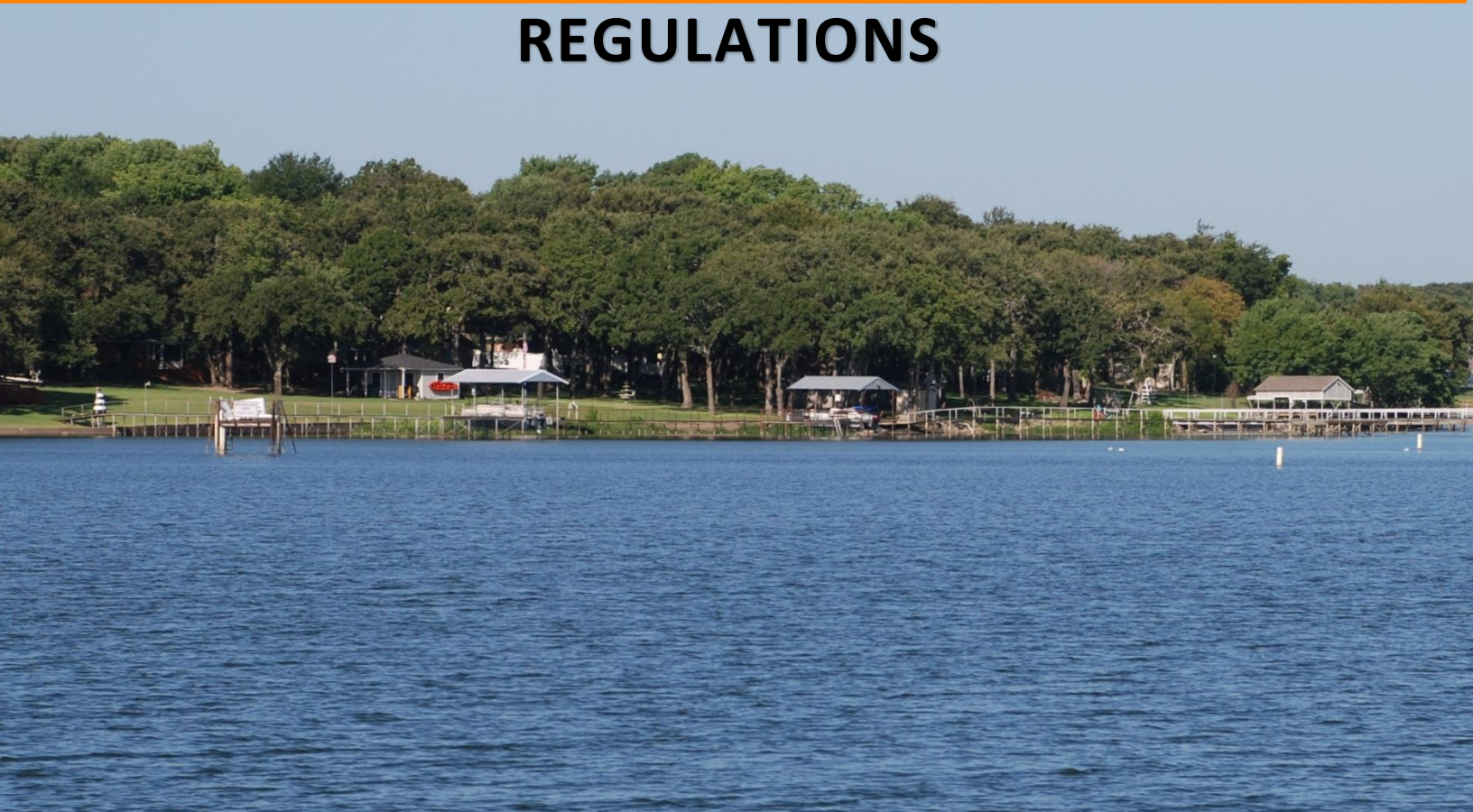


# LAKE TAWAKONI **ZONING** REGULATIONS



**PUBLIC REVIEW DRAFT**

April 6, 2023

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# Table of Contents

|                       |  |               |
|-----------------------|--|---------------|
| <b>Chapter 1.</b>     | <b>General Provisions .....</b>                            | <b>5</b>      |
| Section 1.01          | Title.....   | 5             |
| Section 1.02          | Purpose .....  | 5             |
| Section 1.03          | Authority .....  | 5             |
| Section 1.04          | Applicability.....   | 6             |
| Section 1.05          | Consistency with Comprehensive Plan .....                  | 6             |
| <br><b>Chapter 2.</b> | <br><b>Zoning Districts.....</b>                           | <br><b>7</b>  |
| Section 2.01          | Generally .....  | 7             |
| Section 2.02          | Districts Established .....                                | 7             |
| Section 2.03          | Zoning Map.....  | 8             |
| Section 2.04          | Agricultural (A) District.....                             | 8             |
| Section 2.05          | Estate (E) District.....                                   | 9             |
| Section 2.06          | Single-Family Large Lot Residential (SF-1) District.....   | 10            |
| Section 2.07          | Single-Family Medium Lot Residential (SF-2) District ..... | 11            |
| Section 2.08          | Single-Family Small Lot Residential (SF-3) District .....  | 12            |
| Section 2.09          | Mixed-Use (MU) District .....                              | 13            |
| Section 2.10          | Light Commercial (C-1) District.....                       | 14            |
| Section 2.11          | Heavy Commercial (C-2) District .....                      | 15            |
| Section 2.12          | Resort Commercial (RC) District .....                      | 16            |
| Section 2.13          | Industrial (I) District.....                               | 17            |
| Section 2.14          | Wildlife Sanctuary (WS) District.....                      | 18            |
| Section 2.15          | Planned Development (PD) District .....                    | 19            |
| <br><b>Chapter 3.</b> | <br><b>Use Regulations.....</b>                            | <br><b>21</b> |
| Section 3.01          | Purpose .....  | 21            |
| Section 3.02          | Organization .....   | 21            |
| Section 3.03          | Use Table .....  | 22            |
| Section 3.04          | Residential Use-Specific Standards .....                   | 25            |
| Section 3.05          | Lodging / Group Living Use-Specific Standards .....        | 26            |
| Section 3.06          | Commercial / Mixed-Use Use-Specific Standards .....        | 27            |
| Section 3.07          | Public / Institutional Use-Specific Standards .....        | 30            |
| Section 3.08          | Industrial Use-Specific Standards.....                     | 31            |
| Section 3.09          | Infrastructure Use-Specific Standards .....                | 32            |
| Section 3.10          | Agriculture Use-Specific Standards .....                   | 36            |
| Section 3.11          | Accessory Uses and Structures.....                         | 36            |
| Section 3.12          | Temporary Uses and Structures.....                         | 38            |

|                   |   |            |
|-------------------|---|------------|
| <b>Chapter 4.</b> | <b>Development Standards .....</b>                                | <b>41</b>  |
| Section 4.01      | Generally .....   | 41         |
| Section 4.02      | Off-Street Parking and Loading .....                              | 42         |
| Section 4.03      | Landscaping .....   | 47         |
| Section 4.04      | Trash .....   | 50         |
| Section 4.05      | Screening, Fences, and Walls .....                                | 51         |
| Section 4.06      | Open Storage .....  | 54         |
| Section 4.07      | Outdoor Lighting .....  | 55         |
| Section 4.08      | Signs .....   | 57         |
| Section 4.09      | Dimensional Regulations .....                                     | 90         |
| Section 4.10      | Access .....  | 92         |
| Section 4.11      | Performance Standards .....                                       | 93         |
| Section 4.12      | Floodplain Standards .....  | 94         |
| <b>Chapter 5.</b> | <b>Procedures and Administration .....</b>                        | <b>95</b>  |
| Section 5.01      | General Procedures .....  | 95         |
| Section 5.02      | Zoning Procedures .....   | 101        |
| Section 5.03      | Building Procedures .....   | 122        |
| <b>Chapter 6.</b> | <b>Nonconformities .....</b>                                      | <b>125</b> |
| Section 6.01      | Generally .....   | 125        |
| Section 6.02      | Replacing Damaged Buildings or Structures .....                   | 126        |
| Section 6.03      | Nonconforming Uses .....  | 126        |
| Section 6.04      | Nonconforming Structures .....                                    | 127        |
| Section 6.05      | Nonconforming Lots .....  | 127        |
| Section 6.06      | Nonconforming Site Features .....                                 | 128        |
| Section 6.07      | Nonconforming Signs .....   | 129        |
| <b>Chapter 7.</b> | <b>Enforcement .....</b>  | <b>131</b> |
| Section 7.01      | General Enforcement Procedures .....                              | 131        |
| Section 7.02      | Penalties .....   | 135        |
| <b>Chapter 8.</b> | <b>Legal Provisions .....</b>                                     | <b>137</b> |
| Section 8.01      | Relationship to Other State, Federal, and Local Regulations ..... | 137        |
| Section 8.02      | Private Restrictions .....  | 137        |
| Section 8.03      | Severability .....  | 137        |
| Section 8.04      | Repeal of Existing Ordinances .....                               | 137        |
| Section 8.05      | Effective Date .....  | 138        |
| <b>Chapter 9.</b> | <b>Definitions .....</b>  | <b>139</b> |
| Section 9.01      | Rules of Interpretation .....                                     | 139        |
| Section 9.02      | Definitions .....   | 139        |

## How to Use this Ordinance

Follow the steps below to answer questions like:

- *What can I do on my property?*
- *Where can I locate my business?*
- *What rules and regulations apply to my property?*
- *What is the development approval process like?*

**Step 1:** Determine the zoning district location of your property.

Chapter 2 – Zoning Districts

**Step 2:** Look up whether the desired use/business is allowed in that zone.

Chapter 3 – Use Regulations

**Step 3:** Find out if any special conditions apply for that use in that zone.

Chapter 3 – Use Regulations

**Step 4:** If construction is involved, verify that the lot and site meet the design requirements and development standards.

Chapter 4 – Development Standards

**Step 5:** Find out which applications need to be submitted before the use or construction begins.

Chapter 5 – Procedures and Administration

**Step 6:** If you encounter a term that does not make sense, check the definitions chapter.

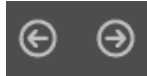
Chapter 9 – Definitions

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## Page Navigation – Instructions

### View Buttons



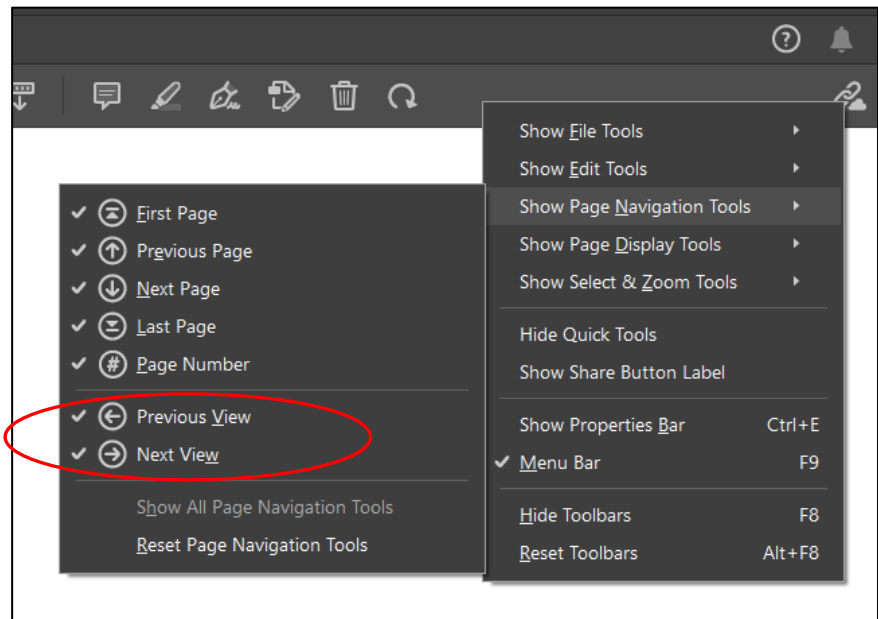
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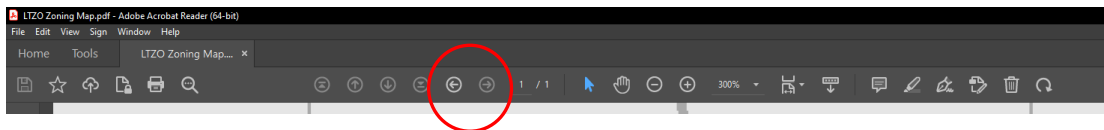


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- 3) Click on the check boxes next to “Previous View” and “Next View” buttons.
- 4) The button should appear on the “Toolbars” (as shown below).



## Chapter 1. General Provisions

### Section 1.01 Title

This document, the Hunt County Lake Tawakoni Zoning Ordinance is referred to as the “Lake Tawakoni Zoning Ordinance” or “LTZO.”

### Section 1.02 Purpose

- A. This LTZO implements the purposes established in Texas Local Government Code §§ 231.071 and 231.101, and:
  - 1. Implements Hunt County’s Lake Tawakoni Comprehensive Plan;
  - 2. Promotes the public health, safety, morals, or general welfare;
  - 3. Protects and preserves places and areas of historical, cultural, or architectural importance and significance; and
  - 4. Provides for efficient and effective processing of zoning permits and subdivision plats.
- B. In interpreting and applying this LTZO, it establishes the minimum requirements to promote the public safety, health, and general welfare.

### Section 1.03 Authority

- A. The following chapters and sections of the Texas State Statutes authorize the exercise of authority in this LTZO:
  - 1. Texas Local Government Code including Chapters:
    - a. 231 (County Regulatory Authority),
    - b. 232 (County Regulation of Subdivision),
    - c. 233 (County Regulation of Housing and Other Structures),
    - d. 234 (County Regulation of Businesses and Occupations),
    - e. 235 (County Regulation of Matters Relating to Explosives and Weapons),
    - f. 236 (County Regulation of Firearms, Knives, Ammunition, Firearm Supplies, and Sport Shooting Ranges),
    - g. 240 (Miscellaneous Regulatory Authority of Counties),
    - h. 241 (Municipal and County Zoning Authority Around Airports),
    - i. 242 (Authority of Municipality and County to Regulate Subdivisions In and Outside Municipality's Extraterritorial Jurisdiction),
    - j. 243 (Municipal and County Authority to Regulate Sexually Oriented Business),
    - k. 261 (County Right of Eminent Domain),
    - l. 263 (Sale or Lease of Property by Counties),
    - m. 270 (Miscellaneous Provisions Affecting the Acquisition, Sale, or Lease of Property by Counties),
    - n. 381 (County Development and Growth),
    - o. 382 (Improvement Projects in Certain Counties),
    - p. 383 (County Development Districts),
    - q. 386 (Commercial and Industrial Development Zones), and
    - r. 387 (County Assistance District).



2. Texas Government Code, including Chapters 311 (Code Construction Act) and 312 (Construction of Laws), to the extent applicable to this LTZO.
  3. Texas Property Code § 12.002 (Subdivision Plat; Penalty).
  4. Texas Water Code, including the Flood Control and Insurance Act (Secs. 16.311 through 16.324) (see also 44 C.F.R part 60 (Requirements for Flood Plain Management Regulations)).
- B. This LTZO is adopted in the exercise of the power granted to counties by these statutes.

#### Section 1.04 Applicability

A. Generally

This LTZO applies to all regulations and other matters pertaining to the use and development of land, including zoning, subdivisions, platting, floodplains, and infrastructure such as streets and they relate to the purpose and intent of this LTZO and enumerated below.

B. Uniform Application and Enforcement

The application and enforcement of this LTZO applies uniformly to all property and citizens within the jurisdiction as follows: any reference to the issuance of building permits by the Director applies only to the Hunt County Lake Tawakoni Planning Area, unless the property owner has contracted through subdivision plat restrictions, or another legal instrument, to extend the County's authority to issue building permits for construction on its property.

C. Easements, Covenants, and Private Agreements

This LTZO does not interfere with, abrogate, or annul any easements, covenants, or other agreements between parties.

D. Conflicting Regulations

If this LTZO imposes a greater restriction upon the use of buildings or premises or building height or requires larger open spaces than are required by other ordinances, rules, regulations, easements, covenants, or agreements, this LTZO governs.

#### Section 1.05 Consistency with Comprehensive Plan

The County finds that this LTZO is consistent with its Comprehensive Plan. The Comprehensive Plan policies provide guidance in the evaluation of future land use decisions relevant to the Lake Tawakoni Planning Area. Those policies do not constitute a substantive change in existing ordinances of the County or supersede nor replace the LTZO or any regulatory ordinance adopted prior to the adoption of the Comprehensive Plan policies.



## Chapter 2. Zoning Districts

### Section 2.01 Generally

- A. The use, erection, construction, reconstruction, relocation, or alteration of any building, structure, or land shall comply with the regulations of this chapter for the zoning district in which the building, structure, or land is located.
- B. Chapter 4 establishes the rules for applying the dimensional standards in the zoning districts. These include height, lot area, density, and yard requirements. All buildings, structures, and lots in the zoning district must comply with the dimensional standards established for that district. Nothing in this chapter authorizes an encroachment within any easements or plat restrictions.

### Section 2.02 Districts Established

The Lake Tawakoni Planning Area is geographically divided into the following base and special zoning districts. Base districts capture the major development categories, including residential neighborhoods, commercial development, agricultural lifestyle, and recreational activities. Each base district includes permitted uses and dimensional standards. Special districts also establish additional standards within a base district, but some standards may be unique to individual developments as determined through the site plan approval process. The zoning districts are established according to Table 1: Zoning Equivalency.

**Table 1: Zoning Equivalency**

| <b>District</b>                                      | <b>Previous District</b>        |
|--|---------------------------------|
| Agricultural (A) District                            | Agricultural (A)                |
| Estate (E) District                                  | Estate Development (E-2)        |
| Single-Family Large Lot Residential (SF-1) District  | Single Family Residence (SF-40) |
| Single-Family Medium Lot Residential (SF-2) District | Single Family Residence (SF-20) |
| Single-Family Small Lot Residential (SF-3) District  | Single Family Residence (SF-10) |
|  | Patio Home (PH)                 |
|  | Mobile Home (MH-1)              |
|  | Mobile Home (MH-2)              |
| Mixed-Use (MU) District                              | Multiple Family (MF)            |
| Light Commercial (C-1) District                      | Light Commercial (C-1)          |
| Heavy Commercial (C-2) District                      | Commercial (C-2)                |
| Resort Commercial (RC) District                      | Resort Commercial (RC-1)        |
| Industrial (I) District                              | Industrial (I)                  |
| Wildlife Sanctuary (WS) District                     | Wildlife Sanctuary (WS)         |
| Planned Development (PD) District                    | Planned Development (PD)        |

### Section 2.03 Zoning Map

The zoning districts and their boundaries are adopted and established as shown on the Zoning Map of the Lake Tawakoni Planning Area in Hunt County, Texas (Zoning Map). The Zoning Map includes all notations, references, data, district boundaries, and other associated information, and is adopted as part of this LTZO. The Zoning Map, properly attested, is on file in the office of the County Clerk. The Zoning Map may be amended as provided in Section 5.02C.

### Section 2.04 Agricultural (A) District

#### A. Purpose

The purpose of the Agricultural (A) District is to conserve farmland and to encourage agricultural activities to ensure that agricultural practices will continue as a long-term land use and a viable economic activity within the County. This district also preserves natural features and the rural landscape, while allowing low-density residential development. Residential development is to be permitted only when it is located and designed to minimize its impact on agricultural land, farming operations, and sensitive environmental features; to create attractive rural developments; and to respect existing features of the rural landscape. The district is intended to permit a range of uses related to agriculture, to encourage the preservation of large blocks of farmland, and to permanently protect from adverse non-agricultural development impacts. Additionally, the Agricultural (A) District serves as a “placeholder zone” for land where future expansion is possible, but not yet appropriate, due to the unavailability of County facilities and services.

#### B. Uses

Refer to Table 14: Use Table.

#### C. Dimensional Standards

Development in the Agricultural (A) District follows the dimensional standards prescribed below in Table 2: Agricultural (A) District.

**Table 2: Agricultural (A) District**

| <b>Dimensional Standards</b> |          |
|------------------------------|----------|
| Minimum Lot Area             | 3 acres  |
| Minimum Lot Width            | 200 feet |
| Minimum Lot Depth            | 150 feet |
| Minimum Lot Frontage         | 200 feet |
| Minimum Front Yard           | 50 feet  |
| Minimum Side Yard            | 25 feet  |
| Minimum Rear Yard            | 50 feet  |
| Minimum Corner Yard          | 25 feet  |
| Maximum Height               | 35 feet  |
| Maximum Impervious Coverage  | 10%      |

## Section 2.05 Estate (E) District

### A. Purpose

The purpose of the Estate (E) District is to allow low-density residential development within a rural or semi-rural, large-lot setting. Development within this district should serve as a natural transitional residential district between open space, agricultural land, and conventional single-family subdivisions. The predominant use is single-family detached dwellings. This district generally corresponds to the Comprehensive Plan's Low-Density Residential Future Land Use.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Estate (E) District follows the dimensional standards prescribed below in Table 3: Estate (E) District.

**Table 3: Estate (E) District**

| Dimensional Standards       |          |
|-----------------------------|----------|
| Minimum Lot Area            | 2 acres  |
| Minimum Lot Width           | 200 feet |
| Minimum Lot Depth           | 125 feet |
| Minimum Lot Frontage        | 200 feet |
| Minimum Front Yard          | 50 feet  |
| Minimum Side Yard           | 25 feet  |
| Minimum Rear Yard           | 25 feet  |
| Minimum Corner Yard         | 25 feet  |
| Maximum Height              | 35 feet  |
| Maximum Impervious Coverage | 15%      |

## Section 2.06 Single-Family Large Lot Residential (SF-1) District

### A. Purpose

The purpose of the Single-Family Large Lot Residential (SF-1) District is to allow large lot, low-density residential development within a semi-rural setting. The district maintains the rural character of the County with the use of single-family detached dwellings, limited services and amenities, and agricultural uses. This district generally corresponds to the Comprehensive Plan's Low-Density Residential Future Land Use.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Single-Family Large Lot Residential (SF-1) District follows the dimensional standards prescribed below in Table 4: Single-Family Large Lot Residential (SF-1) District.

**Table 4: Single-Family Large Lot Residential (SF-1) District**

| Dimensional Standards       |           |
|-----------------------------|-----------|
| Minimum Lot Area            | 1.5 acres |
| Minimum Lot Width           | 150 feet  |
| Minimum Lot Depth           | 100 feet  |
| Minimum Lot Frontage        | 150 feet  |
| Minimum Front Yard          | 50 feet   |
| Minimum Side Yard           | 20 feet   |
| Minimum Rear Yard           | 20 feet   |
| Minimum Corner Yard         | 20 feet   |
| Maximum Height              | 35 feet   |
| Maximum Impervious Coverage | 20%       |

### D. Special Regulations

The following special regulations apply to residential development within the Single-Family Large Lot Residential (SF-1) District.

1. The minimum lot area is 1.5 acres for residential development where a centralized wastewater treatment system is not provided.
2. The minimum lot area is 1 acre for residential development where a centralized wastewater treatment system is provided.
3. The minimum lot width and lot frontage width for 1-acre residential development is 80 feet.

## Section 2.07 Single-Family Medium Lot Residential (SF-2) District

### A. Purpose

The purpose of the Single-Family Medium Lot Residential (SF-2) District is to allow medium-sized lot residential development at a medium density. The district's predominant use is various sized single-family detached dwellings. This district generally corresponds to the Comprehensive Plan's Medium-Density Residential Future Land Use.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Single-Family Medium Lot Residential (SF-2) District follows the dimensional standards prescribed below in Table 5: Single-Family Medium Lot Residential (SF-2) District.

**Table 5: Single-Family Medium Lot Residential (SF-2) District**

| Dimensional Standards       |                    |
|-----------------------------|--------------------|
| Minimum Lot Area            | 20,000 square feet |
| Minimum Lot Width           | 100 feet           |
| Minimum Lot Depth           | 100 feet           |
| Minimum Lot Frontage        | 80 feet            |
| Minimum Front Yard          | 35 feet            |
| Minimum Side Yard           | 15 feet            |
| Minimum Rear Yard           | 15 feet            |
| Minimum Corner Yard         | 20 feet            |
| Maximum Height              | 35 feet            |
| Maximum Impervious Coverage | 35%                |

### D. Special Regulations

Any lot less than 1 acre requires a centralized wastewater treatment system.

## Section 2.08 Single-Family Small Lot Residential (SF-3) District

### A. Purpose

The purpose of the Single-Family Small Lot Residential (SF-3) District is to allow small-to-moderate-sized lot residential development in various lot arrangements. This district is the highest density residential district, but maintains a lower density than the residential development within the Mixed-Use (MU) District. The SF-3 district's predominant use is residential dwellings. This district generally corresponds to the Comprehensive Plan's Medium-Density Residential Future Land Use.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Single-Family Small Lot Residential (SF-3) District follows the dimensional standards prescribed below in Table 6: Single-Family Small Lot Residential (SF-3) District.

**Table 6: Single-Family Small Lot Residential (SF-3) District**

| Dimensional Standards       |                    |
|-----------------------------|--------------------|
| Minimum Lot Area            | 10,000 square feet |
| Minimum Lot Width           | 80 feet            |
| Minimum Lot Depth           | 75 feet            |
| Minimum Lot Frontage        | 80 feet            |
| Minimum Front Yard          | 30 feet            |
| Minimum Side Yard           | 10 feet            |
| Minimum Rear Yard           | 10 feet            |
| Minimum Corner Yard         | 15 feet            |
| Maximum Height              | 28 feet            |
| Maximum Impervious Coverage | 50%                |

### D. Special Regulations

#### 1. Generally

Any lot less than 1 acre requires a centralized wastewater treatment system.

#### 2. Zero Lot Residential Development

Zero Lot Residential development is allowed if the standards of this Section 2.08D are met.

##### a. Side Yard Requirements

- (1) One side yard is zero feet (0').
- (2) The other side yard is at least ten feet (10').

##### b. Easements and Encroachments

- (1) The adjacent lot shall have a minimum five-foot (5') wide maintenance easement along the zero-foot (0') setback property line.
- (2) Roof overhangs, awnings, and the like are allowed to encroach into the easement by a maximum of two feet (2').
- (3) The easement shall be notated on the subdivision plat.

##### c. Separation

A ten-foot (10') minimum separation between dwellings is required.

## Section 2.09 Mixed-Use (MU) District

### A. Purpose

The Mixed-Use (MU) District provides a mix of residential and nonresidential uses at varying densities and heights to encourage economically, environmentally, and socially sustainable development patterns where people can live, work, recreate, and access services and amenities. Mixed-use development is typically near major thoroughfares but may utilize internal street networks that provide circulation without forcing internal traffic back onto thoroughfares. The Mixed-Use (MU) District generally corresponds to the Comprehensive Plan's Mixed-Use Future Land Use and specifically:

1. Targets opportunities for redevelopment of single-use commercial areas and surface parking lots with a mix of uses;
2. Encourages development that integrates a combination of housing types, mobility options, commercial services, and public facilities and amenities;
3. Allows a flexible mix of uses, densities, and building heights appropriate to various settings to ensure compatible relationships with adjacent neighborhoods and development; and
4. Integrates an appropriate balance of employment and housing opportunities.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Mixed-Use (MU) District follows the dimensional standards prescribed below in Table 7: Mixed-Use (MU) District.

**Table 7: Mixed-Use (MU) District**

| <b>Dimensional Standards</b>        |          |
|-------------------------------------|----------|
| Minimum Lot Area                    | 2 acres  |
| Minimum Lot Width                   | 200 feet |
| Minimum Lot Depth                   | 50 feet  |
| Minimum Lot Frontage                | 200 feet |
| Minimum Front Yard                  | 15 feet  |
| Minimum Side Yard                   | 10 feet  |
| Minimum Rear Yard                   | 5 feet   |
| Minimum Corner Yard/Double Frontage | 10 feet  |
| Maximum Height                      | 45 feet  |
| Maximum Impervious Coverage         | 60%      |
| Minimum Open Space                  | 5%       |

### D. Special Regulations

Any development proposing a minimum lot frontage less than 200 feet may seek relief to reduce the minimum lot frontage requirements by applying for a Lot Frontage Variance pursuant to Section 5.02H.



## Section 2.10 Light Commercial (C-1) District

### A. Purpose

The Light Commercial (C-1) District provides for the development of low-intensity retail businesses, restaurants, personal services, small-scale neighborhood offices, and civic uses. This district encourages pedestrian movement between residential and nonresidential areas. Nonresidential uses are intended to service and blend into the residential character of the surrounding neighborhood. This district generally corresponds to the Comprehensive Plan's Commercial Future Land Use.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Light Commercial (C-1) District follows the dimensional standards prescribed below in Table 8: Light Commercial (C-1) District.

**Table 8: Light Commercial (C-1) District**

| <b>Dimensional Standards</b>        |                    |
|-------------------------------------|--------------------|
| Minimum Lot Area                    | 10,000 square feet |
| Minimum Lot Width                   | 80 feet            |
| Minimum Lot Depth                   | 50 feet            |
| Minimum Lot Frontage                | 80 feet            |
| Minimum Front Yard                  | 15 feet            |
| Minimum Side Yard                   | 5 feet             |
| Minimum Rear Yard                   | 10 feet            |
| Minimum Corner Yard/Double Frontage | 15 feet            |
| Maximum Height                      | 35 feet            |
| Maximum Impervious Coverage         | 60%                |

### D. Special Regulations

#### 1. Generally

Any lot less than 1 acre requires a centralized wastewater treatment system.

#### 2. Relief

Any development proposing a minimum lot frontage less than 80 feet may seek relief to reduce the minimum lot frontage requirements by applying for a Lot Frontage Variance pursuant to Section 5.02H.

## Section 2.11 Heavy Commercial (C-2) District

### A. Purpose

The Heavy Commercial (C-2) District provides for intensive development of retail, service, entertainment, office, and related business uses that capture customers and visitors from the region. Development typically occurs alongside thoroughfares and highly-trafficked routes for customers to access commercial establishments. This district generally corresponds to the Comprehensive Plan's Commercial Future Land Use.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Heavy Commercial (C-2) District follows the dimensional standards prescribed below in Table 9: Heavy Commercial (C-2) District.

**Table 9: Heavy Commercial (C-2) District**

| Dimensional Standards               |                    |
|-------------------------------------|--------------------|
| Minimum Lot Area                    | 10,000 square feet |
| Minimum Lot Width                   | 80 feet            |
| Minimum Lot Depth                   | 50 feet            |
| Minimum Lot Frontage                | 80 feet            |
| Minimum Front Yard                  | 20 feet            |
| Minimum Side Yard                   | 10 feet            |
| Minimum Rear Yard                   | 10 feet            |
| Minimum Corner Yard/Double Frontage | 20 feet            |
| Maximum Height                      | 45 feet            |
| Maximum Impervious Coverage         | 70%                |

### D. Special Regulations

#### 1. Generally

Any lot less than 1 acre requires a centralized wastewater treatment system.

#### 2. Relief

Any development proposing a minimum lot frontage less than 80 feet may seek relief to reduce the minimum lot frontage requirements by applying for a Lot Frontage Variance pursuant to Section 5.02H.

## Section 2.12 Resort Commercial (RC) District

### A. Purpose

The Resort Commercial (RC) District intends to serve tourists, vacationing public, conference center attendees, sports-related program participants, and support service facility users. This district recognizes the significance of resort-style development and recreational activity to the economic base of the Hunt County-Lake Tawakoni community.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Resort Commercial (RC) District follows the dimensional standards prescribed below in Table 10: Resort Commercial (RC) District.

**Table 10: Resort Commercial (RC) District**

| Dimensional Standards               |          |
|-------------------------------------|----------|
| Minimum Lot Area                    | 20 acres |
| Minimum Lot Width                   | 275 feet |
| Minimum Lot Depth                   | 150 feet |
| Minimum Lot Frontage                | 275 feet |
| Minimum Front Yard                  | 20 feet  |
| Minimum Side Yard                   | 5 feet   |
| Minimum Rear Yard                   | 10 feet  |
| Minimum Corner Yard/Double Frontage | 20 feet  |
| Maximum Height                      | 35 feet  |
| Maximum Impervious Coverage         | 50%      |

### D. Special Regulations

Any development proposing a minimum lot frontage less than 275 feet may seek relief to reduce the minimum lot frontage requirements by applying for a Lot Frontage Variance pursuant to Section 5.02H.

## Section 2.13 Industrial (I) District

### A. Purpose

The purpose of the Industrial (I) District is intended to provide land for industrial activities where noise, dust, vibration, glare, odors, and other adverse environmental impacts are usually minimal. However, more intensive industrial activities that may create noticeable noise, dust, vibration, glare, odors, and other adverse environmental impacts may be accommodated in the Industrial (I) District by use-specific regulations.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Industrial (I) District follows the dimensional standards prescribed below in Table 11: Industrial (I) District.

**Table 11: Industrial (I) District**

| Dimensional Standards               |                    |
|-------------------------------------|--------------------|
| Minimum Lot Area                    | 20,000 square feet |
| Minimum Lot Width                   | 80 feet            |
| Minimum Lot Depth                   | 100 feet           |
| Minimum Lot Frontage                | 80 feet            |
| Minimum Front Yard                  | 25 feet            |
| Minimum Side Yard                   | 5 feet             |
| Minimum Rear Yard                   | 10 feet            |
| Minimum Corner Yard/Double Frontage | 25 feet            |
| Maximum Height                      | 45 feet            |
| Maximum Impervious Coverage         | 75%                |

### D. Special Regulations

#### 1. Generally

Any lot less than 1 acre requires a centralized wastewater treatment system.

#### 2. Relief

Any development proposing a minimum lot frontage less than 80 feet may seek relief to reduce the minimum lot frontage requirements by applying for a Lot Frontage Variance pursuant to Section 5.02H.

## Section 2.14 Wildlife Sanctuary (WS) District

### A. Purpose

The Wildlife Sanctuary (WS) District is intended to preserve the unique rural setting and natural habitat found in the Lake Tawakoni Planning Area. The Wildlife Sanctuary (WS) District provides a distinctly protected area for the wildlife found in the Lake Tawakoni Planning Area by identifying and preserving environmentally sensitive areas.

### B. Uses

Refer to Table 14: Use Table.

### C. Dimensional Standards

Development in the Wildlife Sanctuary (WS) District follows the dimensional standards prescribed below in Table 12: Wildlife Sanctuary (WS) District.

**Table 12: Wildlife Sanctuary (WS) District**

| Dimensional Standards       |          |
|-----------------------------|----------|
| Minimum Lot Area            | 10 acres |
| Maximum Impervious Coverage | 5%       |

## Section 2.15 Planned Development (PD) District

### A. Purpose

The purpose of the Planned Development (PD) District is to generate an innovative, comprehensive development that may utilize special dimensional standards, use mixes, specific development regulations, and design features to create a unique product that benefits the community.

### B. Applicability

1. A Planned Development (PD) District can be initiated in any zoning district.
2. A PD designation requires a rezoning to a Planned Development (PD) District initiated by the applicable property owner. After the PD designation is approved, all uses, buildings and structures shall comply with:
  - a. The conditions of the PD rezoning;
  - b. All requirements of the applicable base district, except for dimensional standards that are modified; and
  - c. Any provisions of this LTZO not addressed by the PD conditions.
3. A PD designation may modify provisions of this LTZO and impose additional standards but shall not reduce the quality of development.
4. A PD rezoning shall be consistent with the Comprehensive Plan.
5. A Planned Development (PD) District may be approved in phases.

### C. Size Requirement

A Planned Development (PD) District shall have a minimum area requirement of at least ten (10) acres.

### D. Negotiated Regulations

1. Development and performance standards for the Planned Development (PD) District shall be established as a condition of rezoning approval.
2. The Planned Development (PD) District may specifically restrict the following:
  - a. Density and intensity;
  - b. Land use;
  - c. Minimum lot and setback dimensions;
  - d. Fencing and screening types;
  - e. Building height;
  - f. Amenity space;
  - g. Off-street and on-street parking and loading;
  - h. Signs;
  - i. Screening, landscaping, or buffering;
  - j. Building design;
  - k. Site design;
  - l. Tree preservation;
  - m. Street and sidewalk configuration, with approval from the Director;
  - n. Project phasing;
  - o. Compatibility standards; and
  - p. Any additional standards relating to the use or development of property needed to implement the Comprehensive Plan or to mitigate the development's impacts.

3. All streets, water, sewer, stormwater, parks, and civic spaces shall be adequate to accommodate the impacts of the proposed development. For transportation facilities, this includes traffic circulation and emergency access to the proposed development.
4. These regulations may be more or less restrictive than the standard development requirements contained elsewhere in the LTZO.

E. Property Owners' Association Required

Any project proposing the use of any common or shared property, including but not limited to private streets, common areas, common utilities, and party walls (shared), shall establish a non-profit association of homeowners or property-owners pursuant to the requirements of the Texas Local Government Code and Section 501(c)(4) of the Internal Revenue Code. The association shall be organized for the purpose of assigning ownership of common property and providing a plan for the maintenance of all common and shared property associated with the project.



