

Lake Ray Roberts Zoning Regulations



Cooke County, Texas

Adopted March 11, 2019

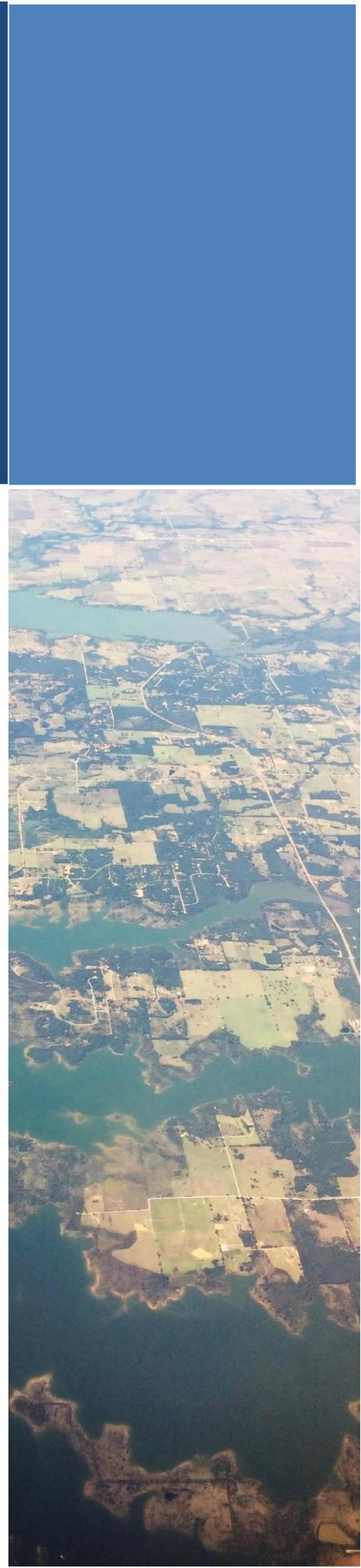


Table of Contents

Section 1.	General Provisions	3
1.01.	Title	3
1.02.	Authority.....	3
1.03.	Purpose.....	3
1.04.	Areas Subject to Lake Zoning Regulations	4
1.05.	Official Zoning District Map	4
1.06.	Compliance Required / Interpretation / Rules of Construction.....	4
1.07.	Conflicts with Municipal Regulations.....	6
1.08.	Enforcement	7
Section 2.	Zoning Districts	9
2.01.	Zoning District Authorization.....	9
2.02.	Zoning Districts Established	10
2.03.	AG, Agriculture District	11
2.04.	RA, Residential Acreage District.....	11
2.05.	RL, Low Density Residential District.....	12
2.06.	C&I, Commercial and Industrial District.....	12
2.07.	PD, Planned Development District	13
Section 3.	Land Use Regulations.....	15
3.01.	Uses Permitted by District	15
3.02.	Classification of New and Unlisted Uses.....	15
3.03.	Use Chart	15
3.04.	Conditional Development Standards.....	18
3.05.	Regulations of Specific Uses	22
3.06.	Nonconforming Uses and Structures.....	23
3.07.	Accessory Buildings and Uses	24
Section 4.	Dimensional Regulations.....	25
4.01.	Purpose.....	25
4.02.	Establishment of Area Regulations and Standards	25
4.03.	Additional Area Regulations and Standards	25
4.04.	Zoning Dimensional Regulations Chart.....	25
Section 5.	Development Regulations.....	27
5.01.	Landscape Requirements.....	27
5.02.	Screening Requirements for Residential and Nonresidential Properties	28
5.03.	Off-Street Parking and Loading Requirements	29
5.04.	Sign Regulations.....	30
Section 6.	Development Review Bodies	37
6.01.	Commissioners Court.....	37
6.02.	Lake Zoning Commission	38
6.03.	County Judge	40
6.04.	Summary of Approval Authority of Fundamental Applications.....	41

Section 7. Application Submittal and Processing Procedures 43

- 7.01. General Application Processing43
- 7.02. Official Vesting Date46
- 7.03. Pre-Application Conference.....46
- 7.04. Applicability, Completeness, and Expiration47

Section 8. Development Review Procedures 49

- 8.01. Zoning Amendments.....49
- 8.02. Public Hearings and Notification Requirements for Zoning Related Applications.....52
- 8.03. Zoning Required for Platting.....53
- 8.04. Lake Area Development (Building) Permit.....54
- 8.05. Utility Connection Certificate56
- 8.06. Site Plans.....57
- 8.07. PD, Planned Development District Application and Review61
- 8.08. Specific Use Permits (SUPs)66

Section 9. Relief Procedures 69

- 9.01. Special Exception69

Section 10. Definitions 71

- 10.01. A.....71
- 10.02. B.....73
- 10.03. C.....74
- 10.04. D.....76
- 10.05. E77
- 10.06. F78
- 10.07. G.....79
- 10.08. H.....80
- 10.09. I81
- 10.10. J.....81
- 10.11. K.....81
- 10.12. L82
- 10.13. M.....83
- 10.14. N.....85
- 10.15. O85
- 10.16. P.....85
- 10.17. Q88
- 10.18. R.....88
- 10.19. S89
- 10.20. T91
- 10.21. U.....92
- 10.22. V.....93
- 10.23. W.....93
- 10.24. X.....93
- 10.25. Y93
- 10.26. Z93

Section 1. General Provisions

1.01. Title

These regulations are hereby enacted and adopted as the [Lake Zoning Regulations](#) for the area surrounding [Lake Ray Roberts](#).

1.02. Authority

A. Enabling Legislation

These [Lake Zoning Regulations](#) are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including [Chapters 231 – Subchapter F](#) (County Zoning Authority) of the Texas Local Government Code.

B. Scope of Regulations

The [Commissioners Court](#) may regulate the following within these [Lake Zoning Regulations](#):

1. The height, number of stories, and size of buildings and other structures;
2. The percentage of a lot that may be occupied;
3. The size of yards, courts, and other open spaces;
4. Population density;
5. The location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and
6. The placement of water and sewage facilities, parks, and other public requirements.

1.03. Purpose

A. Implementation of the Lake Comprehensive Plan

Per [Texas Local Government Code 231.134](#), the [Lake Zoning Regulations](#) have been made in accordance with the [Lake Comprehensive Plan](#) and are designed to:

1. Lessen congestion in the streets and roads;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population;
7. Facilitate the adequate provision of transportation, water, sewers, parks, and other public requirements; or

B. Zoning Regulation Considerations

The [Lake Zoning Regulations](#) have been made with reasonable consideration, among other things, for the character of the district, and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the area.

1.04. Areas Subject to Lake Zoning Regulations

A. Lake Zoning Area

1. Pursuant to [TLGC 231.102](#), the area within 5,000 feet of the 645 foot elevation take line for [Lake Ray Roberts](#) shall be the [Lake Zoning Area](#) and is subject to [Lake Zoning Regulations](#).
2. Any land within the corporate limits of an incorporated municipality shall not be included within the [Lake Zoning Area](#).

1.05. Official Zoning District Map

A. Zoning District Map

1. The [Zoning District Map](#) shall be labeled the “Official Zoning District Map of [Lake Ray Roberts](#)” and shall be maintained as a hard-copy file in the [County Judge’s](#) office and filed in the deed records.
2. The “Official Adoption Date” and the “Last Amended Date” shall be shown on the [Zoning District Map](#).

