



ATTACHMENT II

COMMERCIAL CONSTRUCTION PERMIT GUIDELINES

[____], 2025

This Attachment II – Commercial Construction Permit Guidelines (these “Guidelines”) shall be known and may be cited as the Tarrant Regional Water District Commercial Construction Permit Guidelines. These Guidelines shall regulate and apply to all Commercial Construction Permits issued by the District.

These Guidelines supplement the rules and regulations in the Tarrant Regional Water District General Ordinance, as adopted by the District’s Board of Directors on [____], 2025 (the “General Ordinance”). The terms, provisions, and guidelines contained in these Guidelines are to be construed in conjunction with the General Ordinance, which is incorporated herein by reference. Capitalized terms used but not defined in these Guidelines will have the meaning given to them in the General Ordinance.

A Commercial Construction Permit is required before Constructing new Commercial Facilities or expanding, Modifying, removing, or reconstructing existing Commercial Facilities on District Land or District Water. A Commercial Construction Permit is always needed for any Modification of a Commercial Facility or any construction requiring a pump-out facility. Examples of activities that require a Commercial Construction Permit include but are not limited to Constructing a new Commercial Facility, Modifying a Commercial Facility that increases or decreases the total square footage, demolishing an existing Commercial Facility, re-Constructing a Commercial Facility that was partially damaged and which Construction involves changes to its structure, installation of a pump-out facility, Constructing parking areas for Commercial Facilities, installing or modifying electrical systems, or conducting any dredging.

Always check the District’s website or District Reservoirs’ offices for the most recent version of these Guidelines.

SECTION 1. PERMIT APPLICATION REQUIREMENTS

Section 1.01 Before any Commercial Construction Permit may be considered, a complete application in the form attached to these Guidelines, with signatures from the Landowner/operator, each contractor, and the licensed electrical contractor (as applicable) must be submitted, along with such other documents or information as reasonably requested by the District or as required under the General Ordinance.

Section 1.02 All fees must be paid before a permit or license is issued, unless a written alternative payment schedule is agreed upon. A Commercial Construction Permit application will not be considered until the \$300.00 application fee has been paid to the District. The District may charge fees for District Inspector review time.

Section 1.03 Commercial Construction Permit applications submitted to the appropriate District department will be processed in accordance with Section 8 of the General Ordinance and these Guidelines.

SECTION 2. PERMITTING PROCEDURE

Section 2.01 Administrative Review.

(a) An application for a Commercial Construction Permit shall be considered to have been filed on the date that it is received by the appropriate District department and the required fee is paid by the applicant. District staff shall not accept any application that is incomplete or without the required fee. Applications must be submitted through the District's online permitting system, accessible on the TRWD website.

(b) The appropriate District department shall review applications within ten (10) business days of receipt and declare the application either accepted for consideration or rejected. In the event the application is rejected, the applicant will be required to submit a new application for any further consideration. Acceptance of an application during the administrative review phase only indicates that the application contains all necessary information for consideration. Such acceptance is unrelated to the outcomes of subsequent phases of the application process.

(c) The appropriate District department shall notify the applicant that their application has been accepted. Accepted applications shall proceed to the technical review phase.

Section 2.02 Technical Review.

(a) Upon expiration of the protest period and, if applicable, completion of the public hearing, District staff shall commence a technical review of a Commercial Construction Permit application. District staff shall consider any information submitted in the application and written or verbal testimony provided at the public hearing. During the technical review, District staff shall notify the applicant of any additional information necessary to complete the review. The applicant shall provide the requested information within one (1) month, unless otherwise authorized in writing by the District. Once the applicant has submitted all required information, the District staff shall complete the technical review within ten (10) business days.

(b) If the applicant fails to provide further information as requested by District staff within the prescribed time period, unless the time period is extended in writing by District staff, the application shall be deemed technically incomplete and rejected. There shall be no restriction on subsequent applications.

(c) Upon a determination that an application for a Commercial Construction Permit is technically approved, a final decision shall be made in accordance with Section 2.04 of

this Guideline. In the event the application is rejected, the applicant will be required to submit a new application and restart the process.

