine (9) months of the issuance of the building permit, with a separate fee, if the structure is being built in conjunction with the construction of the main residence; or
 - (b) within six (6) months of the issuance of the building permit if the structure is being built after the main residence has been completed.
- (3) A trash box or dumpster may be required depending on size and complexity of the build.
- (4) No burning of construction debris, including wood product, is allowed.

(D) **Uses:**

- (1) A permanent accessory structure **without** residential plumbing may be used as a garage, barn, carport, patio cover, patio cover used as a carport (may require a slab, depending on size), boat cover, storage building, workshop, office, greenhouse, gazebo, playhouse, or exercise building.
- (2) A permanent accessory structure **with** residential plumbing may be used as an office, pool house, or a guest house, provided the habitation does not exceed two (2) consecutive weeks **EXCEPT** for immediate family, i.e., parents, in-laws, children, grandchildren, or siblings. Extended habitation beyond two consecutive weeks for a caregiver, health care provider, or immediate family member in a documented temporary housing hardship may be authorized by Special Use Permit under Section 20A.

- (3) Any use other than the ones stated above must have approval from the Board of Aldermen, and may require a variance, with a recommendation from the Zoning Commission.
- (4) Accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

SECTION 12. REQUIREMENTS FOR PORTABLE ACCESSORY STRUCTURES

(A) **Size:** A portable accessory structure shall be one hundred and twenty (120) square feet or fewer in size and not more than sixteen (16) feet in height. See Section 10 for the combined limit on accessory buildings per lot.

(B) **Location:** A portable accessory structure must be:

- (1) located on the same lot as the main residence;
- (2) located in the backyard or behind the main residence;

OPTIONAL EXCEPTION — Driveway Carports and Shade Structures:

Notwithstanding subsection (B)(2) above, a carport or shade structure constructed directly over an approved, permitted driveway may be located in the front or side yard, provided all of the following conditions are met:

- (a) The structure is constructed directly over and does not extend beyond the footprint of a driveway for which a permit has been issued under this Ordinance;
- (b) The structure is open on at least three sides and does not constitute an enclosed habitable space;
- (c) The structure does not exceed sixteen (16) feet in height;
- (d) The roof pitch of the structure is compatible with the roof pitch of the main residence;
- (e) Any wood or wood-product components are painted or sealed; and
- (f) A building permit is obtained prior to construction.

- (3) at least ten (10) feet or more from any side or rear lot line; and
- (4) at least thirty (30) feet or more from the side lot line in the case of corner lots.

(C) **Construction:**

- (1) A portable accessory structure must:
 - (a) be of new construction or structurally sound construction, as determined by the inspection company;
 - (b) have a roof pitch of 1/12 or greater;

- (c) be on skids and not have capabilities of axles; (or not be constructed on a permanent concrete foundation;)
 - (d) be painted or sealed, if wood or wood products; and
- (2) The exterior construction of a portable accessory structure must be completed;
- (a) within nine (9) months of the issuance of the building permit (with a separate fee) if the structure is being built in conjunction with the construction of the main residence; or
 - (b) within six (6) months of the issuance of the building permit if the structure is being built after the main residence has been completed.
- (3) Portable accessory building construction does not require a trash box or dumpster, but all debris must be cleaned up daily and removed from the Village right-of-way and any adjoining properties.
- (4) No burning of construction debris, including wood product, is allowed.

(D) Uses:

- (1) A portable accessory structure may be used as a garage, barn, carport, patio cover, patio cover used as a carport (may require a slab, depending on size), boat cover, storage building, workshop, office, greenhouse, gazebo, playhouse, or exercise building.
- (2) Any use other than the ones described above must have approval from the Board of Aldermen, and may require a variance, with a recommendation from the Zoning Commission.
- (3) Portable accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

SECTION 12.1 REQUIREMENTS FOR RAIN WATER COLLECTION SYSTEMS

(A) Definitions:

- (1) Rain Barrel - container for rain water, not larger than 100 gallons, placed under rain gutter downspouts, not requiring any type of pump. Can be hooked up to a garden hose, or emptied into a bucket or can for disbursal.
- (2) Rain water Collection Tank or Cistern - container for rain water, larger than 100 gallons, connected to rain gutters by pipes, may require a pump for disbursal.

(B) Size:

- (1) There are no size requirements for rain barrels, except for gallons held.
- (2) Rain water tanks or cisterns may not be more than 120 square feet or twelve (12) feet in diameter and not more than twelve (12) feet in height.

(C) Location:

- (1) A rain barrel may be placed on any corner of the house where gutters may be connected.
- (2) A water collection system must be:
 - (a) located in the side or backyard;
 - (b) at least ten (10) feet or more from any side or rear lot line; and
 - (c) at least thirty (30) feet or more from the side lot line in the case of corner lots.

(D) Construction and Permitting:

- (1) All rain water collection systems (barrels, cisterns, and tanks) must be fully enclosed in order to prevent the breeding of mosquitos.
- (2) A rain water collection system with a capacity of 5,000 gallons or less, without an electric pump, may be constructed without a permit, permit fee, or inspection.
- (3) A rain water collection system with a capacity of 5,001 gallons or more will require a permit.
- (4) A system of any size with a permanently installed electric pump will require a permit and inspection, plus inspection fee.

- (E) Uses:** A rain water collection system may be used to collect rain water only; it may not be connected to the Village's water system or to any indoor plumbing at any time; and water collected is to be used for non-potable outdoor purposes only, including irrigation, landscaping, garden watering, and vehicle or equipment washing.

SECTION 13. SWIMMING POOLS, SPAS AND HOT TUBS

This section applies to new in-ground and above-ground swimming pools, permanent or portable spas, and/or hot tubs which have a depth of thirty (30) inches or more with a pump and/or filter. Storable and/or wading pools less than thirty (30) inches deep without pump and/or filter are exempt from these restrictions.

- (A)** A pool spa or hot tub which is new in-ground or above-ground shall be constructed in accordance with the construction standards in the Plumbing Codes adopted by the Village. Portable, self-contained hot tubs, spas, and aboveground pools, all filled with a hose, shall require installation of

a backflow preventer as per the Plumbing Code. Portable hot tubs, spas, and aboveground pools require a form signed by a licensed backflow preventor technician, which assures compliance.