B. Maintenance of the Zoning District Map

1. The [County Judge](#) shall be responsible for the care and maintenance of the [Zoning District Map](#).
2. The [Zoning District Map](#) shall be maintained up-to-date by incorporating all subsequent amendments enacted by official action of the [Commissioners Court](#).

C. Changes or Amendments Reflected on the Map

1. Any changes or amendments made to the zoning district boundaries shall be incorporated into the [Zoning District Map](#) file promptly after the [Commissioners Court](#) approves the amendment.
2. The [County Judge](#) shall maintain a descriptive log of amendments to the map.

D. Replacement of a Damaged, Destroyed, or Lost Zoning District Map

1. In the event that the [Zoning District Map](#) file becomes damaged, destroyed, lost or difficult to interpret, the [Commissioners Court](#) may adopt a new [Zoning District Map](#) following a public hearing.
2. The new [Zoning District Map](#) shall replace and supersede any prior [Zoning District Map](#).
3. As a true replacement map, the new [Zoning District Map](#) shall not amend or otherwise change district boundaries or classifications from the prior [Zoning District Map](#).

E. Informational Zoning Maps with Updates

1. Informational zoning maps that are intended to represent the [Zoning District Map](#), with updated changes in zoning districts and boundaries as they are made, may be made from time to time and placed on physical display and on the [County’s](#) website.
2. The [County Judge](#) shall be responsible for all informational zoning maps and the frequency of updates.

1.06. Compliance Required / Interpretation / Rules of Construction

A. Compliance Required

1. Applicability

Compliance with the [Lake Zoning Regulations](#) shall apply to all land, buildings, structures or appurtenances located within the [Lake Zoning Area](#) that are hereafter:

- a. Occupied,
- b. Used,

- c. Erected,
 - d. Altered,
 - e. Removed,
 - f. Placed,
 - g. Demolished, or
 - h. Converted.
2. Compliance with Zoning Districts

The land, buildings, structures or appurtenances described in [1.06.A.1 above](#) shall be in conformance with the [Lake Zoning Regulations](#) prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Subsection [1.08 Enforcement](#).

B. Interpretation

1. Restrictiveness

Where the [Lake Zoning Regulations](#) imposed herein are either more restrictive or less restrictive than comparable conditions imposed by any other [County](#) provision, law, rule or regulation of any kind, the regulations that are more restrictive and impose higher standards are the requirements that shall govern.

2. Abrogation

The provisions of these regulations are not intended to abrogate any easement, covenant or other private agreement, provided that where the requirements of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of these regulations shall govern.

3. Cumulative Effect

The provisions of these regulations are cumulative and additional limitations upon all other laws and regulations heretofore passed or that may be passed hereafter governing any subject matter set forth in the provisions of these regulations.

4. Error Correction

In the event that any property or zoning district set forth on the [Zoning District Map](#) as provided in Section [1.05 Official Zoning District Map](#) is misnamed, designated incorrectly, the boundaries are incorrect or the property is omitted, in part or in whole, the [Zoning District Map](#) may be amended and/or supplemented according to the following.

- a. Applicants

The property owner of said tract, the [Commissioners Court](#), or the [Lake Zoning Commission](#) may submit an application to the [County Judge](#) to initiate the error correction process.

- b. Process

The error correction shall be processed as a zoning map or text amendment according [8.01 Zoning Amendments](#).

5. County Judge Authority to Interpret the Lake Zoning Regulations

Unless specified within a section, the [County Judge](#) shall have the authority to interpret and enforce the [Lake Zoning Regulations](#).

C. Rules of Construction

The language set forth in these regulations shall be interpreted in accordance with the following rules of construction.

1. Number

The singular number includes the plural and the plural the singular.

2. Tense

The present tense includes the past and future tenses and the future the present.

3. Mandatory and Permissive Language

The word "shall" and "must" are mandatory while the word "may" is permissive.

4. Gender Terms

The masculine gender includes the feminine and neuter.

5. Parentheses

Any word appearing in parentheses directly after a word herein defined shall be construed in the same sense as that word.

6. Conflicts

If there is an expressed conflict:

- a. The text of the [Lake Zoning Regulations](#) controls over the charts or any other graphic display in the [Lake Zoning Regulations](#); and
- b. The use regulations (e.g., setback for a specific use) control over the district regulations in the [Lake Zoning Regulations](#).

1.07. Conflicts with Municipal Regulations

Pursuant to [TLGC 231.112](#), if the [Lake Zoning Regulations](#) conflict with an action of a municipality that applies to any part of the lake area located in the [County](#) and the municipality, the municipal action controls to the extent of the conflict.

1.08. Enforcement

Pursuant to [TLGC 231.113](#), the following enforcement options are available to the [County](#).

A. Procedure

1. Potential violations should be reported to the [County Judge's](#) office.
2. The [County Judge](#) will work with the necessary [County](#) offices to determine the scope of the potential violation.
3. If deemed necessary, the [County Judge](#) may request the [County](#) attorney to pursue available remedies allowed by state law.

B. Class C Misdemeanor

1. A person commits an offense if the person violates the [Lake Zoning Regulations](#).
2. Each day that a violation occurs constitutes a separate offense.
3. An offense is a Class C misdemeanor.
4. An offense shall be prosecuted in the same manner as an offense defined by state law.

C. Injunctive Relief

1. The [County](#) attorney or other prosecuting attorney representing the [County](#) in the district court is entitled to appropriate injunctive relief to prevent a violation or threatened violation of the [Lake Zoning Regulations](#) from continuing or occurring.
2. Residents of the [County](#) are entitled to seek injunctive relief to prevent a violation or threatened violation of the [Lake Zoning Regulations](#) from continuing or occurring.

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Section 2. Zoning Districts

2.01. Zoning District Authorization

The area surrounding [Lake Ray Roberts](#) is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the [Zoning District Map](#).

A. Zoning Districts as Set Forth are Hereby Established

The location and boundaries of the various districts as defined herein shall be shown and delineated on the [Zoning District Map](#).

B. Effect of Zoning District Change

The reclassification (rezoning) of property to a new zoning district shall be an amendment of the [Zoning District Map](#) and shall be so recorded.

C. Interpretation of District Boundaries, applicable to the Lake Zoning Area as established in 1.04.A

The district boundary lines shown on the [Zoning District Map](#) are regularly along streets, alleys, property lines. When uncertainty exists as to the boundaries of the districts on the [Zoning District Map](#), the following rules apply:

1. Center Lines

Boundaries indicated as approximately following the center lines of streets or highways shall be construed to follow such center lines.

2. Platted Lot Lines

Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

3. Railroad Lines

Boundaries indicated as following railroad lines shall be construed to be the middle of the railroad easement or [Right-of-Way](#).

4. Shore Lines

a. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore lines, shall be construed as moving with the actual shoreline, or as otherwise set forth by State law.

b. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.

5. Parallel or Extension Boundaries

Boundaries indicated as parallel to or extension of features indicated in Subsections [2.01.C.1 Center Lines](#) through [2.01.C.4 Shore Lines](#), shall be so construed.