## Chapter 3. Use Regulations

### Section 3.01 Purpose

Table 14: Use Table, below lists the uses allowed within all zoning districts. All uses are defined in Chapter 9. Approval of a use listed in this chapter, and compliance with the applicable use-specific standards for that use, authorizes that use only. Development or use of a property for any other use not specifically allowed in this chapter and approved under the appropriate process is prohibited.

### Section 3.02 Organization

The uses permitted in each of the zoning districts established in Table 14: Use Table are defined as follows:

#### A. Table Symbolology

Table 14: Use Table is arranged according to the following symbols established in Table 13: Use Table Legend.

**Table 13: Use Table Legend**

| Symbol                | Meaning            | Description  |
|-----------------------|--------------------|--|
| <b>P</b>              | Permitted by Right | A “ <b>P</b> ” in a zoning district column indicates that a use is permitted by right, provided that it meets the supplementary use standards referenced in the far right “Standards” column of the use table, if applicable. These uses are subject to all other applicable regulations of this LTZO. |
| <b>S</b>              | Specific Use       | An “ <b>S</b> ” in a zoning district column indicates that a use requires specific use review and approval by the Planning Commission.   |
|                       | Not Permitted      | A blank cell in a zoning district column indicates that a use is not permitted as a primary use or specific use in the zoning district.  |
| --                    | Not Required       | A “--” in a zoning district column indicates that a minimum parking ratio is not required for a particular use.  |
| <b>Use Not Listed</b> | See Section 3.02C  |  |

#### B. Standards Column

The “Standards” column provides a reference to associated standards for certain uses Permitted by Right and for Specific Uses. Where a blank space is in the column, there is no associated standard. Where there is information in the column, there are associated standards.

#### C. Unlisted Uses

If a proposed use is not specifically listed in Table 14: Use Table, the Director shall determine whether the use is permitted or not permitted. This determination shall be based upon the similarity in nature and character to one or more uses that are listed in the Use Table. In making this determination, the Director may refer to the following factors as guidance:

## 1. Criteria for Use Determination

- Whether the use has similar visual, traffic, environmental, parking, employment, and other impacts as an expressly listed use. The Director may refer to empirical studies or generally accepted planning or engineering sources in making this determination. The burden is on the applicant to establish that the use is similar to the expressly listed use; or
- Whether the use is within the same industry classification as another permitted use. In making this determination, the Director may refer to the most recent edition of the North American Industry Classification Manual (Executive Office of the President, Office of Management and Budget, 2017) ("NAICS"). If the use is not defined in the NAICS, the Director may refer to the American Planning Association, Land-Based Classification Standards LBCS Tables (April 1, 2001).

## 2. Prohibited if Not Authorized

If the Director determines that a proposed use does not fit within a given use type and is not functionally the same as a permitted, accessory, specific, or temporary use, then the use is a prohibited use.

## Section 3.03 Use Table

This chapter shall follow the requirements established in Table 14: Use Table.

Table 14: Use Table

| Land Use ↓                                   | Zoning District |   |      |      |      |    |     |     |    |   |    | Standards     | Parking                       |
|--|-----------------|---|------|------|------|----|-----|-----|----|---|----|---------------|-------------------------------|
|  | A               | E | SF-1 | SF-2 | SF-3 | MU | C-1 | C-2 | RC | I | WS |               |                               |
| Residential                                  |                 |   |      |      |      |    |     |     |    |   |    |               |                               |
| Age-Restricted Housing                       |                 |   |      |      |      | P  |     |     |    |   |    |               | 2.5/1,000 sf                  |
| Manufactured Home                            | P               | P | P    | P    | P    |    |     |     |    |   |    | Section 3.04A | 2/DU                          |
| Dwelling, Multi-Family                       |                 |   |      |      |      | P  |     |     |    |   |    | Section 3.04B | 1.5/1 BRU; 2/2 BRU; 2.5/3 BRU |
| Dwelling, Single-Family Attached             |                 |   |      | P    | P    |    |     |     |    |   |    | Section 3.04C | 2/DU                          |
| Dwelling, Single-Family Detached             | P               | P | P    | P    | P    |    |     |     |    |   |    |               | 2/DU                          |
| Dwelling, Two-Family                         |                 |   |      | P    | P    | P  |     |     |    |   |    |               | 2/DU                          |
| Lodging/Group Living                         |                 |   |      |      |      |    |     |     |    |   |    |               |                               |
| Assisted Living Facility                     |                 |   |      |      |      | P  | P   |     |    |   |    |               | 2/1,000 sf                    |
| Bed and Breakfast                            |                 |   | P    | P    | P    | S  |     |     |    |   |    | Section 3.05A | 1 + (0.75) bedrooms           |
| Boarding/Rooming House                       |                 |   |      |      |      | P  |     |     |    |   |    | Section 3.05B | 1 + (0.75) bedrooms           |
| Child Care Facility, Children’s Home         |                 |   | P    | P    | P    | P  |     |     |    |   |    |               | 2/1,000 sf                    |
| Child Care Home (≤6 Children)                |                 |   | P    | P    | P    | P  |     |     |    |   |    |               | 2/1,000 sf                    |
| Child Care Home (≥7 Children)                |                 |   | P    | P    | P    | P  |     |     |    |   |    |               | 2/1,000 sf                    |
| Community Home for Persons with Disabilities |                 |   | P    | P    | P    | P  |     |     |    |   |    |               | 2/1,000 sf                    |
| Halfway House                                |                 |   |      | P    | P    |    |     |     |    |   |    |               | 2/1,000 sf                    |
| Hotel/Motel                                  |                 |   |      |      |      | S  | P   | P   |    |   |    | Section 3.05C | 4 + (0.75) bedrooms           |

| Land Use ↓                                     | Zoning District |   |      |      |      |    |     |     |    |   |    | Standards     | Parking       |
|--|-----------------|---|------|------|------|----|-----|-----|----|---|----|---------------|---------------|
|  | A               | E | SF-1 | SF-2 | SF-3 | MU | C-1 | C-2 | RC | I | WS |               |               |
| Household Care Facility                        |                 |   |      |      | P    | S  | S   | S   |    |   |    |               | 2/1,000 sf    |
| Recreational Cabin                             |                 |   |      |      |      |    |     |     | P  |   |    |               | 1.5/guestroom |
| Rehabilitation Care Facility                   |                 |   |      |      | P    | S  | S   |     |    |   |    |               | 2/1,000 sf    |
| Commercial/Mixed Use                           |                 |   |      |      |      |    |     |     |    |   |    |               |               |
| Artist Studio                                  |                 |   |      |      |      | P  | P   | P   |    |   |    |               | 1.5/1,000 sf  |
| Auto Parts Sales                               |                 |   |      |      |      |    |     | P   |    | P |    | Section 3.06A | 4/1,000 sf    |
| Automotive Dealership                          |                 |   |      |      |      |    |     | P   |    | P |    | Section 3.06B | 4/1,000 sf    |
| Automotive/Machinery Service and Repair, Heavy |                 |   |      |      |      |    |     | S   |    | P |    | Section 3.06C | 2/1,000 sf    |
| Automotive/Machinery Service and Repair, Light |                 |   |      |      |      |    |     | P   |    | P |    |               | 2/1,000 sf    |
| Bar/Tavern                                     |                 |   |      |      |      | S  | S   | P   |    |   |    |               | 4/1,000 sf    |
| Brewpub  |                 |   |      |      |      |    | S   | P   |    | P |    |               | 4/1,000 sf    |
| Building and Landscaping Materials Supply      |                 |   |      |      |      |    |     | P   |    | P |    |               | 3/1,000 sf    |
| Car Wash                                       |                 |   |      |      |      |    | S   | P   |    | P |    | Section 3.06D | 2/1,000 sf    |
| Child Care Facility, Daycare                   |                 |   |      |      |      |    | S   | P   | P  |   |    | Section 3.06E | 2/1,000 sf    |
| Commercial Amusement, Indoor                   |                 |   |      |      |      |    | S   | P   | P  | P |    |               | 6/1,000 sf    |
| Commercial Amusement, Outdoor                  |                 |   |      |      |      |    |     | P   | P  | P |    | Section 3.06F | 50/acre       |
| Convenience Store                              |                 |   |      |      |      | P  | P   | P   | P  | P |    |               | 4/1,000 sf    |
| Convenience Store, Fuel                        |                 |   |      |      |      | S  | S   | P   | P  | P |    | Section 3.06G | 4/1,000 sf    |
| Entertainment Facility                         |                 |   |      |      |      |    |     | P   | P  |   |    |               | 5/1,000 sf    |
| Event Venue                                    | S               |   |      |      |      | S  |     | P   | P  |   |    |               | 5/1,000 sf    |
| Financial Institution                          |                 |   |      |      |      | P  | P   | P   |    |   |    |               | 3/1,000 sf    |
| Food Caterer                                   |                 |   |      |      |      |    |     | P   |    | P |    |               | 2/1,000 sf    |
| Grocery Store                                  |                 |   |      |      |      | P  | P   | P   |    |   |    | Section 3.06H | 4.5/1,000 sf  |
| Health, Fitness and Athletic Club              |                 |   |      |      |      |    | P   | P   |    | P |    |               | 4/1,000 sf    |
| Kennel   |                 |   |      |      |      | S  | P   | P   |    |   |    | Section 3.06I | 2/1,000 sf    |
| Laundromat                                     |                 |   |      |      |      |    | P   | P   |    |   |    |               | 4/1,000 sf    |
| Mixed-Use Building                             |                 |   |      |      |      | P  | P   | P   | P  |   |    |               | 2.5/1,000 sf  |
| Nightclub                                      |                 |   |      |      |      |    |     | S   | S  | S |    | Section 3.06J | 5/1,000 sf    |
| Pawn Shop                                      |                 |   |      |      |      |    |     | P   |    |   |    | Section 3.06K | 4/1,000 sf    |
| Personal Services                              |                 |   |      |      |      | P  | P   | P   | P  |   |    |               | 3/1,000 sf    |
| Printing Shop                                  |                 |   |      |      |      |    |     | P   |    | P |    |               | 3/1,000 sf    |
| Professional Office                            |                 |   |      |      |      | P  | P   | P   |    |   |    |               | 2.5/1,000 sf  |
| Restaurant, Fast Food                          |                 |   |      |      |      |    | P   | P   |    |   |    | Section 3.06L | 5/1,000 sf    |
| Restaurant, Sit-Down                           |                 |   |      |      |      | P  | P   | P   | P  |   |    |               | 6/1,000 sf    |
| Retail Store                                   |                 |   |      |      |      | P  | P   | P   | P  | P |    |               | 4/1,000 sf    |
| Service Station                                |                 |   |      |      |      |    | S   | P   |    | P |    | Section 3.06N | 2/1,000 sf    |
| Sexually Oriented Business                     | S               |   |      |      |      |    |     |     |    | S |    | Section 3.06O | 6/1,000 sf    |
| Small Food Store                               |                 |   |      |      |      | P  | P   | P   | P  |   |    | Section 3.06P | 2.5/1,000 sf  |

| Land Use ↓                                       | Zoning District |   |      |      |      |    |     |     |    |   |    | Standards     | Parking      |
|--|-----------------|---|------|------|------|----|-----|-----|----|---|----|---------------|--------------|
|  | A               | E | SF-1 | SF-2 | SF-3 | MU | C-1 | C-2 | RC | I | WS |               |              |
| Sport Shooting Range, indoor                     |                 |   |      |      |      |    |     | S   |    | P |    | Section 3.06Q | 2/1,000 sf   |
| Sport Shooting Range, outdoor                    | S               |   |      |      |      |    |     |     |    | S |    | Section 3.06R | 5/acre       |
| Veterinary Clinic                                |                 |   |      |      |      |    | S   | P   |    |   |    |               | 3/1,000 sf   |
| <b>Public/Civic/Institutional</b>                |                 |   |      |      |      |    |     |     |    |   |    |               |              |
| Amphitheater                                     |                 |   |      |      |      |    |     | S   | S  |   |    |               | 20/acre      |
| Athletic Field                                   | S               | S | S    | S    | S    |    |     | P   | P  |   |    |               | 25/acre      |
| Campground                                       |                 |   |      |      |      |    |     |     | P  |   |    |               | --           |
| Cemetery   | P               |   |      |      |      |    |     |     |    | P |    | Section 3.07A | 2/acre       |
| Civic Space                                      | P               | P | P    | P    | P    | P  | P   | P   | P  |   |    |               |              |
| Clinic   |                 |   |      |      |      |    | P   | P   |    |   |    |               | 3/1,000 sf   |
| College/University                               |                 |   |      |      |      |    |     | P   |    | P |    |               | 3/1,000 sf   |
| Fair Grounds                                     | S               |   |      |      |      |    |     | S   | S  | S |    |               | 40/acre      |
| Funeral Services                                 |                 |   |      |      |      |    |     | P   |    | P |    | Section 3.07B | 2.5/1,000 sf |
| Golf Course or Country Club                      |                 |   |      |      |      |    |     | P   | P  |   |    |               | 2.5/hole     |
| Lodge/Civic Club                                 |                 |   |      |      |      |    | P   | P   | P  |   |    |               | 2.5/1,000 sf |
| Marina   | P               |   |      |      |      | P  | P   | P   | P  |   |    |               | --           |
| Medical Care Facility                            |                 |   |      |      |      |    | S   | P   |    |   |    |               | 5/1,000 sf   |
| Museum   |                 |   |      |      |      |    | P   | P   | P  | P |    |               | 3/1,000 sf   |
| Public Facility                                  | P               | P | P    | P    | P    | P  | P   | P   | P  | P | S  |               | 1/1,000 sf   |
| Recreational Vehicle (RV) Park                   |                 |   |      |      |      |    | S   | S   |    |   |    | Section 3.07C |              |
| Religious Land Use                               | P               | P | P    | P    | P    | P  | P   | P   | P  | P |    |               | 5/1,000 sf   |
| Rental Kiosk                                     |                 |   |      |      |      |    |     | P   | P  |   |    |               | --           |
| School   | P               | P | P    | P    | P    | P  | P   | P   | P  | P |    |               | 2/1,000 sf   |
| Technical School                                 | S               |   |      |      |      |    |     | P   |    | P |    |               | 3.5/1,000 sf |
| Tourist Facility                                 |                 |   |      |      |      |    | P   | P   | P  |   |    |               | 1/1,000 sf   |
| <b>Industrial</b>                                |                 |   |      |      |      |    |     |     |    |   |    |               |              |
| Commercial Cleaning Facility                     |                 |   |      |      |      |    |     |     |    | S |    |               | 1/1,000 sf   |
| Concrete or Asphalt Plant                        |                 |   |      |      |      |    |     |     |    | S |    | Section 3.08A | 1/1,000 sf   |
| Craft Manufacturing                              |                 |   |      |      |      |    |     |     |    | P |    |               | 1/1,000 sf   |
| Industrial and Manufacturing, Heavy              |                 |   |      |      |      |    |     |     |    | S |    | Section 3.08B | 1/1,000 sf   |
| Industrial and Manufacturing, Light              |                 |   |      |      |      |    |     |     |    | P |    | Section 3.08C | 1/1,000 sf   |
| Mini-Storage Facility                            |                 |   |      |      |      |    |     | P   |    | P |    | Section 3.08D | 2/1,000 sf   |
| Research and Development                         |                 |   |      |      |      |    |     |     |    | P |    |               | 1.5/1,000 sf |
| Slaughter/Meatpacking Facility                   |                 |   |      |      |      |    |     |     |    | S |    | Section 3.08E | 1/1,000 sf   |
| Wholesale Distribution, Warehousing, and Storage |                 |   |      |      |      |    |     |     |    | P |    |               | 1/1,000 sf   |
| <b>Infrastructure</b>                            |                 |   |      |      |      |    |     |     |    |   |    |               |              |
| Airport  | S               |   |      |      |      |    |     |     |    | S |    | Section 3.09A | 1/acre       |

| Land Use ↓                           | Zoning District |   |      |      |      |    |     |     |    |   |    | Standards       | Parking    |
|--------------------------------------|-----------------|---|------|------|------|----|-----|-----|----|---|----|-----------------|------------|
|                                      | A               | E | SF-1 | SF-2 | SF-3 | MU | C-1 | C-2 | RC | I | WS |                 |            |
| Communication Facility               | S               | S | S    | S    | S    | S  | S   | S   | S  | S |    | Section 3.09B   | --         |
| Parking Facility                     |                 |   |      |      |      |    |     |     |    |   |    |                 | --         |
| Private Utility                      | S               | S | S    | S    | S    | S  | S   | S   | S  | S |    |                 | --         |
| Public Utility                       | S               | S | S    | S    | S    | S  | S   | S   | S  | S | S  |                 | --         |
| Recycling Facility                   |                 |   |      |      |      |    |     |     |    | S |    | Section 3.09C   | 1/5 acres  |
| Salvage Yard                         |                 |   |      |      |      |    |     |     |    | S |    | Section 3.09D   | 1//5 acres |
| Solid Waste Facility                 |                 |   |      |      |      |    |     |     |    | S |    | Section 3.09E   | 1/5 acres  |
| Wireless Telecommunications Facility | S               | S | S    | S    | S    | S  | S   | S   | S  | S |    | Section 3.09F   | --         |
| <b>Agriculture</b>                   |                 |   |      |      |      |    |     |     |    |   |    |                 |            |
| Agricultural Event Facility          | S               |   |      |      |      |    |     |     |    |   |    | Section 3.10A   | 2/acre     |
| Agriculture                          | P               |   |      |      |      |    |     |     |    |   |    |                 | --         |
| Feed Store                           | P               |   |      |      |      |    |     | P   |    | P |    |                 | 2/1,000 sf |
| Nursery                              | P               |   |      |      |      |    |     | P   |    |   |    |                 | 1/1,000 sf |
| Stable                               | P               |   |      |      |      |    |     |     |    |   |    |                 | --         |
| <b>Accessory Uses</b>                |                 |   |      |      |      |    |     |     |    |   |    |                 |            |
| Accessory Building                   | P               | P | P    | P    | P    | P  | P   | P   | P  | P |    | Section 3.11D   | --         |
| Accessory Dwelling Unit              | P               | P | P    | P    |      |    |     |     |    |   |    | Section 3.11E.1 | 1/DU       |
| Accessory Use                        | P               | P | P    | P    | P    | P  | P   | P   | P  | P |    | Section 3.11D   | --         |
| Home Occupation                      | P               | P | P    | P    | P    | P  |     |     |    |   |    | Section 3.11E.2 | --         |
| Personal Stable                      | P               | P | P    |      |      |    |     |     |    |   |    |                 |            |
| <b>Temporary Uses</b>                |                 |   |      |      |      |    |     |     |    |   |    |                 |            |
| Construction Office                  | P               | P | P    | P    | P    | P  | P   | P   | P  | P |    | Section 3.12D.1 | --         |
| Farmers' Market                      | P               |   |      |      |      |    | S   | P   |    |   |    | Section 3.12D.2 | 8/acre     |
| Temporary Concrete or Asphalt Plant  | P               | P | P    | P    | P    | P  | P   | P   | P  | P |    |                 | --         |
| Temporary Sales Site                 | P               |   |      |      |      |    |     | P   | P  | P |    | Section 3.12D.3 | 4/acre     |

## Section 3.04 Residential Use-Specific Standards

### A. Manufactured Home

1. A Manufactured Home shall comply with the Mobile Home Construction and Safety Standards Act of 1974.
2. A Manufactured Home shall comply with Chapter 1201 of the State of Texas Occupational Code.

### B. Multi-Family Dwelling

1. No Multi-Family Dwelling development shall exceed one hundred (100) total units.
2. No building within a Multi-Family Dwelling development shall exceed twenty (20) units.
3. All Multi-Family Dwelling developments shall provide at least 5% of open space.

### C. Single-Family Attached Dwelling

1. No Single-Family Attached Dwelling shall exceed eight (8) units.
2. All Single-Family Attached Dwellings shall provide rear entry parking garages where alley access exists.

### Section 3.05 Lodging / Group Living Use-Specific Standards

- A. Bed and Breakfast
  1. The owner shall occupy and manage any Bed and Breakfast.
  2. The maximum number of rented bedrooms is six (6).
  3. The maximum length of stay for any guest is fourteen (14) days in any one (1) calendar month.
  4. The Bed and Breakfast owner is responsible for the collection of all applicable County taxes.
  5. Guestrooms shall not be equipped with cooking facilities including, but not limited to, stoves, hot plates, or microwave ovens.
- B. Boarding / Rooming House
  1. No more than eight (8) occupants (including any resident staff and family) shall occupy any boarding house at one time.
  2. The maximum length of stay for any guest is fourteen (14) days in any one calendar month.
  3. No meals shall be provided for guests on the premises.
  4. No Boarding and Rooming House shall be located within one thousand (1,000) feet of any other Boarding and Rooming House.
- C. Hotel / Motel
  1. A Hotel/Motel shall be located at least two hundred fifty (250) feet from any residential district or use.
  2. A Hotel/Motel shall not exceed twenty thousand (20,000) square feet.
  3. Any Hotel/Motel exceeding twenty thousand (20,000) square feet requires a Specific Use Permit.
- D. Recreational Cabin
  1. A Recreational Cabin shall not exceed a height of seventy-five (75) feet.
  2. A Recreational Cabin shall set back at least twenty-five (25) feet from the front property line.
  3. A Recreational Cabin shall set back at least five (5) feet from the side property line.
  4. On corner lots, a Recreational Cabin shall set back at least:
    - a. Fifteen (15) feet from the street adjacent to where the rear lot lines of the corner lots coincide with the rear lot lines of the adjacent lots.
    - b. Twenty-five (25) feet from the street adjacent to where the rear lines of the corner lots coincide with the side lot lines of the adjacent lots.
  5. A Recreational Cabin shall have at least a sixty (60) foot lot width.
  6. A Recreational Cabin shall have at least a one hundred (100) foot lot depth.

## Section 3.06 Commercial / Mixed-Use Use-Specific Standards

- A. Auto Parts Sales
  - 1. An Auto Parts Sales use shall be located at least two hundred fifty (250) feet from any residential district or use.
  - 2. Any goods, products, tools, or equipment displayed outside shall require screening.
  - 3. Screening shall comply with Section 4.05.
- B. Automotive Dealership
  - 1. A Motor Vehicle Dealership shall be located at least two hundred fifty (250) feet from any residential district or use.
  - 2. No more than fifty percent (50%) of the total building floor area may be used for related accessory uses such as retail sales, vehicle repair and service, and vehicle washing.
  - 3. Vehicle inventory spaces shall not count towards the minimum parking requirements.
- C. Automotive/Machinery Service and Repair, Heavy
  - 1. All Motor Vehicle Repair, Heavy repair activities shall take place within an enclosed space.
  - 2. Motor Vehicle Repair, Heavy facilities shall be located at least five hundred (500) feet from any residential use, religious land use or school.
  - 3. Motor Vehicle Repair, Heavy facilities shall set back at least fifty (50) feet from the front property line and twenty-five (25) feet from the rear property line.
  - 4. Disabled or damaged vehicles are not allowed to remain in an exterior location unless screened from public view.
  - 5. Screened areas for disabled or damaged vehicles are only allowed in areas to the rear or side of the principal structure of the Motor Vehicle Repair, Heavy facility.
  - 6. Screening for disabled or damaged vehicles shall be constructed from concrete or masonry and be at least six (6) feet tall.
- D. Car Wash
  - 1. No Car Wash shall be located within five hundred (500) feet of any residential use or district.
- E. Child Care Facility, Daycare
  - 1. No portion of a Child Care Facility, Daycare shall be located within 1,000 feet of gasoline pumps or underground gasoline storage tanks, or any other storage area for explosive materials.
  - 2. All vehicular entrances and exits shall be clearly visible from the street.
  - 3. All passenger loading and unloading areas and outdoor play space shall be located so as to avoid safety hazards from vehicular traffic, and adequate walkways shall be provided.
- F. Commercial Amusement, Outdoor
  - 1. A Commercial Amusement, Outdoor use shall be located at least one thousand (1,000) feet from any residential district or use.
- G. Convenience Store, Fuel
  - 1. All Districts
    - a. Convenience Store, with fuel sales shall not be located within three hundred (300) feet of any residential use or district.
    - b. Any pump island or other structure shall meet the zoning district's applicable minimum setbacks.
    - c. Overhead canopies or weather protection structures shall be set back a minimum of ten (10) feet from adjacent property lines or street and highway right-of-way lines.
    - d. Outdoor display is only limited to ice chests, vending machines, secured propane tank storage, and firewood storage.



2. C-1 District
  - a. No Convenience Store, with fuel sales shall exceed two thousand (2,000) square feet in building area.
  - b. No Convenience Store, with fuel sales shall be located within two hundred fifty (250) feet of any other Convenience Store, with fuel sales.
- H. Grocery Store
  1. No Grocery Store shall exceed 10,000 square feet in the Mixed-Use (MU) District.
  2. No Grocery Store shall exceed 15,000 square feet in the Light Commercial (C-1) District.
  3. Any Grocery Store exceeding 35,000 square feet in the Heavy Commercial (C-2) District requires a Specific Use Permit.
- I. Kennel
  1. A fifty (50) foot separation shall be maintained between the area and structures where animals are housed and any property line.
  2. Outside runs for commercial kennels shall be operated only with an attendant present on the premises twenty-four (24) hours a day.
  3. At a minimum, animals shall be enclosed within a six-foot (6') fence or wall to restrain animals from running at large.
- J. Nightclub
  1. A Nightclub use shall be located at least one thousand (1,000) feet from any residential district or use, religious land use, medical care facility, school, or publicly-owned park.
  2. A Nightclub must comply with the provisions of the Texas Alcoholic Beverage Code and receive the appropriate permits from the State of Texas.
- K. Pawn Shop
  1. A Pawn Shop shall be located five hundred (500) feet from any residential district or use.
  2. No Pawn Shop shall be located within five hundred (500) feet of any school or religious land use.
  3. No Pawn Shop shall be located within one thousand (1,000) feet of any other Pawn Shop.
- L. Restaurant, Fast-Food
  1. Any Restaurant, Fast Food shall be located at least one hundred (100) feet from any residential district or use.
  2. No drive-thru lane shall be closer than five (5) feet from an adjacent property line.
  3. Any Restaurant, Fast Food shall have a trash management program for the daily removal of on-site trash and litter.
- M. Retail Store
  1. No Retail Store shall exceed 10,000 square feet in the Mixed-Use (MU) District.
  2. No Retail Store shall exceed 15,000 square feet in the Light Commercial (C-1) District.
  3. Any Retail Store exceeding 50,000 square feet in the Heavy Commercial (C-2) District requires a Specific Use Permit.
- N. Service Station
  1. Service Stations shall not be located within one hundred (100) feet of any residential use or district.
  2. Any pump island or other structure shall meet the zoning district's applicable minimum setbacks.
  3. Overhead canopies or weather protection structures shall not be less than ten (10) feet from any right-of-way line or property line.
- O. Sexually Oriented Business
  1. A Sexually Oriented Business shall not be located on a lot:
    - a. That is within 1,000 feet of a lot on which another Sexually Oriented Business is located;

- b. That is within 1,500 feet of a lot on which a School; Religious Land Use; Museum; Civic Space; Child Care Facility, Daycare; or any Lodging/Group Living use is located; or
  - c. Where 50 percent or more of the lots within a 1,000-foot radius are zoned or used for a residential use.
- 2. A radius or distance described in Section 3.06O.1 is measured from the midpoint of a line joining the two most distant points on the boundaries of the lot.
- P. Small Food Store
  - 1. A Small Food Store is limited to two thousand (2,000) square feet.
  - 2. A Small Food Store may have a dining area for customers to consume food.
- Q. Sport Shooting Range, Indoor
  - 1. A Sport Shooting Range, Indoor must be located at least:
    - a. One thousand (1,000) feet from any Institutional/Civic/Public use.
    - b. One thousand (1,000) feet from any residential use.
  - 2. Firearm shooting lanes must be designed in an orientation where projectiles are fired away from public roadways.
  - 3. The applicant shall provide written documentation that the proposed target backstops conform to the standards for indoor ranges per the Environmental Protection Agency (EPA).
  - 4. A Sport Shooting Range, Indoor shall meet all Federal and State regulations regulating firearms and any associated facilities.
- R. Sport Shooting Range, Outdoor
  - 1. A Sport Shooting Range, Outdoor must be located at least:
    - a. One thousand (1,000) feet from any Institutional/Civic/Public use.
    - b. One thousand (1,000) feet from any residential use.
  - 2. Firearm shooting lanes must be designed in an orientation where projectiles are fired away from public roadways.
  - 3. The range shall be designed to accommodate required surface danger zones (as defined by the Department of Energy) that do not extend across roads, navigable waterways, railroads, residences, or other similar areas.
  - 4. The surface between the targets and the firing line shall comprise grass or low growing groundcover and be free of any hard surface such as paving, rocks or other ricochet-producing material.
  - 5. The range shall be designed and located so no spent projectile ammunition travels off-site (does not include casing).
  - 6. Hours of operation shall be limited to daylight hours (30 minutes after sunrise and 30 minutes before sundown).
  - 7. The applicant shall provide written documentation that the proposed target backstops conform to the standards for outdoor ranges per the Environmental Protection Agency (EPA).
  - 8. All firing line locations shall be oriented such that sound levels do not exceed seventy (70) decibels at the property line.
  - 9. Archery ranges may be established as long as provisions are made to keep the fired projectiles from leaving the property.
  - 10. No tracer rounds or pyrotechnic devices shall be allowed due to fire risk.
  - 11. A Sport Shooting Range, Outdoor shall meet all Federal and State regulations regulating firearms and any associated facilities.

### Section 3.07 Public / Institutional Use-Specific Standards

- A. Cemetery
  - 1. No structure, excluding fences or walls, shall be located within one hundred (100) feet from any residential use.
  - 2. Graves and monuments shall set back at least twenty feet (20') from any property line.
- B. Funeral Services
  - 1. Funeral Services shall be located at least two hundred fifty (250) feet from any residential district or use.
  - 2. Funeral Services including cremation or embalming shall comply with all applicable federal, state, and local permits and provide all the equipment manufacturers' specifications for construction, installation, operation, and maintenance.
- C. Recreational Vehicle (RV) Park
  - 1. An RV Park shall meet the requirements established by the *Development Requirements for Short Term Rental Communities* Ordinance adopted by Hunt County.
  - 2. Other uses may be allowed as a secondary use to the RV Park and approved as part of a Specific Use Permit. Compatible secondary uses may include:
    - a. A permanent living quarters for the park owner or manager.
    - b. Retail use associated and compatible with the RV park operation.
    - c. Incidental accessory structures.
    - d. Office or professional use.
    - e. Pool, playground, or similar recreational use.
    - f. Meeting hall, clubhouse, laundry or kitchen or similar facilities associated with amenities provided for or available to RV park customers.
    - g. Other uses as approved by Specific Use Permit and otherwise not prohibited within the underlying zoning district.
  - 3. RV Parks shall comply with all other applicable provisions of this ordinance.
  - 4. Applications for a Specific Use Permit for RV Parks shall include a proposed site plan showing all proposed improvements. Additional information may be submitted about the proposed RV Park that may assist in assessing the impact that the RV Park may have on surrounding properties.

## Section 3.08 Industrial Use-Specific Standards

- A. Concrete or Asphalt Plant
  - 1. A Concrete or Asphalt Plant shall be located at least:
    - a. One thousand (1,000) feet from any residential district or use.
    - b. Six hundred sixty (660) feet from any other nonresidential use.
    - c. One hundred fifty (150) feet from any Industrial and Manufacturing, Light or Industrial and Manufacturing, Heavy use.
- B. Industrial and Manufacturing, Heavy
  - 1. An Industrial and Manufacturing, Heavy use shall be located at least one thousand (1,000) feet from any residential district.
  - 2. Any Industrial and Manufacturing, Heavy use producing and curating toxic chemicals shall be located at least:
    - a. One thousand three hundred twenty (1,320) feet from any residential district, religious land use, medical care facility, or school.
    - b. Six hundred sixty (660) feet from any other nonresidential use.
    - c. Two hundred fifty (250) feet from any Industrial and Manufacturing, Light or Industrial and Manufacturing, Heavy use.
- C. Industrial and Manufacturing, Light
  - 1. An Industrial and Manufacturing, Light use shall be located at least two hundred fifty (250) feet from any residential district.
  - 2. Overhead doors shall not face streets unless set back at least one hundred (100) feet from the street.
- D. Mini-Storage Facility
  - 1. The Mini-Storage Facility shall be secured so that access is limited to tenants (or owners) and fire, police, or emergency service officials.
  - 2. Mini-Storage Facilities shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.
  - 3. The drive aisle shall be paved, at least 40 feet wide, and provide a 28-foot-wide fire and emergency access lane.
  - 4. No Mini-Storage unit shall be used for the storage of explosives, hazardous, or flammable materials.
  - 5. Mini-Storage units shall be used solely for the purpose of storage of goods and possessions and shall not be used for the operation of a business, hobby, band rehearsal, or any type of activity not related to the storage of personal property of the owner or tenant of the unit.
  - 6. The Mini-Storage Facility may include an accessory on-site office.
  - 7. No office shall exceed more than two thousand (2,000) square feet.
  - 8. No outdoor storage is permitted in the Heavy Commercial (C-2) District.
  - 9. Outdoor storage may be allowed within the Industrial (I) District in approved on-site areas for vehicles and recreational equipment if they are covered by an awning or canopy structure.
- E. Slaughter/Meatpacking Facility
  - 1. Any Slaughter/Meatpacking Facility shall be located at least:
    - a. Two thousand six hundred forty (2,640) feet from any residential district, religious land use, medical care facility, or school.
    - b. One thousand three hundred twenty (1,320) feet from any nonresidential use.
    - c. Six hundred sixty (660) feet from any Industrial and Manufacturing, Light or Industrial and Manufacturing, Heavy use.

## Section 3.09 Infrastructure Use-Specific Standards

- A. Airport
  - 1. An Airport shall be located on at least ten (10) acres.
  - 2. The Airport shall comply with all Federal Aviation Administration regulations including, but not limited to, runway design, noise standards, and height limitations.
- B. Communication Facility
  - 1. A Communication Facility shall comply with the regulations established in Section 3.09F.
- C. Recycling Facility
  - 1. A Recycling Facility shall comply with all applicable Hunt County, State of Texas, and Federal regulations and permit requirements prior to approval.
  - 2. A Recycling Facility shall be located at least one thousand (1,000) feet from any residential use or district.
  - 3. A Recycling Facility shall be located on at least ten (10) acres.
- D. Salvage Yard
  - 1. A Salvage Yard shall be located at least one thousand (1,000) feet from any residential use or district.
  - 2. No hazardous wastes or hazardous materials shall be accepted or deposited at any salvage yard, except as incidental to the salvage operation.
  - 3. Salvage operations shall be conducted to remove hazardous wastes and materials and dispose of them according to state and federal requirements.
  - 4. Service trucks for the purpose of loading and unloading materials and equipment or removing wastes shall be restricted to the hours between 7:00 a.m. and 9:00 p.m.
  - 5. Screening shall be provided for all disabled or damaged vehicles, tools, and equipment.
  - 6. Screening for disabled or damaged vehicles, tools, and equipment shall be constructed from concrete or masonry and be at least six (6) feet tall.
  - 7. No screening wall shall exceed twelve (12) feet tall.
  - 8. In no instance shall any disabled or damaged vehicles, tools, or equipment be stacked higher than the required concrete or masonry screening wall.
- E. Solid Waste Facility
  - 1. A Solid Waste Facility shall comply with all applicable Hunt County, State of Texas, and Federal regulations and permit requirements prior to approval.
  - 2. A Solid Waste Facility shall be located at least one thousand (1,000) feet from any residential use or district.
  - 3. A Solid Waste Facility shall be located on at least ten (10) acres.

F. Wireless Telecommunications Facility

1. Applicability

This section applies to any antenna, communication facility, or wireless telecommunications facility (referred to collectively in this section as "Facility").

2. Application Procedures

An application for a site plan or specific use permit shall include all information required by the zoning regulations and County application forms.

3. Factors to be Considered in Issuance of Specific Use Permit

The following applies to any Facility that requires a specific use permit as designated in Table 14: Use Table:

a. Prior to approving a specific use permit, the Commissioners Court shall make findings concerning the following:

- (1) Proposed tower height;
- (2) Tower proximity to residential structures and residential district boundaries;
- (3) Nature of uses on adjacent and nearby properties;
- (4) Surrounding topography;
- (5) Surrounding tree coverage and foliage;
- (6) Tower design, particularly to design characteristics that reduce or eliminate visual obtrusiveness. This may include fencing and screening;
- (7) Access; and
- (8) Availability of existing towers, other structures, or alternative technologies not requiring the use of towers or structures.

b. The Commissioners Court may impose conditions necessary to minimize any adverse effect of the proposed tower on adjoining properties.

4. Design Standards

a. Existing Towers, Other Structures, or Alternative Technology

No new tower is permitted unless no existing tower, structure, or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna, or

- (1) Existing towers or structures are not located within the geographic area that meet the applicant's engineering requirements, or
- (2) Existing towers or structures are not of sufficient height to meet the applicant's engineering requirements, or
- (3) Existing towers or structures do not have sufficient structural strength to support the applicant's proposed antenna and related equipment, or
- (4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna, or
- (5) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable, or
- (6) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable micro cell network using multiple low-powered transmitters/receivers attached to a wire line system, is unsuitable.

b. Setbacks

The following setback requirements apply to all towers.