- (B) A pool and its surrounding deck, in-ground pools, spas, and hot tubs shall be located:
 - (1) on the same lot as the main residence;
 - (2) in the backyard or behind the main residence;
 - (3) thirty (30) feet or more from the front lot line;
 - (4) ten (10) feet or more from the side or rear lot line; and
 - (5) thirty (30) feet or more from the side lot line in the case of corner lots.
- (C) A pool that is to be drained must be drained in such a manner as to not erode or interfere with adjacent property belonging to another owner.
- (D) Pools, either above-ground or in-ground, spas, and/or hot tubs require an **unclimbable** barrier at least forty-eight (48) inches above grade (measured on the side which faces away from the pool) with a maximum clearance between it and the ground of two (2) inches. Gates must have a self-latching device at least three (3) inches from the top of the gate on the pool (water) side of the gate. A door alarm is required on each door accessing the pool when the side(s) or back of a house form part of the barrier around the pool. Other information about distance from power equipment grounding and pump requirements is available upon request or with pool permit information. See Section AG101 of Appendix G of the Building Code.
- (E) A pool, spa, or hot tub must be completed:
 - (1) within nine (9) months of issuance of the building permit (with a separate fee) if the pool, spa, or hot tub is being built in conjunction with the construction of the main residence; or
 - (2) within six (6) months of the issuance of the building permit if the pool, spa, or hot tub is being built after the main residence has been completed.

SECTION 14. DECKS AND/OR PORCH OR SHED/PATIO TYPE ROOFS

- (A) **OPTION 1 (Permits required for all structures):** All decks, porches, and shed/patio type roofs require a building permit and shall be inspected for structural soundness, regardless of whether the structure is attached to a residence or accessory building or is freestanding.
OPTION 2 (Permits required only for attached structures): Decks, porches, and shed/patio type roofs require a building permit and shall be inspected for structural soundness only when attached to a residence or accessory building. Freestanding decks, porches, and shed/patio type

roofs do not require a permit, except as otherwise provided in subsections (B) and (C) of this Section.

- (B) Patio type roofs, when used as carports, require a permit (see accessory buildings).
- (C) Decks, when used as an above-ground pool surround, not attached to any building, do not require an additional permit or inspection.

SECTION 15. SOLAR PANELS AND SOLAR ROOFING

(A) Permit Requirement

- (1) The installation of solar panels or solar roofing requires a building permit from the Village.
- (2) A site plan and system specifications must be submitted with the permit application for review and approval.

(B) Placement and Installation

- (1) Solar panels may be installed on rooftops or as ground-mounted systems, provided they do not obstruct sightlines or create a safety hazard.
- (2) Ground-mounted solar panel systems must be placed in rear yards only and set back at least ten (10) feet from all lot lines.

(C) Electrical and Safety Compliance

- (1) All solar energy systems must comply with applicable building codes, electrical codes, and fire safety regulations.
- (2) The system must be installed by a licensed contractor and pass all required inspections before activation.

(D) Maintenance and Visibility

- (1) Solar panels must be maintained in good condition and repaired if damaged or deteriorated.
- (2) Reflective glare from solar panels shall be minimized to prevent excessive impact on neighboring properties.

SECTION 16. CONSTRUCTION CODES AND BUILDING PERMITS

- (A) This Ordinance adopts by reference, except as otherwise provided by this Ordinance, the following codes, as amended, for the purpose of governing the construction, replacement, alteration, remodeling, removal, renovation, and demolition of buildings and other structures in the Village:
 - (1) The 2021 International Residential Code for One and Two-Family Dwellings;
 - (2) The 2020 National Electrical Code (NEC);

- (3) The 2021 International Building Code (IBC), as adopted by Ordinance No. 24-004;
 - (4) The Uniform Plumbing Code 2021;
 - (5) any other applicable regulations which the above-mentioned codes have compiled and incorporated from national model codes.
- (B) In case of a question about the meaning of a specific provision in one of the codes, the Village will decide the question, with recommendation(s) from the inspection company.
- (C) Chemical toilets must be installed at all building sites for construction of single-family residential dwellings when construction begins and removed when construction is complete.

SECTION 17. APPLICATION FOR BUILDING PERMITS

- (A) No person shall construct, add to, remodel, demolish, or replace an existing structure, including septic systems, single-family dwellings, permanent and portable accessory buildings, and swimming pools, hot tubs, and spas until having applied for and received a building permit from the Village. **Only Property Owner may apply for a Building Permit.** Any person who commences work without first obtaining the required permit is subject to a fee as provided in Section 21(D), in addition to all other applicable penalties.
- (B) A building permit is required for:
- (1) Demolition of load-bearing structures, including retaining walls, concrete foundations, masonry and stone structures, steel and wood columns, beams, and trusses.
 - (2) Demolition of exterior walls, **EXCEPTIONS**: for window or door installation involving replacement of broken and/or damaged windows and/or doors; roofing shingles or fences which require no permit.
 - (3) New construction of load-bearing structures, including retaining walls, concrete foundations, masonry and stone structures, steel and wood columns, beams, and trusses.
 - (4) Installation of temporary electric meter.
 - (5) Demolition of electrical service.
 - (6) New installation and replacement of electrical service and HVAC systems.
 - (7) New installation of masonry and prefab fireplaces, including freestanding heating stoves.

(8) OPTION 1 (Permits required for all structures): Construction of overhead canopies, bridges, suspended walkways, decks or roofs, and any structural work, renovation, and/or remodeling with additional or replacement plumbing and/or electricity.

OPTION 2 (Permits required only for attached structures): Construction of overhead canopies, bridges, suspended walkways, decks or roofs attached to a residence or accessory building, and any structural work, renovation, and/or remodeling with additional or replacement plumbing and/or electricity.

(9) PERMITS FOR EMERGENCY REPAIRS AND/OR REPLACEMENT OF HEATING/AIRCONDITIONING SYSTEMS SHALL BE ISSUED IMMEDIATELY. IF DONE BY A LICENSED/CERTIFIED TECHNICIAN, NO PERMIT REQUIRED.

(C) No building permits shall be issued until all liens, fines, taxes, and/or overdue water bills due the Village are paid in full.

(D) All permits issued for **INTERIOR** work require inspection for smoke detectors inside and outside each bedroom in accordance with the International Residential Code for one- and two-family residences

(1) All permits issued (inside or outside work) require inspection of hose bibs (exterior faucets) for vacuum breaker/back flow preventer installation.

(E) Application shall consist of ONE COPY of each of the following:

(1) Permit to Construct a Septic System from Austin/Travis County Health Department (in the case of a single-family dwelling);

(2) Receipt of payment of fees, and

(3) Proof of ownership of property (Warranty Deed or property tax receipt). Property owner must apply for permit.