6. Interpretation of Zoning District Boundaries

Where physical features existing on the ground are in conflict with those shown on the [Zoning District Map](#), or in other circumstances not covered by Subsections [2.01.C.1 Center Lines](#) through [2.01.C.4 Shore Lines](#), the [Commissioners Court](#) shall interpret the district boundaries and require its inclusion on the [Zoning District Map](#).

7. Vacation of Public Way

Whenever any street or other public easement is vacated, the vacated street or public easement shall require a [Zoning Map Amendment \(Rezoning\)](#) to establish zoning.

2.02. Zoning Districts Established

A. Purpose

The purpose of this section is to create zoning districts, to specify the nature and components of the permitted development within them, and to establish regulations regarding the physical character and intensity of development in order to protect the public health, safety and welfare.

B. Zoning Districts Established

All land within the corporate limits shall be classified into one of the following zoning districts.

Table 1: Zoning Districts	
Agricultural Zoning Districts	
2.03	AG, Agriculture District
Residential Zoning Districts	
2.04	RA, Residential Acreage District
2.05	RL, Low Density Residential District
Nonresidential Zoning Districts	
2.06	C&I, Commercial and Industrial District
Special Zoning Districts	
2.07	PD, Planned Development District

C. Equivalency between Current and Previous Current Zoning Districts

The following table identifies current zoning districts and how the previously adopted zoning districts shall be classified.

Table 2: Current and Previous Zoning Districts Equivalency Table	
Current Zoning District	Previous Zoning Designation
Agricultural Zoning Districts	
AG, Agriculture District	AG, Agriculture District
Residential Zoning Districts	
RA, Residential Acreage District	RA, Residential Acreage District
RL, Low Density Residential District	RL, Low Density Residential District
Nonresidential Zoning Districts	
C&I, Commercial and Industrial District	HB, Highway Business District
	IH, Heavy Industrial District
Special Zoning Districts	
PD, Planned Development District	PD, Planned Development District

2.03. AG, Agriculture District

This zone is designed to preserve the economic viability of agricultural lands and operations in the [County](#) and to ensure that when conversion occurs, provisions for utilities, streets, and other facilities have been addressed and the fiscal integrity of the County preserved. (Note: Zoning districts do not affect the tax status of any existing parcels or lots.)

A. Permitted Uses and Use Regulations

See the [Use Chart](#) and all applicable regulations in Section 3.

B. Dimensional Regulations

See the [Zoning Dimensional Regulations Chart](#) and all applicable regulations in Section 4.

C. Development Standards

See the following sections for development regulations.

1. See [3.07 Accessory Buildings and Uses](#).
2. See [5.01 Landscape Requirements](#).
3. See [5.02 Screening Requirements for Residential and Nonresidential Properties](#).
4. See [5.03 Off-Street Parking and Loading Requirements](#).
5. See [5.04 Sign Regulations](#).

2.04. RA, Residential Acreage District

This zone is designed to promote and encourage a suitable environment for family life on large parcels (2.5 acres or more) of land.

A. Permitted Uses and Use Regulations

See the [Use Chart](#) and all applicable regulations in Section 3.

B. Dimensional Regulations

See the [Zoning Dimensional Regulations Chart](#) and all applicable regulations in Section 4.

C. Development Standards

See the following sections for development regulations.

1. See [3.07 Accessory Buildings and Uses](#).
2. See [5.01 Landscape Requirements](#).
3. See [5.02 Screening Requirements for Residential and Nonresidential Properties](#).
4. See [5.03 Off-Street Parking and Loading Requirements](#).
5. See [5.04 Sign Regulations](#).

2.05. RL, Low Density Residential District

This zone is designated to promote and encourage a suitable environment for family life on lots 20,000 sq. ft. or larger in close proximity to Interstate 35 and within the Extra-Territorial Jurisdiction (ETJ) of City of Valley View.

A. Permitted Uses and Use Regulations

See the [Use Chart](#) and all applicable regulations in Section 3.

B. Dimensional Regulations

See the [Zoning Dimensional Regulations Chart](#) and all applicable regulations in Section 4.

C. Development Standards

See the following sections for development regulations.

1. See [3.07 Accessory Buildings and Uses](#).
2. See [5.01 Landscape Requirements](#).
3. See [5.02 Screening Requirements for Residential and Nonresidential Properties](#).
4. See [5.03 Off-Street Parking and Loading Requirements](#).
5. See [5.04 Sign Regulations](#).

2.06. C&I, Commercial and Industrial District

This zone is intended to allow businesses and certain industrial uses that may, in general, be compatible with residential and/or commercial activities. Land coverage, building height, traffic generation, obnoxious sounds, glare, dust and odor are minimal to ensure compatibility with adjoining uses.

A. Permitted Uses and Use Regulations

See the [Use Chart](#) and all applicable regulations in Section 3.

B. Dimensional Regulations

See the [Zoning Dimensional Regulations Chart](#) and all applicable regulations in Section 4.

C. Development Standards

See the following sections for development regulations.

1. See [3.07 Accessory Buildings and Uses](#).
2. See [5.01 Landscape Requirements](#).
3. See [5.02 Screening Requirements for Residential and Nonresidential Properties](#).
4. See [5.03 Off-Street Parking and Loading Requirements](#).
5. See [5.04 Sign Regulations](#).

2.07. PD, Planned Development District

The purpose of this district is to encourage quality and better development in the County by allowing flexibility in the planning and development of projects. A [PD, Planned Development District](#) may be used to permit new or innovative concepts in land utilization or diversification that could not be achieved under conventional zoning approaches. Any combination of residential, retail, commercial, public or recreational uses as approved by the [Commissioners Court](#) may be permitted.

A. General Description and Purpose

1. The PD designation shall be used for the following purpose(s):
 - a. Master planning;
 - b. Carry out specific goals of the [Lake Comprehensive Plan](#), County or public/private partnered special projects;
 - c. Developing mixed use or traditional neighborhoods with a variety of uses and housing types; and/or
 - d. Preserving natural features, open space, and other topographical features of the land.
2. The PD designation shall not be used for the following purpose(s):
 - a. To avoid complying with existing development standards;
 - b. To secure agreements between an [Applicant](#) and nearby property owners to receive zoning approval; and/or
 - c. To assign responsibility to the County of private deed restrictions or covenants.

B. Land Area Requirement

A PD district requires a minimum of 2.5 contiguous acres.

C. Base Zoning District

1. A PD shall contain at least one base zoning district to regulate all uses and development regulations not identified as being modified.
2. If the standards of the base zoning district are amended, then the most recently amended standards shall apply to a PD district unless the standards have been individually listed within the PD adoption as being different from the base zoning district.

D. Permitted Uses and Use Regulations

1. See the [Use Chart](#) and all applicable regulations within [Section 3](#).
2. See Section [8.07 PD, Planned Development District Application and Review](#).

E. Dimensional Regulations

1. See the [Dimensional Regulations](#) in [Section 4](#).
2. See Section [8.07 PD, Planned Development District Application and Review](#).

F. Development Standards

1. See the [Development Regulations](#) in [Section 5](#).
2. See Section [8.07 PD, Planned Development District Application and Review](#).

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Section 3. Land Use Regulations

3.01. Uses Permitted by District

Land and buildings in each of the zoning districts may be used for any of the specified uses in Section [3.03 Use Chart](#). No land shall be used and no building or structure shall be erected, altered, or converted for any use other than those specified as a permitted use in the district in which it is located.