Section 2.03 Public Notice.

(a) For the construction of a new Commercial Facility, or for major additions or improvements to existing facilities, a published Public Notice is required after the Commercial Construction Permit has been initially approved in accordance with Section 2.04(a) of this Guideline. Such public notice is required before the permit application may receive final approval. The notice must be published weekly for two (2) consecutive weeks in a local newspaper of general solicitation at the applicant's expense. Proof of publication must be filed with the District before a permit is granted. The notice must include:

- (1) The proposed Commercial Facility's name, location, and owner;
- (2) A brief description of the project; and
- (3) The appropriate District department (a) where Persons may inspect the application, (b) Persons may provide written protest to the Commercial Construction Permit, and (c) where written protest may be submitted.

(b) A protest of a Commercial Construction Permit must be submitted to the District in writing to the General Manager within twenty-one (21) calendar days of the first newspaper notice. The District will address the protest within thirty (30) calendar days and may consider any information pertaining to the permit provided by the protestor. After consideration, the District's decision on the permit is final and not appealable.

(c) The public hearing shall be held with thirty (30) days of expiration of the protest period, and shall be conducted by District staff. Any Person may attend in person and provide verbal testimony on the Commercial Construction Permit or inputs in writing.

Section 2.04 Final Approval.

(a) Upon completion of the technical review, District staff shall coordinate any necessary changes with the applicant and make a determination to approve, approve in part, or deny the permit.

(b) If District staff approve the Commercial Construction Permit in full or approves the Commercial Construction Permit in part, District staff shall prepare and deliver, either by mail or electronic transmission, including the District's online permitting software system, a proposed permit to the applicant, which may include any conditions that the District deems appropriate.

(c) If District staff denies the Commercial Construction Permit, District staff shall deliver, either by mail or electronic transmission, a letter notifying the applicant that the Commercial Construction Permit has been denied. The applicant may appeal the denial to the District by notifying the General Manager in writing within fourteen (14) calendar days of the notification of the decision. The District will address the appeal within thirty (30) calendar days

and may consider any information pertaining to the application provided by the applicant. After consideration, the District may either issue a permit or reaffirm denial, which is a final and unappealable decision.

(d) The permittee's rights to Construct, Modify, expand, or utilize the Commercial Facility is limited by the terms and conditions set forth in the Commercial Construction Permit. If Construction cannot be completed within the time limits specified in the Commercial Construction Permit, the permittee may request an extension. One extension, for a period not to exceed one year following the expiration of the time limit set forth in the Commercial Construction Permit, may be granted at the sole discretion of the District. An extension fee in the amount set forth in this Ordinance must be paid before an extension may be granted. In the event an extension is granted and the applicant fails to complete Construction of the Commercial Facility within the extended timeframe, then the Commercial Construction Permit shall be cancelled. If the applicant still desires to obtain a Commercial Construction Permit, the applicant shall be required to submit a new application and restart the process.

Section 2.05 An application may be amended at any time prior to the issuance of a Commercial Construction Permit for non-substantive changes. Non-substantive changes include slight alterations that do not change the size, footprint, or location of the Commercial Facility. Substantive changes may be proposed prior to the completion of the technical review phase. However, after completion of the technical review phase, substantive changes shall require a new application.

Section 2.06 An application may be withdrawn at any time prior to the issuance of a Commercial Construction Permit. An applicant may request an extension of any deadline during the administrative review or technical review phases. Extension requests must be in writing and shall explain in detail the need for additional time. Such requests shall be subject to written approval by the District.

Section 2.07 Inspections.

(a) All Commercial Facilities are subject to the inspection requirements established in section 9.07 of the General Ordinance.

(b) District Inspectors or authorized representatives may be dispatched to the address specified in the permit application during normal business hours to conduct inspections and ensure compliance with the General Ordinance and these Guidelines. Denying access may result in the immediate revocation of any District-issued permit. The District may charge fees for the time spent by District Inspectors during these reviews. If fees are assessed, they shall not exceed \$50.00 per visit.