(F) Application shall consist of TWO COPIES of each of the following:

(1) Application for a building permit;

(2) Plot plan showing all easements, lot lines, and the location of the single-family dwelling, accessory building, and septic tank and field;

(3) Blueprints, specifications, and dimensions of the structure; and,

(4) The structural engineering study on slab, if required by the Ordinance.

- (G) If the Village and Village Inspection Company approve the application, the Village will issue a building permit authorizing the applicant to begin construction.
- (H) If the application is not approved, or if the applicant cancels construction, the Village will return to the applicant:
 - (1) one hundred percent (100%) of the building fee minus any inspection fees or administrative fees already accrued; and
 - (2) one hundred percent (100%) of the water tap fee, provided the water lines and the tap have not been installed.
- (I) Building permits which are pending or in effect on the date of enactment of this Ordinance will remain in effect after the effective date of this Ordinance.

SECTION 18. SEPTIC TANK AND SEWERAGE DISTRIBUTION SYSTEM

- (A) Each septic tank (i.e., on-site sewage facilities) and sewerage distribution system (collectively “system”) in the Village will comply with the requirements and specifications established by the Austin/Travis County Health Department (“department”). The department, not the Village, will inspect each system and enforce department requirements and specifications. The Village shall not be responsible for permitting, licensing, or any approval or enforcement of a system.
- (B) The Village will not consider an application for a building permit and will not issue a building permit until the department issues a Permit to Construct a Septic System. This permit certifies that the proposed system complies with the department requirements and specifications and that the department recommends approval for construction of the system to the Village.
- (C) No system may be installed along the portion of Slaughter Creek that runs through the Village within the 100-year flood plain, without the approval of the department.
- (D) The person(s) requesting approval for the construction or modification of a system shall be responsible for paying the fees required by the department. Such fees shall be in addition to any building permit fee, water tap fee, and inspection fees described in this Ordinance.
- (E) No Certificate of Occupancy shall be issued until a License to Operate a Septic System is received by the Village.

SECTION 19. CERTIFICATE OF OCCUPANCY

- (A) No building or structure shall be used or occupied until the Village has issued a certificate of occupancy therefore as provided herein. Issuance of a Certificate of Occupancy shall not be

construed as an approval or waiver of a violation of the provisions of this Ordinance or other Village regulations.

- (B) The Village will issue a Certificate of Occupancy, which certifies the structure meets all requirements of this Ordinance, to the applicant when the Village has received a copy of:
- (1) the final inspection report from the building inspection company stating that all inspections have been passed and all requirements have been met;
 - (2) the license to operate the septic system issued by the Austin/Travis County Health Department to the applicant (in the case of a single-family residence);
 - (3) Plumber/Owner Certification Form required by Village of San Leanna;
 - (4) Plumber Certification from inspection company required by state;
- and
- (6) all fail fees are paid, all debris is cleaned up and removed from the building site and the Village, and requirements of the ordinance have been met.
- (C) The Certificate of Occupancy prompts the Village to notify the power company and is authority for the power company to connect permanent electrical services to the structure. The power company must have this certificate in order to make this electrical connection from construction loop to permanent. **YOUR ELECTRICIAN IS NOT AUTHORIZED** to change the electric hook-up from construction loop to permanent, under penalty of the Village having the power company return it to construction loop at your expense.

SECTION 20. VARIANCES

- (A) The Board, upon receiving a recommendation from the Zoning Commission, may in a specific case authorize a variance to the requirements in this Ordinance by:
- (1) permitting the reconstruction of a structure which was being used in non-conformance with this Ordinance at the time of its passage; or
 - (2) permitting the extension of a non-conforming use of a structure upon the lot occupied by the structure at the time of the passage of this Ordinance; or
 - (3) authorizing in special cases variances from the requirements of this Ordinance that:
 - (a) will not be contrary to the public interest; and

- (b) due to special conditions, literal enforcement of requirements of this Ordinance will result in unnecessary hardship; and
 - (c) the spirit of this Ordinance shall be observed and substantial justice done.
- (B) The Board may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought. The Board is not authorized to grant use variances other than those required for specific compliance with applicable state law.
- (C) The Board will not authorize a variance unless there is:
 - (1) public notice posted on the three bulletin boards designated by the Village and a hearing with the Zoning Commission who recommend a course of action at the next regularly scheduled meeting of the Board of Aldermen, who make the final decision;
 - (2) all adjacent neighbors have the opportunity to voice their opinion, if possible, in writing to the Zoning Commission; and
 - (3) appropriate conditions and safeguards; and
 - (4) in the Board's judgment, no substantial or permanent injury to the public convenience, safety and welfare.
- (D) A request for a variance must be submitted by the property owner in writing, and the Board's approval or rejection of a variance must be in writing.
- (E) An applicant, landowner, or other aggrieved person may appeal the decision of an official responsible for enforcement of the Village's Zoning Ordinance or Building Codes applying a regulation or standard to the construction, renovation, maintenance, or other alteration of a residential or commercial building, which application is asserted to be prohibited by applicable state law, in the following manner:
 - (1) If the decision applies a requirement of a building code, to the Zoning Commission; or
 - (2) If the decision applies a requirement of the Zoning Ordinance, to the Zoning Commission.The appeal shall identify the provision or provisions which the appellant alleges to have been applied in violation of applicable state law. The appeal shall be filed, processed, and decided in the manner provided for appeals by the appellate entity herein designated.

SECTION 20A. SPECIAL USE PERMITS

- (A) **Purpose and Authority.** Pursuant to the Village's authority under Texas Local Government Code Chapter 211 and the Village's broad police powers, the Board of Aldermen is hereby authorized to issue Special Use Permits ("SUP") for certain uses that are not permitted as of right under this Ordinance but which may be compatible with the residential character of the Village when subject

to appropriate conditions and limitations. An SUP is not a variance and does not relieve an applicant from any hardship standard; rather, it is a discretionary authorization for a use found to be appropriate in a particular location subject to conditions imposed to protect the public interest. No SUP may authorize a use that is fundamentally incompatible with the single-family residential character of the Village.