Legend for Use Chart	
P	Use is permitted in district indicated
	Use is prohibited in district indicated
S	Use is permitted in district upon approval of a 8.08 Specific Use Permits (SUPs)
#	Use is permitted in the district indicated if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.04 Conditional Development Standards .

3.02. Classification of New and Unlisted Uses

It is recognized that new types of land use will develop and forms of land use not presently anticipated may seek to locate in the [County](#). If the [County Judge](#) is unable to classify the use under one of the existing listed uses, then the [County Judge](#) shall initiate a [Zoning Text Amendment](#) pursuant to procedures set forth in [8.01 Zoning Amendments](#).

3.03. Use Chart

The use of land or buildings shall be in accordance with those listed in the following [Use Chart](#). No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses permitted in the zoning district in which it is located, as shown in the [Use Chart](#).

Uses		Districts														
Legend for Use Chart <table border="1"> <tr> <td style="background-color: #90EE90;">P</td> <td>Use is permitted in district indicated</td> </tr> <tr> <td style="background-color: #FFFFFF;"> </td> <td>Use is prohibited in district indicated</td> </tr> <tr> <td style="background-color: #FFFF00;">S</td> <td>Use is permitted in district upon approval of a Specific Use Permit (8.08)</td> </tr> <tr> <td style="background-color: #ADD8E6;">#</td> <td>Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.04 Conditional Development Standards</td> </tr> <tr> <td style="background-color: #D8BFD8;">§</td> <td>Reference to 5.03 Off-Street Parking and Loading Requirements</td> </tr> </table>		P	Use is permitted in district indicated		Use is prohibited in district indicated	S	Use is permitted in district upon approval of a Specific Use Permit (8.08)	#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.04 Conditional Development Standards	§	Reference to 5.03 Off-Street Parking and Loading Requirements	AG, Agriculture District	RA, Residential Acreage District	RL, Low Density Residential District	C&I, Commercial and Industrial District	PD, Planned Development District
P	Use is permitted in district indicated															
	Use is prohibited in district indicated															
S	Use is permitted in district upon approval of a Specific Use Permit (8.08)															
#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.04 Conditional Development Standards															
§	Reference to 5.03 Off-Street Parking and Loading Requirements															
Residential Uses																
Assisted Living/Nursing Home				S	S	14										
Barndominium		P-1	P-1	P-1		14										
Boarding or Rooming House				S		14										
Community Group Home		P	P	P		14										
Dwelling, Single Family (detached)		P	P	P		14										
Dwelling, Single Family (attached – duplex)				S		14										
Dwelling, Single Family (attached – townhouse)				S		14										
Dwelling, Multi-Family				S		14										
Guest House/Servants’ Quarters		P	P	P		14										
Industrialized (Modular) Home		P-2	P-2	P-2		14										
Manufactured Home (HUD Code)		P	P	P		14										
Manufactured Home Park				S		14										
Tiny House Park				S-13		14										

Uses		Districts				
Legend for Use Chart		AG, Agriculture District	RA, Residential Acreage District	RL, Low Density Residential District	C&I, Commercial and Industrial District	PD, Planned Development District
P	Use is permitted in district indicated					
	Use is prohibited in district indicated					
S	Use is permitted in district upon approval of a Specific Use Permit (3.08)					
#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.04 Conditional Development Standards					
§	Reference to 5.03 Off-Street Parking and Loading Requirements					
Nonresidential Uses						
Agriculture and Ranching Operations		P	P	S	P	14
Amusement, Commercial (indoors)					P	14
Amusement, Commercial (outdoors)					S-3	14
Antique Shop					P	14
Artisan's Workshop					P	14
Automobile Body Shop					S	14
Automobile or Other Motorized Vehicle Sales and Service					S-4	14
Automobile Parts Store					S	14
Automobile Service Garage (Major)					S	14
Automobile Service Garage (Minor)					S	14
Bait Shop					P	14
Bank or Financial Institution					P	14
Barber or Beauty Shop					P	14
Bed and Breakfast Inn		S	S	S	S	14
Car Wash, Full Service					S-5	14
Car Wash, Self Service					S-5	14
Carpentry Shop		S			P	14
Caterer or Wedding Service		S			P	14
Child-Care: Foster Family Home (Independent)		P	P	P		14
Child-Care: Foster Group Home (Independent)		P	P	P		14
Child-Care: Licensed Child-Care Center						14
Child-Care: Licensed Child-Care Home		P	P	P		14
Child-Care: Listed Family Home		P	P	P		14
Child Care: Registered Child-Care Home		P	P	P		14
Church or Other Place of Worship, including Parsonage/Rectory		P	P	P	P	14
College or University					P	14
Concrete/Asphalt Batching Plant, Temporary					S	14
Concentrate Animal Feeding Operation (CAFO)		S				14
Country Club		P	P	S		14
Dance, Music, or Drama Studio					P	14
Educational Services Office					P	14
Exterminating Company					P	14
Feed Store					S	14
Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair					S	14
Furniture Repair and Upholstering Shop		S			S	14
Gas or Oil Well Operation		P	S	S	S	14
Gasoline Filling or Service Station/Car Wash					S-6	14
Golf Course		P	P	P	P	14
Greenhouse (Private)		P	P	P		14
Greenhouse (Public)					P	
Grocery Store					P	14
Gun Range		S			S	14
Heliport or Helistop		S			S-7	14
Home Based Business		P-8	P-8	P-8		14

Uses		Districts				
Legend for Use Chart		AG, Agriculture District	RA, Residential Acreage District	RL, Low Density Residential District	C&I, Commercial and Industrial District	PD, Planned Development District
P	Use is permitted in district indicated					
	Use is prohibited in district indicated					
S	Use is permitted in district upon approval of a Specific Use Permit (3.08)					
#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in 3.04 Conditional Development Standards					
§	Reference to 5.03 Off-Street Parking and Loading Requirements					
Hospital, Acute Care					P	14
Hospital, Chronic Care					P	14
Hotel					P	14
Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients					P	14
Kennel/Veterinary Office		S-9			S-9	14
Laundry, Commercial					P	14
Laundry, Dry Cleaning Drop-Off/Pick-Up					P	14
Laundry, Self-Service					P	14
Library		P	P	P	P	14
Light Assembly and Manufacturing Processes					P	14
Manufactured Home Sales					S	14
Manufacturing or Industrial Operations					S	14
Medical Clinic					P	14
Mining Operations					S	14
Motel, Motor Hotel, or Tourist Court					S	14
Office, Professional, Medical, or Business		S			P	14
Outside Display		P			P-10	14
Outside Storage		P	P	P	P-11	14
Park, Playground, or Community Center, Public		P	P	P	P	14
Pawn Shop or Alternative Financial Services					S	14
Private Utility (other than listed)		S	S	S	S	14
Public Building					P	14
Radio or TV Station					P	14
Restaurant or Cafeteria, with Drive-Up Window or Curb Service					P	14
Restaurant or Cafeteria, without Drive-Up Window or Curb Service					P	14
Retail Stores and Shops					P	14
RV Park					P	14
School, Career					P	14
School, Private		P	P	P	P	14
School, Public		P	P	P	P	14
Storage Units, Mini					P	14
Solar or Wind Farm		S				14
Tattoo Studio					S	14
Telephone Exchange (No Offices or Storage Facilities)		P	P	P	P	14
Temporary Building for New Construction		P-12	P-12	P-12	P-12	14
Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular		P	S	S	P	14
Utility Distribution/Transmission Line		S	S	S	S	14
Warehouse		S			S	14
Wedding Chapel, Reception Facility, Special Events Center		S			S	14
Wrecking or Auto Salvage Yard					S	14
Wholesale Center					S	14
Winery		S			S	14

3.04. Conditional Development Standards

- A. The following conditional development standards shall apply:
1. Barndominium Standards
 - a. For cases when a Barndominium shall be used as a Dwelling, Single Family (detached), See [4.04 Zoning Dimensional Regulations Chart](#) for standards.
 - b. For cases when a Barndominium shall be used as a Guest House/Servants' Quarters, See [3.07 Accessory Buildings and Uses](#) for standards.
 2. Industrialized (Modular) Home Standards
 - a. Industrialized (Modular) Homes shall be permitted within the [AG, Agriculture District](#) and all [Residential Zoning Districts](#).
 - b. Industrialized (Modular) Home Requirements

A Industrialized (Modular) Home shall meet the following requirements.