(c) Upon completion of Construction, the applicant must notify the District to arrange for a final inspection.

SECTION 3. GUIDELINES FOR RETAINING WALLS, DREDGING, AND FILL WORK

Section 3.01 These Guidelines shall be followed when constructing retaining walls or performing dredging or fill work on District Lands or District Waters:

(a) Retaining walls must be constructed to improve Shoreline alignment. If the District approves reclaiming an eroded Shoreline area, the backfill material must be sourced from Reservoir;

(b) The following materials are approved for use in constructing seawalls: concrete, soil cement, a minimum of 8-gauge steel sheet piling, PVC sheet piling, pressure-treated lumber, and rip rap. Other materials may be approved by the District on a case-by-case basis. Materials containing creosote, either wholly or in part, are prohibited for use in seawalls;

(c) Dredging must be done to provide a gradual slope not exceeding 10% (i.e., a 1-foot vertical drop for every 10 feet of horizontal distance), with no abrupt changes in depth;

(d) Construction activities at or below the Flood Flowage Boundary must use erosion control practices to minimize sediment entering Reservoir; and

(e) Dredged materials must be placed to prevent sediment runoff into Reservoirs; use of containment or silt screens may be required in certain situations.

Section 3.02 Before any dredging, contractors must call 811 to determine if underground utilities are located in the area.

SECTION 4. GUIDELINES FOR COMMERCIAL FACILITIES

Section 4.01 A District permit does not exempt the owner from complying with Federal, State, County, or City regulations or any applicable deed restrictions.

Section 4.02 All Commercial and Community Dock proposals will be reviewed by the District for consistency with this guideline and applicable regulations governing construction on District Water. Annual inspections will be conducted to verify compliance with environmental and safety standards. Noncompliance may result in permit suspension, permit revocation, fines, or removal orders. The District reserves the right to deny any proposal that adversely affects lake operations, navigation, or public use.

Section 4.03 The District may permit or deny Commercial Facilities on District Land or District Water in the District's sole and absolute discretion.

Section 4.04 Location Requirements.

(a) Commercial Facilities must be located over property owned or leased by the Commercial Facility owner or operator and may not be within twenty (20) feet of any Lot or parcel property.

(b) Commercial Facilities must not block Navigable Passage in Coves and must remain at least twenty (20) feet from the centerline between Shorelines. The District has sole discretion in interpreting this provision.

(c) No Abodes are allowed on or attached to Commercial Facilities on District Water.

(d) Commercial Facilities may not be attached to Lots where a Commercial Facility, Improvement, or residence cannot be constructed or is prohibited from being constructed.

(e) Relocation or Modification of Commercial Facilities requires special permission and/or permits from the District in accordance with the Section 8.03 of the General Ordinance.

Section 4.05 Structural Requirements.

(a) Roof pitches cannot exceed 6 inches of vertical rise for every 12 inches of horizontal run.

(b) No Toilet Facilities are allowed on Commercial Facilities.

(c) The lower deck of a Commercial Facility must be at least eighteen (18) inches above Spillway Elevation.

(d) Materials exposed to the elements must be cedar, redwood, treated wood, concrete, or steel. Other durable materials may be considered. Creosote-treated materials are not permitted.

(e) Metal barrels are not allowed for flotation. Only approved encapsulated polystyrene may be used.

(f) Construction activities at or below the Flood Flowage Boundary must use erosion control practices to minimize sediment entering the reservoir.

(g) Steel pilings must be at least two and seven-eighths (2 7/8th) inches in diameter; wood pilings must be pressure-treated and at least six (6) inches. Creosote pilings are not allowed.

(h) On-Site Sewage Facilities within 2,000 feet of the Flood Flowage Boundary require a permit in accordance with the On-Site Sewage Facility Permit Guidelines.

(i) Commercial Facilities must not exceed thirty-five (35) feet in height above the water surface at Spillway Elevation.

(j) All Structures must comply with the International Building Code, excluding Chapter I-Administrative, and withstand wave action and high winds typical of District Reservoirs. Alternative codes or standards may be used with prior District approval if they meet or exceed these requirements.