(B) Eligible Uses. The following uses may be authorized by SUP upon a finding that all applicable criteria in subsection (E) are satisfied:

- (1) Home occupations that exceed the limitations of Section 9(B) of this Ordinance in a manner that would not otherwise be permitted, including but not limited to occupations that require the employment of a non-resident or require specialized equipment or signage not otherwise permitted;
- (2) Extended accessory dwelling use of a permanent accessory structure with residential plumbing, including habitation exceeding the two-consecutive-week limitation of Section 11(D)(2), for a caregiver or health care provider of a permanent resident, or for an immediate family member undergoing a documented temporary housing hardship;
- (3) Temporary uses incidental to construction or special events, including temporary structures, equipment staging areas, or extended portable storage container placement beyond the period permitted under Section 24, for a defined period not to exceed twelve (12) months;
- (4) Any other use which the Board of Aldermen determines is consistent with the residential character of the Village, is incidental and subordinate to the primary residential use of the property, and is not otherwise prohibited by this Ordinance or applicable state law.

(C) Application. An application for an SUP must be submitted in writing by the property owner to the City Administrator and must include:

- (1) The property owner's name, address, and contact information;
- (2) A legal description and plot plan of the property;
- (3) A detailed description of the proposed use, including its nature, scope, hours of operation if applicable, and any structures or improvements proposed;
- (4) A statement explaining how the proposed use satisfies each of the approval criteria set forth in subsection (E); and
- (5) Payment of the applicable SUP application fee as established in the fee schedule in Section 21(B).

(D) Procedure. Upon receipt of a complete application, the City Administrator shall schedule the matter for consideration by the Zoning Commission. The Zoning Commission shall conduct a public hearing on the application after providing notice as follows:

- (1) Published notice in the Village's official newspaper not less than fifteen (15) days before the hearing, in accordance with Texas Local Government Code Section 211.007;
- (2) Notice posted on the three Village bulletin boards not less than fifteen (15) days before the hearing; and
- (3) Written notice mailed or delivered to all property owners within two hundred (200) feet of the subject property not less than ten (10) days before the hearing.

Following the public hearing, the Zoning Commission shall make a written recommendation to the Board of Aldermen for approval, conditional approval, or denial, including the vote. The Board of Aldermen shall then consider the application at a public meeting, at which the applicant and any interested member of the public shall have an opportunity to be heard. The Board shall issue a written decision granting, granting with conditions, or denying the SUP. A two-thirds (2/3) majority vote of the full Board is required to approve an SUP over a written protest signed by owners of twenty percent (20%) or more of the land within two hundred (200) feet of the subject property, in accordance with Texas Local Government Code Section 211.006(d).

- (E) **Approval Criteria.** The Board of Aldermen shall not approve an SUP unless it finds, based on the record before it, that the proposed use:
- (1) Is consistent with the purpose and intent of this Ordinance and compatible with the residential character of the Village;
 - (2) Will not be detrimental to the public health, safety, or welfare, or injurious to the use, enjoyment, or value of adjacent property;
 - (3) Will not generate unreasonable levels of noise, traffic, lighting, or other impacts inconsistent with the residential neighborhood;
 - (4) Is incidental and subordinate to the primary residential use of the property; and
 - (5) Can be conditioned in a manner sufficient to protect the public interest and adjacent property owners.
- (F) **Conditions.** In granting an SUP, the Board of Aldermen may impose any conditions reasonably necessary to protect the public interest and adjacent property owners, including but not limited to conditions relating to hours of operation, traffic management, screening or fencing, noise and lighting limitations, time limits on the duration of the permitted use, required inspections, and any other conditions the Board deems appropriate. All conditions shall be set forth in the written SUP and shall be binding on the applicant, the property owner, and any successor in interest. Failure to comply with any condition of an SUP shall constitute a violation of this Ordinance subject to enforcement under Section 26.
- (G) **Duration and Transfer.** An SUP shall specify whether it runs with the land or is personal to the applicant. Unless the Board expressly specifies otherwise, an SUP runs with the land and is binding upon and inures to the benefit of all successors and assigns of the property owner. An SUP that is personal to the applicant shall expire automatically upon transfer of ownership of the property or upon the death or incapacity of the applicant, whichever occurs first. An SUP granted for a temporary use shall specify its expiration date and shall expire on that date without further action by the Village.
- (H) **Revocation.** The Board of Aldermen may revoke an SUP, after notice and an opportunity to be heard, upon a finding that: (1) the permit holder has violated a material condition of the SUP; (2) the use as conducted has become detrimental to the public health, safety, or welfare or injurious to adjacent property owners in a manner not anticipated at the time of approval; or (3) the permit was obtained through fraud or material misrepresentation. Revocation shall be by written notice to the property

owner and shall be effective upon receipt. The permit holder may appeal a revocation under subsection (I).

(I) **Appeal.** Any applicant aggrieved by the denial of an SUP, or any permit holder aggrieved by the revocation of an SUP, may appeal to the Zoning Commission within thirty (30) days of the Board's written decision, in the manner provided for appeals under Section 22 of this Ordinance. Any person aggrieved by the grant of an SUP may likewise appeal within thirty (30) days of the Board's written decision. All appeals shall be in writing and shall identify the specific grounds for the appeal.

(J) **Reapplication.** Following denial of an SUP application, no application for substantially the same use on the same property shall be accepted for a period of twelve (12) months from the date of denial, unless the applicant demonstrates a material change in circumstances.

SECTION 21. FEES

(A) Establishment of Fees:

(1) The Board, upon recommendation from the Zoning Commission, shall establish a fee schedule for building permits and related services within the Village.

(2) Building permit fees cover the costs of inspections. Fees for failed inspections shall be assessed at the current rate and must be paid before a Certificate of Occupancy is issued.

(3) Water tap fees shall be calculated and paid directly to the Village.

(B) Fee Schedule:

The following fees shall apply:

Permit Type	Fee (\$)
Plan Review	\$80
Building Inspection	\$60
Building permit update	\$25
Demolition of structure	\$50
Water heater replacement (tankless system)	\$50
New irrigation system	\$100
New air conditioning system	\$100
Special Use Permit	\$XX
Work Commenced Without a Permit	\$XX

(C) Payment and Enforcement:

(1) All fees must be paid in full before a permit is issued.

- (2) Any work started without the required permit is subject to the fee described in Section 21(D) below, in addition to any penalties under Section 26 – Enforcement.