- (1) Towers must set back at least one hundred percent (100%) of the tower's height from any adjoining lot line.
- (2) Guys and accessory buildings must comply with the minimum zoning district setback requirements.
- c. Separation from off-site uses/designated areas
  - (1) Tower separation is measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in Table 15: Separation Distances, except as otherwise provided in Table 15: Separation Distances.
  - (2) Separation requirements for towers shall comply with the minimum standards established in Table 15: Separation Distances.

**Table 15: Separation Distances**

| Off-Site Zoning District                      | Separation Distance*                                   |
|---|--|
| Agricultural and Residential zoning districts | 100 feet or 100% height of tower, whichever is greater |
| Other zoning districts                        | None – only setbacks apply                             |
| * = Separation is measured from tower base.   |  |

- d. Separation distance between Towers

Separation distances between towers apply to and are measured between the proposed tower and preexisting towers. The separation distances are measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) follow those in Table 16: Separation Distances between Towers.

**Table 16: Separation Distances between Towers**

| Tower Types                         | Lattice  | Guyed    | Monopole 75 ft in Height or Greater | Monopole Less than 75 ft in Height |
|-------------------------------------|----------|----------|-------------------------------------|------------------------------------|
| Lattice                             | 5,000 ft | 5,000 ft | 1,500 ft                            | 750 ft                             |
| Guyed                               | 5,000 ft | 5,000 ft | 1,500 ft                            | 750 ft                             |
| Monopole 75 ft in Height or Greater | 1,500 ft | 1,500 ft | 1,500 ft                            | 750 ft                             |
| Monopole Less than 75 ft in Height  | 750 ft   | 750 ft   | 750 ft                              | 750 ft                             |

- e. Security Fencing

Security fencing more than six (6) feet tall shall enclose towers. This fencing is equipped with an appropriate anti-climbing device.



- f. Buildings or Other Equipment Storage
  - (1) Antennas Mounted on Structures or Rooftops

The equipment cabinet or structure used in association with antennas shall comply with the following:

    - (a) A safety report from a structural engineer establishing the structural integrity of the principal support structure.
    - (b) Equipment storage buildings or cabinets shall comply with all applicable building codes.
  - (2) Antennas Mounted on Utility Poles or Light Poles

These antennas are subject to franchises required by law. The equipment cabinet or structure used in association with these antennas shall locate within designated easements or within the public right-of-way as provided in the franchise agreement. No equipment cabinet or structure shall interfere with pedestrian or vehicular circulation and visibility.
  - (3) Antennas Located on Towers

The related unmanned equipment structure shall comply with the minimum yard requirements of the applicable zoning district.
- 5. Removal of Abandoned Antennas and Towers

Any antenna or tower that is not operated for a twelve (12) month continuous period are considered abandoned. The owner shall remove the antenna or tower within ninety (90) days of receipt of notice from Hunt County of the abandonment. Failure to remove an abandoned antenna or tower within ninety (90) days is grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, this provision does not become effective until all users cease using the tower.

### Section 3.10 Agriculture Use-Specific Standards

#### A. Agricultural Event Facility

1. An Agricultural Event Facility has a minimum parcel size of ten (10) acres.
2. All structures must be located at least one hundred (100) feet from any existing dwelling on an abutting property.
3. Noise shall not exceed seventy (70) decibels at the property boundaries.
4. An Agricultural Event Facility shall provide sanitary and waste services for participants and spectators.
5. An Agricultural Event Facility shall provide paved emergency medical services and fire lanes as part of the facility's operations.
6. The fire lane shall be at least 28 foot wide.

### Section 3.11 Accessory Uses and Structures

#### A. Purpose

This section authorizes the establishment of accessory uses and buildings that are incidental and customarily subordinate to principal uses. Accessory uses and buildings are "incidental and customarily subordinate" to a principal use if it complies with the standards established in this section. All principal uses allowed in a zoning district shall be deemed to include those accessory uses, buildings, and activities typically associated with the use, unless specifically prohibited in this section.

#### B. Approval Procedure

##### 1. Generally

Any of the accessory uses identified in this section may be allowed as an accessory to an authorized principal use provided that:

- a. The proposed accessory use is allowed as a principal or accessory use in the base district where proposed; and
- b. The proposed accessory use or building is consistent with the general and specific standards for accessory uses in this subsection.

##### 2. Simultaneously with a Principal Use

Accessory uses or buildings may be reviewed as part of the review of an associated principal use. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized with an approved Specific Use Permit for that principal use.

##### 3. Subsequent to a Principal Use

Accessory uses or buildings may be reviewed as part of the review of an associated principal use. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with an approved Specific Use Permit.

- a. Unless exempted, a building permit shall be required in cases where an accessory use or building is proposed subsequent to a principal use.
- b. In cases where the principal use is subject to a Specific Use Permit, an accessory use may only be authorized in accordance with the provisions in Section 5.02D.

#### C. Interpretation of Unidentified Accessory Uses

The Director shall evaluate applications for accessory uses that are not identified in this section on a case-by-case basis, based on the following standards:

1. The definition of "accessory use" in Chapter 9, and the general accessory use standards and limitations established in Section 3.11;
2. The purpose and intent of the base districts in which the accessory use is located;

3. Potential adverse effects the accessory use or building may have on other lots, compared with other accessory uses permitted in the district; and
4. The compatibility of the accessory use with other principal and accessory uses permitted in the district.

D. General Standards for all Accessory Uses

All accessory uses and buildings shall be subject to the general standards in this section, as well as any applicable supplemental standards in Section 3.11E and all standards applicable to the associated principal use as set forth in Chapter 3.

1. All accessory uses shall:
  - a. Be clearly subordinate in area, extent, and purpose to the principal use or structure; and
  - b. Not violate the bulk, density, parking, landscaping, or open space standards of this LTZO when taken together with the principal use or structure.
  - c. The floor area of any detached accessory building shall not exceed 50 percent of the floor area of the principal structure. The total combined floor area of all buildings shall not exceed the maximum lot coverage for the zoning district in which it is located.
2. All accessory uses shall directly serve the principal use or building, and be accessory and clearly incidental to the principal use or building.
3. Accessory uses shall not be constructed or established prior to the start of construction of the principal use or building. An accessory building shall not be used until the construction of the primary building is complete.
4. Accessory buildings shall be limited to the maximum building height of a principal structure or a maximum height of 24 feet, whichever is less (unless exempted from the height requirements in this LTZO). Accessory buildings shall not exceed the height of the principal structure.
5. Accessory uses or buildings shall be located on the same lot as the principal use or building.
6. Accessory buildings shall not be located within platted or recorded easements.
7. Accessory uses or buildings shall be owned and operated by the same person as the principal use or buildings.

E. Supplemental Accessory Use Standards

1. Accessory Dwelling Unit
  - a. A Detached Accessory Dwelling Unit must comply with the required setbacks of the zoning district in which the unit is located.
  - b. An Attached Accessory Dwelling Unit must comply with principal building setbacks for the zoning district in which the unit is located.
  - c. An Accessory Dwelling Unit must not exceed one thousand (1,000) gross square feet in area.
  - d. The property owner must occupy the principal dwelling or Accessory Dwelling Unit as the owner's permanent residence.
2. Home Occupation
  - a. The use of the residential dwelling for the Home Occupation shall be clearly incidental and subordinate to its use for residential purposes.
  - b. There shall be no mechanical equipment used or operations that create or make dust, odor, vibration, noise, or other effects detectable at the property line of the property in which the Home Occupation is located.
  - c. There shall be no products sold on the premises except artist's originals or products individually made to order on the premises, or as part of electronic commerce. Products that are not artist's originals or individually made to order may be constructed on site, using equipment normally found in a residence; however, these products may only be sold at a permitted commercial location.

- d. There shall be no display of products produced by occupants of the dwelling that are visible in any manner from the outside of the dwelling unit.
- e. The use shall not generate vehicular traffic beyond that which is normal in a residential district.
- f. There shall be no storage of material, products, or supplies out of doors.
- g. Visitors and customers shall not exceed those normally and reasonably occurring for a residence, including no more than two (2) at any given time.

### Section 3.12 Temporary Uses and Structures

#### A. Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building.

#### B. Approval Procedure

Any use listed in this section may be permitted as a temporary use provided:

- 1. That it is indicated as a permitted use in Table 14: Use Table; and
- 2. That the proposed temporary use is consistent with the general and specific standards for temporary uses and structures in this section.

#### C. General Standards for all Temporary Uses

All temporary uses or structures shall meet the following general requirements, unless otherwise specified in this LTZO:

- 1. The temporary use or structure shall not be detrimental to property or improvements in the surrounding area, or to the public health, safety, or general welfare.
- 2. The temporary use shall comply with all applicable general and specific regulations of Section 3.12, unless otherwise expressly stated.
- 3. Permanent alterations to the site are prohibited.
- 4. All temporary signs associated with the temporary use or structure shall be properly permitted and removed when the activity ends or permit expires, whichever occurs first.
- 5. The temporary use or structure shall not violate any applicable conditions of approval that apply to a principal use on the site.
- 6. The temporary use regulations of this section do not exempt the applicant or operator from any other required permits, such as health or building permits.
- 7. If the property is undeveloped, it shall contain sufficient land area to allow the temporary use or structure to occur, as well as any parking and traffic circulation as required that may be associated with the temporary use, without disturbing sensitive or protected resources, including required buffers, 100-year floodplains, river protection setbacks, and required landscaping. At the conclusion of the temporary use or at the expiration of the permit, whichever occurs first, all disturbed areas of the site shall be restored or improved to the condition that existed prior to the use.
- 8. If the property is developed, the temporary use shall be located in an area that is not actively used by an existing approved principal use, and that would support the proposed temporary use without encroaching or creating a negative impact on existing buffers, open space, landscaping, traffic movements, pedestrian circulation, or parking space availability.
- 9. Tents and other temporary structures shall be located so as not to interfere with the normal operations of any permanent use located on the property, shall be anchored, and meet the requirements of the Director or Fire Marshal, including fire rating.
- 10. Off-street parking shall be adequate to accommodate the proposed temporary use.

D. Supplemental Temporary Use Standards

1. Construction Office

- a. Only one (1) construction or field office shall be allowed per construction site, unless specifically approved by the Director.
- b. Temporary construction offices shall be limited to the period of construction with a two (2) year initial period and one (1) year extensions being authorized by the Director.

2. Farmers' Market

- a. A Farmers' Market is limited to a 5-acre site maximum.

3. Temporary Sales Site

- a. Any such site shall be limited to seasonal sales.
- b. The maximum time limit of such use shall not exceed forty-five (45) days annually. At the end of the 45-day period, the structure and other facilities related to the use shall be removed from the property.
- c. Any temporary power poles will be removed on the date of or immediately following the termination date of the permit.

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## Chapter 4. Development Standards

### Section 4.01 Generally

#### A. Purpose

This chapter establishes uniform standards for the development and improvement of property throughout the Lake Tawakoni Planning Area to ensure quality development that is consistent with the Comprehensive Plan.

#### B. Organization

This chapter is organized into the following subsequent sections for each development standard. This chapter regulates:

1. Off-Street Parking and Loading (Section 4.02)
2. Landscaping (Section 4.03)
3. Trash (Section 4.04)
4. Screening, Fences, and Walls (Section 4.05)
5. Open Storage (Section 4.06)
6. Outdoor Lighting (Section 4.07)
7. Signs (Section 4.08)
8. Dimensional Regulations (Section 4.09)
9. Access (Section 4.10)
10. Performance Standards (Section 4.11)
11. Floodplain Standards (Section 4.12)

#### C. Applicability

1. All development applications and building permit applications shall comply with the standards contained in this chapter.
2. All sign permit applications and new and existing signs shall comply with the standards contained in Section 4.08.
3. The Commissioners Court, Planning Commission, and County Staff, as appropriate, will evaluate each proposal based on these standards established in this chapter and the context within which a project is located. The standards are intended to be specific enough to guide development, but not to preclude creative design solutions. Applicants must substantially conform to the design standards unless it can be demonstrated that an acceptable alternative meets one (1) or more of the following conditions:
  - a. The alternative better achieves the stated intent;
  - b. The effect of other standards will be improved by not applying a specific standard; and/or
  - c. Strict application or unique site features make the standard impractical.

## Section 4.02 Off-Street Parking and Loading

### A. Purpose

The purposes of this section are to:

1. Ensure that adequate off-street parking and loading facilities are provided for new land uses and changes in use;
2. Minimize the negative environmental and development design impacts that can result from excessive parking, driveways, and drive aisles within parking areas;
3. Establish standards and regulations for safe and well-designed parking, unloading, and vehicle circulation areas that minimize conflicts between pedestrians and vehicles within parking areas and surrounding land uses;
4. Offer flexible means of minimizing the amount of area devoted to vehicle parking by allowing reductions in the number of required spaces in context-sensitive locations;
5. Ensure compliance with provisions of the Americans with Disabilities Act (ADA); and
6. Minimize the visual impact of off-street parking areas.

### B. Applicability

1. Any new building, structure, use, redeveloped site, or enlarged or expanded existing building or use, must meet this section's parking requirements. These developments require permanent parking and off-street loading. Parking spaces may be provided in a garage or surfaced open area.
2. When a change in intensity of use of any building or structure would increase the required parking by more than ten (10) spaces or ten (10) percent, whichever is greater, through an addition or change in the number of dwelling units, gross floor area, or other specified units of measurements, the increment of additional required parking is provided in accordance with this section unless an adjustment is permitted in Section 4.02H below. If less than ten (10) spaces or ten (10) percent, whichever is greater, are required by a change or series of changes in use, the Director may waive up to the incremental required number of parking spaces after determining that the granting of the waiver will not be detrimental to the public welfare and will be consistent with the Comprehensive Plan.

### C. Compliance Required

#### 1. Off-Street Parking and Loading Review.

Each application for a subdivision, site plan, zoning permit, or certificate of occupancy shall include information as to the location and dimensions of parking and loading space, and the means of ingress and egress to those spaces. This information is in sufficient detail to determine the requirements of this LTZO are met and shall contain necessary information required by applicable provisions of this LTZO.

#### 2. ADA Compliance

All ADA parking spaces and related ADA accessibility features are required to be installed in accordance with the current edition of the ADA Standards for Accessible Design (the "ADA Standards") as published by the Department of Justice. Where discrepancies exist between this LTZO and the ADA Standards, the ADA Standards shall apply. All required parking shall meet the ADA Standards.

#### 3. Parking Reduction Procedures

No existing or proposed parking or loading space shall be reduced or eliminated unless otherwise specified. Reductions in parking and loading spaces may be permitted where spaces are no longer required by these regulations or alternative spaces meeting the requirements of these regulations are provided.

### D. Metrics and Interpretations for Computation

#### 1. Square Footage (Floor Area)

The gross building square footage, as used in this chapter.



2. Fraction of a Space

When the calculation of the number of required parking and loading spaces results in a requirement of a fractional space, any fraction up to and including one-half (1/2) is disregarded, and fractions greater than one-half (1/2) is interpreted as one (1) whole parking or loading space.

3. Minimum

The number of required parking spaces a site must provide.

4. Parking Specific Variables

a. Square Footage

Example: 1/1,000 sf

Interpretation: 1 parking space for each 1,000 square feet of the building's floor area

b. Dwelling Unit

Example: 1/DU

Interpretation: 1 parking space for each dwelling unit

c. Bedroom(s)/Guestroom(s)

Example: 1 + (0.75) bedrooms

Interpretation: 1 parking space plus the number of parking spaces from calculating 0.75 times all bedrooms.

d. Bedroom Unit

Example: 1/1 BRU

Interpretation: 1 parking space for a single bedroom apartment unit

e. Acres

Example: 1/5 acres

Interpretation: 1 parking space for every 5 acres

E. Additional Rules for Computing Parking Requirements

1. Uses Not Listed

The Director shall have the authority to determine the required parking and loading facilities for uses not specifically listed in the tables established in this section. This determination by the Director is in writing and is appealable to the Planning Commission.

2. Accessory Uses

Areas accessory to the principal use of a building, or portion of a building, are to be included in the calculation of floor area of the principal use, unless noted otherwise.

3. Alterations, Expansions, and Changes in Use

For alterations, expansions, or changes in uses, prior to a certificate of occupancy, the Director shall determine in writing, based on information submitted by the applicant, the impact of the proposed change on the parking requirement for the building, and the adequacy of the parking provided.

F. General Parking Provisions

1. Adequate Parking

All zoning districts must maintain off-street parking facilities for motor vehicles.

2. Landscaping

Parking lots shall be landscaped, screened, and buffered.

3. Shared Access  
Parking lots shall share access drives with adjacent property with similar land uses.
4. Lighting  
All parking areas are required to provide lighting in accordance with Section 4.07.
- G. Off-Street Parking Requirements  
Minimum off-street parking shall follow the requirements established in Table 14: Use Table.
- H. Adjustments and Reductions to Parking Requirements
  1. Procedure  
In specific instances established in Section 4.02H.2 – Section 4.02H.9 below, the Director may approve a reduction in required parking spaces. Applications for a reduction shall include the following information:
    - a. A parking study that substantiates the need for a reduced number of spaces, and
    - b. A plan showing how the parking spaces are provided on the site.
  2. Shared Off-Street Parking  
Shared parking allows parking spaces to be shared among two or more uses that typically experience peak parking demands at different times and is located on the same lot or on nearby lots. Because parking spaces are shared, the total number of parking spaces that would otherwise be required may be reduced. In addition to all other applicable requirements of this section, the following requirements apply to shared parking:
  3. Authority to Reduce Parking  
The Director may reduce the total minimum number of required parking spaces, provided that each use participating in the shared parking experiences peak parking demands at different times. The Director shall base this decision on the circumstances of the application.
  4. Parking Study  
The Director may require the applicant to submit a parking study to determine the peak parking demand periods or other information needed to determine the viability of shared parking.
  5. Maximum Reduction  
The total number of parking spaces required for all uses participating in shared parking shall not be reduced by more than 25%.
  6. Captive Market  
Parking requirements for retail and restaurant uses may be reduced up to 25% where it can be determined that some portion of the patronage of these businesses comes from other uses (i.e., employees of area offices patronizing restaurants) located within the same building or a maximum walking distance of five hundred (500) feet.
  7. Availability of Public Parking  
Parking requirements may be reduced if a property has available to it a sufficient supply of existing underutilized public parking spaces in both off-street public parking lots and/or on-street public parking spaces, and where the applicant adequately demonstrates that availability will continue in the future.
  8. Mixed-Use Parking  
Any new development in the Mixed-Use (MU) District may apply a 20% reduction to the required parking ratio established in Table 14: Use Table for that particular use.
  9. Resort Commercial Parking  
Any new development in the Resort Commercial (RC) District may apply a 10% reduction to the required parking ratio established in Table 14: Use Table for that particular use.

I. Parking Space Design

1. Surface

All off-street parking areas are surfaced with poured in place concrete or asphaltic concrete. All driveway portions within street right-of-way are paved and designed to the Hunt County standards.

2. Off-Street Parking Design

Any off-street parking area must have a design so that vehicles exit without backing onto a public street. Off-street parking areas are designed so that parked vehicles do not encroach upon or extend onto public rights-of-way or sidewalks, or strike against or damage any wall, vegetation, utility, or other structure.

3. Circulation Area Design

Circulation areas must facilitate the safe movement of vehicles without posing a danger to pedestrians or impeding the function of the parking area.

4. Location

Nonresidential off-street parking facilities are located within five hundred (500) feet of the building measured from the nearest point of the building or structure.

5. Parking Space Dimensions

Parking spaces must meet the following standards prescribed in Table 17: Parking Space Dimensions. All dimensions represent the minimum requirement for any required parking space.

**Table 17: Parking Space Dimensions**

| <b>Parking Angle (Degrees)</b> | <b>Parking Space Width (Feet)</b> | <b>Parking Space Depth (Feet)</b> |
|--------------------------------|-----------------------------------|-----------------------------------|
| 45                             | 9                                 | 18                                |
| 60                             | 9                                 | 18                                |
| 90                             | 9                                 | 18                                |
| 0 (parallel)                   | 8                                 | 22                                |

## J. Loading

## 1. Generally

The required number of off-street loading spaces is determined by gross floor area. Outdoor storage, sales, or display areas must be added to gross floor area if these areas contain materials that are received or distributed by trucks. If a development has more than two uses, the off-street loading space requirement is the highest number of spaces required by any one use. Required loading spaces follow the standards prescribed in Table 18: Required Loading.

**Table 18: Required Loading**

| <b>Floor Area Square Footage</b> | <b>Minimum Required Number of Spaces</b>      |
|----------------------------------|---|
| 0 – 10,000                       | Not required                                  |
| 10,001 – 20,000                  | 1   |
| 20,001 – 50,000                  | 2   |
| 50,001 – 75,000                  | 3   |
| 75,000 +                         | 4 plus 1 for every 50,000 sf after 100,000 sf |

## 2. Standards

## a. Location

A loading space:

- (1) Must be located within the same development as the building or use served;
- (2) Is prohibited from projecting into a sidewalk, street, or public right-of-way;
- (3) Is prohibited from being located between the front building line and the lot line; and
- (4) Is placed to the rear or side of buildings in visually unobtrusive locations.

## b. Dimensions

The size of delivery vehicles intending to serve the site, determine loading space size. The minimum loading space size is:

- (1) 10 feet wide, 30 feet long, and 14 feet high if serving single-unit trucks and similar delivery vehicles; and
- (2) 12 feet wide, 55 feet long, and 15 feet high if serving larger freight vehicles.

## c. Maneuvering

The size of delivery vehicles intended to serve the site determines maneuvering area size. Each maneuvering area for loading spaces must not conflict with parking spaces or with the maneuvering areas for spaces. A maneuvering area must be located on site and be a minimum of:

- (1) 35 feet for spaces serving single-unit trucks and similar delivery vehicles; and
- (2) 50 feet for spaces serving larger freight vehicles.

## d. Design

Each loading space must minimize conflicts with other vehicular, bicycle, and pedestrian traffic.

- (1) Loading facilities must maintain a 100-foot minimum distance from any residential property unless completely enclosed by building walls, a uniformly solid wall, or any combination of the two.
- (2) Screening and landscaping requirements prescribed in Section 4.03 and Section 4.05 apply to loading facilities and shall prevent direct views of the loading facilities and their driveways from adjacent properties and public right-of-way.

## Section 4.03 Landscaping

### A. Purpose

The purpose of this section is to preserve the Lake Tawakoni Planning Area's unique character and integrate and enhance new development by promoting landscape design that:

1. Reinforces the identity of the Lake Tawakoni community;
2. Appropriately situates new buildings in the landscape;
3. Provides adequate vegetation for screening and buffering between land uses;
4. Provides tree canopies to reduce urban heat island effect;
5. Preserves existing trees and establishes procedures for replacing removed trees;
6. Balances water demand and use;
7. Identifies climate-appropriate landscape material; and
8. Protects the Lake Tawakoni Planning Area's natural resources.

### B. Applicability

#### 1. Generally

The section applies to:

- a. All new development within the limits of the Lake Tawakoni Planning Area with the exception of the exemptions listed below in Section 4.03B.2.
- b. The expansion of a nonresidential building or structure that increases the existing floor area by 30% or that adds 2,000 SF of floor area, whichever is smaller.
- c. The expansion of a nonresidential parking lot that increases the existing impervious area by 30% or that adds 2,000 SF of impervious coverage, whichever is smaller.

#### 2. Exemptions

This section does not apply to:

- a. Any property with a site plan that was approved prior to the adoption of this LTZO, unless an amended site plan is required by the zoning requirements.
- b. The restoration of a building or structure that has been damaged by fire, flood, explosion, riot, act of the public enemy, natural disaster, or accident of any kind and is permitted by Chapter 6. For the purposes of this exemption restoration is defined as repairing a building or structure to return it to its former state.
- c. Properties containing only single-family or two-family land uses.
- d. Properties in a Mixed-Use (MU) District.

### C. Landscape Materials

All required landscaping shall utilize high-quality, hardy plant materials. These plant materials shall comply with this section's requirements.

#### 1. Approved Plant Materials

- a. All planting materials shall conform to the recommended planting materials outlined in Approve Plant list maintained by the County.
- b. Alternative tree, shrub, and grass varieties may be approved by the Director pending the submission of a landscape plan and a written request.

- c. Unless otherwise noted in this LTZO, the minimum tree and shrub size at the time of installation shall be as follows:
      - (1) Trees shall be a minimum of four (4) feet in height.
      - (2) Shrubs shall be a minimum of three (3) gallons in size.
  - 2. Prohibited Plant Materials

Artificial or synthetic plant materials (i.e., artificial grass, turf, trees shrubs) are prohibited.
- D. Landscape Standards
- 1. Generally
    - a. Measurement

Required landscaping area shall not include driveways, paved walks, or right-of-way or easements for streets or alleys. Where a fence or wall is required, the fence or wall may be located within the required landscaping area.
    - b. Protection

Required landscape areas must be protected from vehicular traffic through the use of a concrete curb, or other permanent barrier.
    - c. Size

All required landscaping shall be no less than 25 square feet in area unless it is within ten (10) feet of a building on the same lot.
    - d. Location
      - (1) No tree shall be planted closer than five (5) feet to the edge of pavement or five (5) feet from any water or wastewater line that is less than 12-inches.
      - (2) Water and wastewater lines that are 12-inches and greater require trees to be planted a minimum of ten (10) feet from the centerline of the pipe.
      - (3) At least 50% of the required landscaping area shall be located in the front yard.
  - 2. Landscape Buffers
    - a. Residential Landscape Buffers in Subdivisions

A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any residential lot or subdivision that abuts a street.
    - b. Nonresidential Landscape Buffers
      - (1) Abutting a Public Right-of-Way

A minimum of a ten (10) foot wide landscape buffer shall be required along the entire length of any nonresidential lot that abuts a public right-of-way or a residentially zoned or used property that is located directly across a public street (regardless of the size of the street). All landscape buffers adjacent to a public right-of-way shall incorporate ground cover, a built-up berm and shrubbery along the entire length of the frontage.
      - (2) Abutting Residential

A minimum of a 20-foot wide landscape buffer shall be required along the entire length of any nonresidential lot that abuts a residentially zoned or used property.
    - c. Development within a Required Landscape Buffer

Buildings and paving (i.e., parking lots) shall not be permitted within any required landscape buffer; however, sidewalks and trails shall be permitted.
  - 3. Parking Area Landscaping

The following landscape requirements apply to parking areas.

    - a. Parking lots with more than two (2) rows of parking spaces (i.e., one drive aisle with rows of parking on either side) shall have a minimum of ten (10) percent or 400 square feet of

landscaping -- whichever is greater -- in the interior of the parking lot area. This landscaping counts toward the total required landscaping.

- b. If the parking and maneuvering space exceeds 20,000 square feet, one (1) landscape island for every ten (10) parking spaces is required.

## Section 4.04 Trash

### A. Purpose

The purpose of this section is to provide adequate provisions for on-site waste disposal and collection.

### B. Applicability

This section applies to all nonresidential development within the Lake Tawakoni Planning Area. This section does not apply to residential development unless otherwise specified. All refuse/trash disposal installed after the effective date of this LTZO complies with this section.

### C. Standards

1. Garbage, trash, or refuse containers shall be fully screened on all sides.
2. Screening materials on three (3) sides shall be masonry or concrete block and the same color as the exterior walls of the main structure.
3. A solid metal gate is required on the remaining side.
4. Garbage, trash, or refuse containers shall not be located in front of the main building unless no other option is available.
5. Gates shall remain closed except when in use for access.

### D. Residential Requirement

All residential development is required to show that trash and garbage collection services are available to the subdivision.



## Section 4.05 Screening, Fences, and Walls

### A. Purpose

The purposes of this section are to:

1. Ensure that walls and fences are attractive and in character with the neighborhood.
2. Maintain fences, recognizing that they are used to create privacy.

### B. Applicability

This section applies to all development within the Lake Tawakoni Planning Area. This section does not apply to residential development unless otherwise specified. All screening, fences, and walls installed after the effective date of this LTZO complies with this section.

### C. Standards

#### 1. Generally

- a. All required screening devices must be equally finished on both sides.
- b. All openings in the surface for passage shall be equipped with gates equal in height and screening characteristics specified above, but need not be of the same material as the main fence or wall.
- c. Prior to the issuance of an occupancy permit, all approved screening devices must be in place.
- d. All screening devices shall be permanently and continually maintained in a neat and orderly manner as a condition of use. The occupancy permit may be revoked by the Director for failure to adequately maintain such screening device.

#### 2. Requirements

Screening devices shall be placed and maintained for the following instances:

##### a. Residential

- (1) Screening devices shall be placed along any property line or district boundary between any single family detached or attached or any two family zoning or use and any mobile home park, or nonresidential use, but not across a dividing street between those uses. An alley shall not be considered a dividing street for purposes of this section. The more intensive use shall have the responsibility for providing and maintaining the screening device. This requirement shall not apply to public parks.
- (2) Multi-family residential developments shall provide and maintain a six-foot tall masonry screening wall along all side and rear property lines.

##### b. Open Storage

- (1) All allowed open storage of materials, equipment, or commodities shall be screened from view from all streets.
- (2) Materials, equipment, or commodities shall be stacked no higher than one foot below the top of the screening wall or visual barrier.

##### c. Trash

Trash shall meet the screening, trash, and landscaping requirements in Section 4.03, Section 4.04, and Section 4.05.

##### d. Loading Areas

- (1) Loading docks or structures, bays, and bay doors shall be screened from view from the public right-of-way, from adjacent residential property, and from adjacent nonresidential property, other than industrial.
  - (2) The required screening device adjacent to a nonresidential property, other than industrial, may be waived with site plan approval if it is determined that the location of the proposed loading docks, bays or bay doors in relation to the adjacent development's site layout is not detrimental.
  - (3) This requirement does not apply to the Mixed-Use (MU) District and Resort Commercial (RC) District.
- e. Landscape Screening
- (1) Landscape Screening from Residential Development
    - (a) Any nonresidential or multi-family land use or parking area that has a side or rear contiguous to any residentially zoned or used property shall be screened with a masonry wall with a minimum of six (6) feet in height with trees planted for every fifty (50) linear feet.
    - (b) As an alternative, the Planning Commission may approve an alternative screening method that incorporates a wrought iron fence and two (2) tiered screening (i.e., shrubs and trees planted for every thirty-five (35) linear feet) along the entire length of the adjacency.
  - (2) Landscape Screening from Docks and Open Storage
    - (a) Off-street loading docks and outside storage areas shall be screened from all public streets, open space, adjacent properties and any residential zoning districts or residentially used properties that abut or are directly across a public street or alley from the loading dock or outside storage area in accordance with the requirements of Subsections b and d, above.
    - (b) As an alternative, the Planning Commission may approve an alternative screening method that incorporates a wrought iron fence and two (2) tiered screening (i.e., shrubs and trees planted for every thirty (30) linear feet) along the entire length of the adjacency.

### 3. Design

A screening device shall be erected or placed in all locations and in accordance with all provisions specified below:

a. Height

(1) Minimum

The minimum screening device height is the following unless specified elsewhere in this LTZO:

- (a) Seven feet (7') for garbage, trash or refuse container screening.
- (b) Seven feet (7') for outdoor storage screening.
- (c) Six feet (6') for all other required screening.

(2) Maximum

The maximum screening device height is the following unless specified elsewhere in this LTZO:

- (a) Ten feet (10') for development in the Industrial (I) District.
- (b) Eight feet six inches (8'6") for development in all other districts.

b. Materials.

The materials shall consist of the following unless specified elsewhere in this LTZO:

- (1) Brick masonry, stone masonry, concrete block, or other architectural masonry finish;  
or
- (2) Tubular steel (primed and painted) or wrought iron fence with masonry columns spaced a maximum of 20 feet on center with structural supports spaced every ten feet, and with sufficient evergreen landscaping to create a solid screening effect; or
- (3) Living plant screens that will not be detrimental to adjacent property and will provide sufficient visual screening based on the proposed location and characteristics of the project. A living plant screen shall comply with the requirements established in Section 4.03D.

4. Exception

The screening requirement may be waived if one of the following conditions are maintained for the life of the project:

- a. Sufficient screening exists on the adjacent property;
- b. The portion of the subject property to be screened contains a wooded area that shall be maintained for the life of the project; or
- c. The portion of the subject property to be screened is adjacent to a floodplain.

## Section 4.06 Open Storage

### A. Purpose

The purpose of this section is to provide sufficient regulations for the on-site open storage of commodities, materials, junk, or equipment.

### B. Applicability

This section applies to all nonresidential development within the Lake Tawakoni Planning Area unless otherwise specified.

### C. Standards

1. No open storage of commodities, materials, junk, or equipment for sale or display is allowed in any residential district.
2. No open storage of commodities, materials, junk, or equipment for sale or display is allowed between the principal structure and the front property line.
3. In no instance shall any open storage of commodities, materials, junk, or equipment for sale or display be stacked higher than the required screening device.
4. All open storage must comply with Section 4.05.

### D. Exceptions

The standards of this section shall not apply to automotive dealerships, which have outdoor display of vehicles for sale, or to a nursery as the primary use on the site.

## Section 4.07 Outdoor Lighting

### A. Purpose

The purposes of this section are to:

1. Allow the use of outdoor lighting for night-time safety, utility, security, productivity, enjoyment, and commerce.
2. Minimize adverse off-site impacts of lighting.
3. Limit light pollution.
4. Encourage outdoor lighting that is functional, aesthetically pleasing, and complementary to the architectural style of buildings or setting.

### B. Applicability

#### 1. Generally

This section applies to all outdoor lighting within the Lake Tawakoni Planning Area. All outdoor lighting installed after the effective date of this LTZO shall comply with this section.

#### 2. Exemptions

- a. Because of their limited hours of operation and their unique requirements for nighttime visibility, playing fields, tennis courts, and similar outdoor recreational uses (both public and private, unless otherwise restricted by the County) are exempt from the general provisions of this section. However, outdoor lighting for those uses is terminated within an hour of the activity's conclusion or as otherwise identified within this LTZO.
- b. Full cutoff street lighting as part of a federal, state, or municipal installation.
- c. Holiday lighting before and after the holiday.
- d. Specialized lighting necessary for safety, such as temporary lighting associated with emergency operations, road hazard warnings, etc.
- e. Traffic control signals and devices.
- f. Sensor activated luminaires if:
  - (1) It is located in a manner that prevents glare and lighting onto properties of others or into the public right-of-way.
  - (2) The luminaire is set to only go on when activated by motion, and to go off within five minutes after activation has ceased
  - (3) The luminaire is not triggered by activity off the property.
- g. Federally- and state-funded roadway construction projects are exempted from the requirements of this section only to the extent it is necessary to comply with federal and state requirements.
- h. Exterior residential fixtures which consist of lamp types with an output of 800 lumens or less (approximate to a 60-watt incandescent bulb or nine-watt LED) are exempt from these regulations, if the fixture types are compliant with those allowed in this section.
- i. Uplighting for flags, address markers, trees, architectural features, and low-voltage landscape lighting, provided that the luminaire is located, aimed, and shielded so that direct illumination is focused exclusively on the object and away from adjoining properties and the public street right-of-way. Architectural features may be illuminated by uplighting provided that the light is effectively contained by the structure. In all cases, uplighting must not cause glare or light trespass.
- j. Light produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels and energy sources is exempt from these standards.

## C. Standards

All outdoor lighting shall comply with the following standards:

## 1. Shielding

Light sources shall be concealed and fully shielded and shall feature sharp cutoff capability minimizing up-light, spill-light, glare, and diffusion. Under-canopy fueling areas shall feature flush mount, flat lens light fixtures.