(k) Structures must be securely anchored or moored to ensure stability and integrity during prolonged exposure to wave action and high winds typical of District Reservoirs.

(l) Flotation Material must comply with local, state, and federal regulations, and the General Ordinance. Metal drums are prohibited. Flotation Material must be securely attached, withstand wave action, UV rays, and weather, and consist of extruded or foam bead polystyrene encased in a protective coating. Existing non-encapsulated materials are allowed until they deteriorate, at which point they must be replaced with encapsulated polystyrene.

Section 4.06 Electrical Requirements.

(a) Electrical services for Commercial Facilities must comply with NEC Articles 553 and 555, as amended.

(b) Existing facilities must meet all NEC Article 555 requirements, including ground fault circuit interrupter protection. Open wire service is prohibited.

(c) Overhead primary electric lines installed after the General Ordinance's effective date must have support poles at or above spillway elevation, with conductor clearance per NEC Articles 225.18 and 225.19.

(d) Underground and overhead lines must follow NEC standards, with surface facilities at elevations not prone to flooding. Circuits must be de-energized when facilities are inundated.

(e) Persons must obtain a properly executed easement from property owners before installing any primary line.

(f) Secondary service cables must have at least two grounding conductors, including a non-current carrying one.

(g) Service cable attachments to floating structures must allow flexibility with changing lake levels. Ground conductors must be bonded to all metal parts.

(h) These requirements do not relieve users from exercising sound judgment in the use, operation, and maintenance of electrical services.

(i) A Commercial Facility that, because of sudden rises in Reservoir water levels resulting from flooding, can be expected to be submerged or extend past maximum distance from the Shoreline, shall be lighted in accordance with these Guidelines and the General Ordinance during the period the Commercial Facility is submerged or exceeds the maximum distance from the Shoreline.

(j) Electrical services must be installed by a licensed electrical contractor according to the National Electric Code. A complete electrical plan is required. The District conducts general compliance inspections, but the licensed electrical contractor ensures all components meet code requirements.

(k) Connections below the walkway must be bolted with galvanized, zinc-plated, cadmium-plated, or stainless steel bolts. Steel may be welded; other connections can use nails or screws.

Section 4.07 Lighting Requirements.

(a) Structures extending more than fifty (50) feet from the Shoreline must have dusk-to-dawn lighting installed at the outermost point over the water. Lighting shall be white and limited to low-profile, unobtrusive fixtures that provide only the illumination necessary for basic visibility and hazard identification. All luminaires shall be fully shielded and directed onto the structure to prevent unnecessary light trespass, skyglow, and glare to boaters or adjacent shoreline properties. Fixtures should follow DarkSky-compliant principles, emphasizing warm color temperatures, minimal lumen output, and precise optical control. Additional lighting may be required based on the structure's type and location. Commercial Facility owners and operators must maintain all required lighting and may need to provide temporary lighting during construction.

(b) At least one light station is required on each exterior side of a Commercial Facility, except the side facing the Shoreline. If only one light station per side is needed, it must be placed at the end farthest from the Shoreline. Additional lighting may be required at the District's discretion, and is otherwise permitted so long as not to create boating hazards or Nuisances, as determined by the District.

(c) Lighting must utilize weatherproof lamp holders and junction boxes for light fixtures at each station, and only one or more of the following wiring methods may be utilized:

- (1) Rigid conduit;
- (2) Seal-tight flexible conduit with appropriate fittings and boxes; or
- (3) Direct-burial UF cable in protected areas.

(d) Low voltage (twenty-four (24) volt or lower AC or DC) lighting is permitted so long as it complies with the NEC.

SECTION 5. COMMERCIAL MARINA REQUIREMENTS

Section 5.01 The requirements in section 4 of this Guideline apply to commercial marinas.

Section 5.02 On-Water Marina Development Requirements.

(a) On-water marina facilities are limited to 75 square feet per linear foot of Shoreline, with a maximum of 100,000 square feet.