(D) Fee for Work Commenced Without a Permit

- (1) Any person who commences construction, addition, remodel, demolition, or other work requiring a permit under this Ordinance without first obtaining the required permit shall pay a fee of \$XXX in addition to the standard permit fee otherwise applicable.
- (2) Payment of the punitive fee does not excuse the violation or substitute for any criminal penalty under Section 26. Work must cease immediately upon discovery and may not resume until the required permit is obtained and the punitive fee is paid in full.
- (3) The fee shall be added to the fee schedule in Section 21(B) upon adoption of this provision. The Board reserves the right to amend the fee amount by resolution without further amendment to this Ordinance.
- (4) The Board reserves the right to adjust fees as necessary to cover administrative and inspection costs.

SECTION 22. ZONING COMMISSION

- (A) There is hereby created and established a Zoning Commission (“Commission”) for the Village, which shall be composed of at least four (4) members. The Village Mayor shall appoint one (1) member as Commission Chair. The Commission shall select a Vice- Chair to perform Commission duties and responsibilities in the Chair’s absence.
- (B) The term of office for Commission members shall be a two (2) year term, renewable by Board approval; appointments shall be “staggered” so as to assure continuity of experience. The Board shall fill all Commission vacancies in the same manner as provided for the original appointments.
- (C) The Commission shall implement all of its duties and responsibilities, as described in this Ordinance as necessary and appropriate for its implementation and enforcement.
- (D) The Mayor, with Board consent, may remove a Commission member at will. The member being removed may request, in writing, a public hearing which shall be held within ten (10) days of the Board receiving the written request. The member continues to serve until the Board issues a decision.
- (E) Members of the Commission may resign by giving notice to the Mayor.
- (F) The Commission shall recommend to the Board the employment of such qualified persons as may be necessary for the proper conduct and undertakings of the Commission (i.e., Inspection Company).
- (G) The Commission shall meet as needed to conduct its business.

- (H) The Commission may make rules for its own governance, which shall conform as nearly as possible to those rules governing the Board.
- (1) Commission rules adopted or amended on or after September 1, 2019, must be approved by the Board of Aldermen.
- (2) Commission rules which are adopted may include, among other items, provisions for regular and special meetings open to the public review, and reports to the Board as needed. A copy of the Commission meeting minutes may constitute a report for purposes of this Ordinance. Reports will be made by the Commission Chair or the Chair's designee.
- (3) Appeals to the Zoning Commission from the decision of an administrative official made on or after September 1, 2019, shall be governed by the following rules:
- (a) An appeal of a decision by an administrative official that is not related to a specific application, address, or project may be made by an aggrieved person or any officer, department, board, or bureau of the Village affected by the decision.
- (b) An appeal of a decision by an administrative official that is related to a specific application, address, or project may be made by: the applicant; the owner or owner's representative of the property that is the subject of the decision; an aggrieved person who is the owner of property within 200 feet of the property that is the subject of the decision; or any officer, department, board, or bureau of the Village affected by the decision.
- (I) Notices for Commission meetings shall be posted on the three bulletin boards designated by hearings will be conducted in compliance with the Open Meetings Act, and all Commission meetings will be open to the public, with the exception of authorized executive (i.e., closed sessions).
- (J) The Commission shall perform zoning duties other than the ones described in this Ordinance in order to comply with state law or other legal requirements.
- (K) The Commission Chair will call for a vote on all variance request recommendations to the Board. All items before the Commission shall be decided by simple majority vote. The Chair does not vote unless to break a tie, or unless the Chair is necessary to establish a quorum for the meeting. A quorum shall consist of a majority of the appointed members of the Commission.
- (L) Substantive changes to zoning requirements can be made only after a public hearing and with advice from the Commission. Notice of the public hearings must be published in the designated Village newspaper no less than fifteen (15) days prior to the hearing.
- (M) The Commission shall report to the Board on all requested variances and must make a recommendation for or against approval, in writing, giving the vote.

SECTION 23. BUILDING INSPECTION COMPANY SERVICES

- (A) The Village shall contract with a building inspection company (“inspection company”) to inspect all construction, replacements, additions, remodels, renovations, and pools, spas, or hot tubs requiring inspections to assure that the work complies with the appropriate codes adopted by reference in Section 16 of this Ordinance.
- (B) In case of any conflict between the provisions of this Ordinance and the contract with the inspection company, this Ordinance shall prevail.
- (C) The inspection company must be bonded and/or insured.
- (D) A structural engineering study shall be required for construction of each new single-family dwelling and permanent accessory building over one thousand and one (1001) square feet in area; however, the inspection company may also decide in a particular case that a structural engineering study shall be required for:
 - (1) a replacement of, an addition to, or a remodel of an existing single-family dwelling; or
 - (2) the construction of, replacement of, addition to, or remodeling of a permanent accessory structure.
- (E) The Village shall advise an applicant of the estimated number of inspections; however, the inspection company will make inspections as necessary to assure compliance with appropriate code requirements. The inspection company will give written notice of all inspections to both the builder and the Village.
- (F) The Village shall pay the inspection company from building permit funds for all passed inspections and from fail fees collected, from property owner, for all failed inspections.

SECTION 24. MISCELLANEOUS PROVISIONS

(A) FENCES

- (1) No fence shall exceed **six (6) feet** in height.
- (2) No fence shall be constructed within a **public right-of-way** or **easement** unless otherwise approved by the Village.
- (3) If a fence obstructs an easement, the Village has the right to remove it without compensation.
- (4) A new fence **may not be built so close to an existing fence** that it prevents reasonable access for **vegetation maintenance, repairs, or other necessary upkeep.**
- (5) Property owners installing a new fence **must allow a minimum clearance of 2 feet** from an existing fence, unless the new fence is replacing the existing one.
- (6) If a fence is meant to replace an existing fence, the original fence **must be removed prior to installation** of the new fence.

(7) The Village may require property owners to adjust fence placement if spacing does not allow for proper maintenance and vegetation control

(B) **SATELLITE DISHES** more than thirty-six (36) inches in diameter must be enclosed within a privacy fence and must not be visible from any Village street, to the extent permitted by applicable federal law, including the FCC Over-the-Air Reception Devices (OTARD) rule. No requirement of this provision shall be applied in a manner that impairs the reception of an acceptable quality signal or unreasonably increases the cost of installation.

(C) All **DOGS** must be either inside home of owner, inside a securely fenced enclosure, or on a leash at all times while being walked within Village limits. Owners of unleashed or loose dogs may be subject to Municipal Court prosecution and fines (see current Animal Ordinance for other animals and their restrictions). Dog owners and handlers shall immediately remove and properly dispose of any feces deposited by their dog on any public street, right-of-way, Village property, or any private property other than that of the dog's owner. Failure to remove dog waste is a violation of this Ordinance subject to penalties under Section 26.