 - i. The Industrialized (Modular) Home meets or exceeds all building requirements that apply to other dwelling units concerning on-site construction.
 - ii. The Industrialized (Modular) Home conforms to all applicable zoning standards for the respective zoning district.
 - iii. The Industrialized (Modular) Home is placed on an approved platted lot.
 3. Amusement, Commercial (outdoors) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - c. No intermittent or flashing lights shall be permitted.
 - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet.
 - e. No exterior auditory devices shall be permitted.
 4. Automobile or Other Motorized Vehicle Sales and Service Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
 - c. No intermittent or flashing lights shall be permitted.
 - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet.
 - e. No exterior auditory devices shall be permitted.
 5. Car Wash, Full Service and Car Wash, Self Service Standards
 - a. Allowed by [Specific Use Permit](#)
 - b. All water leaks must be repaired as they occur.
 - c. All wastewater shall be serviced by a utility provider.
 - d. Water service shall be obtained from a water provider and not from an individual well located on the property.

6. [Gasoline Filling or Service Station/Car Wash](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single family residential uses shall maintain a minimum setback of at least one hundred twenty-five feet (125').
 - c. The hours of any car wash operation may be limited when located adjacent to property zoned for single family residential uses.
 - d. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
 - e. All wastewater shall be serviced by a utility provider.
 - f. Water service shall be obtained from a water provider and not from an individual well located on the property.
7. [Helicopter or Helistop](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. No heliport or helistop shall be located within 1,000 feet of any church, school, hospital, library, public park or within 1,000 feet of any dwelling unless:
 - i. Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state;
 - ii. The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than 90 degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop; and
 - iii. No substantial adverse impact exists on residence or businesses within the 1,000 foot requirement.
8. [Home Based Business](#) Standards

A [Home Based Business](#) shall meet the following requirements:

 - a. No persons other than members of the family residing on the premises shall be engaged in such business;
 - b. The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
 - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home based business;
 - d. Any sales in connection with such home based business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;
 - e. No traffic shall be generated by a home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home based business shall occur on the property;
 - f. No equipment, process or work shall be used or conducted in such home based business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be

used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and

- g. Signage standards outlined in Section 5.04.D shall apply.
9. [Kennel/Veterinary Office](#) Standards
 - a. Allowed by [Specific Use Permit](#).
 - b. All commercial kennels with indoor and/or outdoor pens and runs (except where related to indoor medical treatment) shall be located a minimum of fifty (50) feet from adjacent residential properties to minimize noise and odor nuisances.
 - c. Disposal of all waste materials shall be in accordance with the Texas Department of Health regulations.
10. [Outside Display](#) Standards
 - a. Outside Display areas shall be permitted year round.
 - b. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
 - c. Outside Display areas shall not extend into public Right-of-Way or onto adjacent property.
 - d. Outside Display areas shall be shielded, partially shielded or directed in such a way as to minimize impact on traffic and nearby property.
 - e. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - f. Outside Display is permitted only as an [Accessory Use](#) and is not a permitted [Principal Use](#).
11. [Outside Storage](#) Standards
 - a. Outside Storage is limited to a maximum of 25 percent of the total lot area for commercial uses and 75 percent of the total lot area for industrial uses.
 - b. Outside Storage shall not be located in front of or on top of the building and must be screened. This requirement shall not apply to Wrecking or Auto Salvage Yard.
12. [Temporary Building for New Construction](#) Standards
 - a. Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for two (2) years in accordance with a permit issued by the [Lake Zoning Commission](#). A six (6) month extension may be approved by the [Lake Zoning Commission](#). After the initial extension is given, the [Lake Zoning Commission](#) may approve a second six (6) month extension.
 - b. Upon completion or abandonment of construction or expiration of permit, the temporary field offices and buildings shall be removed.

13. [Tiny House Park](#) Standards

- a. Allowed by [Specific Use Permit](#)
- b. Tiny House Parks shall be permitted within the [RL, Low Density Residential District](#).
- c. [Tiny House Park](#) Requirements

A Tiny House Park shall meet the following requirements.

- i. The Tiny House Park conforms to all applicable zoning standards for the respective zoning district.
- ii. The Tiny House Park is placed on an approved platted lot.

14. [PD, Planned Development District](#) Standards

Permitted uses shall be determined through Section [2.07 PD, Planned Development District](#) and Section [8.07 PD, Planned Development District Application and Review](#).

3.05. Regulations of Specific Uses

A. Residential Buildings on Lots for Single Family Uses

1. Only one (1) main building for a residential use with a permitted [Accessory Building](#) or [Accessory Buildings](#) may be located upon a lot within [Residential Zoning Districts](#).

B. Location and Arrangement of Multi-Family Buildings and Nonresidential Buildings on Lots for Agricultural, Multi-Family, Retail, Commercial, or Industrial Uses

1. Where a lot is used for multi-family, retail, commercial, or industrial purposes, more than one (1) main building may be located upon the lot, but only when such additional main buildings conform to all the open space, parking and density requirements applicable to the uses and districts.
2. No parking area, storage area, or required open space for one building shall be computed as being the open space yard or area requirements for any other building or other use.

C. Wrecking or Auto Salvage Yard

[Wrecking or Auto Salvage Yards](#) shall be completely enclosed by an opaque wall, screen, or fence at least eight (8) feet high around those portions of such tract in which the [Wrecking or Auto Salvage Yard](#) operations are conducted. Such establishments shall also be in conformance with the standards and requirements of applicable state and federal laws and regulations.

D. Pollution and Uses with Flammable, Toxic, and Hazardous Materials

1. No form of flammable, toxic, or other hazardous material shall be released into or upon any utility line, pit, dump, open ground, stream, or drainage way.
2. No operation or activity shall discharge or cause to be released into public waters any liquid or solid waste unless in conformance with the latest provisions of the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Health, and/or the Texas Railroad Commission.
3. No operation or activity shall discharge or cause to be released into the atmosphere any smoke or particulate matter which exceeds the limits permitted by the latest requirements of TCEQ.

3.06. Nonconforming Uses and Structures

A. Nonconforming Status

A nonconforming status shall exist under the following provisions of this Ordinance when a use or structure which does not conform to the regulations prescribed in the District in which such use or structure is located was in existence and lawfully operating prior to the adoption of this Ordinance and has been operating since without discontinuance.