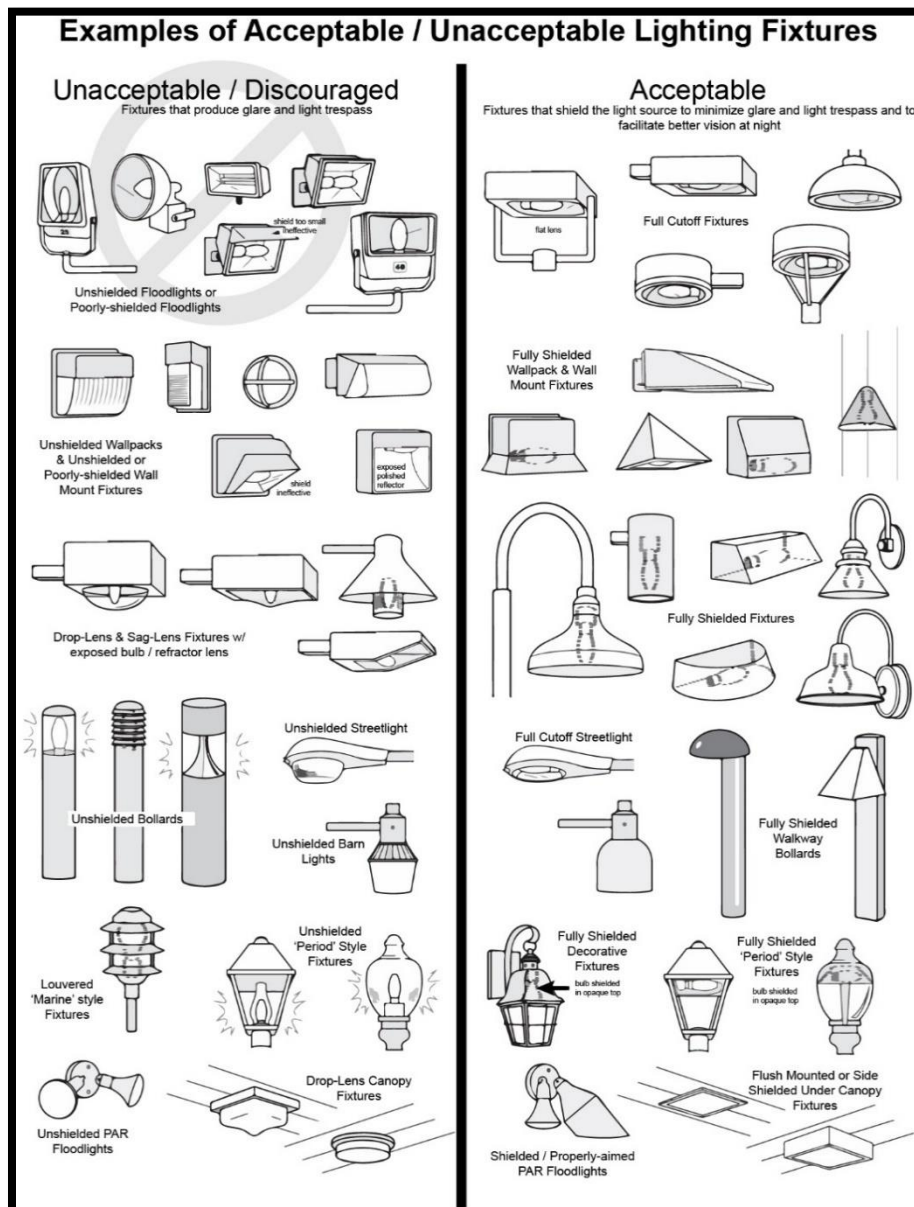
## 2. Prohibited Lighting

Site lighting that may be confused with warning, emergency or traffic signals is prohibited.

## 3. Lighting Fixture Types

Outdoor lighting shall comply with the following fixture types established in Figure 1: Light Fixture Types.

**Figure 1: Light Fixture Types**



## Section 4.08 Signs

### A. Purpose

The purpose of this section is to create a comprehensive and balanced system to regulate signs of all types (temporary and permanent) in a manner that:

1. Protects state and federal constitutional rights to free speech by providing ample opportunities for expression through signs, while avoiding regulatory triggers or distinctions based on content, and providing clear standards for approval;
2. Protects public health and safety by:
  - a. Minimizing visual traffic hazards, distractions, and obstructions for motorists, cyclists, and pedestrians, or signs causing confusion by virtue of visual similarity to traffic control signs;
  - b. Reducing hazards caused by signs overhanging or projecting over public right-of-way; and
  - c. Encouraging the upgrading, updating, or removal of signs that are poorly maintained, out of character with their surroundings, or do not conform to this section, and preventing signs that are potentially dangerous due to structural deficiencies and disrepair.
3. Promotes the community's appearance, character, quality, and business climate by encouraging signs that are attractive and functional for their intended purpose, and that are in scale and architectural harmony with the development site and building(s) and with surrounding buildings and developments;
4. Enhances and protects the community's physical appearance and property values and prevents visual clutter or potential deterioration of the community's appearance and attractiveness that might promote blight; and
5. Implements the goals and policies of the Comprehensive Plan by establishing uniform standards and procedures to regulate the size, type, number, design, placement, illumination, timeframe for display, and maintenance of signs.

### B. Applicability

#### 1. Generally

- a. This section applies prospectively to permit applications for sign construction and to existing signs and sign structures within the Lake Tawakoni Planning Area.
- b. This section does not prohibit signs required by state or federal law and does not authorize signs that state or federal law prohibits.
- c. A person may not erect, operate, display, or otherwise use any sign that this section prohibits.
- d. A person may not erect, operate, display, or otherwise use any sign at a time, place, or manner that this section prohibits.

#### 2. Exemptions

This section does not apply to:

- a. Indoor Signs.
- b. Government Signs.
- c. Traffic Control Devices.

#### 3. Message Neutrality

##### a. Content Neutrality

Despite any other provision of this section, no sign is subject to any limitation based on the content of its message.

##### b. Substitution Allowed

Any sign authorized in this section may contain any non-commercial copy or messages instead of a commercial or another non-commercial message.

### C. Prohibited Signs

A person may not erect, operate, display, or otherwise use the following types of signs unless this section specifically allows the sign.

1. Abandoned signs;
2. Billboards;
3. Digital billboards;
4. Moving signs;
5. Pole signs;
6. Portable signs;
7. Roof signs;
8. Signs in the right-of-way;
9. Snipe signs; and
10. Any other sign or device not expressly allowed by this section.

### D. General Requirements

#### 1. Construction, Installation, and Removal

- a. Signs and sign structures shall comply with the International Building Code (2021) and all other regulatory requirements. An applicant must obtain all applicable permits before installing a sign.
- b. The supporting members of the sign (such as angle iron, guy wires, cable, bracing, and other hardware) must be covered so that they appear as an integral or architectural part of the sign.
- c. For wall signs, the sign installation area on the face of the building must be cleaned, patched, and painted upon removal of a sign.

#### 2. Maintenance

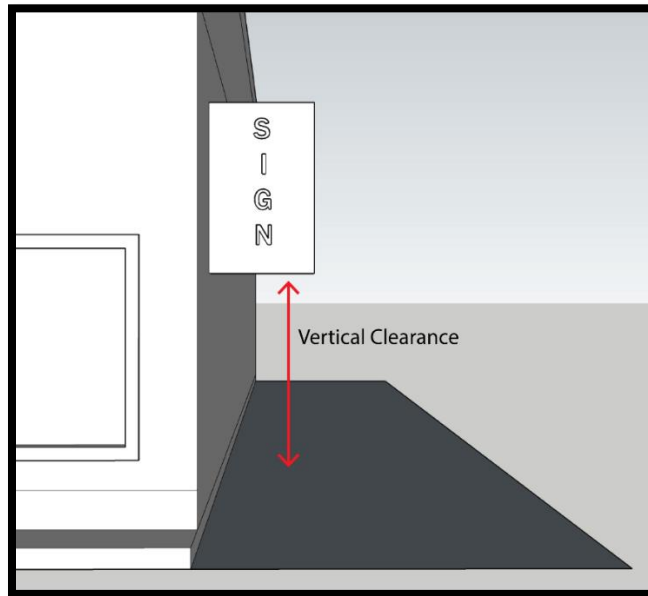
The property owner or sign owner shall keep all signs, together with all their supports, braces, guys and anchors, and face color, in good repair and properly maintained. The property owner or sign owner shall replace any defective or damaged parts or components and shall keep the adjacent land free of debris, weeds, trash, or other public nuisances. The Director may enforce the maintenance standards.

#### 3. Clearance for Projecting Signs, Awning Signs, Canopy Signs, and Other Signs Extending over Sidewalks and Driveways

- a. The bottom edge of any projecting sign, awning sign, canopy sign, and any other sign that extends over a sidewalk or driveway must be at least eight (8) feet above grade as shown in Figure 2: Sign Clearance.



**Figure 2: Sign Clearance**



- b. Projecting signs, awning signs, canopy signs, and any other sign that extends over public sidewalks may not extend into or occupy more than two-thirds the width of the sidewalk or six (6) feet (whichever is less), as measured from the building.
- 4. Right-of-Way and Sight Distances
  - a. Signs Prohibited in Right of Way

No person shall place or install a sign within the right-of-way of any public road except as provided in Section 4.08D.4.b(2), below.
  - b. Signs in the Sight Distance Triangle
    - (1) Generally

No person shall place or install a sign in the required Intersection Visibility Triangle as established in Section 4.09E, at the intersection of any public or private road with another public or private road or a driveway except as provided in Section 4.08D.4.b(2), below.
    - (2) Inspection for Placement of Sign

The Director may approve a sign application for placement of a sign in a required Intersection Visibility Triangle if this section allows the sign type, and the sign cannot be placed outside the sight distance triangle due to unusual circumstances. The Director will perform an on-site inspection and determine that a safe and adequate sight distance exists based on the following factors:

      - (a) Generally accepted traffic engineering principles, including Section 9.5 of the American Association of State Highway and Transportation Officials, A Policy on Geometric Design of Highways and Streets (2018), which is incorporated by reference;
      - (b) Sign design;
      - (c) Topographical conditions;
      - (d) Traffic conditions; and
      - (e) Driveway or street design.

## E. Sign Types and District Allocations

### 1. Purpose and Findings

- a. Section 4.08E through Section 4.08I establish standards and overall allowances for signs by number and area for four (4) major sign categories:
  - (1) Freestanding signs
  - (2) Attached signs
  - (3) Vehicle signs
  - (4) Incidental and temporary signs
- b. This system provides flexibility for persons and businesses who display signs, avoids sign distinctions that depend on a sign's message, supports the communities' aesthetic goals, and avoids potential traffic hazards and clutter. The County finds that the typical sign allowances in this section are consistent with established methodologies in the sign industry for visibility, legibility, and placement needed for effective communication that allows motorists, pedestrians, and other consumers to receive and respond to a sign's information content, allowing for adequate viewer reaction time and distance.
- c. Because this section does not regulate sign content, applicants and property owners may allocate signs by message type (for example, onsite advertising, directional, and opinion messages) in any manner within the number and area limits established in this section.

### 2. Generally

Section 4.08E through Section 4.08I establish standards for individual sign types. A subsection on each sign type addresses the following standards.

- a. An initial paragraph that defines the sign type;
- b. Images that illustrate the sign type;
- c. A table summarizing the standards that apply to the sign type, including:
  - (1) Whether the sign type is allowed in the designated areas defined in Section 4.08E.3, below;
  - (2) Whether a sign permit is required;
  - (3) The maximum number of signs of each type, which includes:
    - (a) Number per street frontage;
    - (b) Number per each business or institution (occupying a multi-tenant building) which has its own ground floor entryway or storefront;
    - (c) Number per single-tenant building or multi-tenant building with a single entry; or
    - (d) The total number of that sign type on a single lot or parcel.
- d. Maximum sign dimensions, which includes:
  - (1) Sign area;
  - (2) Height;
  - (3) Location;
  - (4) Property line setback; or
  - (5) Spacing between other signs.
- e. Design characteristics, including whether the following design features are allowed or required:
  - (1) Electronic message centers;
  - (2) Illumination features; and
  - (3) Changeable copy.

### 3. Sign Districts

This section regulates sign characteristics by area. The County currently regulates use, setbacks, building dimensions, site and building design, and land use designations by zoning districts in the LTZO. Many of these zoning districts have common characteristics for the purposes of sign regulations and are combined into common sign districts for the purposes of applying this section. The districts are established in Table 19: Sign Districts.

**Table 19: Sign Districts**

| <b>Sign District</b> | <b>Zoning District</b>                               |
|----------------------|--|
| Agricultural (A)     | Agricultural (A) District                            |
| Residential (R)      | Estate (E) District                                  |
|                      | Single-Family Large Lot Residential (SF-1) District  |
|                      | Single-Family Medium Lot Residential (SF-2) District |
|                      | Single-Family Small Lot Residential (SF-3) District  |
| Commercial (C)       | Mixed-Use (MU) District                              |
|                      | Light Commercial (C-1) District                      |
|                      | Heavy Commercial (C-2) District                      |
|                      | Resort Commercial (RC) District                      |
|                      | Planned Development (PD) District                    |
| Industrial (I)       | Industrial (I) District                              |

## 4. Sign Permit Requirements by District

Table 20: Sign Permit Requirements summarizes this section's permitting requirements for each permanent sign type by district and references the applicable subsection governing that sign type.

**Table 20: Sign Permit Requirements**

| <b>Sign Type</b>         | <b>LTZO Section</b>  | <b>A</b> | <b>R</b> | <b>C</b> | <b>I</b> |
|--------------------------|--|----------|----------|----------|----------|
| Monument Sign            | Section 4.08F.1  | NR       | NR       | P        | P        |
| Wall Sign                | Section 4.08G.2  | NR       | NR       | P        | P        |
| Window Sign              | Section 4.08G.8  | A        | A        | A        | A        |
| Subdivision Entry Sign   | Section 4.08F.2  | A        | A        | A        | A        |
| Projecting Sign          | Section 4.08G.6  | No       | No       | P        | No       |
| Awning Sign              | Section 4.08G.3  | NR       | NR       | P        | P        |
| Attached Canopy Sign     | Section 4.08G.4  | NR       | NR       | P        | P        |
| Freestanding Canopy Sign | Section 4.08G.5  | NR       | NR       | P        | P        |
| Mural                    | Section 4.08G.7  | No       | No       | P        | No       |
| <b>Key</b>               | A = Allowed without a permit   No = Not Allowed   NR = Allowed for Nonresidential Uses but requires a permit   P = requires a permit for any use |          |          |          |          |

F. Freestanding Signs

1. Monument Signs

a. Definition

A permanent freestanding sign with a low profile and having a base and support structure with a solid appearance that is at least as wide as the width of the widest part of the sign's face.

**Figure 3: Monument Sign**



b. Dimension and Location Standards

Table 21: Monument Sign Standards establishes the standards for monument signs.

**Table 21: Monument Sign Standards**

| Sign District                      | A    | R    | C   | I   |
|------------------------------------|------|------|-----|-----|
| <i>Requirements</i>                |      |      |     |     |
| Allowed?                           | NR   | NR   | Yes | Yes |
| Permit Required?                   | Yes  | Yes  | Yes | Yes |
| General number per frontage (max.) | 1    | 1    | 1   | 1   |
| <i>Dimensions</i>                  |      |      |     |     |
| Sign Area (max.)                   | 48   | 48   | 64  | 100 |
| Height (max.)                      | 8    | 6    | 10  | 10  |
| <i>Design Characteristics</i>      |      |      |     |     |
| Electronic Message Center          | 100% | 100% | 50% | 50% |

| <b>Sign District</b>  | <b>A</b>   | <b>R</b> | <b>C</b> | <b>I</b> |
|-----------------------|--|----------|----------|----------|
| Changeable Copy       | 100%   | 100%     | 50%      | 50%      |
| Internal Illumination | NR   | NR       | Yes      | Yes      |
| External Illumination | NR   | NR       | Yes      | Yes      |
| Halo Illumination     | NR   | NR       | Yes      | Yes      |
| Direct Illumination   | No   | No       | No       | No       |
| <b>Key</b>            | <p>Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply</p> <p>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial</p> |          |          |          |

## (1) Number

This section generally allows one double-sided monument sign for each street frontage for the districts shown in Table 21: Monument Sign Standards unless this section provides additional monument sign allowances.

## (2) General Dimension Standards

## (a) Height

Height limits include the combined height of the sign face and monument base.

## (b) Area

Area limits control the sign area per face for a sign with two faces.

## c. Design and Maintenance Standards

## (1) Proportions

Monument signs must be attached to a proportionate enclosed base with an area that is at least as wide as the area of the sign face area and that does not exceed the width of the sign face area by more than 10%.

## (2) Materials

Monument signs shall be constructed with stone, brick, concrete, metal, routed wood planks or beams, or similar durable, weatherproof materials which harmonize with the architectural style of the principal building on the same lot. Monument signs shall match the aesthetics of the principal structure.

## d. Changeable Copy and Electronic Message Centers

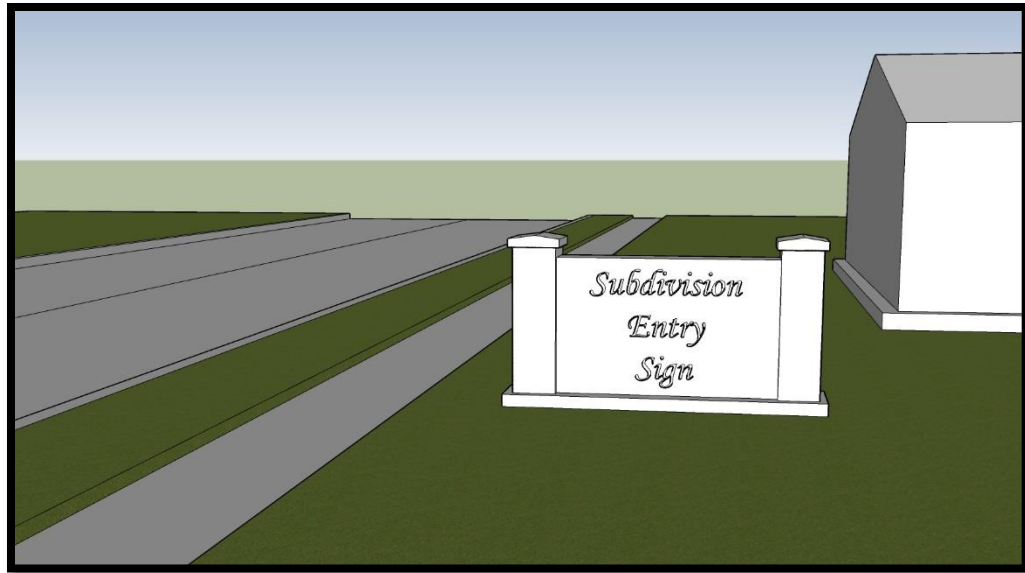
A portion of the sign face area of monument signs may be composed of changeable copy or an electronic message center based on the standards of Section 4.08J, and the sign face percentage allowances for these features stated in Table 21: Monument Sign Standards.

2. Subdivision Entry Signs

a. Definition

A monument sign located at the entry to a residential subdivision or multi-family development.

**Figure 4: Subdivision Entry Sign**



b. Dimension and Location Standards

Table 22: Subdivision Entry Sign establishes the standards for subdivision entry signs.

**Table 22: Subdivision Entry Sign**

| Sign District                 | A   | R   | C  | I  |
|-------------------------------|-----|-----|----|----|
| <i>Requirements</i>           |     |     |    |    |
| Allowed?                      | Yes | Yes | No | No |
| Permit Required?              | No  | No  | -  | -  |
| Number per entrance (max.)    | 2   | 2   | -  | -  |
| <i>Dimensions</i>             |     |     |    |    |
| Sign Area (max.)              | 36  | 48  | -  | -  |
| Height (max.)                 | 6   | 6   | -  | -  |
| <i>Design Characteristics</i> |     |     |    |    |
| Electronic Message Center     | No  | No  | -  | -  |
| Changeable Copy               | No  | No  | -  | -  |

| <b>Sign District</b>  | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|-----------------------|---|----------|----------|----------|
| Internal Illumination | No  | No       | -        | -        |
| External Illumination | Yes   | Yes      | -        | -        |
| Halo Illumination     | Yes   | Yes      | -        | -        |
| Direct Illumination   | No  | No       | -        | -        |
| <b>Key</b>            | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

## (1) Number and Locations

Up to two entry signs may be located at the intersection of a collector or arterial road and an entry road or private driveway into a residential subdivision or multi-family development. The signs must be configured as follows:

- (a) Two signs with one sign face each located on opposite sides of the entry road or private driveway;
- (b) One sign with two faces located within a landscaped area dividing two one-way entry roads or private driveways; or
- (c) One sign located on one side of the entry road or private driveway.

## (2) Dimension Standards

Subdivision entry signs must conform to the dimension standards for monument signs described in this section and to the allowances stated in Table 22: Subdivision Entry Sign.

## c. Design Standards

## (1) Generally

Subdivision entry signs must comply with the design and maintenance standards for monument signs, above, except as provided in Section 4.08F.2.c(2), below.

## (2) Materials

Subdivision entry signs will be constructed with stone, brick, concrete, metal, routed wood planks or beams, or similar durable, weatherproof materials which harmonize with the architectural style of the residential subdivision or multi-family development.



G. Attached Signs

1. Generally

a. Calculation of Sign Allowance

This section generally expresses allowances for attached signs as a percentage that the sign face area bears to the wall area of a building. Sign face area and wall area are both defined in more detail in Section 4.08K.

b. Location

- (1) An attached sign shall not extend above the eaves of a pitched roof or the top of the parapet for other types of roofs.
- (2) No more than 50% of an attached sign may extend onto a parapet above the primary roofline of the building or structure to which it is attached.

c. Architectural Features

Attached signs shall not obscure window or door openings or architectural features such as arches, columns, eaves, cornices, moldings, dormers, pediments, or ornamental materials such as metal, glass, or woodwork, except for:

- (1) Window signs, to the extent allowed by this section; and
- (2) Signs located on an awning, canopy, or marquee to the extent allowed by this section.

2. Wall Signs

a. Definition

A permanent attached sign (other than an awning or attached canopy sign, a projecting sign, a marquee, a window sign, or an incidental sign) that:

- (1) Is fastened or affixed on an exterior wall of a building or other structure so that the wall becomes the supporting structure for, or forms the background surface of, the sign;
- (2) Has its exposed face oriented in a plane parallel to the exterior wall on which it is affixed; and
- (3) Extends less than 18 inches from the surface of the wall to which it is attached.

**Figure 5: Wall Sign**



## b. Dimension and Location Standards

Table 23: Wall Sign Standards establishes the general standards for wall signs.

**Table 23: Wall Sign Standards**

| <b>Sign District</b>                                | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|---|---|----------|----------|----------|
| <i>Requirements</i>                                 |   |          |          |          |
| Allowed?  | NR  | NR       | Yes      | Yes      |
| Permit Required?                                    | Yes   | Yes      | Yes      | Yes      |
| Number per frontage/tenant (max.)                   | 1   | 1        | 1        | 1        |
| Additional per building façade with public entrance | -   | -        | 1        | 1        |
| <i>Dimensions</i>                                   |   |          |          |          |
| Sign Area (max.)                                    | 5%  | 5%       | 8%       | 5%       |
| <i>Design Characteristics</i>                       |   |          |          |          |
| Electronic Message Center                           | No  | No       | No       | No       |
| Changeable Copy                                     | No  | No       | No       | No       |
| Internal Illumination                               | NR  | NR       | Yes      | Yes      |
| External Illumination                               | NR  | NR       | Yes      | Yes      |
| Halo Illumination                                   | NR  | NR       | Yes      | Yes      |
| Direct Illumination                                 | No  | No       | No       | No       |
| Directly painted on wall                            | No  | No       | No       | No       |
| <b>Key</b>  | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

(1) Wall Signs for Multi-Tenant Buildings with Separate Entrances

Tenants in multi-tenant buildings with separate entrances may each display one wall sign on the frontage where the primary public entrance is located.

(2) Additional Wall Signs for Buildings with Entrances Facing a Driveway and Parking Area

(a) A building with a public entrance on an exterior wall facing a parking area or a one- or two-way driveway in a side yard may display one additional sign on that frontage that complies with the general dimension standards of this section.

(b) This allowance does not apply to walls that face adjacent lots in residential zoning districts or existing single-family or two-family residences, regardless of the zoning district.

c. Design Standards

(1) Installation

(a) A wall sign shall affix flush against the wall of the building or as flush as possible while allowing the plane of the face of the sign to remain perpendicular to the ground.

(b) The wall sign's face shall not extend more than 18 inches from the surface of the wall to which it is attached.

d. Exemption for Integral Signs

The regulations for wall signs do not apply to integral signs less than four square feet in sign area that are embedded, extruded, or carved into the material of a building façade or are made of bronze, brushed stainless steel or aluminum, or similar material that is permanently attached to the building façade.

## 3. Awning Signs

## a. Definitions

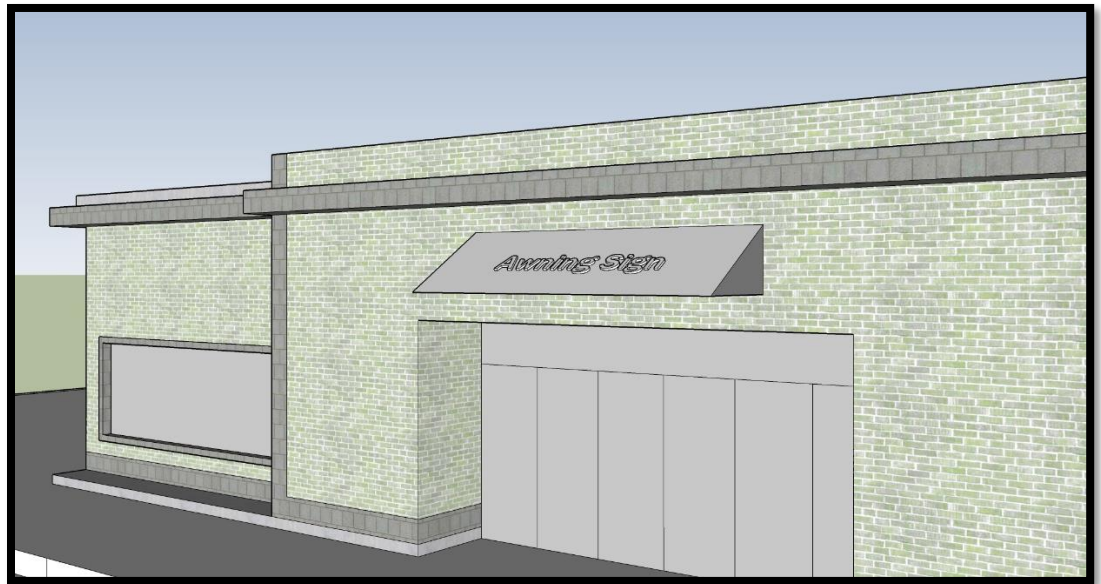
## (1) Awning

An architectural projection from an exterior wall of a building that provides weather protection, identity, or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

## (2) Awning Sign

A sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning.

**Figure 6: Awning Sign**



## b. Dimension and Location Standards

Table 24: Awning Sign Standards establishes the standards for awning signs. Awning signs may be displayed in lieu of a wall sign on any exterior wall on which a wall sign is allowed under this section. An awning sign may not be displayed on the same wall as a wall sign or attached canopy sign.

**Table 24: Awning Sign Standards**

| Sign District                     | A   | R   | C   | I   |
|-----------------------------------|-----|-----|-----|-----|
| <i>Requirements</i>               |     |     |     |     |
| Allowed?                          | NR  | NR  | Yes | Yes |
| Permit Required?                  | Yes | Yes | Yes | Yes |
| Number per frontage/tenant (max.) | 1   | 1   | 1   | 1   |
| Additional per building façade    | -   | -   | 1   | 1   |

| <b>Sign District</b>          | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|-------------------------------|---|----------|----------|----------|
| with public entrance          |   |          |          |          |
| <i>Dimensions</i>             |   |          |          |          |
| Sign Area (max.)              | 5%  | 5%       | 8%       | 5%       |
| <i>Design Characteristics</i> |   |          |          |          |
| Electronic Message Center     | No  | No       | No       | No       |
| Changeable Copy               | No  | No       | No       | No       |
| Internal Illumination         | No  | No       | No       | No       |
| External Illumination         | NR  | NR       | Yes      | Yes      |
| Halo Illumination             | NR  | NR       | No       | No       |
| Direct Illumination           | No  | No       | No       | No       |
| <b>Key</b>                    | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-” the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

## c. Design Standards

Awning signs may be painted, printed, attached, or directly applied to the surface of the awning covering. An awning sign must not extend from the surface of the awning to which it is affixed.

## 4. Attached Canopy Signs

## a. Definitions

## (1) Attached Canopy

An architectural projection from an exterior wall of a building that is of rigid construction, is supported by attachment to a building on one or more sides, and over which a covering is attached that provides weather protection, identity, or decoration.

## (2) Attached Canopy Sign

A permanent attached sign that is affixed to an attached canopy.

**Figure 7: Attached Canopy Sign**



## b. Location and Dimension Standards

Table 25: Attached Canopy Sign Standards establishes the standards for attached canopy signs. Attached canopy signs may be displayed in lieu of a wall sign on any exterior wall on which a wall sign is allowed under this section. An attached canopy sign may not be displayed on the same wall as a wall sign or awning.

**Table 25: Attached Canopy Sign Standards**

| Sign District                     | A   | R   | C   | I   |
|-----------------------------------|-----|-----|-----|-----|
| <i>Requirements</i>               |     |     |     |     |
| Allowed?                          | NR  | NR  | Yes | Yes |
| Permit Required?                  | Yes | Yes | Yes | Yes |
| Number per frontage/tenant (max.) | 1   | 1   | 1   | 1   |
| Additional per building façade    | -   | -   | 1   | 1   |

| <b>Sign District</b>            | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|---------------------------------|---|----------|----------|----------|
| with public entrance            |   |          |          |          |
| <i>Dimensions</i>               |   |          |          |          |
| Sign Area (max.)                | 5%  | 5%       | 8%       | 5%       |
| <i>Design Characteristics</i>   |   |          |          |          |
| Electronic Message Center       | No  | No       | No       | No       |
| Changeable Copy                 | No  | No       | No       | No       |
| Internal Illumination           | NR  | NR       | Yes      | Yes      |
| External Illumination           | NR  | NR       | Yes      | Yes      |
| Halo Illumination               | NR  | NR       | Yes      | Yes      |
| Direct Illumination             | No  | No       | No       | No       |
| Copy painted directly on canopy | No  | No       | No       | No       |
| <b>Key</b>                      | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

## c. Design Standards

- (1) An attached canopy sign shall affix to the surface of the canopy facing the street frontage so that the face of the sign remains perpendicular to the ground.
- (2) A canopy sign may be located on the face of, above, or below the canopy but may not extend above the roofline.
- (3) The face of a canopy sign cannot extend more than 18 inches from the face surface of the canopy to which it is attached.

## 5. Freestanding Canopy Signs

## a. Definitions

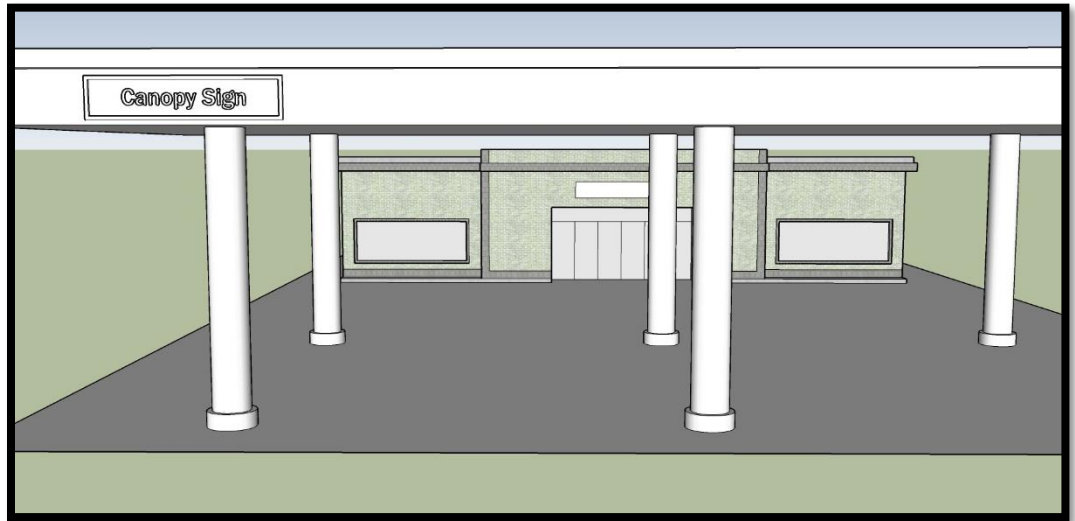
## (1) Freestanding Canopy

A permanent structure that is structurally independent of a building, that is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

## (2) Freestanding Canopy Sign

A permanent attached sign that is affixed to a freestanding canopy.

**Figure 8: Freestanding Canopy Sign**



## b. Freestanding Canopy Sign Standards

Table 26: Freestanding Canopy Sign Standards establishes the standards for freestanding canopy signs.

**Table 26: Freestanding Canopy Sign Standards**

| Sign District                     | A   | R   | C   | I   |
|-----------------------------------|-----|-----|-----|-----|
| <i>Requirements</i>               |     |     |     |     |
| Allowed?                          | NR  | NR  | Yes | Yes |
| Permit Required?                  | Yes | Yes | Yes | Yes |
| Number per frontage/tenant (max.) | 1   | 1   | 1   | 1   |
| <i>Dimensions</i>                 |     |     |     |     |
| Sign Area (max.)                  | 10% | 10% | 10% | 10% |
| <i>Design Characteristics</i>     |     |     |     |     |
| Electronic Message Center         | No  | No  | No  | No  |



| <b>Sign District</b>       | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|----------------------------|---|----------|----------|----------|
| Changeable Copy            | No  | No       | Yes      | No       |
| Internal Illumination      | NR  | NR       | Yes      | Yes      |
| External Illumination      | NR  | NR       | No       | No       |
| Halo Illumination          | NR  | NR       | Yes      | Yes      |
| Direct Illumination        | No  | No       | No       | No       |
| Painted directly on canopy | No  | No       | No       | No       |
| <b>Key</b>                 | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

## (1) Number

If a freestanding canopy is allowed for the zoning district, one sign may be displayed on each frontage. Freestanding canopy signs are in addition to the allowance for wall signs provided by this section.

## (2) General Dimension Standard

The sign face area of a freestanding canopy sign must not exceed 10% of the surface area of the face of the canopy on which it is located.

## c. Design Standards

## (1) Installation

A freestanding canopy sign shall affix flush against the surface of the face of the canopy or as flush as possible while still allowing the plane of the face of the sign to remain perpendicular to the ground. The face of a canopy sign cannot extend above the top surface of the face of the canopy and cannot extend more than 18 inches from the surface of the canopy to which it is attached.

## (2) Signs Painted on Canopies

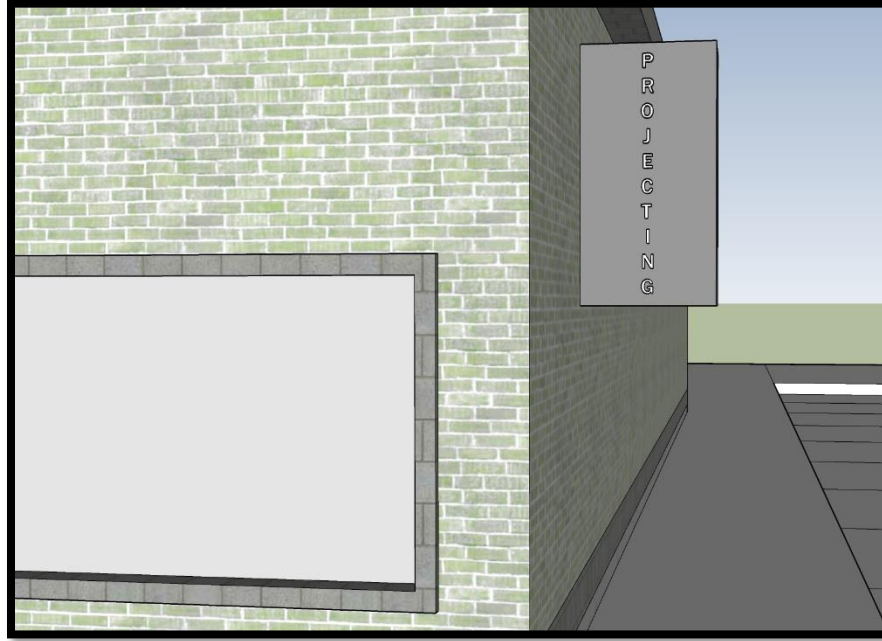
Signs shall not be painted directly on a freestanding canopy.

## 6. Projecting Signs

## a. Definitions

A permanent attached sign type that is affixed to and projects 12 inches or more from the wall of a building and is generally perpendicular to the building façade. A projecting sign does not include signs located on a canopy, awning, or marquee.

**Figure 9: Projecting Sign**



## b. Dimension and Location Standards

Table 27: Projecting Sign Standards establishes the standards for projecting signs for multi-tenant developments.

**Table 27: Projecting Sign Standards**

| Sign District  | A  | R  | C   | I  |
|--|----|----|-----|----|
| <i>Requirements</i>  |    |    |     |    |
| Allowed?   | No | No | Yes | No |
| Permit Required?   | -  | -  | Yes | -  |
| Number in lieu of wall sign for each ground floor use with separate entrance | -  | -  | 1   | -  |
| Number in addition to wall sign for each ground floor use with               | -  | -  | 1   | -  |

| <b>Sign District</b>  | <b>A</b>   | <b>R</b> | <b>C</b> | <b>I</b> |
|---|--|----------|----------|----------|
| separate entrance   |  |          |          |          |
| Additional number for multi-family use in mixed-use building over two stories | -  | -        | 1        | -        |
| <i>Dimensions (Sign Area)</i>   |  |          |          |          |
| For projecting sign in lieu of wall sign (as % of wall area)                  | -  | -        | 8%       | -        |
| For projecting sign in addition to wall sign (SF)                             | -  | -        | 12 sf    | -        |
| <i>Design Characteristics</i>   |  |          |          |          |
| Electronic Message Center   | -  | -        | No       | -        |
| Changeable Copy   | -  | -        | No       | -        |
| Internal Illumination   | -  | -        | Yes      | -        |
| External Illumination   | -  | -        | Yes      | -        |
| Halo Illumination   | -  | -        | Yes      | -        |
| Direct Illumination   | -  | -        | No       | -        |
| <b>Key</b>  | <p>Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-” the standard does not apply</p> <p>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial</p> |          |          |          |

(1) Projecting Sign in Lieu of Wall Sign

(a) Applicability and Number

A multi-tenant development may display one projecting sign in lieu of a wall sign for each storefront allocated to a distinct tenant with a separate public entrance on any exterior wall on which a wall sign would be allowed under this section.