(D) **DRIVEWAYS:**

(1) Permit Required for Openings onto Public Streets. No person shall construct or cause to be constructed any connection or curb cut for a driveway, road, or other right-of-way (“Opening”) connecting private property with a public street in the Village without first obtaining a written permit from the Board of Aldermen.

(2) **Application and Review.** Upon request, the City Administrator shall provide an applicant with a permit application form. The City Administrator shall forward the completed application to the Village Engineer, who shall determine whether the proposed Opening is necessary to provide reasonable access to the private property consistent with the safety and convenience of the public, taking into account the following:

- i. The nature and volume of traffic on the abutting street;
- ii. The dimensions and type of construction of the abutting street;
- iii. The effect that vehicle passage to and from the private property will have on traffic safety;
- iv. The use to be made of the private property;
- v. The dimensions of the private property and the type and location of improvements thereon;
- vi. The extent of the access the private property has or will have to other public streets; and
- vii. The extent to which the private property has other means of access without the proposed Opening.

(3) **Board Decision Rules.** After receiving the Village Engineer’s report, the Board of Aldermen shall apply the following rules:

- i. A permit for a single Opening shall be refused unless the Opening is found necessary for reasonable access;

- ii. If the application is for more than one Opening into the same premises, no more Openings shall be permitted than the minimum number necessary to provide reasonable access;
 - iii. A permit shall be refused for any Opening that would create an extraordinary traffic hazard, excessively interfere with the normal use of the street right-of-way, or allow access into the Village in a manner that poses a threat to the health, safety, or welfare of Village citizens;
 - iv. Every permit shall specify the maximum width of the Opening, which shall be no greater than the minimum necessary to provide reasonable access;
 - v. If a permit is granted for more than one Opening into the same premises, each Opening shall be separated from the others by not less than twenty (20) feet, and the Village may require construction of an upright curb along the edge of the separation area; and
 - vi. As a condition of granting a permit, the Board of Aldermen may require the applicant to construct a curb, install a culvert, erect a sign, or take other action to prevent or minimize the impact of the Opening on safety, drainage, traffic, or other matters of public concern, provided any such requirement serves a legitimate public need and is roughly proportional to the impact on the community.
- (4) **Violation.** Construction of an Opening without a permit is a Class C misdemeanor, punishable by a fine of **\$500 per day** for each day of violation. The Village is authorized to block or obstruct any unpermitted Opening from being used to access a public street or neighborhood in the Village;

(5) An expansion joint must be added at the front lot line for drainage, water, road, and/or utility work;

(6) Must be at least ten (10) feet from the side and/or rear lot line;

(7) Exclusive of driveways, no parking shall be allowed in front yard of a residence.

(E) **SPRINKER SYSTEMS** require a permit and inspection by the Village inspector at the point of hook-up to the Village water supply – this must remain uncovered until it is inspected.

(1) An inspection by a licensed, certified backflow technician with the **ORIGINAL** form submitted to the Village (State requirement). This is paid for by homeowner and is not included in the Village inspection fee.

(2) Drip irrigation and/or soaker hoses require no permit, but a vacuum breaker/backflow preventer must be attached to the hose bib (exterior faucet).

(F) **RIGHT-OF-WAY** - anything planted, placed, located, built, or erected in the Village Right-of-Way is subject to removal, with no compensation, for utility, water, drainage, and/or road work.

- (G) **SIGNS** - Signs, except for political signs (SEE H), may be allowed, provided they are:
- (1) not directly illuminated by artificial light;
 - (2) not more than eight (8) square feet in area;
 - (3) removed within seven (7) days of the sale, rental, or lease, or within seven (7) days of the completed construction;
 - (4) not in the Village Right-of-Way, or any public utility easement; and
 - (5) do not obstruct the view of a roadway from any driveway or intersection.
- (H) **HOME BUSINESS** signs are not allowed.
- (I) **POLITICAL SIGNS** may be placed in the Village, provided they are:
- (1) not directly illuminated by artificial light;
 - (2) not more than eight (8) square feet in area;
 - (3) not in the Village Right-of-Way, or an public utility easement; and
 - (4) do not obstruct the view of any roadway from any driveway or intersection.
- (J) Any and all **OUTDOOR BURN BANS** declared by the Travis County Commissioner's Court shall be observed and enforced in the Village.
- (K) **RELEASE OF EASEMENT** requests to the utility company, telephone company, and cable company must all be granted before a Release of Easement is granted by the Village Board.
- (L) **MOLD CLEAN-UP** – if major (wall board, plumbing removal), not just a door or window replacement, a permit is required.
- (M) **YARD SALES/GARAGE SALES** – limited to twice (2 times) per year.
- (N) **PARKING:**
- (1) parking is prohibited on Village streets at all times and in the Village Right-of-Way, except for social events, and for a period no longer than 48 consecutive hours;
 - (2) parking is prohibited at all times within fifteen (15) feet of a fire hydrant, in accordance with Texas state law; and

- (3) parking a vehicle displayed for sale on Village property is prohibited at all times, with the exception of Village Right-of-Way adjacent to vehicle owner's private property.
- (4) on residential lots, vehicles shall be parked only on an approved driveway or improved parking pad. Parking on unimproved surfaces, including grass, bare ground, or landscaped areas, is prohibited. This provision does not apply to the temporary parking of a single vehicle for the purpose of immediate loading or unloading.

(O) PORTABLE STORAGE CONTAINERS (PODS):

- (1) A portable storage container is a box-like container transported by truck to a desired location for drop off, commonly called PODS, an acronym for portable on-demand storage.
- (2) A portable storage container may not be placed on any Village street or ROW. It must be located a minimum of five (5) feet from the front, side, or rear lot lines.
- (3) The maximum allowable portable storage container size is one hundred thirty (130) square feet with a maximum length of sixteen (16) feet and a maximum height of eight and one-half (8½) feet.
- (3) A portable storage container may be utilized for a period not to exceed thirty (30) days. If a dwelling has suffered casualty damage, a written request must be submitted for an extension exceeding thirty (30) days.
- (4) A portable storage container must have a sign, clearly visible from the Village ROW displaying the container provider contact information.
- (5) A container placed at a residence as a permanent accessory structure is subject to permitting and regulation under Section 11 and Section 12 pertaining to permanent and portable accessory structures.