(b) Proposals for new or modified marinas must demonstrate the dedication of adequate on-site vehicle parking for patrons, customers, and trailers.

(c) No on-water marinas are allowed within twenty (20) feet of adjacent property lines.

Section 5.03 Off-Water (Dry Stack) Marina Development Requirements.

(a) Commercial marina operations will be considered to support onshore storage and service areas utilizing stackable or dry-rack systems.

(b) Only minimal anchorage or pier extensions may be placed in the lake to support boat launch ramps and short-term docking and loading.

(c) Floating or permanent over-water storage of fuel tanks shall is prohibited.

Section 5.04 Commercial marina docks shall not exceed day-use vessel capacity as defined by the applicable lake carrying capacity assessment (or, if not established, a maximum of one (1) vessel per four (4) onshore storage spaces).

SECTION 6. COMMUNITY DOCK REQUIREMENTS

Section 6.01 The requirements in section 4 of this Guideline apply to Community Docks.

Section 6.02 On-water Community Dock facilities are limited to thirty (30) square feet per linear foot of shoreline with a maximum of 10,000 square feet.

Section 6.03 All Community Dock facilities must be located on or adjacent to common areas under control of the Community Dock Association (CDA).

Section 6.04 Design and location standards.

(a) No fueling, rental, or commercial transactions are permitted on Community Docks.

(b) CDAs must provide adequate space for trailer or guest parking contained on CDA controlled property.

(c) Community Docks must be located to minimize shoreline impact and avoid sensitive environmental habitat areas.

(d) No Community Docks are permitted within twenty (20) feet of adjacent property lines.

Section 6.05 Equitable Access and Management.

(a) CDAs must maintain an approved access management plan, ensuring fair and orderly use by residents and their guests.

(b) Community Docks shall be managed by the CDA to prevent congestion, noise, and wake interference to nearby property owners.

SECTION 7. FUEL FACILITIES.

Section 7.01 General Requirements.

(a) All Fuel Facilities must comply with the International Fire Code (Sections 2209, 79.910, and 79.911), Chapter 334 of the Texas Administrative Code, NFPA 30A for Motor Fuel Dispensing Facilities and Repair Garages, and the General Ordinance.

(b) All Fuel Facilities must have sufficient fire safety protections. Fire extinguishers must be U.S. Coast Guard approved, visible and accessible at all times, fully charged, and have a minimum 20 B:C rating.

(c) All fuel storage areas must be clearly marked as such.

(d) Fuel Facilities built after March 19, 2002, must be isolated from mooring docks and protected by breakwaters if necessary.

(e) Tank fill ports must be above the One Hundred Year Flood Elevation; dispensers may be below it.

(f) A pull away-type valve must be in the flexible hose between the dispenser and nozzle, near the nozzle.

(g) Fuel dispensing nozzles must not have trigger locks.

Section 7.02 Underground Storage Tanks (“UST”).

(a) UST systems must include a shear/impact valve under the dispenser, solenoid valves at the tank and near the dispenser, and a circuit breaker per NFPA 30A.

(b) A two-way shear/impact valve is required where fuel lines leave the Shoreline.

(c) A leak detector must be in the line at the tank before the dispenser in systems with a submersible pump.

(d) A permit from the Texas Commission on Environmental Quality is required for lines not meeting minimum slope requirements.

Section 7.03 Above Ground Storage Tanks (“AST”).

(a) AST installations must have a berm holding 1.5 times the largest tank’s volume, or be a double well tank holding the same volume.

(b) If the dispenser is outside the berm, a solenoid valve or manual shutoff must be on the line before it leaves the berm.

(c) Product lines outside the berm must be pressure tested per Texas Natural Resources Conservation Commission guidelines, with results submitted to the District.

SECTION 8. ENVIRONMENTAL AND SAFETY COMPLIANCE

Section 8.01 All Commercial Facilities must comply with local stormwater management, erosion control, and aquatic habitat protection standards

Section 8.02 Operators must maintain spill prevention and response protocols for any maintenance or fueling activities conducted onshore.

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