(b) General Dimension Standard

The sign face area of a projecting sign in lieu of a wall sign must not exceed 8% of the wall area for the wall area on which it is located.

(2) Projecting Sign in Addition to Wall Sign

(a) Applicability

A multi-tenant development may display one projecting sign in addition to a wall sign for each ground-floor frontage allocated to a distinct tenant with a separate public entrance (a “secondary projecting sign”) on the same wall as a wall sign, canopy sign, awning sign, or marquee sign.

(b) General Dimension Standard

The sign face area for a secondary projecting sign must not exceed 12 square feet, and the width must not exceed 18 inches.

(c) Location

Secondary projecting signs must be within eight (8) feet of a public entrance to the building.

c. Design Standards

A projecting sign may be installed under an awning or an attached canopy, and the awning or canopy may also contain signs.

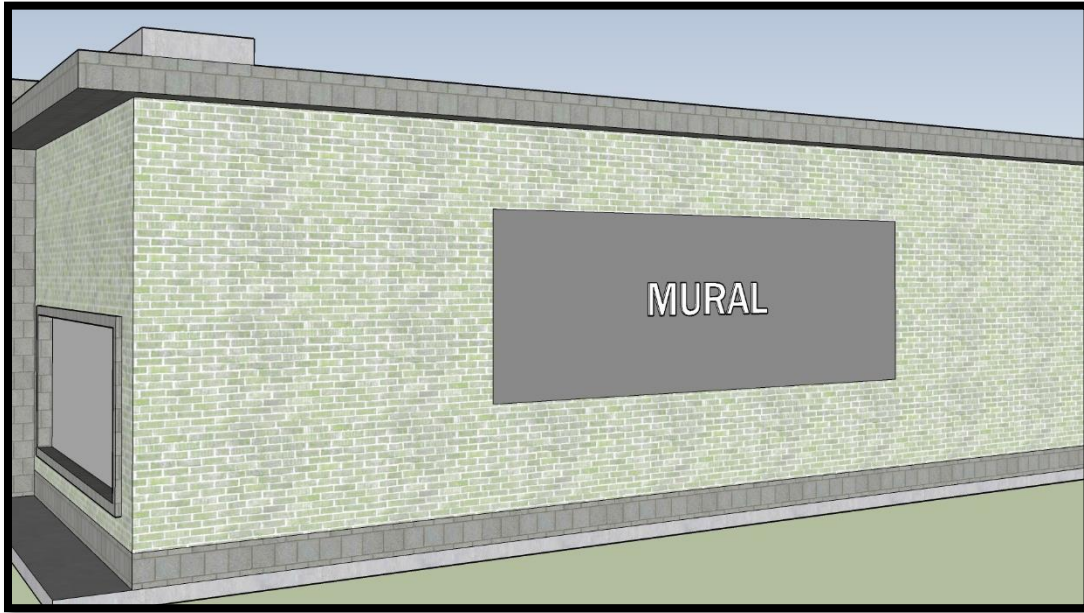
7. Murals

a. Definition

A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural or painted wall sign does not include:

- (1) Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps;
- (2) Works containing electrical or mechanical components; or
- (3) Works that involve changing or moving images or components.

**Figure 10: Mural**



b. Dimension and Location Standards

Table 28: Mural Standards establishes the standards for murals and painted wall signs. One mural or painted wall sign may be displayed on a building in addition to other signs allowed in this section.

**Table 28: Mural Standards**

| Sign District                 | A  | R  | C   | I  |
|-------------------------------|----|----|-----|----|
| <i>Requirements</i>           |    |    |     |    |
| Allowed?                      | No | No | Yes | No |
| Permit Required?              | -  | -  | Yes | -  |
| Number per building           | -  | -  | 1   | -  |
| <i>Dimensions</i>             |    |    |     |    |
| Sign area (max.)              | -  | -  | 75% | -  |
| <i>Design Characteristics</i> |    |    |     |    |

| <b>Sign District</b>      | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|---------------------------|---|----------|----------|----------|
| Electronic Message Center | -   | -        | No       | -        |
| Changeable Copy           | -   | -        | No       | -        |
| Internal Illumination     | -   | -        | No       | -        |
| External Illumination     | -   | -        | Yes      | -        |
| Halo Illumination         | -   | -        | No       | -        |
| Direct Illumination       | -   | -        | No       | -        |
| <b>Key</b>                | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

c. Location and Orientation

(1) Placement on Secondary Wall

A mural or painted wall sign located on an exterior wall or structure that does not have direct street frontage requires a sign permit approved by the Director.

(2) Placement on Primary Wall

Due to the review framework for the allowed districts and their unique design elements, murals and painted wall signs on a wall with direct street frontage requires approval established in Section 4.08G.7.c(3), below, by the Planning Commission.

(3) Review

In its review of proposed murals and painted wall signs, the Planning Commission and the Director will review an application based on the following factors:

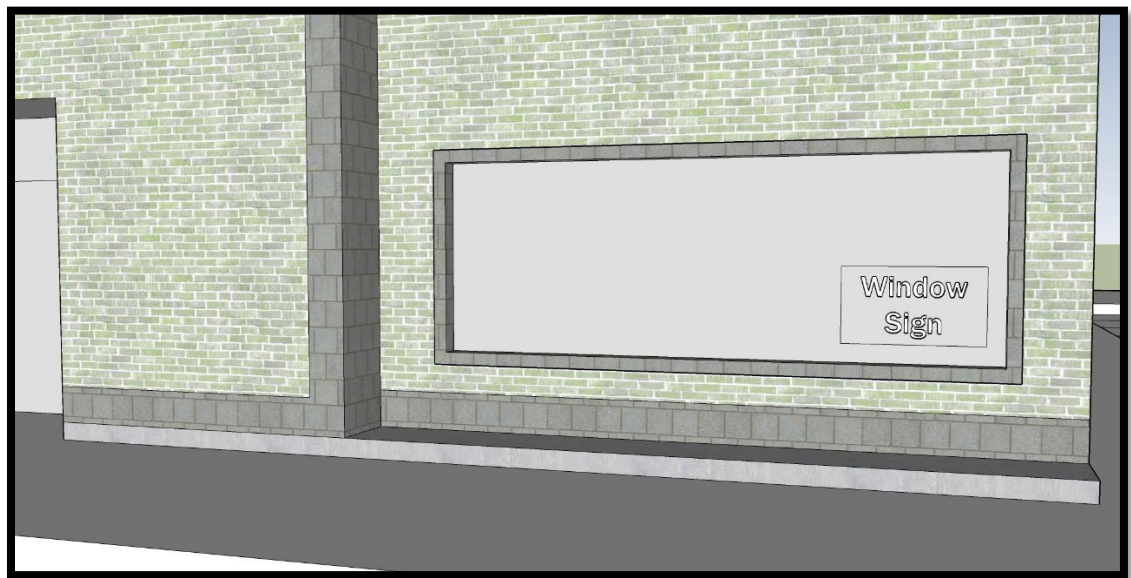
- (a) The sign uses durable, exterior grade paints and materials and weatherproof and ultraviolet-protective coatings;
- (b) The sign uses colors that coordinate with the colors of the building;
- (c) The sign is directed at and scaled to pedestrians;
- (d) The sign does not overwhelm or hide character-defining features of a building;
- (e) The sign is placed and sized to reinforce the building's architecture and its surroundings; and
- (f) The sign is placed at the same height and similar façade locations as adjacent tenants, if possible, to provide an integrated block appearance.

8. Window Signs

a. Definition

A temporary or permanent sign posted, painted, placed, or affixed to a window or glass door. A window sign includes any sign that is located inside a building, that is three feet or less from a window or glass door, and that is clearly visible from outside the building.

**Figure 11: Window Sign**



b. Dimension and Location Standards

Table 29: Window Sign Standards establishes the standards for window signs.

**Table 29: Window Sign Standards**

| Sign District                 | A   | R   | C   | I   |
|-------------------------------|-----|-----|-----|-----|
| <i>Requirements</i>           |     |     |     |     |
| Allowed?                      | Yes | Yes | Yes | Yes |
| Permit Required?              | No  | No  | No  | No  |
| <i>Dimensions</i>             |     |     |     |     |
| Sign area (max.)              | 35% | 25% | 50% | 50% |
| <i>Design Characteristics</i> |     |     |     |     |
| Electronic Message Center     | No  | No  | No  | No  |
| Changeable Copy               | No  | No  | No  | No  |
| Internal Illumination         | No  | No  | No  | No  |

| Sign District              | A   | R   | C   | I   |
|----------------------------|---|-----|-----|-----|
| External Illumination      | Yes   | Yes | Yes | Yes |
| Halo Illumination          | No  | No  | No  | No  |
| Direct Illumination        | No  | No  | No  | No  |
| Painted directly on window | Yes   | Yes | Yes | Yes |
| <b>Key</b>                 | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |     |     |     |

## (1) Number

The number of window signs is not limited, but the cumulative area of all signs in each window may not exceed the dimension standards for the sign area.

## (2) Dimension Standards

Table 29: Window Sign Standards expresses the sign area as the percentage of sign coverage per windowpane or per window if it does not contain separate panes.

## c. Design Standards

## (1) Interior Placement

Window signs must be posted, affixed, or painted to the window.

## (2) Application of Area Requirement

The total sign area within each individual pane, or within each frame if the window is not divided into separate panes, must not exceed the percentage for the applicable area requirement.

## (3) Measurement

The sign face area will be measured based on the outside margins of the sign as provided by Section 4.08K. Transparent and perforated elements count toward the sign face area.



H. Vehicle Signs

1. Permit not Required

Signs on vehicles do not require a sign permit but must comply with this section.

2. Vehicle Used as a Sign

No vehicle (including trailers or other non-motorized wheeled vehicles carrying signs) shall be parked so that it functions primarily as a sign.

3. Factors

Factors to determine whether a vehicle is being used primarily as a sign include, but are not limited to the following:

- a. Is the vehicle parked at a prominent location on the lot?
- b. Is the sign easily read by a person in the right-of-way?
- c. Is the vehicle parked at the same or similar locations for several hours during the same day or for several days during the same week?
- d. Are there any stated or apparent reasons, other than its function as a sign, that justify the presence of the vehicle at that location?

4. Presumption of Use as a Sign

While other factors may also establish a violation, a vehicle presumptively violates this provision if the first three questions are affirmative and there is no compelling answer to the fourth question to justify the parking location as opposed to some less conspicuous location.

5. Limitations on Vehicle Signs

Vehicles (including trailers) may have signs subject to the following limitations.

- a. Paper signs, electronic message signs, fabric signs, changeable copy signs, or signs with a scrolling mechanism to change messages are not allowed.
- b. A vehicle displaying a sign may be parked within 20 feet of any public right-of-way on a lot for no more than 24 consecutive hours during any 30-day period. Otherwise, a vehicle displaying a sign must be parked behind the principal structure.
- c. If Section 4.08H.5.b creates clear practical difficulties regarding the availability of appropriate parking spaces or the functional requirements of the use, the Director may authorize an alternate parking location that is reasonably inconspicuous and lessens the practical difficulties.

## I. Incidental and Temporary Signs

## 1. Sign Setback

This section regulates the location and size of incidental and temporary signs based on a sign setback that varies by sign district.

## a. Measurement

The sign setback is the setback from any property line and regulates the location and size of incidental and temporary signs. Table 30: Incidental Sign Standards and Table 31: Temporary Sign Standards define the applicable setback for each district.

## b. Perimeter Signs

Perimeter signs are signs that may be located between the property line and the applicable sign setback.

## c. Interior Signs

Interior signs must be located within a lot and shall not be located within the sign setback.

## 2. Incidental Signs

## a. Definition

A small permanent sign that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as wall signs and monument signs, and that has a height and scale that is subordinate to the primary sign types allowed for the property. Examples of typical incidental signs include house numbers, occupant directories, directional signs, flags, and parking signs. The list of examples is provided to clarify the regulations and does not limit the content of incidental signs. The County will not review the content of incidental signs.

## b. Dimension and Location Standards

Table 30: Incidental Sign Standards establishes the standards for incidental signs.

**Table 30: Incidental Sign Standards**

| <b>Sign District</b>                | <b>A</b> | <b>R</b> | <b>C</b> | <b>I</b> |
|-------------------------------------|----------|----------|----------|----------|
| <i>Requirements</i>                 |          |          |          |          |
| Allowed?                            | Yes      | Yes      | Yes      | Yes      |
| Permit Required?                    | No       | No       | No       | No       |
| Incidental sign setback (min. feet) | 15       | 10       | 20       | 20       |
| <i>Perimeter Signs</i>              |          |          |          |          |
| Number (max. per entrance)          | 1        | 1        | 2        | 2        |
| Sign face area (max. sf)            | 2        | 2        | 2        | 2        |
| Height (max. feet)                  | 4        | 4        | 4        | 4        |
| <i>Interior Signs</i>               |          |          |          |          |
| Number (max. per acre)              | 10       | 10       | 20       | 2        |

| <b>Sign District</b>          | <b>A</b>  | <b>R</b> | <b>C</b> | <b>I</b> |
|-------------------------------|---|----------|----------|----------|
| Area (max. sf)                | 10  | 10       | 35       | 25       |
| Height (max. feet)            | 6   | 6        | 8        | 8        |
| <i>Design Characteristics</i> |   |          |          |          |
| Electronic Message Center     | No  | No       | 25%      | No       |
| Changeable Copy               | No  | No       | No       | No       |
| Internal Illumination         | NR  | NR       | Yes      | Yes      |
| External Illumination         | Yes   | Yes      | Yes      | Yes      |
| Halo Illumination             | No  | No       | No       | Yes      |
| Direct Illumination           | No  | No       | No       | No       |
| <b>Key</b>                    | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |          |          |          |

c. Number and Location

- (1) Table 30: Incidental Sign Standards defines the maximum number of perimeter incidental signs per entrance to a public street.
- (2) Table 30: Incidental Sign Standards defines the maximum limit for interior incidental signs based on the number of signs per acre.

d. Design Standards

(1) Installation

An incidental sign on a wall shall affix flush against the wall of the building.

(2) Freestanding Signs

Freestanding signs must have an enclosed base.

(3) Screening of Larger Incidental Signs

An incidental sign larger than 20 square feet must be located along the sides or rear of the building and directed away from adjacent residential uses. Whenever a sign larger than 20 square feet is visible from a public street, additional landscaping or fencing must be used in order to screen the sign from view from the public street.

(4) Painted Signs not Allowed

Incidental signs must not be painted on an exterior wall.

## 3. Temporary Signs

## a. Definition

A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Temporary sign includes banners, feather signs, inflatable devices, stake signs, and A- and T-frame signs. Examples of common temporary signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is provided to clarify the regulations and does not limit the content of temporary signs. The County will not review the content of temporary signs.

## b. Dimension and Location Standards

Table 31: Temporary Sign Standards establishes the standards for temporary signs.

**Table 31: Temporary Sign Standards**

| <b>Sign District</b>                | <b>A</b> | <b>R</b> | <b>C</b> | <b>I</b> |
|-------------------------------------|----------|----------|----------|----------|
| <i>Requirements</i>                 |          |          |          |          |
| Allowed?                            | Yes      | Yes      | Yes      | Yes      |
| Permit Required?                    | No       | No       | NR       | NR       |
| Incidental sign setback (min. feet) | 5        | 5        | 5        | 5        |
| <i>Perimeter Signs</i>              |          |          |          |          |
| Number (max. Per lot)               | 1        | 1        | 1        | 1        |
| Sign face area (max. sf)            | 4        | 4        | 4        | 4        |
| Height (max. feet)                  | 4        | 4        | 4        | 4        |
| <i>Interior Signs</i>               |          |          |          |          |
| Number (max. per acre)              | 5        | 5        | 5        | 5        |
| Area (max. sf)                      | 20       | 10       | 32       | 32       |
| Height (max. feet)                  | 6        | 6        | 12       | 12       |
| <i>Design Characteristics</i>       |          |          |          |          |
| Electronic Message Center           | No       | No       | No       | No       |
| Changeable Copy                     | No       | No       | Yes      | No       |
| Internal Illumination               | No       | No       | No       | No       |

| Sign District         | A   | R  | C  | I  |
|-----------------------|---|----|----|----|
| External Illumination | No  | No | No | No |
| Halo Illumination     | No  | No | No | No |
| Direct Illumination   | No  | No | No | No |
| <b>Key</b>            | Yes = the sign type or characteristic is allowed   No = the sign type or characteristic is not allowed   NR = the sign type is allowed for nonresidential uses only   “-“ the standard does not apply<br>Sign Districts (see 4-805 – Sign Types and District Allocations): A = Agricultural   R = Residential   C = Commercial   I = Industrial |    |    |    |

(1) Number

- (a) Table 31: Temporary Sign Standards defines the maximum number of perimeter temporary signs per tenant or user.
- (b) Table 31: Temporary Sign Standards defines the maximum limit for interior temporary sign per tenant or user in number per acre.

(2) Dimension Standards

Table 31: Temporary Sign Standards defines the maximum sign face area and height for perimeter and interior temporary signs.

(3) Duration Sign May be Displayed

All temporary signs shall only be displayed for 90 days or less per calendar year, measured cumulatively per sign.

(4) Owner Consent Required

A person must obtain the consent of the property owner before placing a sign on that person's property.

c. Design Standards

- (1) Temporary signs should be implanted or anchored in the ground or affixed to the wall of a building or other permanent structure.
- (2) Temporary signs must not be anchored to the ground by temporary measures such as using sandbags or other weighted objects.

## J. Sign Features

### 1. Illumination

Permanent signs may be illuminated by static and continuous internal, external, halo, and direct illumination configurations as indicated in the tables of dimensions and standards for each sign type. Temporary signs must not be illuminated. The following rules apply to all illuminated signs:

- a. Illuminated signs may not operate at brightness levels of more than 0.3 foot-candles above ambient light conditions at the property line, as measured using a foot-candle meter. Illumination levels shall be measured in foot-candles with a meter sensor in a horizontal position at an approximate height of three feet above grade;
- b. Rotating beams and flashing beacon lights must not be used on any sign or sign structure;
- c. Illuminated signs must not blink, flash, display intermittent lighting sequences, or lighting sequences that simulate motion;
- d. Illuminated signs must not be illuminated by flashing, intermittent, or moving lights, or lights that consist of an image projected upon a stationary object;

### 2. Changeable Signs

Permanent signs may incorporate changeable copy as indicated in the tables of dimensions and standards for each sign type. The following rules apply to changeable signs:

- a. Where allowed, each sign is limited to a percentage of the sign face area that may be a changeable sign.
- b. Changeable signs may be illuminated if the dimensions and standards allow illumination for the sign type in the district.

### 3. Electronic Message Centers

Electronic message centers shall be displayed as indicated in the tables of dimensions and standards for each sign type.

- a. The sign standards express the maximum portion of the sign face area that shall consist of an electronic message center as a percentage of the sign face.
- b. Electronic message centers shall only display static content. The static display shall remain in a fixed position for at least one minute. An interval change time of two seconds or less is required.
- c. Each static display may not include any flashing or varying light intensity, and the display shall not scroll.
- d. The background color for electronic message centers may not be white.
- e. Electronic message centers shall have ambient light monitors to automatically adjust the brightness of the sign so that it does not exceed 5,000 Nits during daylight hours and 500 Nits from dusk to dawn.
- f. Electronic message centers must incorporate an automatic shut-off that turns off the sign in the event of a malfunction.
- g. In the case of a malfunction, an electronic message center must be turned off until repaired.

K. Measurements and Rules of Interpretation

1. Interpretation

All images are for illustrative purposes only as a guide to help understand the sign regulations. The images do not create sign standards or modify any substantive sign standard required by this section, Section 4.08.

2. Measurement

a. Sign Face Area

Measured in square feet ("SF") and calculated as the width multiplied by the height of a single rectangle, parallel with the ground, that contains all sign elements, including decorative embellishments, and any internally illuminated or backlit panel, fabric, or similar material not approved as an architectural design element of the building in the final development plan approval.

- (1) Sign area includes cabinets, background panels, or colors that are part of the sign installation and not part of the building architecture or the sign support.
- (2) Sign face area measurement are as follows:
  - (a) Only one side of a multi-faced sign is considered when determining the sign area, if the faces are equal in size, the interior angle formed by the faces is less than 45 degrees, and the two faces are not more than 18 inches apart.
  - (b) Where two faces of a multi-faced sign are not equal in size, but the interior angle formed by the faces is less than 45 degrees and the two faces are no more than 18 inches apart, the larger sign face is used to calculate sign area.
  - (c) When the interior angle formed by the faces of a multi-faced sign is greater than 45 degrees, or the faces are greater than 18 inches apart, all sides of the sign are considered in calculating sign area.
- (3) For irregularly shaped signs, sign area is calculated as the sum of two or more separate rectangles that completely contain all parts of the sign elements.
- (4) The calculation of sign area for a single sign includes all related sign elements on the same facade or structure. Sign elements are related if they are all constructed in a similar manner and are located no more than five feet apart, horizontally or vertically. Additionally, to be considered a single sign, the facade on which the elements of the sign are mounted can be offset by up to five feet.
- (5) Where two or more signs are allowed on a facade, the separate sign face area rectangles for each sign are added together to determine the total amount of sign face area on that building façade.

3. Sign Height

Measured from the average finished grade to the highest point of the sign, including any cabinets, trim, or attachments. The average grade is calculated by measuring the difference in elevation between the grade at one lateral edge of the sign face and the elevation at the other lateral edge of the sign face, divided by two.

4. Wall Area

Where sign size is prescribed as a percent of wall area, the "wall area" is a continuous portion of a building facade, as viewed by a person approaching the building from the public right-of-way, consisting of a plane surface.

## Section 4.09 Dimensional Regulations

### A. Purpose

The purpose of this section is to provide the general rules and exceptions for setbacks and yards.

### B. Applicability

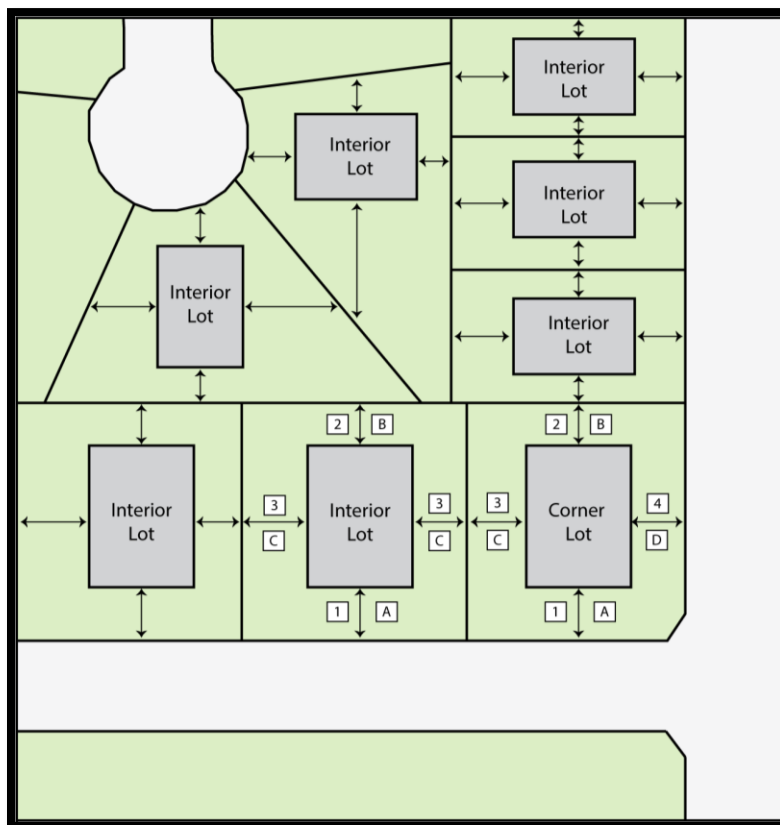
This section applies to Chapter 2 and any other provision of this LTZO that refers to or requires a setback or yard. Regardless of the setbacks, the requirements for easements, minimum parking requirements, and site traffic visibility must be followed.

### C. Generally

1. Every part of a required yard shall be unoccupied and unobstructed by any portion of a structure from the ground upward, except as provided below.
2. In measuring a setback, the shortest distance between a lot line and the building applies.
3. All yards abutting a street are measured from the nearest edge of the right-of-way, or from the lot line, whichever provides the greater setback.
4. Required yard means that portion of any yard constituting the minimum area required in any zoning district, but excluding that portion of the yard in excess of the minimum required area.

### D. Measurement Standards and Yard Types

**Figure 12: Measurement Standards and Yard Types**



### 1. Figure 12: Measurement Standards and Yard Types Key.

- 1 = Front Yard
- 2 = Rear Yard
- 3 = Side Yard



4 = Corner Side Yard

A = Front Yard Setback

B = Rear Yard Setback

C = Side Yard Setback

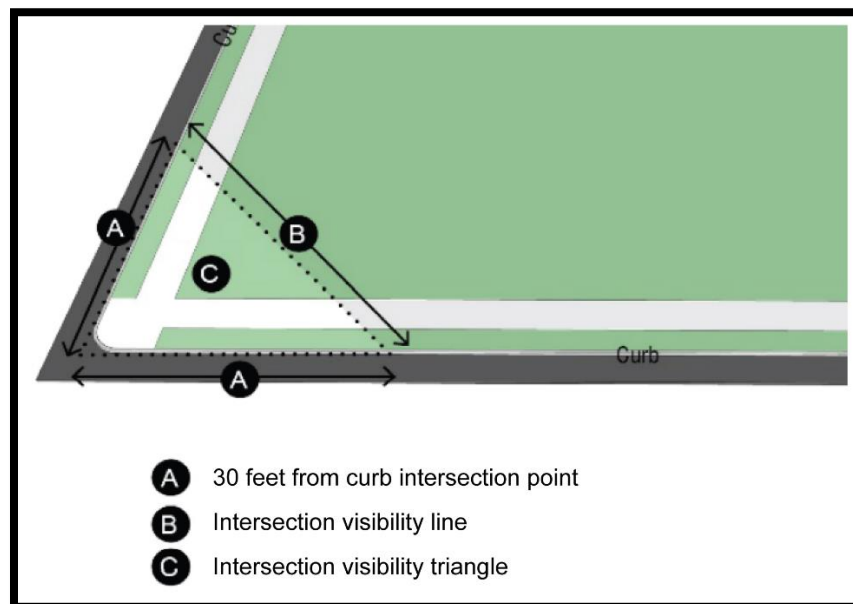
D = Corner Side Yard Setback

2. Front yard means a yard across the full width of the lot extending from the front line of the main building to the front lot line. A corner lot has a front lot line on that street on which it has its least dimension.
3. Rear yard means the yard between the rear lot line and the rear line of the main building and the side lot lines.
4. Side yard means a yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.
5. Corner lots are on the junction of and abutting two (2) or more intersecting streets.

E. Intersection Visibility Triangle

1. These provisions apply to all new development or proposed expansions into the intersection visibility triangle. However, these provisions do not apply to, or otherwise interfere with the: placement and maintenance of traffic-control devices under governmental authority and control and public utilities; existing screening and fencing requirements; and existing and future City, state and federal regulations.
2. Obstructions are prohibited at elevations between two and one-half (2½) feet and nine (9) feet above the average street grade within the Intersection Visibility Triangle. Prohibited obstructions include any fence, wall, screen, billboard, sign, structure, foliage, or any other object.
3. At intersections where arterials and collectors intersect at or near right angles, the Intersection Visibility Triangle shall be the area formed by extending the two curb lines from their point of intersection thirty (30) feet along the curb and connecting these points with an imaginary line, creating a triangle. See Figure 13: Intersection Visibility Triangle).

**Figure 13: Intersection Visibility Triangle**



## Section 4.10 Access

### A. Purpose

The purpose of this section is to provide for the efficient and safe circulation of vehicle access to and from properties to public streets.

### B. Applicability

This section applies to all driveways that access public streets.

### C. Standards

#### 1. Generally

All development shall provide vehicular access to a public street unless shared cross access is provided or otherwise specified in this LTZO.

#### 2. Number of Access Points

The maximum number of access points permitted is based on the criteria and driveway spacing requirements below:

- a. One (1) access point for lots with less than 200 feet of frontage, and
- b. No more than two (2) access points for every 200 feet for lots with more than 200 feet of frontage.

#### 3. Shared Cross Access

- a. Any development with less than 400 feet fronting a public street may provide for shared access with adjacent lots fronting the public street.
- b. Shared access shall include platted common access easements across the lot or recorded deed covenants providing common access across that lot with adjacent lot(s).

#### 4. Location of Access Points

The Director (or TXDOT or County authority, if appropriate), will determine the specific location of access points when a site plan is reviewed prior to issuance of a building permit.

- a. The location is based on the following criteria:
  - (1) The location shall minimize conflicts with vehicle turning movements;
  - (2) The location shall be as far as practicable from intersections; and
  - (3) The location shall be at least 50 feet from another driveway location.
    - (a) If this standard is not possible, based upon the frontage of the property, the location shall be directed as far as practicable from other driveway locations.
    - (b) Driveways along a thoroughfare within 400 feet of a major intersection, such as the intersection of arterial streets or the intersection of a collector and an arterial street, may be restricted to right turn movements.

#### 5. Non-Standard Access

A lot included on an approved plat that does not otherwise limit access and was approved by the County and filed for record as of the effective date of this section, and that does not have sufficient frontage to meet the driveway approach spacing requirements in this section, is allowed one (1) driveway approach.

## Section 4.11 Performance Standards

### A. Purpose

The purpose of this section is to provide sufficient performance standards to mitigate any adverse development impacts within the Lake Tawakoni Planning Area.

### B. Applicability

This section applies to all development within the Lake Tawakoni Planning Area unless otherwise specified. All development constructed after the effective date of this LTZO complies with this section.

### C. Standards

All development shall comply with the following standards:

#### 1. Smoke

No operation shall be conducted unless it conforms to the standards established by any applicable state and federal health rules and regulations pertaining to smoke emission;

#### 2. Particulate Matter

No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to the emission of particulate matter;

#### 3. Dust, Odor, Gas, Fumes, Glare, or Vibrations

No emission of these matters shall result in a concentration at or beyond the property line which is detrimental to the public health, safety, or general welfare or which causes injury or damage to property; said emissions shall in all cases conform to the standards established by applicable state and federal health rules and regulations pertaining to said emissions;

#### 4. Noise

No operation shall be conducted in a manner so that any noise produced is objectionable due to intermittence, beat frequency, or shrillness. Sound levels of noise at the property line shall not exceed 75 DB(A) permitted for a maximum of fifteen (15) minutes in any one (1) hour; said operation shall in all cases conform to the standards established by applicable state and federal health rules and regulations and to other local ordinances pertaining to noise;

#### 5. Radiation Hazards and Electrical Disturbances

No operation shall be conducted unless it conforms to the standards established by applicable state and federal health rules and regulations pertaining to radiation control.

#### 6. Water Pollution

No water pollution shall be emitted by the manufacturing or other processing. In a case in which potential hazards exist, it shall be necessary to install safeguards acceptable to the appropriate state and national health and environmental protection agencies prior to the issuance of a certificate of occupancy. The applicant shall have the burden of establishing that said safeguards are acceptable to said agency or agencies.

#### 7. Hazardous Waste

Any hazardous waste that is designated by the United States Environmental Protection Agency (USEPA) or appropriate agency of the State shall conform to the standards established by Federal or State Law.

## Section 4.12 Floodplain Standards

### A. Purpose

The purpose of this section is to ensure adequate provisions for storm drainage in the Lake Planning Area. These standards are intended to protect public health, prevent property damage due to flooding, and protect environmentally sensitive areas.

### B. Applicability

The areas of special flood hazard identified by the Federal Insurance and Mitigation Administration by the flood insurance rate maps and flood hazard boundary-floodway maps and any revisions thereto are adopted by reference.

### C. Standards

Any new construction or substantial improvement of any structure shall meet the adopted *Hunt County Floodplain Regulations* as available at the Hunt County Courthouse.

## Chapter 5. Procedures and Administration

### Section 5.01 General Procedures

#### A. Purpose

The purposes of this chapter are to:

1. Establish the appropriate workflows associated with each land development process, and
2. Ensure that processes comply with state law, and
3. Assign decision making authority, completeness review, and deadlines to ensure that the processes are efficient and fair to applicants, and
4. For discretionary or legislative decisions, provide notice and an opportunity to be heard by persons affected by the application.

#### B. General Procedural Requirements

##### 1. Applicability

This chapter establishes rules and procedures for specific land use decisions under the jurisdiction of the Commissioners Court, Planning Commission, and Hunt County Staff (where applicable), and administrative decisions.

##### 2. Procedures

This chapter sets up rules for procedures, such as notices and public hearings. It then describes the process for specific land use decisions. The procedures have a common workflow and description per Table 32: General Procedural Components.

**Table 32: General Procedural Components**

| Component               | Meaning   |
|-------------------------|---|
| Applicability           | The type of development or situation that is subject to the process.  |
| Initiation              | This is how the applicant begins the process, including which department or official receives the application.                      |
| Completeness            | This is how the County determines that the application has sufficient information to be processed.                                  |
| Notice                  | This describes the type of notice and how it is provided.   |
| Decision                | This states who approves the application and the type of proceeding that leads to the decision.                                     |
| Standards               | These are any standards that apply to the application. All applications are subject to this LTZO.                                   |
| Subsequent Applications | If an application is denied, some processes have a waiting period before that type of application can be re-filed for the property. |
| Appeals                 | This provides a way to review an application that is denied or that has conditions that the applicant disagrees with.               |

| Component         | Meaning  |
|-------------------|--|
| Scope of Approval | This indicates what activity the application authorizes. For example, some approvals send the applicant to the next step in the overall process, while others authorize construction or use. |
| Recordkeeping     | This states how the formal decision of approval is maintained.   |

### 3. Authority Table

Table 33: Authority Table summarizes the major review procedures for land use applications and development activity in the Lake Tawakoni Planning Area and who acts on those applications. Not all procedures addressed in this chapter are summarized in this table (see subsequent sections of this chapter for additional details on each procedure).

**Table 33: Authority Table**

| Application Type ↓           | Noticing Required?   | Public Hearing Required? |     | Authority |    |    |
|------------------------------|--|--------------------------|-----|-----------|----|----|
|                              |  | PC                       | CC  | Director  | PC | CC |
| Comprehensive Plan Amendment | Yes  | Yes                      | Yes | R         | R  | D  |
| Zoning Ordinance Amendment   | Yes  | Yes                      | Yes | R         | R  | D  |
| Rezoning                     | Yes  | Yes                      | Yes | R         | R  | D  |
| Specific Use Permit          | Yes  | Yes                      | Yes | R         | R  | D  |
| Site Plan                    | No   | Yes                      | No  | R         | D  | -  |
| Sign Permit                  | No   | No                       | No  | D         | -  | -  |
| Interpretation               | No   | No                       | No  | D         | -  | -  |
| Lot Frontage Variance        | Yes  | Yes                      | Yes | R         | R  | D  |
| Sign Variance                | Yes  | Yes                      | Yes | R         | R  | D  |
| Building Permit              | No   | No                       | No  | D         | -  | -  |
| Certificate of Occupancy     | No   | No                       | No  | D         | -  | -  |
| <b>Key</b>                   | Yes = Required   No = Not Required   R = Review and Recommendation   D = Final Decision   “-” = Not Applicable   PC = Planning Commission   CC = Commissioners Court |                          |     |           |    |    |

C. Filing Applications

1. General Requirements

- a. Applications filed under this LTZO must include the information required by zoning regulations. All applications shall be made on forms prepared by the Director.
- b. The Commissioners Court may establish fees for all applications required in this LTZO by resolution.

2. Completeness Review

- a. The County will not process incomplete applications.
- b. An application is not complete until all required items are properly submitted.
- c. When applications are filed, the Director will review them for completeness.
- d. The time period to process an application does not commence until the Director determines that the application is properly submitted and the applicant has corrected any deficiencies in the application.
- e. Review for completeness of application forms is solely to determine whether information required for submission with the application is sufficient to allow further processing.
- f. The Director will determine whether the application is complete and will transmit the determination to the Applicant. If the Director determines that the application is not complete, the Director will specify those parts of the application that are incomplete and will indicate how they can be made complete, including a list and description of the information needed to complete the application. The Director and the decision-making agency are not obligated to further review the application until the required information is corrected. For applications subject to Section 5.02, the application is not considered filed and is denied.
- g. The Director or the approving authority may provide submission deadlines for materials required in support of any application. Compliance with those deadlines is required to have the application placed on an agenda to be heard by the approving authority.

D. Noticing

1. Generally

This LTZO, relying on the minimum threshold set by State law (Texas Local Government Code § 231.109, as applicable), establishes various requirements for public notice.

2. Required Information

Notice shall include the following information, unless the process includes a different requirement:

- a. A synopsis of the proposed ordinance or application,
- b. Time, date, and place of the public hearing or meeting;
- c. The type of land use or development decision that is being considered;
- d. If a public hearing is required, a statement that at the time and place of the hearing, all persons who desire will have an opportunity to be heard in opposition to or in favor of the ordinance or application;
- e. A point of contact within Development Services; and
- f. Development Services' website address.