SECTION 25. SEVERABILITY

If any word or provision of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 26. ENFORCEMENT

(A) Civil and Criminal Penalties

The Village shall have the power to administer and enforce the provisions of this Ordinance as may be required by governing law. Any person violating any provision of this Ordinance is subject to

suit for injunctive relief as well as prosecution for criminal violations. Any violation of this Ordinance is hereby declared to be a nuisance.

(B) Criminal Prosecution

Any person violating any provision of this Ordinance shall, upon conviction, be fined a sum not exceeding two thousand dollars (\$2,000). Each day that a provision of this ordinance is violated shall constitute a separate offense. An offense under this ordinance is a Misdemeanor. **In addition to the fines referenced above, if a second building safety follow-up (re-inspection) is required because a violation was not corrected from the original or first follow-up inspection, the fees established in the Village fee schedule shall be charged.**

(C) Civil Remedies

Nothing in this Ordinance shall be construed as a waiver of the Village's right to bring a civil action to enforce the provisions of this ordinance and to seek remedies as allowed by law, including but not limited to, the following:

- (1) injunctive relief to prevent specific conduct that violates the ordinance or to require specific conduct that is necessary for compliance with the ordinance; and
- (2) a civil penalty up to two thousand dollars (\$2,000) a day when it is shown that the defendant was actually notified of the provisions of the ordinance and after receiving notice committed acts in violation of the ordinance or failed to take action necessary for compliance with the ordinance; and
- (4) other available relief.

(D) Stop Work Orders. The City Administrator and/or the Zoning Administrator are authorized to issue a written stop work order requiring the immediate cessation of any construction, renovation, demolition, or other work upon finding that: (1) work is being performed without a required permit; (2) work is being performed in violation of the terms of a permit or the requirements of this Ordinance; or (3) work poses an immediate threat to public health, safety, or welfare.

A stop work order shall be posted at the work site and served on the property owner or the person performing the work. Work subject to a stop work order shall cease immediately and shall not resume until the violation is corrected and, if required, a new or amended permit is obtained and any applicable fees are paid. Failure to comply with a stop work order is a separate violation of this Ordinance subject to the penalties in Section 26(B). The property owner may appeal a stop work order to the Zoning Commission within ten (10) days of issuance.

SECTION 27. PROPER NOTICE AND MEETING

It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public as required and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Local Government Code. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

SECTION 28. REPEALER

Ordinance Nos. 19-001, 19-003, and 24-004 of the Village of San Leanna are hereby repealed in their entirety, it being the intent of the Board of Aldermen that the substantive provisions of those ordinances are superseded by and fully incorporated into this Ordinance. Provided, however, that the repeal of such ordinances shall not affect any right, property, or claim vested in the Village, nor any act done, right accruing or accrued, or established, nor any complaint, action, claim, or lawsuit which has been initiated or has arisen under or pursuant to any of those ordinances prior to the effective date of this Ordinance; and to that extent the provisions of such ordinances shall be deemed to remain in full force and effect.

SECTION 29. EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage and publication as may be required by governing law.

PASSED AND APPROVED this ____ day of ____, 2026, by a vote of _ ayes, _nays, and _ abstentions of the Board of Aldermen of the Village of San Leanna, Texas.

VILLAGE OF SAN LEANNA

BY: _____
Molly Quirk, Mayor

ATTEST:

Rebecca Howe, City Administrator

VILLAGE OF SAN LEANNA — ZONING ORDINANCE NO. 26-00X
FOUNDATION-BASED ACCESSORY STRUCTURES
Sections 10, 11, and 12 — Alternative Draft for Board Consideration

SECTION 10. DEFINITIONS AND TYPES OF ACCESSORY STRUCTURES

- (A) An accessory structure is a structure which:
- (1) is incidental to the use(s) of the single-family dwelling (“main residence”); and
 - (2) is not authorized unless there is a main residence on the same lot.
- (B) The two types of accessory structures authorized in the Village are:
- (1) a Permanent Accessory Structure; and
 - (2) a Portable Accessory Structure.
- (C) **Foundation-Based Classification.** The distinction between a Permanent Accessory Structure and a Portable Accessory Structure is based on foundation type, as follows:
- (1) **Permanent Accessory Structure:** Any accessory structure that is constructed on or anchored to a permanent concrete foundation, including but not limited to a poured concrete slab or concrete piers set below grade, is a Permanent Accessory Structure regardless of its square footage.
 - (2) **Portable Accessory Structure:** Any accessory structure that is not constructed on a permanent concrete foundation—including structures resting on skids, treated timbers, gravel pads, or bare ground—is a Portable Accessory Structure, provided it does not exceed the maximum size permitted under Section 12(A).
 - (3) **Determination:** In any case where there is a question as to whether a structure is permanent or portable, the City Administrator, with input from the inspection company, shall make the determination based on the foundation type and the degree to which the structure is integrated into the ground. The City Administrator’s determination may be appealed to the Zoning Commission under Section 22.
- (D) **Combined Limit on Accessory Structures.** No more than two (2) accessory structures in total, in any combination of Permanent and Portable types, shall be permitted on any one lot in the Village.
- (E) **Accessory Structure Definitions — Section 3.** The following definitions in Section 3 of this Ordinance apply to this Section and Sections 11 and 12:

- (1) **Permanent Accessory Building:** An accessory building constructed on or anchored to a permanent concrete foundation, and not capable of being relocated without dismantling or demolition.
- (2) **Portable Accessory Building:** An accessory building not constructed on a permanent concrete foundation, resting on skids (not axles), and secured firmly to the ground, not exceeding the maximum size set forth in Section 12(A).

SECTION 11. REQUIREMENTS FOR PERMANENT ACCESSORY STRUCTURES

(A) Size.

A permanent accessory structure must:

- (1) not exceed sixteen (16) feet in height;
- (2) be of less square footage than the main residence; and
- (3) not exceed two (2) accessory structures total on the lot, in combination with any portable accessory structures (see Section 10(D)).

There is no minimum square footage requirement for a permanent accessory structure. Any structure on a permanent concrete foundation, regardless of size, is subject to this Section.

(B) Location.