B. Expansion

No nonconforming use may be expanded or increased beyond the lot or tract upon which such nonconforming use is located as of the effective date of this Ordinance except to provide off-street parking space upon approval of the Cooke County Commissioners Court.

C. Change to Conforming Use

A nonconforming use may be changed to a conforming use and once such change is made, the use shall not thereafter be changed back to a non conforming use.

D. Change of Occupancy

A change of occupancy from one nonconforming use to another nonconforming use may be made, provided such change is to a use permitted in a Zoning District where the original nonconforming use would be permitted or provided that such use change is to a use permitted in a more restrictive classification provided further that such change or use and occupancy will not tend to prolong the life of a nonconforming structure.

E. Destruction

If a structure occupied by a nonconforming use is destroyed by fire, the elements, or other cause, it may not be rebuilt except to conform to the provisions of this Ordinance. In the case of partial destruction of a nonconforming use not exceeding sixty (60) percent of its reasonable value, reconstruction may be permitted after a hearing and favorable action by the Cooke County Commissioners Court but the size and function of the nonconforming use shall not be expanded.

F. Abandonment

Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth be in conformance to this Ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for, a period of six (6) months shall be considered to have been abandoned. The date of abandonment shall commence with documented vacancy of the building or premises by the occupant, or termination of utility services by the particular use or occupant whichever occurs first.

3.07. Accessory Buildings and Uses

A. Residential Accessory Buildings and Uses

1. The following regulations apply to [Accessory Buildings](#) servicing lots used for residential uses.

Table 3: Residential Accessory Building Requirements	
Standard	Amount
Maximum Square Footage of All Accessory Buildings (Combined Area), excluding barns	25% of the lot area
Maximum Square Footage for Barns	None (Barns may be any size and are not included in the area calculation for Accessory Buildings)
Maximum Height of Accessory Buildings, excluding barns	50'
Maximum Height of barns	None
Maximum Number of Accessory Buildings	3
Maximum Number of barns	None
Minimum Front Setback	25'
Minimum Side and Rear Setback	25'
Minimum Setbacks for Corner Lots	25'
Prohibited Locations	Accessory Buildings in Easements are Prohibited
Barns and other Types Livestock Housing	Accessory Buildings containing livestock (e.g., chickens, hogs, horses, etc.) shall be located at 150' from any existing dwelling on a neighboring property.

2. The following regulations apply to [Guest House/Servants' Quarters](#) operating as [Accessory Buildings](#) or as a use attached to the main building, these regulations also apply to Barndominiums operating as [Guest House/Servants' Quarters](#).
 - a. A [Guest House/Servants' Quarters](#) shall not be less than five hundred (500) square feet.
 - i. Nothing herein shall authorize the occupancy or the use of a [Guest House/Servants' Quarters](#) by anyone other than a bona fide guest or servant employed by the occupant of the main structure on such lot, estate or land.
 - ii. A [Guest House/Servants' Quarters](#) may be constructed as a part of the main building.
 - iii. The maximum number of Guest House/Servants' Quarters shall be limited to one (1) per Dwelling, Single Family (detached).

B. Nonresidential Accessory Buildings

In the nonresidential districts, an [Accessory Building](#) may exceed the height of the main building and shall be used for purposes accessory and incidental to the main use.

Section 4. Dimensional Regulations

4.01. Purpose

The purpose of this [Section 4](#) is to establish common area regulations and standards for each zoning district.

4.02. Establishment of Area Regulations and Standards

Zoning district area regulations and standards are established in Section [4.04 Zoning Dimensional Regulations Chart](#).

4.03. Additional Area Regulations and Standards

Additional area regulations and standards may apply to specific zoning districts and may be found within the other sections of these [Lake Zoning Regulations](#).

4.04. Zoning Dimensional Regulations Chart

Regulation	AG, Agriculture District	RA, Residential Acreage District	RL, Low Density Residential District	C&I, Commercial and Industrial District	PD, Planned Development District
Lot Dimensions					
Minimum Lot Area	10 Acres	2.5 Acres	20,000 sq. ft.	1.5 Acres	See Sections 2.07 and 8.07
Minimum Lot Width	250'	250'	100'	100'	See Sections 2.07 and 8.07
Minimum Lot Depth	None	None	None	None	See Sections 2.07 and 8.07
Minimum Road Frontage	250'	150'	100'	100'	See Sections 2.07 and 8.07
Yard Setback Dimensions					
Minimum Front Yard Setback	100'	50'	25'	25'	See Sections 2.07 and 8.07
Minimum Side Yard Setback	100'	50'	25'	25'	See Sections 2.07 and 8.07
Minimum Rear Yard Setback	100'	50'	25'	25'	See Sections 2.07 and 8.07
Structure Height					
Maximum Height (feet/stories)	50'	50'	50'	50'	See Sections 2.07 and 8.07
Structure Area					
Maximum Building Footprint* (square feet)	NA	NA	NA	50% of Lot Area	See Sections 2.07 and 8.07
*Building footprint is the total area of the ground floor of a building.					

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Section 5. Development Regulations

5.01. Landscape Requirements

A. Purpose

The purpose of this subsection to ensure the adequate provision of landscaping in agreement with the comprehensive plan.

B. Applicability

1. These standards shall apply to only the [C&I, Commercial and Industrial District](#).
2. [Agriculture and Ranching Operations](#) shall be exempt from compliance with this Section.

C. Nonresidential Landscaping Requirements

1. Landscaping for Nonresidential Areas Adjacent to Residential Areas
 - a. A 25-foot wide landscape buffer shall be provided adjacent to existing residential or vacant land zoned for residential uses.
 - b. The landscape buffer shall be provided with planting materials that ensure an adequate height to screen the nonresidential area adjacent to the residential area.

D. Maintenance of Landscape Buffer and Screening

Failure to maintain the landscape buffer and/or screening shall constitute nonconformance to these regulations.

5.02. Screening Requirements for Residential and Nonresidential Properties

A. Purpose

The purpose of this subsection to ensure the adequate provision of screening for residential and nonresidential uses.

B. Applicability

1. These standards shall apply to only the [C&I, Commercial and Industrial District](#).

2. Agriculture and Ranching Operations

[Agriculture and Ranching Operations](#) shall be exempt from compliance with this Section [5.02 Screening Requirements for Residential and Nonresidential Properties](#).

C. Screening Between Nonresidential and Residential

1. A masonry screening wall or landscape buffer separating nonresidential uses and existing residential uses shall be placed up to the property line except when deemed physically impractical by the property owner and the [Lake Zoning Commission](#).

a. Masonry screening walls separating nonresidential uses and/or zoned areas from residential uses shall be at least six (6) feet in height.

b. A landscape buffer shall be twenty-five (25) feet wide and shall be provided with planting materials that ensure adequate height to screen the nonresidential area adjacent to the residential area.

2. The [Lake Zoning Commission](#) may approve alternative screening designs that meet the intent of the above regulations and adequately screen the nonresidential uses from the residential uses.

D. Nonresidential Uses with Loading Docks

1. If such service/loading areas are adjacent to residential uses they shall be screened from view at a height of six feet (6') while standing at the highest grade on the residential property line.