3. Failure to Provide Notice

The failure of the County to provide any notice not otherwise required under State law does not affect the validity of any action undertaken pursuant to this section, Section 5.01D, and no person may challenge an action for lack of notice where the County has complied with the applicable State law governing notice.

#### E. County Staff Review

##### 1. Review by Other Departments and Agencies

County staff may forward copies of the application to various local, state and/or federal agencies and departments for their review and comment. The Director may ask the reviewers to respond in writing or attend an application review meeting with the staff.

##### 2. Staff Review

County staff shall review the application and supporting information. This may occur in a meeting with the applicant and representatives of other agencies or departments, as described in subsection 1, above. After reviewing the information, staff shall prepare a report summarizing the information for the reviewing bodies and providing a recommendation for action and any proposed conditions. The applicant or other interested parties may obtain a copy of the staff report from the department before the hearing at which the application is scheduled to be heard.

##### 3. Staff Report

If an individual section of this chapter (and where permitted by state law) delegates to staff the authority to approve, approve with conditions, or deny an application, the staff report may include a written decision to that effect.

#### F. Decision Making and Public Hearings

##### 1. Purpose

The purpose of a public hearing is to allow the applicant and all other interested parties a reasonable and fair opportunity to be heard, to present evidence relevant to the application, and to rebut evidence presented by others.

##### 2. Rules of Procedure

The Commissioners Court and Planning Commission may adopt rules of procedure for public hearings.

##### 3. Action

Reviewing bodies shall hold regularly scheduled public hearings to receive and review public input on items required by this LTZO. Decisions and/or recommendations should be rendered in a timely manner, based upon the specific requirements of these regulations and following:

- a. Conformance with these regulations, the comprehensive plan, and other adopted plans, design guidelines, and policies;
- b. Recommendations of staff and recommending bodies;
- c. Input of reviewing agencies and departments;
- d. Public comment and testimony received at the hearing; and
- e. Effects of the proposal on the neighborhood, area, and community-at-large.

##### 4. Authority to Condition Development Approvals

- a. After review of the application, other pertinent information or documents, and any evidence made part of the public record, the recommending and decision-making bodies may impose conditions that are reasonably necessary to ensure compliance with applicable general or specific standards expressed in these regulations.
- b. The Director shall include a copy of the conditions with the record of decision.
- c. The applicant shall be notified of any conditions imposed on the application.



G. Tabling

1. Purpose

This section allows for the tabling of applications as needed to collect additional information or to engage in further review.

2. Applicant Request

An applicant may request to table any application for a future meeting date. If the application was noticed, re-noticing will be at the applicant's expense:

3. Director Request

The Director may request to table any application for further review and consideration. In that case, the Director shall provide notice and explanation to the applicant before the meeting at which the application is scheduled for hearing. Notice of the tabling will be given at the beginning of the scheduled meeting.

H. Application Withdrawal

1. Generally

An application may be withdrawn at any time prior to formal consideration by the reviewing body.

2. Fees

Withdrawal of an application after the determination of completeness results in the forfeiture of fees.

3. No Public Hearing Required

If no public hearing is required, the applicant should give notice of the withdrawal to the Director at the earliest possible time.

4. Public Hearing Required

If a public hearing is required, an applicant may request a withdrawal from the Director at any time prior to opening of the hearing. Once the public hearing is opened, the reviewing body shall decide whether to approve the request and may instead act on the application.

I. Scope of Approval

1. Generally

The reviewing body may take any action on the application that is consistent with the notice given, including approval of the application, conditional approval of the application, or denial of the application.

2. Amendments

The reviewing body may allow amendments to the application if the effect of the amendment is to reduce the density or intensity of the original application, reduce the impact of the development, or reduce the amount of land involved from that indicated in the notices of the hearing. The reviewing body may not permit a greater amount of development, a more intensive use, a larger area of land than indicated in the original application, or a greater variance than was indicated in the notice.

J. Post-Decision Proceedings

1. Revisions to Approval

a. Minor Revisions

- (1) The Director may approve minor revisions to the terms of an application approval. "Minor revisions" are those that are necessary in light of technical considerations discovered after the decision on the development application, and that do not substantively change the character of the development approval.
- (2) Minor revisions must be authorized in writing.
- (3) Minor revisions are subject to appeal to the Planning Commission. On appeal, no further action will be taken to process the application, and/or issued permits are stayed pending the Planning Commission's determination.

b. Major Revisions

- (1) A major revision is any revisions that the Director determines is not a minor revision.
- (2) A major revision is approved by the original decision-maker is required in accordance with the procedures established for original consideration of the application.
- (3) In making a determination, the Director may seek a recommendation from any recommending body involved in the original application process.

K. Appeals

A party with standing may seek judicial review pursuant to Texas Local Government Code § 211.011.

## Section 5.02 Zoning Procedures

### A. Comprehensive Plan Amendment

#### 1. Applicability

This section applies to any action to adopt or modify the Lake Tawakoni Comprehensive Plan.

#### 2. Initiation

The Director shall submit a proposed comprehensive plan or proposed modification of the existing plan to the Commissioners Court.

#### 3. Completeness

Not applicable.

#### 4. Notice

See Section 5.01D.

#### 5. Decision

##### a. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

##### b. Referral

- (1) The Director shall refer the proposed plan or modification to the Planning Commission.
- (2) The referral may specify a deadline for the Planning Commission to report its recommendations.

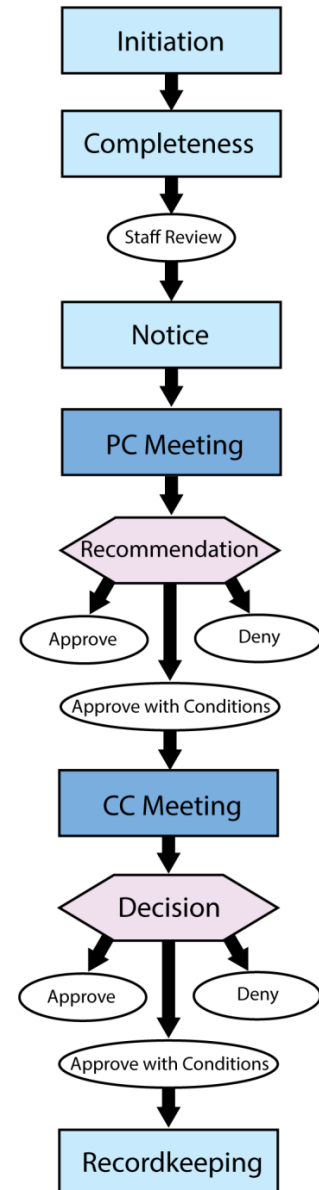
##### c. Planning Commission Recommendation

- (1) The Planning Commission shall consider the plan or modification at a public hearing.
- (2) After the hearing is closed, the Planning Commission shall submit its recommendations to the Commissioners Court:
  - (a) To approve the plan or modification, or
  - (b) To deny the plan or modification, or
  - (c) To approve the plan or modification with revisions.
- (3) The Planning Commission shall submit its recommendations within the time period prescribed by the Commissioners Court in its referral. If the Commissioners Court does not prescribe a time period, the Planning Commission shall submit its recommendation within 180 days after the date of the Commissioners Court's referral. If the Planning Commission fails to act during this time period, the Planning Commission is deemed to have submitted the proposed amendment with a recommendation to deny the plan or modification.

##### d. Commissioners Court Decision

- (1) The Commissioners Court shall consider the plan or modification at a public hearing.
- (2) After the hearing is closed, the Commissioners Court shall by resolution:
  - (a) Adopt the plan or modification, or
  - (b) Deny the plan or modification, or
  - (c) Approve the plan or modification with amendments, or

**Figure 14: Comprehensive Plan Amendment**



- (d) Remand the plan or modification to the Planning Commission. The remand may include a deadline as provided in Section 5.02A.5.b(1) above, and the failure to specify a deadline has the effect specified in Section 5.02A.5.b(2) above.
- 6. Standards
  - a. The Comprehensive Plan shall include at least the following elements: land use, community facilities, and transportation.
  - b. The plan shall contain an existing land use map and a future land use map.
  - c. The plan shall include cross-references comparing future land use categories to comparable zoning districts. Pursuant to Texas Local Government Code § 213.005 (map of a comprehensive plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."
  - d. The plan shall include goals, objectives, and policies for each element.
- 7. Subsequent Applications

Not applicable.
- 8. Appeals

Not applicable.
- 9. Scope of Approval.
  - a. The Comprehensive Plan is the basis or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote public health, safety, peace, morals, general welfare, and encourage recreation.
  - b. A Comprehensive Plan amendment does not authorize development. Any development that occurs after the comprehensive plan amendment is adopted is subject to all applicable requirements of this LTZO.
- 10. Recordkeeping

The Director shall maintain a copy of the adopted comprehensive plan.

## B. Zoning Ordinance Amendment

### 1. Applicability

This section applies to any action to amend, supplement, or change the regulations of this LTZO. This includes the regulations, restrictions, and boundaries or classification of property contained within this LTZO, a change to the Zoning Map, or regulations affecting subdivision plats.

### 2. Initiation

A text amendment may be initiated:

- By motion the Commissioners Court;
- By County staff,
- By motion by the Planning Commission;
- By application of any resident or property owner within the Lake Tawakoni Planning Area.

### 3. Completeness

See Section 5.01C.2.

### 4. Notice

See Section 5.01D.

### 5. Decision

#### a. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

#### b. Planning Commission Recommendation

- The Planning Commission shall conduct a public hearing on the amendment. The public hearing shall be recessed and continued to a time and date certain, at least 10 days after the initial hearing after which a second meeting will occur before the Commissioners Court.
- After the hearing is closed, the Planning Commission shall submit its recommendations to the Commissioners Court:
  - To approve the text amendment, or
  - To deny the text amendment, or
  - To approve the text amendment with revisions.

#### c. Commissioners Court Decision

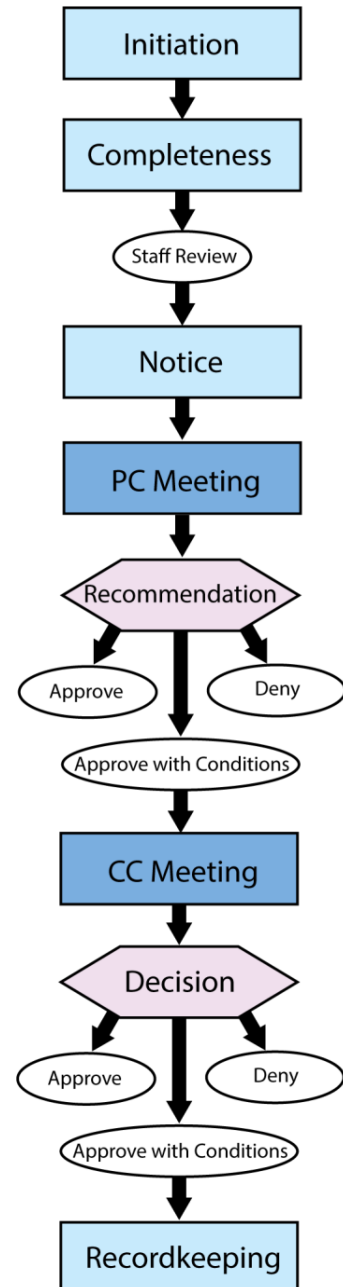
The Commissioners Court shall consider the text amendment at a public hearing. After the hearing is closed, the Commissioners Court shall by ordinance:

- Adopt the text amendment, or
- Deny the text amendment, or
- Approve the text amendment with amendments, or
- Remand the text amendment to the Planning Commission.

### 6. Standards

A text amendment is a legislative decision that is committed to the Commissioners Court's discretion. The Commissioners Court may approve the text amendment if:

**Figure 15: Zoning Ordinance Amendment**



- 
- a. It is consistent with the comprehensive plan, and
    - b. Promotes public health, safety, peace, morals, general welfare, and encourages recreation.
  7. Subsequent Applications  
Not applicable.
  8. Appeals  
Not applicable.
  9. Scope of Approval  
The approval of a text amendment does not authorize the development of land. A text amendment allows property owners to apply for permits or actions that are consistent with its standards and requirements.
  10. Recordkeeping  
A text amendment involving only this LTZO shall be codified and published by the County Clerk.

### C. Rezoning

#### 1. Applicability

This section applies to the change in the zoning classification of individual properties.

#### 2. Initiation

A rezoning may be initiated by the owner of the subject property owner.

#### 3. Completeness

See Section 5.01C.2.

#### 4. Notice

See Section 5.01D.

#### 5. Decision

##### a. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

##### b. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the rezoning. The public hearing shall be recessed and continued to a time and date certain, at least 10 days after the initial hearing after which a second meeting will occur. The Planning Commission shall submit its recommendation to the Commissioners Court:

- (1) To approve the rezoning, or
- (2) To deny the rezoning, or
- (3) To approve the rezoning with conditions.

##### c. Commissioners Court

The Commissioners Court shall consider the rezoning at a public hearing. After the hearing is closed, the Commissioners Court shall by ordinance:

- (1) Approve the rezoning, or
- (2) Deny the rezoning, or
- (3) Approve the rezoning with conditions.

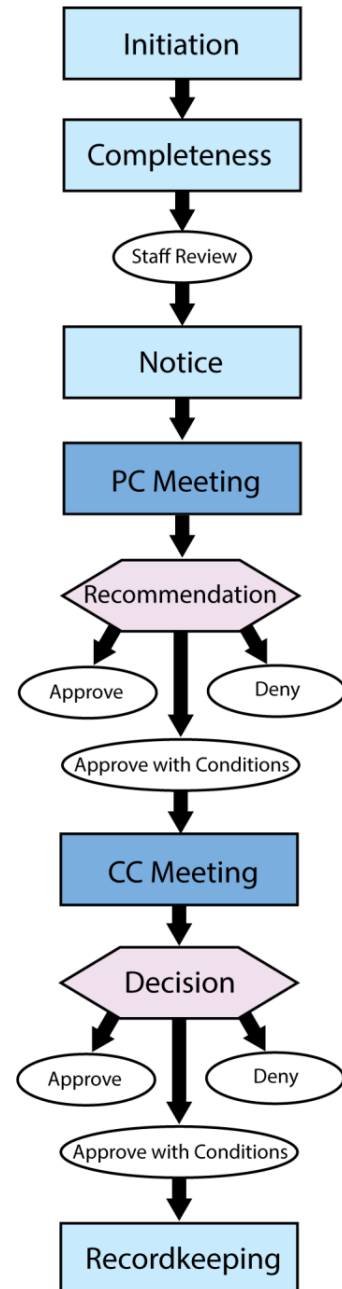
#### 6. Standards

In its review of an application for rezoning, the Commissioners Court shall consider the following standards. No single factor is controlling. Instead, each is weighed in relation to the other standards. If the Planning Commission finds that a rezoning is inconsistent with the land use element of the comprehensive plan, the application shall not be considered until a recommendation regarding a comprehensive plan amendment for the proposed zoning amendment is forwarded to the Commissioners Court, either prior to or concurrently with the proposed zoning amendment.

##### a. Consistency

The Commissioners Court does not redetermine the Lake Tawakoni Planning Area's policy of comprehensive zoning. Lake Tawakoni Planning Area's zoning map shall not be

**Figure 16: Rezoning**



altered for the special benefit of the landowner when the change will cause substantial detriment to the surrounding lands or serve no substantial public purpose.

b. Adverse Impacts on Neighboring Lands

The Commissioners Court shall consider the nature and degree of an adverse impact upon neighboring lands. Lots shall not be rezoned in a way that is substantially inconsistent with the uses of the surrounding area, whether more or less restrictive. Further, the Commissioners Court finds and determines that vast acreages of single-use zoning produces uniformity with adverse consequences such as traffic congestion, air pollution, and social alienation. Accordingly, rezonings that promote mixed uses subject to a high degree of design control are not necessarily deemed to be inconsistent with neighboring lands and shall be considered.

c. Suitability as Presently Zoned

The Commissioners Court shall consider the suitability or unsuitability of the tract for its use as presently zoned. This factor, like the others, must often be weighed in relation to the other standards, and instances can exist in which the use for which land is zoned may be rezoned upon proof of a real public need or substantially changed conditions in the neighborhood.

d. Health, Safety, and Welfare

The rezoning must bear a substantial relationship to the public health, safety, morals, or general welfare or protect and preserve historical and cultural places and areas. The rezoning may be justified, however, if a substantial public need exists, and this is so even if the private owner of the tract will also benefit.

e. Public Policy

A strong public policy in favor of the rezoning may be considered. Examples include a need for affordable housing, economic development, recreational activity, or mixed-use development which functionally relates to the surrounding neighborhoods.

f. Size of Tract

The Commissioners Court shall consider the size, shape, and characteristics of the tract in relation to the affected neighboring lands. The Court shall not rezone a single lot when there have been no intervening changes or other saving characteristic. Proof that a small tract is unsuitable for use as zoned or that there have been substantial changes in the immediate area may justify a rezoning.

g. Other Factors

The Commissioners Court may consider any other factors relevant to a rezoning application under Texas law.

7. Subsequent Applications

a. This subsection applies if:

- (1) The applicant withdraws an application after notice of hearing is published, or
- (2) The Commissioners Court denies a rezoning application.

b. If Section 5.02C.7.a applies, the applicant shall not file a rezoning application for the same zoning district request on the same property for at least six (6) months.

c. The above waiting period begins with either the date of withdrawal of the prior application before the Planning Commission or Commissioners Court or the date of the Commissioners Court's denial of the prior application.

8. Appeals

Not applicable.



9. Scope of Approval

The approval of a rezoning does not authorize the development of land. A rezoning allows the applicant to apply for a building permit, in the case of uses permitted as of right, or a specific use permit, in the case of uses designated as special uses within the applicable zoning district.

10. Recordkeeping

If the amendment involves changes to the existing zoning district boundaries, the form of the amending ordinance shall contain a narrative description of the land to be reclassified or reference to an accompanying plat of such land showing the new zoning districts and indicating their boundaries. The Director shall refer to the attested ordinance as a record of the current zoning status until the zoning map is changed accordingly.

**D. Specific Use Permit****1. Applicability**

This section applies to any application for approval of a use designated as a special use in Table 14: Use Table.

**2. Initiation**

A specific use permit may be initiated by the owner of the subject property owner.

**3. Completeness**

See Section 5.01C.2.

**4. Notice**

See Section 5.01D.

**5. Decision****a. Generally**

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

**b. Planning Commission Recommendation**

The Planning Commission shall conduct a public hearing on the specific use permit. The public hearing shall be recessed and continued to a time and date certain, at least 10 days after the initial hearing after which a second meeting will occur. The Planning Commission shall submit its recommendation to the Commissioners Court:

- (1) To approve the specific use permit, or
- (2) To deny the specific use permit, or
- (3) To approve the specific use permit with conditions.

**c. Commissioners Court Decision**

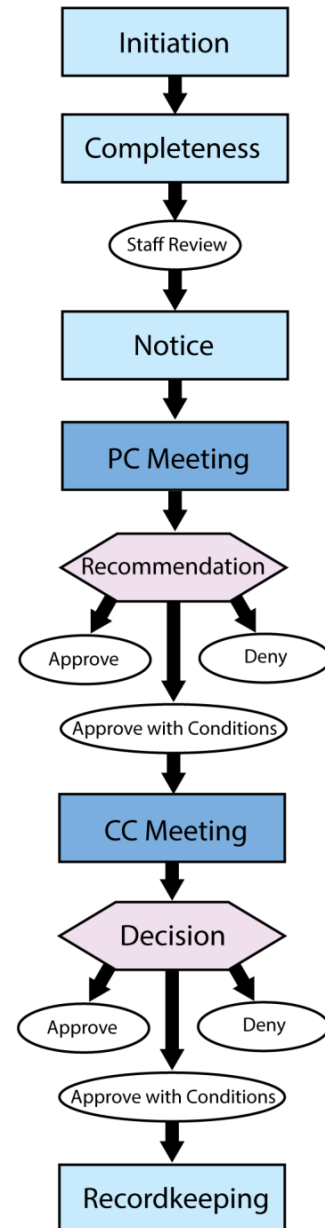
The Commissioners Court shall consider the specific use permit at a public hearing. After the hearing is closed, the Commissioners Court shall by ordinance:

- (1) Approve the specific use permit, or
- (2) Deny the specific use permit, or
- (3) Approve the specific use permit with conditions.

**6. Standards**

The Commissioners Court will approve a specific use permit only if the applicant demonstrates that:

- a. The proposed specific use shall comply with all regulations of the applicable zoning district, the provisions of Chapter 2, any applicable use regulations of Chapter 3, and any applicable development standards of Chapter 4 of this LTZO.
- b. The proposed specific use shall conform to the character of the neighborhood within the same zoning district in which it is located. The proposal, as submitted or modified, shall have no more adverse effects on health, safety or comfort of persons living or working in the neighborhood, or shall be no more injurious to property or improvements in the neighborhood than any other use generally permitted in the same district. In making this determination, the Commissioners Court shall consider the location, type and height of

**Figure 17: Specific Use Permit**

buildings or structures, the type and extent of landscaping and screening on the site and whether the proposed use is consistent with any policy of the comprehensive plan.

- c. Adequate utilities shall be provided.
  - d. Adequate measures shall be taken to provide ingress and egress designed to minimize traffic hazards and to minimize traffic congestion on the public roads.
  - e. The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.
  - f. The proposed use shall not injure the use and enjoyment of the property in the immediate vicinity for the purposes already permitted nor substantially diminish or impair the property values within the neighborhood.
  - g. The proposed use shall not impede the orderly development and improvement of surrounding property for uses permitted within the zoning district.
  - h. The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, morals, comfort, or general welfare.
  - i. The public interest and welfare supporting the proposed specific use authorization shall be sufficient to outweigh the individual interests which are adversely affected by the establishment of the proposed use.
7. Subsequent Applications
- a. This subsection applies if:
    - (1) The applicant withdraws an application after notice of hearing is published, or
    - (2) The Commissioners Court denies a specific use permit application.
  - b. If Section 5.02D.7.a applies, the applicant shall not file a specific use permit application for the same specific use permit request on the same property for at least six (6) months.
  - c. The above waiting period begins with either the date of withdrawal of the prior application before the Planning Commission or Commissioners Court or the date of the Commissioners Court's denial of the prior application.
8. Appeals
- Not applicable.
9. Scope of Approval
- a. Generally
- The approval of a specific use permit does not authorize the development of land. A specific use permit allows the applicant to apply for a building permit.
- b. Violations
- Any specific use permit is in violation of this LTZO and shall be suspended or revoked if:
- (1) A court having jurisdiction or a jury find the holder of the specific use permit guilty of a violation or if a holder of an specific use permit pleads guilty of violating:
  - (2) Any requirement or term or condition of the specific use permit or has not conformed, at any time, with any or all of the requirements or terms or conditions as set out in the specific use permit as approved by the Commissioners Court.
  - (3) The activity authorized by the specific use permit commences prior to the institution of all conditions imposed by the specific use permit.
  - (4) The use for which the specific use permit was authorized does not commence within 6 months of the effective date of the specific use permit. The Commissioners Court may grant extension of up to 6 months for good cause shown, upon petition of the specific use permit holder.
  - (5) The use for which the specific use permit is authorized is discontinued for 6 consecutive months.

c. Notification

If the use discontinues or fails to commence as stipulated in this LTZO, the Director will issue written notification to the property owner. Ten (10) days after issuance of this notice, the Director shall issue the permit holder written notification of the specific use permit's official revocation and removal from the Lake Tawakoni Planning Area Zoning Map.

10. Recordkeeping

A certified copy of all ordinances authorizing a specific use permit pursuant to this section shall be recorded by and at the expense of the applicant in the name of the property owner as grantor in the office of the County Clerk.

## E. Site Plan

### 1. Applicability

#### a. Generally

Site plan approval is required for all development except single-family detached or two-family (duplex) dwellings, and for all events that meet the following thresholds:

- (1) New construction or expansion of an existing building or structure that increases the existing floor area by 30% or that adds 2,000 sf of floor area.
- (2) New construction or expansion of parking lots that increase the existing impervious area by 30% or that add 2,000 sf of impervious coverage.

#### b. Optional Site Plans

A property owner may file an application for site plan approval for:

- (1) Existing or previously legal nonconforming structures; or
- (2) A nonconforming use that has been in existence for at least 10 years.

#### c. Deviations Prohibited

A site plan shall not authorize deviation from any applicable development standards normally required by the existing underlying zoning, including, but not limited to signs, landscaping, parking, or dimensional requirements.

### 2. Initiation

The property owner shall file a site plan application with the Director. In addition to the information required by zoning regulations, the Director may require the following additional information if needed to address the proposed development's impacts:

- a. Elevations of the proposed new or remodeled structures,
- b. Analysis of the traffic impacts of the proposed use, or
- c. Evaluation of the environmental impacts of the proposed use.

### 3. Completeness

See Section 5.01C.2.

### 4. Notice

Not applicable.

### 5. Decision

#### a. Director Recommendation

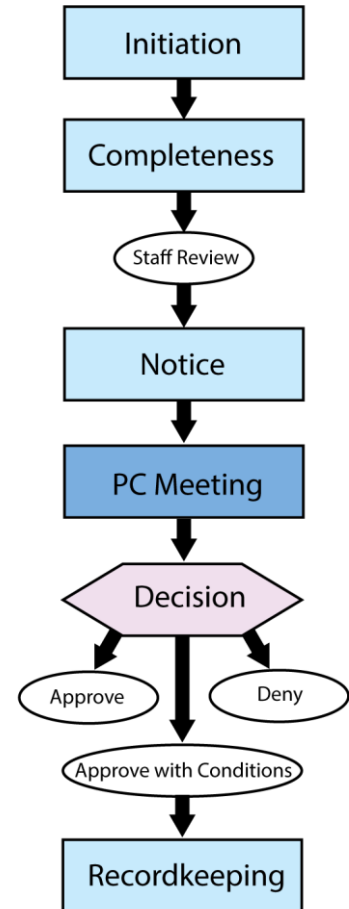
The Director shall review and submit their recommendation to the Planning Commission:

- (1) To approve the site plan, or
- (2) To deny the site plan, or
- (3) To approve the site plan with conditions.

#### b. Planning Commission

The Planning Commission shall review and act on the site plan:

**Figure 18: Site Plan**



- (1) To approve the site plan, or
    - (2) To deny the site plan, or
    - (3) To approve the site plan with conditions.
  - c. Authorization to Impose Conditions
    - (1) Generally

The Planning Commission may impose conditions necessary to maintain the integrity of the Lake Tawakoni Planning Area's zoning districts, to ensure the proposed use is consistent with the Comprehensive Plan, conforms with this LTZO, is appropriate to its location and compatible with neighboring uses, and does not cause undue traffic congestion or significant deterioration of the environment.
    - (2) Conditions Supplementary

All requirements imposed by a site plan are in addition to and supplement this LTZO's requirements.
    - (3) Authorized Conditions

Authorized conditions include, but are not limited to:

      - (a) Site Plan Features

Limitations or requirements regarding the area, setbacks, open space, landscaping, buffering, lighting, fencing, signage, off-street parking, and similar site plan features of the proposal.
      - (b) Operations

Limitations or requirements regarding the proposed use's operating characteristics, duration, or any similar feature of the proposed use.
      - (c) Duration

If the Planning Commission limits the duration of a site plan, a six (6) month grace period, starting from the final approval date, is afforded the applicant in addition to the time period stipulate the site plan conditions.
6. Standards

An application for a site plan shall comply with the following standards:

  - a. Generally

The site of the proposed use or any associated improvements are not in violation of any local, state, or federal law (other than a zoning violation).

    - (1) The use and site plan for the proposed use conforms, at a minimum, with all applicable provisions of this LTZO for the existing underlying zoning designation, including but not limited to:
      - (a) Development Standards

All parking, landscaping, signage, improvement, and dimensional standards.
      - (b) Zoning Districts Standards

The purpose of the zoning district in which the proposed use is to be located and any standards applicable to the particular proposed use.
    - (2) Site plans are only authorized for the proposed use.
  - b. Suitability

The characteristics of the proposed site are suitable for the proposed use considering the size, shape, location, topography, and location of improvements and natural features.

- c. Timeliness  
The proposed use and/or development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the proposed use.
  - d. Compatibility to Surrounding Area  
The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed as allowable by the underlying zoning district.
  - e. Comprehensive Plan  
The proposed use satisfies any applicable goals and policies of the comprehensive plan that apply to the proposed use.
  - f. Use Appropriate and Compatible  
The use is appropriate to its proposed location and compatible with the character of neighboring uses, or enhances the mixture of complementary uses and activities in the immediate vicinity.
  - g. Traffic  
The use shall not cause undue traffic congestion, dangerous traffic conditions or incompatible service delivery, parking or loading problems. Necessary mitigating measure shall be proposed by the applicant.
  - h. Nuisance  
The operating characteristics of the use do not create a nuisance and the impacts of the use on surrounding properties are minimized with respect to noise, odors, vibrations, glare, and any other similar conditions.
  - i. Environment  
The use shall not cause significant deterioration to water resources, wetlands, wildlife habitat, scenic characteristics, or other natural features. As applicable, the proposed use shall mitigate its adverse impacts on the environment.
7. Subsequent Applications  
Not applicable.
8. Appeals  
If a site plan is appealed to the Commissioners Court:
- a. The Commissioners Court shall consider the site plan at a public meeting, and
  - b. After the consideration of the Planning Commission's decision and any evidence provided by the applicant or an aggrieved party, the Commissioners Court shall:
    - (1) Approve the site plan, or
    - (2) Deny the site plan, or
    - (3) Approve the site plan with conditions, or
    - (4) Remand the site plan to the Planning Commission for further consideration.
9. Scope of Approvals
- a. Generally  
After the site plan is approved, the Director may issue a building permit or certificate of occupancy consistent with any conditions of site plan approval.
  - b. Changes to Site Plan
    - (1) Generally  
Any change to an approved site plan, other than those changes that qualify as insubstantial pursuant to subsection (2), below, require amendment of the existing

site plan. Amendment of an approved site plan may only be authorized by the Planning Commission pursuant to the procedures established in Section 5.02E.5 above, and subject to appeal or referral to the Commissioners Court as provided in Section 5.02E.8 above.

(2) Insubstantial Changes to Approved Site Plan

- (a) The Planning Commission may approve insubstantial changes to a previously approved site plan without notice or a public hearing. An insubstantial change is one that becomes necessary during the use's actual implementation, which could not be reasonably anticipated during its review, and that does not significantly change the original approval granted.
- (b) An amendment to any of the following site plan requirements is not considered insubstantial:
  - (i) Use - Those activities allowed on site by the site plan.
  - (ii) Operational Characteristics - The gross limitations or requirements regarding the proposed use's operating characteristics.
  - (iii) Site Plan Features - The gross limitations or requirements regarding the area, setbacks, open spaces, landscaping, buffering, lighting, fencing, signage, or the off-street parking of the proposal.
  - (iv) Duration - Requirements governing the duration of the permit.
  - (v) Permit Holder - Requirements regarding the person or entity to whom the permit is issued.

c. Revocation

(1) Criteria

An approved site plan is considered in violation of this LTZO and shall be revoked if a court of law finds the use in violation of any of the following conditions:

- (a) The use established on site does not conform, at any time, with any or all approved permit condition(s) and or any local, state, or federal law.
- (b) The activity authorized by the site plan commences prior to the institution of all conditions imposed by the site plan.
- (c) Discontinuance of the approved use for at least six (6) consecutive months.
- (d) The approved use does not commence within six (6) months of the final approval date.

(2) Revocation Procedures

If the Director's inspection reveals noncompliance with this LTZO, site plan revocation procedures shall commence as follows:

- (a) The Director shall, upon discovery of site plan noncompliance, issue a written warning, granting a grace period of at least ten (10) working days. During this time, the use may be brought into compliance with the current approved site plan for that location.
- (b) If noncompliance persists after the conclusion of the warning grace period, a Director shall issue written citation.
- (c) If the citation results in a guilty verdict, the site plan is considered revoked.
- (d) The Director shall issue the permit holder written notification of the site plan's official revocation.
- (e) In the event of discontinuance or failure to commence as stipulated above, Director will issue written notification to the applicant. Ten (10) days after issuance of Director notification of discontinuance or failure to commence, the Director shall then issue the permit holder written notification of the site plan's official revocation.



- d. Transferability  
A site plan shall be transferable only with the approval of the Planning Commission, and is subject to all conditions of the initial approval, and other conditions the Planning Commission may require.
- 10. Recordkeeping  
The applicant and Director shall maintain a copy of the approved site plan.

## F. Sign Permit

## 1. Applicability

A person shall not construct, alter, or relocate any sign within the Lake Tawakoni Planning Area without first obtaining a permit, except as provided for in Section 4.08.

## 2. Initiation

Each sign permit requires a separate application. The application must be filed on a form furnished by the Director and include a non-refundable permit fee.

## 3. Completeness

See Section 5.01C.2.

## 4. Notice

Not applicable.

## 5. Decision

The Director shall:

- a. Approve the sign permit, or
- b. Deny the sign permit, or
- c. Remand the sign permit to the Planning Commission for further consideration.

## 6. Standards

A sign permit shall be issued if the proposed sign complies with all applicable provisions of this LTZO and any conditions or stipulations of any applicable rezoning, specific use permit, site plan, or development plan.

## 7. Subsequent Applications

Not applicable.

## 8. Appeals

See Section 5.01K.

## 9. Scope of Approval

The Director may issue a sign permit if there is an approved site plan.

## 10. Recordkeeping

The applicant and Director shall maintain a copy of the approved sign permit.

## 11. Expiration

A sign permit becomes null and void if installation does not commence within 120 days from the date of permit approval. If work authorized by the permit is suspended or abandoned for 120 days from the date the work commences, a new permit is required to complete the installation work, even if no changes are made to the original sign plan.

## 12. Revocation

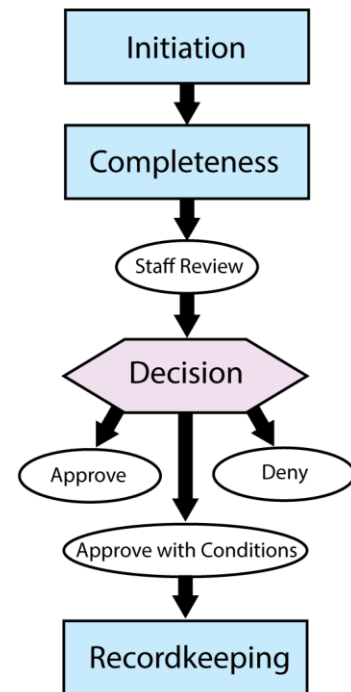
The Director may revoke a sign permit if:

- a. It is issued in error, or
- b. The sign or sign supporting structure is installed contrary to the approved plans or in violation of this LTZO.

## 13. Repairs and Maintenance

The repair, routine maintenance, or repainting of an existing sign deemed conforming or allowed to continue as a nonconforming sign does not require a sign permit.

Figure 19: Sign Permit



G. Interpretation

1. Applicability

The Director has authority to make written interpretations concerning the text of this LTZO and the zoning map.

2. Initiation

A request for interpretation shall be submitted to the Director on a form established by the Director and made available to the public.

3. Completeness

See Section 5.01C.2.

4. Notice

Not applicable.

5. Decision

The Director may, in its discretion, take any of the following actions:

- a. Review and evaluate the request;
- b. Consult with other staff as necessary;
- c. Render an opinion; and
- d. Provide the interpretation to the applicant in writing by regular mail.

6. Standards

The Director shall consider this LTZO, the zoning map, the comprehensive plan, and any other relevant information.

7. Subsequent Applications

Not applicable.

8. Appeals

See Section 5.01K.

9. Scope of Approval

An interpretation does not authorize the development or use of property. After an interpretation is issued, the applicant or any other person may file an application to develop or use property pursuant to this LTZO, and the decision-maker shall take the interpretation into consideration.

10. Recordkeeping

The Director shall maintain an official record of interpretations that shall be available for public inspection during normal business hours.

## H. Lot Frontage Variance

### 1. Applicability

The Commissioners Court has authority to approve deviations from this LTZO's minimum lot frontage requirements.

### 2. Initiation

A lot frontage variance shall be initiated by the owner of the subject property owner.

### 3. Completeness

See Section 5.01C.2.

### 4. Notice

See Section 5.01D.

### 5. Decision

#### a. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

#### b. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the lot frontage variance. The public hearing shall be recessed and continued to a time and date certain, at least 10 days after the initial hearing after which a second meeting will occur. The Planning Commission shall submit its recommendation to the Commissioners Court:

- (1) To approve the lot frontage variance, or
- (2) To deny the lot frontage variance, or
- (3) To approve the lot frontage variance with conditions.

#### c. Commissioners Court

The Commissioners Court shall consider the rezoning at a public hearing. After the hearing is closed, the Commissioners Court shall:

- (1) Approve the lot frontage variance, or
- (2) Deny the lot frontage variance, or
- (3) Approve the lot frontage variance with conditions.

### 6. Standards

In its review of a lot frontage variance, the Commissioners Court shall consider the following standards.

- a. The lot frontage variance is not contrary to the public interest, and
- b. Due to special conditions, a literal enforcement of this LTZO would result in unnecessary hardship, and
- c. The spirit of the varied provision is observed and substantial justice is done.