A permanent accessory structure must be located:

- (1) on the same lot as the main residence;
- (2) in the backyard or behind the main residence;

EXCEPTION — Driveway Carports and Shade Structures: Notwithstanding subsection (B)(2) above, a carport or shade structure constructed directly over an approved, permitted driveway may be located in the front or side yard, provided all of the following conditions are met:

- (a) the structure is constructed directly over and does not extend beyond the footprint of a driveway for which a permit has been issued under this Ordinance;
- (b) the structure is open on at least three sides and does not constitute an enclosed habitable space;
- (c) the structure does not exceed sixteen (16) feet in height;
- (d) the roof pitch of the structure is compatible with the roof pitch of the main residence;
- (e) any wood or wood-product components are painted or sealed; and
- (f) a building permit is obtained prior to construction.

- (3) at least ten (10) feet from any side or rear lot line; and
- (4) at least thirty (30) feet from the side lot line in the case of a corner lot.

(C) Construction.

A permanent accessory structure must:

- (1) be constructed upon a permanent concrete slab. A structurally engineered concrete slab is required if the building is one thousand and one (1,001) square feet or larger;
- (2) be of new construction or structurally sound construction as determined by the inspection company;
- (3) be painted or sealed, if constructed of wood or wood products; and
- (4) comply with all applicable building codes adopted by reference in Section 16 of this Ordinance.

The exterior construction of a permanent accessory structure must be completed:

- (a) within nine (9) months of the issuance of the building permit, with a separate fee, if the structure is being built in conjunction with the construction of the main residence; or
- (b) within six (6) months of the issuance of the building permit if the structure is being built after the main residence has been completed.

A trash box or dumpster may be required depending on the size and complexity of the build. No burning of construction debris, including wood products, is allowed.

(D) Permit Requirement.

A building permit is required for all permanent accessory structures, regardless of size, in accordance with Section 17 of this Ordinance. A structural engineering study is required for structures of 1,001 square feet or more, and may be required by the inspection company for any structure at its discretion.

(E) Uses.

- (1) A permanent accessory structure **without** residential plumbing may be used as a garage, barn, carport, patio cover, patio cover used as a carport, boat cover, storage building, workshop, office, greenhouse, gazebo, playhouse, or exercise building.

- (2) A permanent accessory structure **with** residential plumbing may be used as an office, pool house, or guest house, provided the habitation does not exceed two (2) consecutive weeks, **EXCEPT** for immediate family, i.e., parents, in-laws, children, grandchildren, or siblings. Extended habitation beyond two consecutive weeks for a caregiver, health care provider, or immediate family member in a documented temporary housing hardship may be authorized by Special Use Permit under Section 20A.
- (3) Any use other than those listed above must have approval from the Board of Aldermen and may require a variance, with a recommendation from the Zoning Commission.
- (4) Accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

SECTION 12. REQUIREMENTS FOR PORTABLE ACCESSORY STRUCTURES

(A) Size.

A portable accessory structure:

- (1) shall not exceed two hundred (200) square feet in size. Any portable accessory structure exceeding 120 square feet requires a building permit under Section 17;
- (2) shall not exceed sixteen (16) feet in height; and
- (3) is subject to the combined two-structure limit in Section 10(D).

A portable accessory structure placed on a permanent concrete foundation, regardless of square footage, ceases to be a portable accessory structure and becomes a permanent accessory structure subject to all requirements of Section 11.

(B) Location.

A portable accessory structure must be:

- (1) located on the same lot as the main residence;
- (2) located in the backyard or behind the main residence;

EXCEPTION — Driveway Carports and Shade Structures: Notwithstanding subsection (B)(2) above, a carport or shade structure constructed directly over an approved, permitted driveway may be located in the front or side yard, subject to the same conditions set forth in Section 11(B)(2)(a)–(f).

- (3) at least ten (10) feet from any side or rear lot line; and

(4) at least thirty (30) feet from the side lot line in the case of a corner lot.

(C) Construction.

A portable accessory structure must:

- (1) rest on skids or runners, not axles or wheels, and be secured firmly to the ground;
- (2) not be constructed on or anchored to a permanent concrete foundation;
- (3) be of new construction or structurally sound construction, as determined by the inspection company;
- (4) be painted or sealed, if constructed of wood or wood products; and
- (5) comply with all applicable building codes adopted by reference in Section 16 of this Ordinance.

The exterior construction of a portable accessory structure must be completed:

- (a) within nine (9) months of the issuance of the building permit (with a separate fee) if the structure is being built in conjunction with the construction of the main residence; or
- (b) within six (6) months of the issuance of the building permit if the structure is being built after the main residence has been completed.

Portable accessory building construction does not require a trash box or dumpster, but all debris must be cleaned up and removed from the Village right-of-way and any adjoining properties. No burning of construction debris, including wood products, is allowed.

(D) Permit Requirement.

A building permit is required for any portable accessory structure exceeding 120 square feet, in accordance with Section 17 of this Ordinance. Portable accessory structures of 120 square feet or fewer do not require a building permit but must comply with all other requirements of this Section.

(E) Uses.

- (1) A portable accessory structure may be used as a garage, barn, carport, patio cover, patio cover used as a carport, boat cover, storage building, workshop, office, greenhouse, gazebo, playhouse, or exercise building.

- (2) A portable accessory structure may not be used as a sleeping quarters or residence for any person, whether temporary or permanent. No residential plumbing may be installed in a portable accessory structure.
- (3) Any use other than those listed above must have approval from the Board of Aldermen and may require a variance, with a recommendation from the Zoning Commission.
- (4) Portable accessory structures used as barns must comply with applicable Village animal regulations (see current Animal Ordinance).

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Drafting Notes for Board Review

1. The 200-square-foot maximum for portable structures in Section 12(A)(1) aligns with the IRC threshold commonly used by Texas municipalities. The permit trigger at 120 square feet preserves the existing practice while allowing smaller sheds to be placed without a permit. The Board may set a different maximum if it prefers.
2. The reclassification rule in Section 12(A) (last paragraph) prevents circumvention: if someone pours a slab under an existing portable structure, it automatically becomes subject to Section 11. This avoids a loophole where someone builds a large structure on skids, then pours a slab after the fact.
3. No residential plumbing is allowed in portable structures under Section 12(E)(2). This is a bright-line rule consistent with the foundation-based framework: plumbing implies permanence. A structure with plumbing belongs on a permanent slab under Section 11.
4. The determination process in Section 10(C)(3) gives the Zoning Administrator authority to classify edge cases (e.g., a structure on concrete deck blocks vs. a full slab) and provides an appeal path to the Commission.
5. If this framework is adopted, Section 3(12) and 3(13) of the Ordinance should be updated to match the foundation-based definitions set out in Section 10(E) of this draft.