E. Screening of Outdoor Waste Storage for Nonresidential Properties

1. General

a. Waste storage areas (refuse containers, etc.) shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.

b. The location, construction, and screening of all waste storage areas (refuse containers, etc.) shall be shown on the design drawings.

c. For nonresidential uses, refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be enclosed on all four sides with a three-sided masonry screening wall and a metal gate on the fourth side that shall be constructed to a minimum height of one-foot (1') above the container height, but shall not exceed eight (8) feet in height.

d. This subsection [5.02.E](#) shall apply to properties five (5) acres and smaller.

2. Incidental Use Requirement and Location Standards

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers that are used for waste disposal purposes shall:

a. Only be allowed as an incidental use, and

b. not within any side or rear yard setback or any required landscaped area.

3. The screening wall shall be similar to or extensions of the development's architectural design.

5.03. Off-Street Parking and Loading Requirements

A. Purpose

The purpose of this subsection is to develop adequate off-street parking and loading areas that promote orderly development.

B. Applicability

1. These standards shall apply to only the [C&I, Commercial and Industrial District](#).

2. Agriculture and Ranching Operations

[Agriculture and Ranching Operations](#) shall be exempt from compliance with this Section [5.03 Off-Street Parking and Loading Requirements](#).

C. General Requirements

1. Parking Space Dimension

All parking spaces shall not be less than ten (10) feet by twenty (20) feet.

D. Off-Street Loading Space: All Districts

All nonresidential uses having 50,000 square feet or more of gross floor area shall provide adequate off-street facilities for loading and unloading of merchandise and goods within or adjacent to the building, in such a manner as not to obstruct freedom of traffic movement of the public streets, alleys, or sidewalks.

1. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.

2. Each site shall provide a designated maneuvering area for trucks.

3. No maneuvering shall take place in the right-of-way.

E. Driveways

1. Driveways shall be paved with gravel or another improved surface.

2. Texas Department of Transportation (TXDOT) driveway spacing may apply and all landowners are encouraged to coordinate development with TXDOT officials and standards.

5.04. Sign Regulations

A. General

1. The term “signs” shall include any writing (including letter, word or numeral), pictorial representation (including illustration or declaration), form (including shapes resembling any human, animal or product form), emblem (including any device, symbol, trademark, object or design which conveys a recognizable meaning, identity or distinction) or any other figure of similar character which is a structure or any part thereof or is written, painted, projected upon, printed, designed into, constructed or otherwise placed on a building, board, plate or upon any material object or device whatsoever, which by reason of its form, color, working, stereotyped design or otherwise attracts or is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.
2. The term “signs” shall not include the following:
 - a. Flags, pennants or insignia of nations, or an organization of nations, states or cities, or fraternal, religious and civic organizations or any educational institutions except when such flags are used in connection with a commercial promotion or as an advertising device.
 - b. Placards, banners, pennants, merchandise, pictures or models of products of services incorporated in a window display.
 - c. Works of fine art which in no way identify a product or business and which are not displayed in conjunction with a commercial enterprise, which enterprise may benefit or realize direct commercial gain from such display.
 - d. One (1) nameplate per public entrance per business of no more than two (2) square feet per face which is suspended under a canopy.
 - e. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations.
 - f. Signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public thoroughfare or right-of-way.
 - g. Traffic and other official signs of any public or governmental agency.
 - h. On-site traffic directional signs which do not exceed four (4) square feet per face or six (6) feet in height and which do not carry any commercial message or identification.
 - i. Temporary interior paper window signs.

B. Classes of Signs

1. Billboard – A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.
2. Building Fascia – That frontage of a building which faces and is parallel to or most nearly parallel to a public or private street. There can be only on (1) building fascia for each street upon which a building faces.
3. Flush Wall Sign – Any sign attached to or erected against the wall of a building with the sign fact in a plane parallel to the plane of said wall and which does not extend more than twelve (12) inches from the building fascia.
4. “For Sale” or “For Rent” Signs – A sign indicating the availability for sale, rent or lease of the specific lot, building or portion of a building upon which the sign is erected or displayed.
5. Freestanding Sign – A detached sign which is supported by one (1) or more columns, uprights, poles or braces extended from the ground or from an object on the ground, or a detached sign which is erected

on the ground, provided that no part of the sign is attached to any part of any building, structure or other sign.

6. Ground Sign – A type of freestanding sign which is erected on the ground and which contains no free air space between the ground and the top of the sign.
7. Permanent Sign – A sign which is permanently affixed or attached to the ground or to a structure.
8. Portable Sign – A sign which is not permanently affixed or attached to the ground or to any structure or a sign mounted upon, painted upon or otherwise erected upon a vehicle, van, truck, automobile, bus, railroad car, tractor trailer or other vehicle, whether or not such vehicle is in operating condition.
9. Projecting Wall Sign – Any sign other than a flush wall sign which projects from and is supported by a wall or a building.
10. Rooftop Sign – A sign erected upon or above a roof or above a parapet wall of a building.
11. Sign Face – The surface of the sign upon, against or through which the message is displayed or illustrated.
12. Sign, Illegal – Any sign which was erected in violation of this ordinance.
13. Sign, Legal Non-Conforming – Any sign which was lawfully erected and maintained prior to the enactment of this chapter and any amendments thereto and which does not conform to all the applicable regulations and restrictions of this chapter.
14. Sign With Backing – Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.
15. Sign Without Backing – Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in otherwise made a part of any larger display area.
16. Wind Driven Sign – Any sign consisting of one (1) or a series of two (2) or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

C. Signs Permitted

Signs shall be permitted in the various districts as accessory uses in accordance with the regulations in this Article.

D. Limitations in AG, Agriculture District, RA, Residential Acreage District, RL, Low Density Residential District

Signs in the [AG, Agriculture District](#), [RA, Residential Acreage District](#), and [RL, Low Density Residential District](#), may include and shall be limited to the following.

1. One (1) identification sign per one-family or two-family dwelling, provided such sign does not exceed two (2) square feet in area per face.
2. One (1) identification sign per multiple-family dwelling, provided such sign does not exceed twenty (20) square feet in area per face and has only indirect illumination.
3. One (1) “for sale” or “for rent” sign per Lot, provided such sign does not exceed six (6) square feet in area per face and is unlighted.
4. One (1) identification sign during the first year of construction of a new subdivision, provided such sign does not exceed one hundred (100) square feet in area per face and is unlighted.
5. One (1) identification sign per agricultural, mobile home park, public or semipublic use, provided such sign does not exceed thirty-five (35) square feet in area per face and has only indirect illumination.
6. One (1) sign per Lot for Home Based Businesses, provided such sign does not exceed six (6) square feet in area per face and is unlighted.

E. Limitations in C&I, Commercial and Industrial District

Signs in the [C&I, Commercial and Industrial District](#) may include and shall be limited to the following.