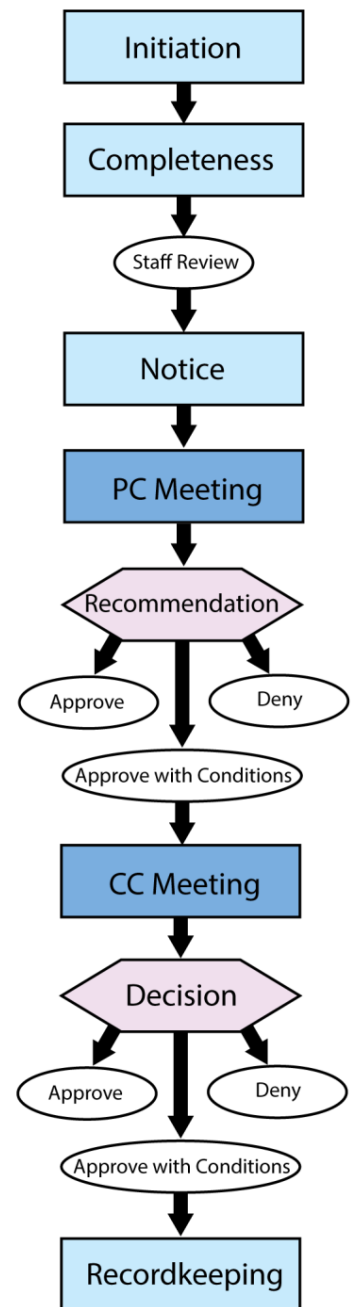
### 7. Subsequent Applications

Not applicable.

### 8. Appeals

See Section 5.01K.

**Figure 20: Lot Frontage Variance**



9. Scope of Approval

After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

10. Recordkeeping

The Director shall maintain an official record of the lot frontage variance.

## I. Sign Variance

### 1. Applicability

The Commissioners Court has authority to approve deviations from this LTZO's sign regulations.

### 2. Initiation

A sign variance shall be initiated by the owner of the subject property owner.

### 3. Completeness

See Section 5.01C.2.

### 4. Notice

See Section 5.01D.

### 5. Decision

#### a. Generally

All hearing and notification procedures shall comply with Texas Local Government Code § 231.109, as applicable.

#### b. Planning Commission Recommendation

The Planning Commission shall conduct a public hearing on the sign variance. The public hearing shall be recessed and continued to a time and date certain, at least 10 days after the initial hearing after which a second meeting will occur. The Planning Commission shall submit its recommendation to the Commissioners Court:

- (1) To approve the sign variance, or
- (2) To deny the sign variance, or
- (3) To approve the sign variance with conditions.

#### c. Commissioners Court

The Commissioners Court shall consider the rezoning at a public hearing. After the hearing is closed, the Commissioners Court shall:

- (1) Approve the sign variance, or
- (2) Deny the sign variance, or
- (3) Approve the sign variance with conditions.

### 6. Standards

In its review of a sign variance, the Commissioners Court shall consider the following standards.

- a. The sign variance is not contrary to the public interest, and
- b. Due to special conditions, a literal enforcement of this LTZO would result in unnecessary hardship, and
- c. The spirit of the varied provision is observed and substantial justice is done.

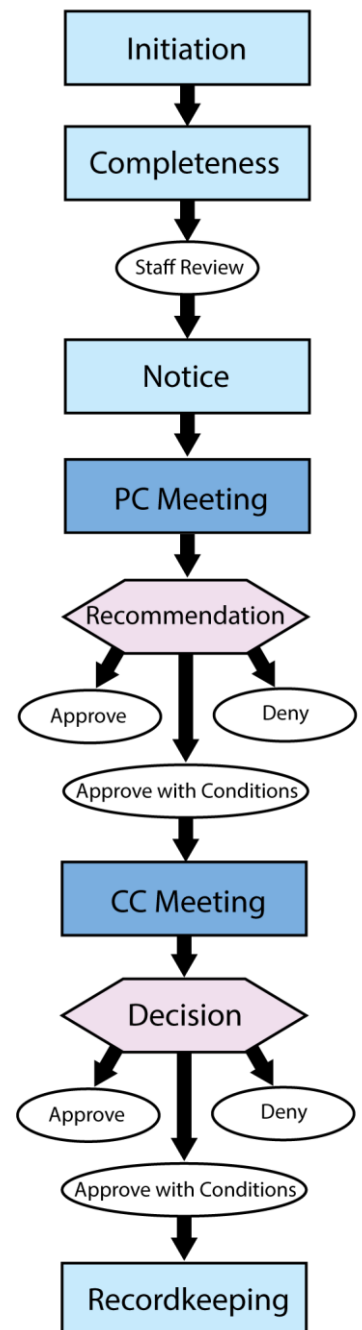
### 7. Subsequent Applications

Not applicable.

### 8. Appeals

See Section 5.01K.

**Figure 21: Sign Variance**



9. Scope of Approval

After a final decision on the variance is rendered, the applicant and any party in interest may file any further permits or applications, undertake construction, or establish a use consistent with that decision.

10. Recordkeeping

The Director shall maintain an official record of the sign variance.

## Section 5.03 Building Procedures

### A. Building Permit

#### 1. Applicability

The Director shall process building permits as provided in the building code.

#### 2. Initiation

The applicant shall not submit a building permit application, and the Director shall not issue a building permit, for any application requiring approval of the Commissioners Court, the Planning Commission, or Director, until all required permits or approvals are approved.

#### 3. Completeness

See Section 5.01C.2.

#### 4. Notice

Not applicable.

#### 5. Decision

See building code.

#### 6. Standards

The Director may issue the building permit only if the application complies with all applicable provisions of this LTZO and any approved rezoning condition, specific use permit, subdivision plat, or site plan.

#### 7. Subsequent Applications

Not applicable.

#### 8. Appeals

If a building permit is denied for noncompliance with a provision of this LTZO or an approval listed in Section 5.03A.6 above, the applicant may appeal that decision.

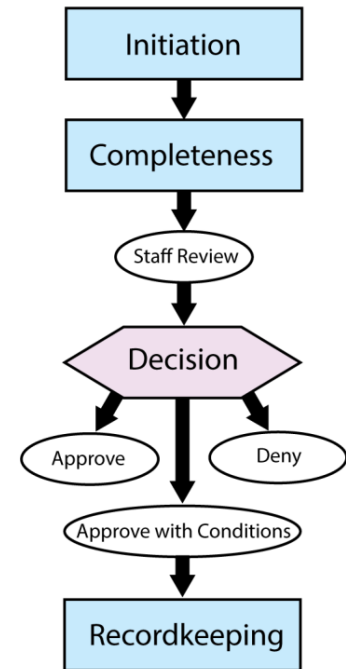
#### 9. Scope of Approval

See building code.

#### 10. Recordkeeping

The Director shall maintain the approved building permit in its files, and the applicant shall maintain an original signed copy of the approved building permit.

**Figure 22: Building Permit**





**B. Certificate of Occupancy**

**1. Applicability**

The Director shall process certificates of occupancy as provided in the building code.

**2. Initiation**

The applicant shall not submit a certificate of occupancy application, and the Director shall not issue a certificate of occupancy, for any application requiring approval of the Commissioners Court, the Planning Commission, or Director, until all required permits or approvals are approved.

**3. Completeness**

See Section 5.01C.2.

**4. Notice**

Not applicable.

**5. Decision**

See building code.

**6. Standards**

The Director may issue the certificate of occupancy only if the application complies with all applicable provisions of this LTZO and any approved rezoning condition, specific use permit, subdivision plat, or site plan.

**7. Subsequent Applications**

Not applicable.

**8. Appeals**

If a certificate of occupancy is denied for noncompliance with a provision of this LTZO or an approval listed in Section 5.03B.6 above, the applicant may appeal that decision.

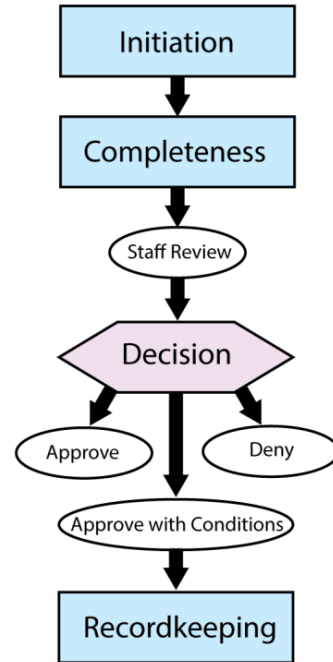
**9. Scope of Approval**

See building code.

**10. Recordkeeping**

The Director shall maintain the approved certificate of occupancy in its files, and the applicant shall maintain an original signed copy of the approved certificate of occupancy.

**Figure 23: Certificate of Occupancy**



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## Chapter 6. Nonconformities

### Section 6.01 Generally

#### A. Purpose

This chapter governs uses, buildings, structures, lots, and other situations that came into existence legally prior to the effective date of this LTZO or the effective date of future amendments to this LTZO, but do not comply with or conform to one or more requirements of this LTZO. All such situations are collectively referred to as “nonconformities”.

#### B. General Policy

While nonconformities may continue, this chapter is designed to curtail substantial investment in nonconformities to bring about their eventual improvement or elimination to preserve the integrity of this LTZO and the character of the Lake Tawakoni Planning Area. Any nonconformity or site condition that becomes nonconforming because of any subsequent rezoning or amendment to this text of this LTZO may be continued or maintained only pursuant to this chapter. Also, this chapter intends to reduce vacancies, promote appropriate redevelopment and re-use of existing structures and lots, and establish requirements.

#### C. Applicability

1. This chapter applies to any nonconformity. A “nonconformity” means any of the following on the effective date:
  - a. Nonconforming use (Section 6.03),
  - b. Nonconforming structure (Section 6.04),
  - c. Nonconforming lot (Section 6.05),
  - d. Nonconforming site features (Section 6.06), or
  - e. Nonconforming sign (Section 6.07).
2. For purpose of this chapter, the “effective date” means the effective date of this LTZO or any amendment to this LTZO that creates a nonconformity.

#### D. Continuation of Nonconformities

Except provided below, the lawful use of a building or structure existing at the time of the adoption of this LTZO may continue, even if the existing use, building, or structure does not conform to the provisions of this LTZO for the district where it is located.

#### E. Removal of Building or Structure

If a nonconforming use, building, or structure is removed from a lot, the nonconformity terminates. Any use, building, or structure established or constructed after that time shall comply with the provisions of this LTZO in effect at that time.

#### F. Applications

The County will not process applications if there is nonconformity unless:

1. The application brings the property into conformity with this LTZO; or
2. The application is otherwise permitted by this LTZO.

#### G. Applications, Permits, and Projects in Progress

Applications, permits, and projects in progress are subject to Texas Local Government Code, Chapter 245.

## Section 6.02 Replacing Damaged Buildings or Structures

- A. If a structure occupied by a nonconforming use is destroyed by fire, the elements, or other cause, it may not be reoccupied except to conform to the provisions of the LTZO.
- B. In the case of partial destruction of a nonconforming use not exceeding 75% of its reasonable value, reconstruction will be permitted but cannot be expanded.
- C. A nonconforming building or structure or group of nonconforming buildings or structures, which is damaged by fire, flood, explosion, earthquake, war, or riot, may be reconstructed or replaced subject to this chapter and used as before if:
  - 1. The application for a permit is submitted within 12 months of the disaster, and
  - 2. The area restored does not exceed the square footage of the area as it existed before the disaster.

## Section 6.03 Nonconforming Uses

- A. Applicability

This section applies to any “nonconforming use,” defined as a use that lawfully occupies a building or land on the effective date and that:

  - 1. Is no longer permitted in the applicable zoning district, or
  - 2. Would require a specific use permit in the applicable zoning district.
- B. Generally

No existing building, structure or premises devoted to a use not permitted by this LTZO shall be enlarged or structurally altered unless required by law or court order, except as provided below.
- C. Discontinuance of a Use

A building, structure, lot, or parcel where a nonconforming use is discontinued for at least 1 year, regardless of the intent of the owner or occupant of the premises, may not be occupied by a nonconforming use after that time.
- D. Change in Nonconforming Uses
  - 1. A nonconforming use may change to a conforming use. After a nonconforming use changes to a conforming use, it may not change back to a nonconforming use.
  - 2. A nonconforming use conducted in a structure may change to another use within the same definition if it is not relocated or expanded.
  - 3. A nonconforming use not conducted in a structure, or one in which a structure is incidental to the use of the land, shall not change to any other nonconforming use.
  - 4. A nonconforming use of any classification shall not be added where there is already an existing nonconforming use.
- E. Expansion or Enlargement of Nonconforming Uses

A nonconforming use may be extended only within the premises on which the nonconforming use was located on the effective date. “Premises” means the building in which the use is occurring and the accessory buildings, appurtenances, driveways, parking, and loading spaces.

## Section 6.04 Nonconforming Structures

### A. Applicability

This section applies to any “nonconforming structure.” A “nonconforming structure” means a building or structure that:

1. Lawfully exists on the effective date of this LTZO or any amendment to this LTZO that would cause the building or structure not to comply with this LTZO, and
2. Does not conform to all of the regulations of the zoning district in which it is located.

### B. Continuance of Nonconforming Structures

Except as provided below, any nonconforming structure may be occupied and operated if maintained in a state of good repair.

### C. Expansion

1. A nonconforming structure on a lot may expand one time by as much as 30% of the building square footage if:
  - a. The expansion does not encroach on required setbacks,
  - b. Paved parking, sidewalks, and landscaping, as required by this LTZO is provided, and
  - c. The nonconforming building or structure is screened and buffered from adjacent uses and zones as determined by Section 4.03.
2. The expansion is allowed only if authorized by the Director.
3. The expansion shall conform to all zoning district and development standards of this LTZO, and shall not create a new nonconformity.

## Section 6.05 Nonconforming Lots

### A. Applicability

This section applies to any nonconforming lot. A “nonconforming lot” is a lot of record that, on the effective date of this LTZO or any ordinance that establishes a minimum or maximum lot area, frontage or lot width, is:

1. Not in compliance with the minimum or maximum lot area, frontage or lot width, and
2. Lawfully existing and of record, and
3. Held in separate and different ownership from any lot immediately adjoining and having continuous frontage.

### B. New Construction

In all districts, a nonconforming lot may be used as the building site for any use permitted in that district. No newly created or platted lot shall result in a lot being nonconforming.

## Section 6.06 Nonconforming Site Features

### A. Applicability

This section applies to any nonconforming site features.

1. A "Nonconforming Site Feature" is a situation that occurs when, on the effective date:
  - a. An existing site feature on a lot (including but not limited to parking areas, storm drainage facilities, sidewalks, and landscaping) no longer conforms to the applicable regulations of this LTZO, or
  - b. The lot does not include site features required by this LTZO for any existing use, building or structure on the lot.
2. This section does not apply to one-time repairs and renovations of less than 10% of the structural value of a structure or site improvements.

### B. Generally

On lots with nonconforming site plan improvements, additions to, or exterior repairs or alterations of any building, structure or site improvement that increases the square footage by greater than 2,000 square feet or 30% (whichever is greater) are not allowed, unless:

1. The nonconforming site plan improvements are brought into complete conformity with the regulations applicable to the use, building, structure, or zoning district, or
2. The activity is authorized by a nonconforming site plan permit.

### C. Nonconforming Site Plan Permit

When an addition to, or repairs or alterations to, any structure or site improvement is proposed on a lot with a nonconforming site plan improvement, the Planning Commission may approve a site plan (see Chapter 5) allowing the addition, repairs, or renovation if:

1. The nonconforming site plan improvement(s) is the only nonconformity pertaining to the property; and
2. Compliance with the site plan improvement requirements applicable to the zoning district in which the property is located is not reasonably possible. Mere financial hardship does not constitute grounds for finding that compliance with the site improvement requirements are not reasonably possible; and
3. The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety; and
4. If needed, the owner commits to other site design measures to reduce negative impacts associated with the nonconformity or to accomplish the purpose of the required site plan improvement.

## Section 6.07 Nonconforming Signs

### A. Applicability

Permanent signs that were allowed before the effective date are allowed to remain and may be maintained and repaired as necessary. Signs that this LTZO prohibits shall be modified to conform, replaced with a conforming sign, or removed according to the following:

1. If the lot on which the nonconforming sign is located requires any approval or permit that is subject to the Site Plan Approval process;
2. If there is a change in business ownership, tenant, name, or type of business;
3. If any maintenance, repair, or alteration exceeds 50% of the current value of the sign as of the date of alteration or repair; or
4. If the use of the lot on which the sign is located has been discontinued for thirty days or longer.

### B. Exceptions

#### 1. Nonconforming Subdivision Entry Signs

A nonconforming subdivision entry sign that was first installed or erected before the effective date, may continue to be maintained in the current configuration unless the sign requires any maintenance, repair, or alteration that exceeds 50% of the current value of the sign as of the date of alteration or repair.

#### 2. Signs with Nonconforming Electronic Message Centers

A sign with an electronic message center that does not conform with the area limitations or technological standards of this LTZO that was first installed or erected before the effective date, may continue to be maintained, repaired, altered, or replaced so long as the modifications do not enlarge the area of the electronic message center or make it more nonconforming under the standards of this LTZO.

### C. Sign Removal

1. If a building, structure, or premises is vacant for a six-month period of time, the owner of the premises shall remove any sign messages located on the premises. Additionally, the facade of the building, structure, or premises shall be restored to its condition before the sign's installation.
2. If the owner has not removed an abandoned sign after six months, the Director will notify the property owner in writing that the sign must be removed within 30 days. The notice will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the notice may be served by certified mail, return receipt requested, to the last known address of the owner. If the owner does not remove the sign or appeal within 30 days after the notice is mailed, the County may remove the sign and assess the cost of removal to the owner of the property on which the sign was placed.
3. The County Clerk will mail a statement of the costs for the removal of an abandoned sign or signs to the last known address of the owner of record of the property. The statement of costs will be mailed to the owner or agent of the property by certified mail, return receipt requested, or by personal service. If the property is unoccupied and the owner is a nonresident, then the statement of costs may be served by certified mail, return receipt requested, to the last known address of the owner. If the costs are not paid within 60 days of the date the notice is mailed, the County may issue a special assessment for the cost of removal against the parcel, and the County Clerk shall certify that assessment for collection and payment to the County in the same way that other assessments and taxes are collected and paid to the County.

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## Chapter 7. Enforcement

### Section 7.01 General Enforcement Procedures

#### A. Generally

1. This chapter establishes procedures the County uses to ensure compliance with the provisions of this LTZO and obtain corrections for violations. It also institutes the remedies and penalties that apply to LTZO violations.
2. For any violation not encompassed by this chapter, the Director may issue a citation in County Court stating the alleged violation, the date of the violation, and the section of the LTZO violated. Each day during which any violation of this article occurs or continues is a separate offense and upon conviction is punishable as provided in this LTZO.

#### B. Violations

Any of the following violates this LTZO and are subject to the remedies and penalties provided for in this chapter.

##### 1. Buildings or Structures

To erect, construct, reconstruct, alter, repair, convert, or maintain a building or structure in a manner inconsistent with the requirements of this LTZO or a condition of approval.

##### 2. Use of Land

To use any land or premises in a manner inconsistent with the requirements of this LTZO or a condition of approval.

##### 3. Establish Use, Structure, or Sign Without Permit or Approval

To establish or place any use, structure, or sign upon land that is subject to this LTZO without all of the approvals required by this LTZO.

##### 4. Development or Subdivision Without Permit or Approval

To engage in any subdividing, development, construction, remodeling, or other activity of any nature upon land that is subject to this LTZO without all of the approvals required by this LTZO.

##### 5. Development, Subdivision, Use, or Sign Inconsistent with Permit

To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization required to engage in those activities.

##### 6. Development, Subdivision, Use, or Sign Inconsistent with Conditions of Approval

To violate, by act or omission, any term, condition, or qualification placed by a decision-making body upon any permit or other form of authorization.

##### 7. Development, Subdivision, or Sign Inconsistent with this LTZO

To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or sign, or to engage in development or subdivision of any land in violation of any zoning, subdivision, sign, or other regulation of this LTZO.

##### 8. Making Lots or Setbacks Nonconforming

To reduce or diminish any lot area so that the lot size, setbacks, or open spaces are smaller than prescribed by this LTZO.

##### 9. Increasing Intensity or Density of Use

To increase the intensity or density of use of any land or structure, except in accordance with the procedural requirements and substantive standards of this LTZO.



10. Removing or Defacing Required Notice

To remove, deface, obscure, or otherwise interfere with any notice required by this LTZO.

11. Failure to Remove Signs

To fail to remove any sign installed, created, erected, or maintained in violation of this LTZO or for which the sign permit expired.

12. Miscellaneous

Any other action, or failure to act, that does not comply with a requirement of this LTZO or a lawful condition of approval.

C. Responsible Persons

1. Any person who violates this LTZO is subject to the remedies and penalties expressed in this chapter.
2. If a person causing a zoning violation is a renter, lessor, or contractor, the Director may notify the owner and the renter, lessor, or contractor of the violation. The owner shall ensure that the renter, lessor, and/or contractor are aware of the zoning violation and the owner is ultimately responsible to ensure that the violations are corrected.

D. Enforcement Responsibility

The Director holds primary responsibility for enforcing all provisions of this LTZO. Other officers of the County, designated by the Director, share responsibility for enforcing provisions of this LTZO.

E. Enforcement Procedures

1. Remedies and Enforcement Powers

The County has the following remedies and enforcement powers.

2. Generally

If Section 7.01B applies, the County may institute any appropriate action or proceedings:

- a. To prevent any unlawful erection, maintenance, or use,
- b. To restrain, correct, or abate the violation,
- c. To prevent the occupancy of a building, structure, or land, or
- d. To prevent any illegal act, conduct, business or use in or about the premises.

3. Withhold Permit

- a. The County may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements after determining there is an uncorrected violation of an LTZO provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County. This enforcement provision applies regardless of whether the current owner or applicant is responsible for the violation in question.
- b. The County may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of an LTZO provision or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County. This provision applies regardless of whether the property for which the permit or other approval is sought is the property in violation.
- c. If a subdivision plat is approved, the Director shall not issue a certificate of occupancy until all improvements are accepted by the County in writing and the approved plat is recorded.

4. Permits Approved with Conditions

Instead of withholding or denying a permit or other authorization, the County may grant authorization subject to a corrected violation condition.

5. Revoke Permits

Any development permit or other form of authorization required in this LTZO may be revoked, including revocation of a certificate of occupancy.

6. Stop Work

With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of LTZO provision or of a permit or other form of authorization issued, in accordance with its power to stop work under its building codes.

7. Injunctive Relief

The County may seek an injunction or other equitable relief in court to stop any violation of this LTZO or of a permit, certificate, or other form of authorization granted.

8. Abatement

The County may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation or otherwise to restore the premises in question to the condition in which they existed prior to the violation.

9. Civil Action

The County may enforce the provisions of this LTZO through civil action as per state law.

10. Withhold Public Services

- a. The County may withhold any public services until all rules, regulations, and requirements of the subdivision regulations have been met.
- b. Unless a plan, plat or replat is approved in the manner and by the authorities provided for in this LTZO, it is unlawful within the area covered by the plan, plat, or replat for any officials representing the County to serve or connect that land to any public utility owned, controlled or distributed by the County for the use of the owners or purchasers of the plat or plan.

11. Other Remedies

The County may have other remedies provided by law for zoning, subdivision, sign, or related LTZO provision violations.

12. Other Powers

In addition to the enforcement powers specified in this chapter, the County may exercise any and all enforcement powers granted by law.

13. Continuation

Nothing in this LTZO prohibits the continuation of previous enforcement actions undertaken by the County by previous and valid ordinances and laws.

F. Cumulative Remedies

The remedies and enforcement powers established in this chapter are cumulative and the County may exercise them in any order or combination at any time.

## Section 7.02 Penalties

Any person or corporation who violates any of the LTZO provisions or fails to comply with any of the requirements, or who builds or alters any building or use in violation of any detailed statement or plan submitted and approved is guilty of a misdemeanor punishable under this section.

- A. The owner or owners of any building or premises or part, where anything in violation of this LTZO exists, and any architect, builder, contractor, agent, person, or corporation employed in connection and who may have assisted in the commission of any LTZO violation are guilty of a separate offense punishable under this section.
- B. A person who violates any provision of this LTZO by performing a prohibited act or by failing to perform an act required is guilty of a misdemeanor. Each day on which a violation exists or continues to exist is a separate offense.
- C. If the definition of an offense under this LTZO does not prescribe a culpable mental state, then a culpable mental state is not required. This offense is punishable by a fine no more than \$500). Although not required, if a culpable mental state is alleged in the charge of the offense and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, this offense is punishable by a fine no more than \$2,000.
- D. If the definition of an offense under this LTZO prescribes a culpable mental state and the offense governs fire safety, zoning, or public health and sanitation, including dumping of refuse, then a culpable mental state is required and the offense is punishable by a fine no more than \$2,000.
- E. Any person who violates any of the subdivision and platting regulations of this LTZO is guilty of a misdemeanor and, upon conviction by the Hunt County Court, shall be fined up to \$500. Each day the violation continues is a separate offense. Prosecution or conviction under this provision does not bar any other remedy or relief for violations of this LTZO.

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## Chapter 8. Legal Provisions

### Section 8.01 Relationship to Other State, Federal, and Local Regulations

#### A. Generally

See Texas Local Government Code § 231.112 (Conflict between Ordinances). Except as provided in the above-referenced statute, if any provision of this LTZO conflicts with state or federal law, state, or federal law controls.

#### B. Interpretation

See Section 5.02G.

#### C. Plat Restrictions

1. Nothing in this LTZO invalidates any plat restriction authorized by the Planning Commission or Commissioners Court, nor any provision of adopted building codes.
2. Building setback lines included in a recorded subdivision plat approved by the Planning Commission or Commissioners Court control over general setback provisions required under the zoning provisions of this LTZO.

#### D. Building Code Requirements

No building setback shall be less than that specified for the type of construction proposed by adopted building codes.

### Section 8.02 Private Restrictions

This LTZO does not abrogate any deed restriction, covenant, easement or any other private agreement or restriction on the use of land. However, if the provisions of this LTZO are more restrictive or impose higher standards than any private restriction, the requirements of this LTZO control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of this LTZO, the private restrictions control if properly enforced by a person having the legal right to enforce those restrictions. The County does not enforce private restrictions.

### Section 8.03 Severability

If any chapter, section, subsection, paragraph, subdivision, clause, phrase, or provision of this LTZO is, for any reason, adjudged invalid or held to be unconstitutional, the invalidity or non-constitutionality of that particular chapter, section, paragraph, subdivision, clause, phrase, or provision so declared does not affect the validity or constitutionality of the remaining provisions of this LTZO, but the same, and each of them, remain in full force and effect.

### Section 8.04 Repeal of Existing Ordinances

- A. Any ordinance inconsistent with the terms and provisions of this LTZO is repealed. That repeal, however, is only to the extent of any inconsistency. In all other respects, this LTZO is cumulative of other ordinances regulating the same subject matter.
- B. Any inconsistency does not reduce the requirements of those regulations pertaining to fire prevention, health, sanitation or safety of persons or property enacted by the County. If any restriction, prohibition, or provision of this LTZO conflict with those provisions or any laws of the State of Texas, or with regulations of State or Federal regulatory bodies having jurisdiction:
  1. If the provision of this LTZO is not preempted, the more restrictive restriction, regulation, prohibition, or provision applies, or
  2. If the state or federal law preempts a provision of this LTZO, the state or federal law applies.

### Section 8.05      Effective Date

This LTZO takes effect upon adoption of the ordinance from which it is derived by the Commissioners Court. The provisions of this LTZO supersede all other development regulations governing the development of land within the Lake Tawakoni Planning Area. All development applications and proposals filed on or after the effective date of the ordinance from which this LTZO is derived, whether for new developments or for add-ons or expansions of existing developments, shall be processed in accordance with the standards and requirements and pursuant to the procedures established in this LTZO.



## Chapter 9. Definitions

### Section 9.01 Rules of Interpretation

#### A. Authority to Interpret

The Director, in consultation with the County Attorney, has the authority to interpret any provision of this LTZO. This interpretation is appealable to the Planning Commission.

#### B. Rules of Interpretation

1. If a conflict exists between specific provisions and over general provisions, specific provisions control.
2. If a conflict exists between different provisions of this LTZO, the most restrictive standard applies.
3. If there are multiple interpretations of this LTZO because the meaning of a provision is unclear, the most restrictive interpretation applies.
4. Any reference to a number in this LTZO includes a fraction of that number, unless otherwise provided.
5. Any reference to a building, structure, tract, block, or lot, includes any portion or portions of those features, unless otherwise indicated.
6. The present tense includes the future, the singular includes the plural and the plural includes the singular.
7. The words "shall," "must," "required," or "will" are mandatory and the words "may" or "should" are permissive.
8. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
9. "Includes" means "includes but not limited to," unless otherwise indicated.
10. Unless otherwise provided, reference to a building, structure, time period includes part of the thing referenced. (For example: a reference to "building" includes part of a building, and a reference to "day" includes part of a day.)
11. A reference to an official includes a designee of that official. (For example: a reference to the Director includes any designee of the Director – i.e., "Director" means "Director or his/her designee".)
12. The headings of the several chapters, sections, and subsections of this LTZO are inserted for convenience only and do not have any operative effect and do not control or affect the meaning or construction of any of the provisions of this LTZO.

### Section 9.02 Definitions

#### A. Terms

##### 1. Accessory Building

A subordinate building or structure, the use of which is customarily incidental to that of the main building or to the main use of the land, which is located on the same lot (or on a contiguous lot in the same ownership) with the main building or use.

##### 2. Accessory Dwelling Unit

An additional dwelling unit integrated within a single-family dwelling, or located in a detached accessory building, such as carriage houses or agricultural-type outbuildings, located on the same lot as single-family dwellings.

3. Accessory Use

A subordinate use, clearly incidental and related to the main structure, building or use of land and located on the same lot (or on a contiguous lot in the same ownership) as that of the main structure, building or use.

4. Age-Restricted Housing

A development that contains independent dwelling units, each with a full kitchen that is designed for and restricted to occupancy by households having at least one member who is 55 years of age or older. An exception is allowed for up to five years following the death or departure, due to incapacity, of a household member 55 years or older, provided a surviving household member who is at least 50 years old continues to live in the unit. Children less than 18 years of age shall not reside in a dwelling unit for more than a total of 90 days per calendar year. Age-restricted adult housing may include accessory structures or uses for the residents, such as social, recreational, or educational facilities and housekeeping, security, transportation or personal services.

5. Agricultural Event Facility

A facility for an agriculture-based entertainment form that links agricultural production and/or processing with tourism to attract visitors for the purpose of entertaining or educating visitors while generating income for the property owner. This includes activities like hayrides, horse rides, wine tasting, cornfield-maze contests, harvest festivals, and other special events.

6. Agriculture

The use of land for the production of plants and animals useful to humans, including, to a variable extent, the preparation of these products for human use and their disposal by marketing or otherwise, and includes horticulture, floriculture, viticulture, forestry, dairy, livestock, poultry, bee, and any and all forms of farm products and farm production.

7. Airport

Any area of land or water which is used or intended for the landing and taking off of aircraft, and any appurtenant areas which are used or intended for use for airport buildings or other airport facilities or rights-of-way. This includes all necessary runways, taxiways, aircraft storage and tiedown areas, hangars, public terminal buildings and parking, helicopter pads, support activities such as airport operations and air traffic control, and other necessary buildings and open spaces. Includes dusting services. For purposes of this definition, "aircraft" means a device that is used or intended to be used for flight in the air, such as an airplane or helicopter.

8. Alley

A public space or thoroughfare that affords only secondary means of access to property abutting thereon, which has been deeded or dedicated to the public for public use.

9. Amphitheater

An oval, circular or semicircular outdoor theater in which the stage or screen area may be surrounded by rising tiers of seating, assembling areas, or both.

10. Applicant

Any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

11. Application

The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the County to initiate County review and approval of a development project.

12. Artist Studio

The workshop of an artist, writer, craftsperson, or photographer, but not a place where members of the public come to receive instruction on a more than incidental basis or to sit for photographic portraits.

13. Assisted Living Facility

Per the Texas Health & Safety Code, Section 247.002, "assisted living facility" means an establishment that:

- a. Furnishes, in one or more facilities, food and shelter to four or more persons who are unrelated to the proprietor of the establishment;
- b. Provides:
  - (1) Personal care services; or
  - (2) Administration of medication by a person licensed or otherwise authorized in this state to administer the medication;
- c. May provide assistance with or supervision of the administration of medication; and
- d. May provide skilled nursing services for the following limited purposes:
  - (1) Coordination of resident care with outside home and community support services agencies and other health care professionals;
  - (2) Provision or delegation of personal care services and medication administration as described by this subdivision;
  - (3) Assessment of residents to determine the care required; and

For periods of time as established by department rule, delivery of temporary skilled nursing treatment for a minor illness, injury, or emergency

14. Athletic Field

A tract of land designated and designed for athletic and recreational activity. This use includes baseball fields, soccer fields, tracks, softball diamonds, polo grounds, and the like.

15. Attached Canopy

An architectural projection from an exterior wall of a building that is of rigid construction, is supported by attachment to a building on one or more sides, and over which a covering is attached that provides weather protection, identity, or decoration.

16. Auto Parts Sales

An establishment that sells auto parts like tires, rims, batteries, audio parts, wipers, filters, performance parts, oils, detailing, and the like to the general public. This does not include on-site installation, repair and maintenance services.

17. Automotive Dealership

A facility for the sale or rental of automobiles, motorcycles, ATVs, boats, or recreational vehicles. This includes incidental vehicular services and repairs.

18. Automotive/Machinery Service and Repair, Heavy

An establishment that offers only general maintenance activities including engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing, replacement of filters, fluids, light bulbs, belts, fuses, oil, and tires, emissions testing, and similar activities.

19. Automotive/Machinery Service and Repair, Light

An establishment that offers only general maintenance activities including engine tune-ups, lubrication, carburetor cleaning, brake repair, car washing, detailing, polishing, replacement of filters, fluids, light bulbs, belts, fuses, oil, and tires, emissions testing, and similar activities.

## 20. Awning

An architectural projection from an exterior wall of a building that provides weather protection, identity, or decoration, and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.

## B. Terms

## 1. Banner

A temporary, generally flexible, sign constructed of cloth, plastic, vinyl, or fabric of any kind intended to be hung either with or without a frame.

## 2. Bar/Tavern

An establishment providing or dispensing fermented malt beverages and/or malt, special malt, vinous or spirituous liquors, and in which the sale of food products such as sandwiches or light snacks, is secondary (also known as a tavern).

## 3. Basement

A building story that is partly underground. A basement shall be counted as a story in computing building height if at least one half of its height is above the average level of the adjoining ground prior to berming, using measurements taken at each corner of the building which meets the ground.

## 4. Bed and Breakfast

An establishment operated in a private residence or portion thereof, which provides temporary accommodations to overnight guests for a fee, and which is occupied by the operator of such establishment.

## 5. Boarding/Rooming House

A building or portion of which is used to accommodate, for compensation, four (4) or more boarders or roomers, not including members of the occupant's immediate family who might be occupying the building.

## 6. Brewpub

An establishment where food, beer, and malt beverages are duly-licensed to be made on the premises where 50% or more of the beer produced on site is sold and/or consumed on site.

## 7. Building

Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind.

## 8. Building and Landscaping Materials Supply

A business that sells and stores building materials or landscaping where the majority of sales are wholesale transactions to other firms. Outdoor storage and retail sales are incidental.

## 9. Building Line

A line parallel or approximately parallel to the front lot line at a specific distance there from, marking the minimum distance from the front lot line that a building may be erected.

## C. Terms

## 1. Campground

A lot of land for rent or lease upon which any campsites are located, established, or maintained for occupancy by camping units such as tents, cabins, lean-to, recreational vehicles or similar structures as temporary living quarters for recreation, education or vacation purposes.

2. Car Wash

A facility where the primary or secondary function is washing automobiles, pick-up trucks, and small vans, but not trailers or commercial trucks. This includes both mechanical production line methods or self-service equipment. A car wash may also function as an accessory use to an automobile service station or other primary use.

3. Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including mausoleums and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

4. Certificate of Occupancy

An official certificate issued by the County through the Lake Tawakoni Planning Commission which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

5. Child Care Facility, Daycare

An establishment providing care for seven (7) or more children for less than twenty-four (24) hours a day at a location other than the permit holder's home. A State license is required. Also includes similar terms such as nursery and child care center. See Chapter 42 of the Human Resources Code.

6. Child Care Facility, Children's Home

A business for the care of children at a location other than a caretaker's residence for more than 24 hours a day. See Chapter 42 of the Human Resources Code.

7. Child Care Home ( $\leq 6$  Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than six (6) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

8. Child Care Home ( $\geq 7$  Children)

A private residence where state licensed care, protection, and supervision are provided, for a fee, at least twice a week to no more than twelve (12) children at one time, including children of the adult provider, for less than twenty-four (24) hours per day. See Chapter 42 of the Human Resources Code.

9. Civic Space

Public or quasi-public uses in residential or business areas that are accessible to the public and primarily serve as gathering or meeting areas for the immediate community, or reserved as open space that provides a community amenity or promotes environmental or ecological functions. Civic spaces may be public buildings; defined space in residential, commercial, or mixed-use buildings; or outdoor space constructed to accommodate community gatherings. They can be the settings where celebrations are held, where social and economic exchanges take place, where friends run into each other, and where cultures mix. Civic spaces include active or passive recreational uses, nature and recreation trails, nature preserves (such as wildlife sanctuaries, conservation areas, and game preserves), cultural amenities (i.e., fountains, reflecting pools), open spaces, parks, squares, plazas, playgrounds, or memorial parks. This includes any of the following as defined below:

- a. Active recreation: Recreational uses requiring constructed facilities for organized activities, such as playing fields, ball courts, and playgrounds.
- b. Dog park: A park that provides a variety of recreational amenities for dogs and persons that may include benches, parking, restrooms, and water fountains. If dogs are to be unleashed, the area must be fenced.

- c. Community space: Buildings or facilities that provide gathering places, such as community centers, property owner association meeting spaces, or clubhouses.
  - d. Open space: Areas of trees, shrubs, lawns, grass, pathways and other natural and man-made amenities not within individual building lots, set aside for the use and enjoyment of residents, visitors and other persons, unoccupied by buildings or facilities unless related to recreational activities. Generally, open space is intended to provide light and air and is designed for either scenic or recreational purposes. For the purpose of this LTZO, open space includes active recreation space, common open space, and dedicated open space.
  - e. Park or plaza: An open space that may be improved and landscaped; usually surrounded by streets and buildings.
  - f. Wetlands mitigation bank: A natural resource management technique authorized by Part 404 of the Federal Clean Water Act, or other state or federal law, as applicable, using wetland preservation, restoration, creation and/or enhancement to offset or replace wetland functions that are lost due to development. Wetland mitigation banks are typically large areas of wetlands operated by private or public entities, which may sell credits to other entities to compensate for wetland loss or impact at development sites or enter into other similar arrangements.
10. Clinic  
An institution, public or private, or a station for the examination and treatment of outpatients by a group of doctors, dentists, opticians, ophthalmologists, orthopedists, or other similar professional physicians.
11. Collector Street  
A low-intensity, public right-of-way identified on the Thoroughfare Plan.
12. College/University  
An institute of higher education that awards baccalaureate or higher degrees, which may include on-site student, faculty, and/or employee housing facilities.
13. Commercial Amusement, Indoor  
An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein all portions of the activity takes place indoors, including, but not limited to, a bowling alley, billiard/pool facility, miniature golf course, gun range/archery range, roller/ice skating rink, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, video arcade, escape rooms, and indoor trampoline park/bouncy park.
14. Commercial Amusement, Outdoor  
A permanent amusement enterprise offering entertainment or games of skill to the general public for a fee or charge, wherein any portion of the activity takes place outdoors, including, but not limited to, miniature golf course, amusement park a golf driving range, archery range, batting cages, go-cart tracks, and outdoor swimming pool.
15. Commercial Cleaning Facility  
Establishments primarily engaged in supplying, on a rental or contract basis, laundered industrial work uniforms and related work clothing (such as protective (flame and heat resistant) and clean room apparel), dust control items (such as treated mops, rugs, mats, dust tool covers, and cloths), and shop or wiping towels. Also known as "industrial launderers."
16. Commissioners Court  
The Commissioners Court of Hunt County, Texas.
17. Communication Facility  
Uses and structures such as radio and television transmitting and receiving antennas, radar stations, and microwave towers.

18. Community Home for Persons with Disabilities

A residence for not more than six (6) persons with disabilities and two (2) supervisors. Such entity must be licensed and comply with Chapter 123 of the Human Resources Code. Per Section 123.002, a "person with a disability" means a person whose ability to care for himself or herself, perform manual tasks, learn, work, walk, see, hear, speak, or breathe is substantially limited because the person has:

- a. An orthopedic, visual, speech, or hearing impairment;
- b. Alzheimer's disease;
- c. Pre-senile dementia;
- d. Cerebral palsy;
- e. Epilepsy;
- f. Muscular dystrophy;
- g. Multiple sclerosis;
- h. Cancer;
- i. Heart disease;
- j. Diabetes;
- k. Autism; or
- l. Mental illness.

Per Section 123.003, "The use and operation of a community home that meets the qualifications imposed under this chapter is a use by right that is authorized in any district zoned as residential".

19. Comprehensive Plan

The plan adopted by the Commissioners Court, showing the general location and extent of present housing, nonresidential uses, major thoroughfares, parks, schools and other community facilities, and which sets growth policies and generalized future land uses. The Comprehensive Plan is also known as the \*\*\*.

20. Concrete or Asphalt Plant

A permanent manufacturing facility for the production of concrete or asphalt.

21. Construction Office

A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

22. Convenience Store, Fuel

A retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services that may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries. Fuel sales are allowed on site.

23. Convenience Store

A retail store containing less than five thousand (5,000) square feet of gross floor area which sells everyday goods and services that may include, without limitation, ready-to-eat food products, groceries, over-the-counter drugs, and sundries.

24. Corner Side Yard

The yard abutting a street on a corner lot.

25. County

Hunt County, Texas.

26. County Attorney

The licensed attorney responsible for representing Hunt County's legal matters.



## 27. County Clerk

The person holding the office of County Clerk where they are responsible for local elections and maintaining public records. This term shall also include any designee of the County Clerk.

## 28. County Engineer

The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated as such by the Commissioners Court.

## 29. Craft Manufacturing

A facility where the manufacturing process of making products, one by one, with or without the aid of handheld tools occurs. This does not allow for manufacturing where large power tools and heavy machinery are used to make products.

## D. Terms

## 1. Density

A unit of measurement that determines the number of dwelling units per acre or square foot of area.

## 2. Development

Any of the following actions undertaken by a public or private individual or entity:

- a. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or
- b. Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.
- c. Any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

## 3. Director

The Director of Hunt County Development Services, or the Director's designee.

## 4. District

A zoning district within any area of the Lake Tawakoni Planning Area.

## 5. Dwelling, Multi-Family

A dwelling contained in a structure also containing other dwellings in which each unit is attached to another at one or more party walls and at either the floor or the ceiling. This includes apartments and manor style apartments. This does not include townhomes or duplexes, which are considered single-family attached dwellings and two-family dwellings.

## 6. Dwelling, Single-Family Attached

A single-family dwelling contained in a structure that shares party walls with another dwelling. This includes townhomes.

## 7. Dwelling, Single-Family Detached

A single-family dwelling (a building designed exclusively for occupancy by one (1) family) that is not attached to any other dwelling or building by any means, excluding mobile homes and manufactured housing situated on a permanent foundation.

## 8. Dwelling, Two-Family

A dwelling occupied by two (2) families living independently of each other separated by a party wall(s). This use is typically referred to as a duplex. This use includes conventional side-by-side and stacked duplexes.



E. Terms

1. Easement

The right of use over the property of another.

2. Electronic Message Center

A sign or part of a sign capable of displaying content or visual displays that can be electronically or mechanically changed by remote or automatic means.

3. Entertainment Facility

A building or part of a building devoted to showing motion pictures or dramatic, musical or live performances, but does not include a sexually oriented business.

4. Event Venue

A gathering facility which may also include on-site kitchen/catering facilities. The banquet/reception hall's primary purpose is a location for activities such as weddings, quinceaneras, Sweet 16 receptions, promenade dances, and other similar gatherings by appointment.

F. Terms

1. Fair Grounds

A tract of land designated and designed for exhibitions and temporary events for the general public such as the County Fair, circus, petting zoo, and the like.

2. Family

An individual or group of two or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants together with not more than two additional persons not related by blood, marriage, or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 1011 N of Vernon's Civil Statutes as it presently exists or may be amended in the future, but not including household care or rehabilitation care facilities.

3. Farmers' Market

An occasional or periodic market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, arts and crafts items and food and beverages (but not to include second-hand goods) dispensed from booths located on-site.

4. Feed Store

A type of retail store that sells livestock feed and care products to the public.

5. Financial Institution

A business where the primary occupation is financial services such as banking, savings and loans, loan offices, and check cashing and currency exchange outlets. It does not include financial services that typically occur in an office or storefront, such as investment companies, loan companies, credit and mortgage, insurance services, or brokerage firms), which are classified under "Professional Office," below.

6. Fire Lane

A hard-paved surface able to withstand the pressure necessary to facilitate fire and emergency service vehicles. A fire lane is at least 24 feet wide.

7. Fire Marshal

The person responsible for enforcing fire regulations and investigating fires for Hunt County. This term shall also include any designee of the Fire Marshal.

## 8. Flag

A piece of fabric or other flexible material, with distinctive colors and patterns, customarily mounted on a pole or similar freestanding structure, or on a pole mounted on a building.

## 9. Floodplain

Any land area susceptible to being inundated by floodwaters from any source identified by the Federal Emergency Management Agency (FEMA) or the National Flood Insurance Program (NFIP).

## 10. Food Caterer

An establishment in which the principal use is the preparation of food and/or meals on the premises, and where such food and/or meals are delivered to another location for consumption or distribution.

## 11. Freestanding Canopy

A permanent structure that is structurally independent of a building, that is of rigid construction, and over which a covering is attached that provides weather protection, identity, or decoration.

## 12. Front Yard

A yard extending across the full width of the lot between the front lot line and the nearest line or point of the building.

## 13. Frontage

The portion of any tract that abuts a public street right-of-way affording primary access to the tract.

## 14. Funeral Services

An establishment used primarily for human funeral services, which may or may not include facilities on the premises for embalming and performing of autopsies or other surgical procedures. Examples include funeral homes, mortuaries, crematoriums, or columbaria.

## G. Terms

## 1. Golf Course or Country Club

A tract of land laid out with a course having nine or more holes for playing golf, including any accessory clubhouse, driving range, offices, restaurant, concession stand, picnic tables, pro shop, maintenance facilities, or similar accessory uses or structures.

## 2. Grocery Store

A retail establishment primarily selling food, as well as other convenience and household goods.

## H. Terms

## 1. Halfway House

A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently.

## 2. Hazardous Materials

Any substance in any form which because of its quantity, concentration, or its chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with one or more substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment, when improperly stored, treated, transported, disposed of, used, or otherwise managed. Hazardous material includes, without limitation, synthetic organic chemicals, petroleum products, heavy metals, radioactive

or infectious materials, and all substances defined as toxic or hazardous pursuant to the EPA's standards.

3. Hazardous Waste

A substance or combination of substances, which because of quantity, concentration, or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health, safety, or welfare or to the environment when improperly treated, stored, transported, used or disposed of, or otherwise managed.

4. Health, Fitness and Athletic Club

An establishment that is open only to members and guests and that provides facilities for any of the following: aerobic exercises, running and jogging, exercise equipment, game courts and swimming facilities, and that also includes amenities such as spas, saunas, showers, and lockers.

5. Height

The vertical distance of a building or structure measured from the curb level to the highest point of the roof. In instances where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.

6. Home Occupation

An occupation or business activity which results in a product or service and is conducted in whole or in part in a dwelling unit and is subordinate to the residential use of the dwelling unit.

7. Hotel/Motel

A building containing guest rooms in which lodging is provided, with or without meals, for compensation, and which is open to transient or permanent guests, or both. A hotel, motel, or resort only provides temporary lodging, and does not include multi-family or attached dwelling or any other form of permanent residence. Guests are prohibited from using a guest room or suite as a primary permanent residence.

8. Household Care Facility

A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; terminally ill; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. Where applicable, a household care facility shall have appropriate licensing and/or registration by the State of Texas.

I. Terms

1. Illumination, Direct

A source of illumination of a sign, such as, but not limited to, an incandescent bulb, LED bulb, neon tube, or fluorescent tube, that is visible to a person standing on the ground.

2. Illumination, Halo

A source of illumination entirely within an individual letter, cabinet or structure which makes the sign visible at night by means of lighting the background upon which the individual letters are mounted. The letters are typically opaque, and thus are silhouetted against the background. The source of illumination is not visible. Also called "internal indirect" or "reverse channel" lighting.

3. Illumination, Indirect

Partial or complete illumination of a sign at any time by a light source that is shielded as to not be visible at eye level.

## 4. Illumination, Internal

A sign that is illuminated from a light source located inside or behind the sign face and where light is transmitted through a translucent material that is part of the sign face or surface surrounding the sign face.

## 5. Impervious Coverage

The amount of impervious surface allowed on a lot.

## 6. Impervious Surface

A hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development.

## 7. Industrial and Manufacturing, Heavy

Manufacturing of paper, chemicals, plastics, rubber, cosmetics, drugs, nonmetallic mineral products (such as concrete and concrete products, glass), primary metals, acetylene, cement, lime, gypsum or plaster-of-Paris, chlorine, corrosive acid or fertilizer, insecticides, disinfectants, poisons, explosives, paint, lacquer, varnish, petroleum products, coal products, plastic and synthetic resins, electrical equipment, appliances, batteries, and machinery. This group also includes asphalt mixing plants, concrete mixing plants, smelting, animal slaughtering, oil refining, and magazine contained explosives facilities.

## 8. Industrial and Manufacturing, Light

Manufacturing of products, from extracted, raw, recycled, or secondary materials, including bulk storage and handling of those products and materials, or crushing, treating, washing, and/or processing of materials. This includes similar establishments, and businesses of a similar and no more objectionable character. It also includes incidental finishing and storage. Goods or products manufactured or processed on-site may be sold at retail or wholesale on or off the premises. This does not include any activity listed under Industrial and Manufacturing, Heavy. Examples of general manufacturing include the manufacture or production of the following goods or products: apparel (including clothing, shoes, dressmaking); boats and transportation equipment; brooms; caskets; communication or computation equipment; dairy products; die-cut paperboard and cardboard; drugs, medicines, pharmaceutical; electrical equipment or machinery; farm machinery; fasteners and buttons; feed and grain; food/baking (including coffee roasting, creameries, ice cream, ice, frozen food, confectionery, and beverage); fruit and vegetable processing, canning and storage; gaskets; glass products made of purchased glass; household appliances; industrial controls; leather and allied products; lithographic and printing processes (including printing plants as defined below); mattresses; medical equipment and supplies; medicines; mill work and similar woodwork; mobile homes; musical instruments; novelties; office supplies; optical goods; photographic equipment; prefabricated and modular housing and components; printing and print supplies (including printing plants); 3-D printing, radio and TV receiving sets; sanitary paper products; scientific and precision instruments; service industry machines; signs; textiles (including dyeing, laundry bags, canvas products, dry goods, hosiery, millinery); tobacco products; toys, sporting and athletic goods; and watches and clocks. A "printing plant" means a facility devoted to printing or bookbinding, including related large-scale storage and transshipment.

## 9. Intersection Visibility Triangle

The triangular-shaped area at the intersection of two right-of-ways that must be kept clear to ensure visibility at the intersection.

## J. Terms

## 1. Reserved.

K. Terms

1. Kennel

A facility for the overnight boarding, breeding or training of dogs, cats, and other household pets for which a fee is charged. This facility may include incidental grooming or sale of pet supplies. The ownership of dogs or cats that are part of a household or are owned by the residents of the property and are kept for hunting, or for exhibiting in dog or cat shows or field or obedience trials, and the sale of not more than one litter per year shall not constitute the operation of a kennel.

L. Terms

1. Lake Tawakoni Planning Area

The area within 5,000 feet of the project boundary line for Lake Tawakoni, which is defined as the 447-foot elevation take line.

2. Laundromat

A facility where patrons wash, dry, or dry clean clothing and other fabrics in machines operated by the patron.

3. Lodge/Civic Club

Organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities, characterized by membership qualifications, dues or regular meetings, excluding clubs operated for profit and/or places of worship or assembly.

4. Lot

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this Lake Tawakoni Zoning Ordinance.

5. Lot, Area

The total space required for a lot by multiplying the lot's depth by it's width.

6. Lot, Corner

A lot where the side yard abuts a street.

7. Lot, Depth

The distance between the front lot line and the rear lot line.

8. Lot, Interior

A lot, the side line of which does not abut on any street.

9. Lot, Width

The distance parallel to the front lot line, measured at the front building setback line. Lot width on a curving front lot line means the distance parallel to the tangent of the front lot line at the building setback line. The lot width and the lot frontage may have different lengths on an irregularly shaped lot as they are measured at different points on the lot.

10. Lot Frontage

All the property abutting on one (1) side of a roadway, or between two (2) or more intersecting roadways, measured along the roadway or right-of-way line.

11. Lot Lines

The lines bounding a lot.

12. LTZO

The abbreviated term for the Hunt County Lake Tawakoni Planning Area zoning ordinance adopted by the Hunt County Commissioners Court.

13. Luminaire

The complete lighting unit, including the lamp, the fixture, and other parts.

M. Terms

1. Manufactured Home

A single-family dwelling that is partially or entirely manufactured in a factory; which is not less than twenty-four (24) feet in width and thirty-six (36) feet in length; which is installed on an engineered permanent foundation; which has brick, wood or cosmetically equivalent siding extending to the ground level; which has a pitched roof; which has the delivery system including wheels, tires, axles and tongue hitch removed; and which is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended.

2. Marina

A facility located along the shoreline that has docks, moorings, supplies, and other services for watercraft and watercraft passengers. This includes incidental uses for servicing, fueling, storing, and renting of watercraft.

3. Medical Care Facility

An establishment, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered to prevent, diagnose, or treat human disease, pain, injury, deformity, or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons; or for the care of two or more non-related persons requiring or receiving medical, surgical, or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled. This use includes an intermediate care facility, mental retardation facility, outpatient surgery center, birthing facility, diagnostic imaging facility, radiation therapy facility, dialysis facility, medical/physical rehabilitation and trauma unit, or related institution or facility that offers treatment on an outpatient basis. This use may be operated for profit or nonprofit, privately owned, or operated by a local government unit. This use includes any hospital, defined as any licensed and State of Texas accredited health care institution with an organized medical and professional staff and with inpatient beds available around-the-clock, whose primary function is to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions and that usually provides some outpatient services (such as emergency care).

4. Mini-Storage Facility

A facility containing separate, individual, private storage spaces, which may be of various sizes and which are rented pursuant to individual leases for varying periods of time.

5. Minor Arterial

The second largest capacity right-of-way identified on the Thoroughfare Plan.

6. Mixed-Use Building

A building that functionally integrates multiple uses, such as residential, commercial, cultural, institutional, or office, into one space. This does not include home occupations.

7. Mural

A hand-produced work in which paint is applied by hand directly on an exterior wall of a building or structure. A mural or painted wall sign does not include: i. Mechanically produced or computer-generated prints or images, including digitally printed vinyl sheets and wraps; ii. Works containing electrical or mechanical components; or iii. Works that involve changing or moving images or components.

8. Museum

An institution that cares for and displays a collection of artifacts and other objects of artistic, cultural, historical, or scientific importance for public viewing.

N. Terms

1. Nightclub

A type of entertainment facility that comprises of a dance floor, lightshow, and/or stage for the playing of live music or disc jockey recordings that serves alcoholic beverages and incidental food sales.

2. Nit

A unit of illuminative brightness equal to one candle per square meter, measured perpendicular to the rays of the source.

3. Nonconforming Lot

A lot that does not conform to the regulations of this LTZO, but that was lawfully established under the regulations in force at the time the lot was established and has been in regular use since that time.

4. Nonconforming Site Feature

A site plan feature, such as landscaping, parking, setbacks, etc., that does not conform to the regulations of this LTZO, but that was lawfully established under the regulations in force at the time the site plan was approved and has been in regular use since that time.

5. Nonconforming Building or Structure

A building or structure, or portion thereof, that does not conform to the regulations of this LTZO, but that was lawfully constructed under the regulations in force at the time of construction.

6. Nonconforming Use

A use that does not conform to the use regulations of this LTZO, but that was lawfully established under the regulations in force at the time the use was established and has been in regular use since that time.

7. Nonconformity

The collective term for all nonconforming situations.

8. Nursery

Any land or structure used primarily to raise trees, shrubs, flowers, or other plants for sale or for transplanting and may include the sale of nonliving landscape and decorating products.

O. Terms

1. Open Space

Any land or water area with its surface open to the sky, which serves specific uses of providing park and recreation opportunities, conserving natural areas and environmental resources, structuring urban development form and protecting areas of agricultural, archeological or historical significance. Open space shall not be considered synonymous with vacant or unused land but serves important urban functions. Usable open space shall exclude areas used for off-street parking, off-street loading, service driveways and setbacks from oil and gas wells and their appurtenances or other hazards to the public.

P. Terms

1. Parking Facility

An off-street parking structure or lot for public use.

2. Pawn Shop

Any business that loans money on deposit of personal property or deals in the purchase or possession of personal property on condition of selling that property back to the pledger or depositor, or loans or advances money on personal property by taking chattel mortgage security on it, and takes or receives that personal property and issues a lien upon the personal property.



## 3. Personal Services

Shops primarily engaged in providing services generally involving the care of the person or such person's apparel, or rendering services to business establishments such as dry-cleaning retail outlets, portrait/photographic studios, beauty or barber shops, employment service, or mailing or copy shops.

## 4. Personal Stable

An accessory use designated for quartering horses on private property.

## 5. Planning Commission

The Hunt County Lake Tawakoni Planning Commission.

## 6. Premises

An area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

## 7. Principal Arterial

The largest capacity right-of-way identified on the Thoroughfare Plan.

## 8. Printing Shop

An establishment in which the principal business consists of duplicating and printing services using photocopy, blueprint or offset printing equipment and may include the collating of booklets and reports.

## 9. Private Utility

A utility carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service or similar utility services to private persons and enterprises.

## 10. Professional Office

An office for professionals, such as physicians, dentists, lawyers, architects, financiers, engineers, artists, musicians, designers, teachers, accountants, and others who, through training, are qualified to perform services of a professional nature and where no storage or sale of merchandise exists, except as accessory to the professional services.

## 11. Property Owners' Association

A formal nonprofit organization operating under recorded land agreements through which:

- a. Each lot and/or property owner in a specific area is automatically a member; and
- b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- c. The charge if unpaid, becomes a lien against the nonpaying member's property.

## 12. Public Facility

Those constructed facilities, including but not limited to transportation systems or facilities, water systems or facilities, wastewater systems or facilities, storm drainage systems or facilities, fire, police and emergency systems or facilities, electric, gas, telecommunication utilities or facilities and publicly owned buildings or facilities.

## 13. Public Utility

A common utility carrier supplying electricity, wire telephone service, natural gas, water, wastewater or stormwater service or similar public services to the general public. This does not include railroads or other forms of rail mass transit or depots or terminals supporting the same, or wireless telecommunication facilities.

## Q. Terms

1. Reserved.



R. Terms

1. Rear Yard

A yard extending across the full width of the lot between the rear lot line and the nearest line or point of the building.

2. Recreational Cabin

A rented lodging structure tourists and guests primarily use for overnight stays on recreational premises. This use may be constructed as separate or connected structures.

3. Recreational Vehicle (RV) Park

A parcel of land designed, improved, or intended to be used for short-term occupancy ( six months or less) by recreational vehicles (including travel trailers) in designated spaces. The facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

4. Recycling Facility

A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a site where the recyclable materials are processed and reprocessed into other materials.

5. Rehabilitation Care Facility

Subject to being licensed to operate by the Texas Department of Aging and Disability Services (DADS), a dwelling unit that provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

6. Religious Land Use

A structure or group of structures intended for regular gatherings of people to attend, participate in or conduct religious services and other related activities and associated accessory uses. Associated accessory uses may include religious instruction classrooms, church offices, counseling programs, private school, youth programs, parking, child and adult day care facilities, summer camps, recreational facilities, caretaker's quarters, food bank, thrift shop, sale of religious items, and cemeteries.

7. Rental Kiosk

A retail booth where peddling, vending, selling, serving, displaying, offering for sale or giving away services, goods, wares, merchandise, food, or beverages, occurs on public or private property.

8. Research and Development

A facility (such as a laboratory) for general research, scientific research, development and/or training where assembly, integration, and testing of products in a completely enclosed building is incidental to the principal use of scientific research, development, and training.

9. Restaurant, Fast Food

Any establishment in which the principal business is the sale of food and beverages to the customer in a ready-to-consume state, and in which the design or principal method of operation includes the following characteristics:

- a. Food and beverages are usually served in paper, plastic, or other disposable containers; and
- b. The consumption of food and beverages is encouraged or permitted within the restaurant building, within a motor vehicle parked upon the premises or at other facilities on the premises outside the restaurant building or for carryout.

10. Restaurant, Sit-Down

Any establishment in which the principal business is the sale of food and beverages to customers in a ready-to-consume state; where fermented malt beverages and/or malt, special malt or vinous and spirituous liquors may be produced on the premises as an accessory use; and where the design or principal method of operation includes one (1) or both of the following characteristics:

- a. Customers are served their food and/or beverages by a restaurant employee at the same table or counter at which the items are consumed; or
- b. Customers are served their food and/or beverages by means of a cafeteria-type operation where the food or beverages are consumed within the restaurant building.

11. Retail Store

A shop or store that, as its primary business, sells new merchandise to the public. Examples include drugstores and discount department stores, and stores that sell apparel, home improvement/furnishings, toys, electronics, or sporting goods.

12. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a street or alley.
- b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
- d. For platting purposes, the term "Right-of-Way" shall mean that every Right-of-Way shown on a Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

S. Terms

1. Salvage Yard

A facility used to store used appliances, scrapped glass, rags, paper, metals, automotive parts, or equipment, regardless of whether used for re-manufacture, resale or recycling.

2. School

A public or private educational facility offering instruction at the elementary, junior, and/or senior high school levels in the branches of learning and study required to be taught in the schools of Texas.

3. Screening Device

A barrier of permanent material of sufficient height and density so that the objects being screened are not visible from any point on the lot line when viewed from the ground level. All screening devices shall comply with the requirements established in Section 4.05.

4. Service Station

Any building, land area, premises or portion thereof, where gasoline or other petroleum products or fuels are sold and light maintenance activities, such as engine tune-ups, lubrication, minor repairs and carburetor cleaning, may be conducted. A service station shall not include premises where heavy automobile maintenance activities, such as engine overhaul, automobile painting and body fender work, are conducted.

5. Setback, Sign

The required distance a sign must be placed from a property line or any other required boundary.

6. Setback

A line established by this LTZO, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings nor structure may be located above ground, except as may be provided in this ordinance. See definition of "Yard".

7. Sexually Oriented Business

Amusement enterprises offering activities and services distinguished or characterized by the depiction or describing of “specified anatomical areas” or “specified sexual activities,” as defined. Such uses shall include but not be limited to the following:

- a. Adult Arcade - Any place to which the public is permitted or invited wherein coin-operated, slug-operated, or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time and where the images so displayed are distinguished or characterized by the depicting or describing of “specified anatomical areas” or “specified sexual activities” as defined.
- b. Adult Bookstore - A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental, or any form of consideration of any one or more of the following:
  - (1) Books, magazines, periodicals, or other printed matter, photographs, films, motion pictures, videocassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe “specified anatomical areas” or “specified sexual activities,” as defined; or
  - (2) Instruments, devices or paraphernalia which depict “specified anatomical areas” or “specified sexual activities,” or are designed for use in connection with “specified sexual activities.”
- c. Adult Cabaret - A nightclub, bar, restaurant, or similar commercial establishment which regularly features:
  - (1) Person or persons who appear in a state of nudity; or
  - (2) Live performances which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities,” including topless or bottomless dancers, exotic dancers, or strippers; or
  - (3) Films, motion pictures, videocassettes, videotapes, or other video reproductions, slides, or other photographic or visual representations, which are characterized by the depiction of “specified anatomical areas” or “specified sexual activities” as defined.
- d. Adult Motion Picture Theater - A commercial establishment where, for any form of consideration, films, motion pictures, videocassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined.
- e. Adult Theater - A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the depiction or description of “specified anatomical areas” or “specified sexual activities” as defined.
- f. Nude Modeling Studio - Any place where a person who appears in a state of nudity, or displays any “specified anatomical area” is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
- g. Massage Parlor - Any place where, for any form of consideration, massage, alcohol rubs, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as part of or in connection with any “specified sexual activity,” or where any person providing such treatment, manipulation, or service related thereto exposes any “specified anatomical area.”

8. Shielding

When the light emitted from the fixture is projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

9. Side Yard

A yard extending from the front yard to the rear yard between the side lot line and the nearest line or point of the building.

10. Sight Distance Triangle

The required sight distance triangle is a setback area located at the intersection of two public or private roads or a road and a driveway. The setback area forms a triangle extending from the intersection for 25 feet along the edge of the curb or the edge of the pavement for each road or driveway.

11. Sign

A visual display of an object or device that includes elements such as colors, lights, motion, symbols, images, icons, letters, numerals, figures, characters, or combines any of those elements, that is intended to communicate, advertise, identify, announce, direct, inform, or attract attention and that is visible from a public right-of-way. The term "sign" includes a structure used to support or display a sign.

a. Abandoned Sign

A monument sign, wall sign, awning sign, canopy sign, projecting sign, or painted wall sign located on a lot in a commercial or industrial zoning district where the premises has been vacant for at least six months.

b. A-Frame Sign

A temporary, portable, freestanding sign that is in the shape of the letter "A" with back-to-back sign faces, an easel, or a similar configuration.

c. Attached Canopy Sign

A permanent attached sign that is affixed to an attached canopy.

d. Attached Sign

A sign that is permanently affixed to a building or structure.

e. Awning Sign

A sign painted, printed, attached, or otherwise applied to any facet of the covering or frame structure of an awning.

f. Changeable Sign

A sign that is designed so that characters, letters, or illustrations can be manually changed or rearranged without altering the face or surface of the sign.

g. Feather Sign

A banner in the shape of a feather, quill, sail, blade, or teardrop that is mounted on a solid or flexible pole or cord. These are sometimes referred to as "quill signs" or "sail banners."

h. Freestanding Canopy Sign

A permanent attached sign that is affixed to a freestanding canopy.

i. Government Sign

Signs erected, maintained, or displayed by the State or Federal governments, the County of Hunt, a public school district, or another subdivision of the State of Texas.

j. Illuminated Sign

Any sign whose design or installation incorporates artificial light, including direct illumination, halo illumination, indirect illumination, or internal illumination.

k. Incidental Sign

A small permanent sign that is freestanding or attached to a building that is in addition to the primary sign types for the property, such as wall signs and monument signs, and that has a height and scale that is subordinate to the primary sign types allowed for the

property. Examples of typical incidental signs include house numbers, occupant directories, directional signs, flags, and parking signs. The list of examples is provided to clarify the regulations and does not limit the content of incidental signs.

l. Indoor Sign

A sign within a structure that is not visible from any point outside the structure (for example, inside a shopping center mall).

m. Monument Sign

A permanent freestanding sign with a low profile and having a base and support structure with a solid appearance that is at least as wide as the width of the widest part of the sign's face.

n. Nonconforming Sign

A sign that does not conform to the regulations of this LTZO, but that was lawfully established under the regulations in force at the time the sign was established and has been in regular use since that time.

o. Subdivision Entry Sign

A monument sign located at the entry to a residential subdivision or multi-family development.

p. Temporary Sign

A sign constructed of cloth, canvas, light fabric, cardboard, wood, wallboard, metal, or other light materials, with or without frames, which is intended to be displayed for a limited period of time only. Temporary sign includes banners, feather signs, inflatable devices, stake signs, and A- and T-frame signs. Examples of common temporary signs include political signs, public demonstrations, grand opening signs, contractor signs, real estate signs, and signs that announce an event such as a carnival, circus, or similar event. The list of examples is provided to clarify the regulations and does not limit the content of temporary signs.

q. T-Frame Sign

A temporary, portable, freestanding sign that is in the shape of the letter "T" with a rectangular face for the placement of temporary copy supported by a thin vertical supporting structure attached to a small, moveable base.

r. Vehicle Sign

Any sign attached to or displayed on a vehicle.

12. Sign Copy

Words, numbers, symbols, images, icons, letters, numerals, figures, characters, and other symbolic representations displayed on or by a sign.

13. Sign Face Area

Measured in square feet and calculated as the width multiplied by the height of a single rectangle, parallel with the ground, that contains all sign elements, including decorative embellishments, and any internally illuminated or backlit panel, fabric, or similar material not approved as an architectural design element of the building.

14. Sign Height

Measured from the average finished grade to the highest point of the sign, including any cabinets, trim, or attachments. The average grade is calculated by measuring the difference in elevation between the grade at one lateral edge of the sign face and the elevation at the other lateral edge of the sign face, divided by two.

15. Sign Support/Structure

The supporting members of the sign such as frame poles, brackets, or structures by which a sign is mounted on or affixed to a building or the ground.

16. Site Plan

A detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development associated with this LTZO.

17. Slaughter/Meatpacking Facility

A facility where animals are slaughtered and/or processed for human consumption.

18. Small Food Store

A small-scale retail store that prepares and sells ready-to-eat food products, which includes incidental seating areas for consumption of food on the premises. This includes delicatessens, ice cream parlors, snack bars, and the like.

19. Solid Waste Facility

A facility where non-hazardous wastes are taken from collection vehicles, temporarily stored, and ultimately relocated to a permanent disposal site. This includes any facility, incinerator, landfill, materials recovery facility, municipal solid waste landfill, private or public solid waste management facility, recovered materials processing facility, sanitary landfill, or solid waste management facility.

20. Specific Use Permit

A permit granted on a discretionary and conditional basis by the Commissioners Court, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Specific Use Permit are in addition to and supplement LTZO requirements.

21. Sport Shooting Range, indoor

An indoor establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

22. Sport Shooting Range, outdoor

An outdoor establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

23. Stable

A facility that keeps or boards horses owned for the private use of the owners and/or residents of the property. This also includes horses owned by non-owners or non-residents of the property for private use. Accessory uses are permitted and include but are not limited to offices, storage areas, caretaker's quarters, educating and training in equitation, and caring for, breeding, or training horses associated with the Stable use.

T. Terms

1. Take Line

The 447-foot elevation line around Lake Tawakoni as defined and specified in S.B.753. All property between this line and the lake is controlled by the Sabine River Authority.

2. Technical School

A non-academic establishment such as a trade school, where instruction is offered in secretarial, computer and data processing, drafting, electronic repair including radio/TV repair, commercial art, allied health care, real estate, banking, restaurant operation, or similar trades, or vocational training such as automobile body and engine repair, construction equipment operation, building trades, truck driving, and mechanical and electrical equipment/appliance repair.

3. Temporary Concrete or Asphalt Plant

A temporary manufacturing facility for the production of concrete or asphalt.

4. Temporary Sales Site

A building or land area that provides seasonal uses such as the sale of trees, pumpkins, and other temporary uses which occur at certain times of the year.

5. Temporary Use

A use granted on a discretionary, conditional, and temporary basis by the Commissioners Court, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Temporary Use are in addition to and supplement LTZO requirements.

6. Tenant

A distinct user that occupies a portion of a multi-tenant building, lot, or development, regardless of the legal arrangement allowing occupancy between the owner of the building, lot, or development and the user.

7. Texas State Statutes

The State of Texas's legislative and statutory documents applicable to the people of Texas. This term includes the Texas Local Government Code.

8. Tourist Facility

An establishment set up to primarily provide local tourist information to visitors.

9. Traffic control device

A sign, signal, or device placed on private or public property that must be erected and maintained to comply with the Manual on Uniform Traffic Control Devices adopted in the State of Texas or by the Federal Highway Administration.

U. Terms

1. Uplighting

Lighting that is directed in such a manner as to shine light rays above the horizontal plane.

V. Terms

1. Veterinary Clinic

A facility that is principally used by a licensed veterinarian for the practice of veterinary medicine. This use may include accessory boarding and grooming of animals and sale of pet supplies.

W. Terms

1. Wall Area

Where sign size is prescribed as a percent of wall area, the "wall area" is a continuous portion of a building facade, as viewed by a person approaching the building from the public right-of-way, consisting of a plane surface.

2. Wholesale Distribution, Warehousing, and Storage

The storage of goods, and the sale of goods to other firms for resale, including activities involving significant storage and movement of products or equipment. This use does not involve manufacturing or production. Examples include:

- a. Carting,
- b. Cold storage,
- c. Distribution facilities
- d. Dry goods wholesale,
- e. Express crating,
- f. Hauling,



- g. Feed locker plants,
    - h. Fulfillment centers that combine storage with call centers,
    - i. Hardware storage,
    - j. Merchant wholesalers (such as restaurant supply sales),
    - k. Warehouse or produce/fruit/food storage and wholesale structures,
    - l. Wholesale sale of paper supplies, shoes, sporting goods, professional and commercial equipment and supplies, and otherwise preparing goods for transportation.
  - 3. Wireless Telecommunications Facility  
Any freestanding facility, building, pole, tower, or structure used to provide only wireless telecommunication services, and which consists of, without limitation, antennae, equipment and storage and other accessory structures used to provide wireless telecommunication services.
- X. Terms
- 1. Xeriscaping  
A specific type of alternative landscaping practice that reduces or eliminates the need for irrigation. This includes using water-conserving techniques like the use of drought-tolerant and native plants.
- Y. Terms
- 1. Yard  
That portion of the open area on a lot extending open and unobstructed from the ground upward from a lot line for a depth or width specified by the regulations for the zone district in which the lot is located.
- Z. Terms
- 1. Zero Lot Residential Development  
Residential development where one boundary wall of a dwelling is built on the property line in order to maximize space.
  - 2. Zoning Map  
The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Lake Tawakoni Zoning Ordinance, which may also be cited as the Official Zoning Map. See Section 2.03.