1. Such signs as are permitted in the [RA, Residential Acreage District](#) and [RL, Low Density Residential District](#).
2. Flush wall signs, projecting wall signs, window signs, freestanding signs and ground signs, provided that the placement and use of all such signs shall be governed by and shall be within the following limitations:
 - a. For the first two hundred (200) feet in building fascia length, the maximum sign area permitted shall be equal to two (2) square feet of sign area for each lineal foot of building fascia length.
 - b. For that portion of a building fascia which exceeds two hundred (200) feet in length, the maximum sign area permitted shall be equal to one (1) square foot of sign area for lineal foot of building fascia length over such two hundred (200) feet. The sign area permitted hereunder shall be in addition to the sign area permitted subsection 2 (1) above.
 - c. In no event shall the total sign allowance for any property be more than one (1) square foot of sign allowance for each lineal foot of lot frontage.
 - d. For the purpose of this subsection, the sign allowance shall be calculated on the basis of the area of one (1) building fascia which is most nearly parallel to the street it faces. Each building fascia which faces a dedicated public street shall have its own separate and distinct sign allowance. In the even a building does not have frontage on a dedicated public street, the owner of the building may designate the one (1) building fascia which shall be used for the purpose of calculating the sign allowance. In the event the only building fascia which fronts on a dedicated street is a wall containing no commercial display area, the property owner may, at his option, designate another building fascia on said building on the basis of which the total sign allowance shall be calculated. In any case, no more than twenty-five percent (25%) of the total sign allowance allowed under this Article may be placed other than on the building fascia which was the basis for the sign allowance calculation or on the street frontage which relates to said fascia, except as may be permitted in a unit development plan processed and approved in accordance with the unit development procedures of this chapter.

- e. Notwithstanding anything contained in the foregoing, if property in a HB District is developed under a planned development plan, the signs on such property must be reviewed and approved as a part of the unit development plan. Variance of the maximum total surface area of signs shall not be permitted as a part of the unit development plan process, but the maximum sign area allowance for all buildings in a unit development plan may be aggregated and the total allowance redistributed if approved under the unit development provisions of this chapter.

F. Billboards

Billboards may be erected on ground or wall locations in the [C&I, Commercial and Industrial District](#) along any public roadway with a right-of-way width in excess of one hundred and twenty (120) feet.

1. Height Limitations

No billboard shall be erected the total height of which is greater than thirty-five (35) feet above the level of the street or road upon which the sign faces, or above the adjoining ground level, if such ground level is above the street or road level. No billboard sign shall have a surface or facing exceeding two hundred eighty-eight (288) square feet in area or containing less than 15 square feet in area.

2. Distance

No billboard shall be erected closer than one thousand (1,000) feet to an existing billboard.

3. Design

Doubled faced signs shall be designed and constructed to provide for a perimeter filler trim panel enclosing both sign faces.

G. Measurement of Signs

The following rules shall apply to measurement of signs in all districts:

1. The total surface of all sign faces of freestanding signs, ground signs and projecting wall signs shall be counted and considered a part of the maximum total surface area allowance.
2. The area of all signs (except ground signs) with backing or a background that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign, including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.
3. The area of all signs (except ground signs) without backing or background that is part of the overall sign display shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of each word, written representation (including any series of letters), logos or figure of similar character, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.
4. The area of all ground signs shall be measured by determining the sum of the area of each square, rectangle, triangle, portion of a circle or any combination thereof which creates the smallest single continuous perimeter enclosing the extreme limits of the sign face and that portion of the sign structure which exceeds one and one-half (1 ½) times the area of the sign face.

H. Freestanding and Ground Sign Requirements

In zones where freestanding signs and ground signs are permitted, the following rules shall apply to freestanding and ground signs:

1. Signs within fifty (50) feet (measured along the street right-of-way) of the intersection of a street with a street or driveway which exceed forty-two(42) inches in height shall be set back at least fifteen (15) feet from the property line on the street or shall maintain free air space between a height of forty-two

- (42) inches above the adjacent street elevation and height of seventy-two (72) inches above said elevation.
- 2. When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground.
- 3. Such signs shall comply with the following requirements in [Table 4: Requirements for Freestanding and Ground Signs](#) with respect to size, height and location, except that ground signs may be placed at the front property line (except as prohibited in Subsection [5.04.H.1](#) above), provided such ground signs meet all other requirements of this Article.

Table 4: Requirements for Freestanding and Ground Signs		
Distance from Street Right-Of-Way Line (Feet)	Maximum Height Above Grade (feet)	Maximum Size Allowed Per Side (square feet)
0	10	20
5	12	30
10	14	40
15	16	50
20	18	60
25	20	70
30	22	80
35	24	90
40	26	100
45	28	110
50 and more	35	120

The maximum size for any such sign shall be one hundred twenty (120) square feet per side. No such sign shall be built within fifteen (15) feet of any side lot line. For the purpose of calculating the distance from the street right-of-way line, if the existing street right-of-way width is less than that required, said distance shall be measured from the line of such right-of-way as required by said chapter rather than from the existing right-of-way line.

- 4. No more than one (1) freestanding or ground street sign per street frontage shall be permitted for any property.
 - I. Projecting Signs
Signs projecting over private property shall not project more than six (6) feet from the face of the building nor beyond the minimum required building setback for the zone in which located. Such signs shall not exceed fifteen (15) square feet per face.
 - J. General Regulations
The following rules shall apply with respect to signs in all districts under this chapter:

1. All signs shall be located on the premises to which they relate and all exterior signs shall be permanent in nature, except for “for sale” or “for rent” signs which shall not exceed six (6) square feet in a residential zone and which shall not exceed thirty-two (32) square feet in all other zones.
2. Signs shall not contain more than three (3) cabinets or modules. Individually outlined letters or logos (signs without backing) mounted on a wall shall not be construed as individual modules or cabinets.
3. Flashing, moving, blinking, chasing or animation effects are prohibited on all signs, except the following:
 - a. Time and temperature signs.
 - b. Revolving displays which do not exceed seven (7) revolutions per minute and which are limited in size to a distance not to exceed two (2) feet measured perpendicular to the axis of rotation. Such rotating displays shall be engineered to maintain rotations not to exceed seven (7) revolutions per minute under a wind load of thirty (30) pounds per square foot.
4. Rooftop signs and all other signs which project above the fascia wall, portable signs, tent signs, strings of light bulbs not permanently mounted on a rigid background used in connection with commercial premises for commercial purposes (other than traditional holiday decoration), posters and wind driven signs (except banners and pennants) shall be prohibited in all zones.
5. Signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.
6. Outside signs with lighted backgrounds shall not be permitted below six (6) feet above grade unless located fifteen (15) feet or more from the public right-of-way. Copy and logos on signs below six (6) feet must utilize internal illumination of letter faces and/or logos only, or may be floodlighted.
7. Signs which identify businesses, goods or services no longer provided on the premises shall be removed within ninety (90) days after such business ceases.
8. Copy on signs other than the principal name or principal business activity shall be limited to ten percent (10%) of the background area, except in the case of changeable copy signs.
9. No sign may project over a public right-of-way in any district except that signs eight (8) feet or more above grade may project up to forty-eight (48) inches from the face of the building if the total area for such signs is the lesser of one (1) square foot of sign for each lineal foot of building frontage upon which such sign is displayed, or twelve (12) square inches beyond the building fascia at the base of the sign.

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Section 6. Development Review Bodies

6.01. Commissioners Court

A. Establishment

The Texas Local Government Code establishes the standards governing the Commissioners Court.

B. Responsibilities

Table 5 is a summary of the [Commissioners Court's](#) main responsibilities within the [Lake Zoning Regulations](#).

Table 5: Commissioners Court Responsibilities	
2.01.C.6	Determining a Interpretation of Zoning District Boundaries
6.02	Appointing members of the Lake Zoning Commission
8.01.A.1	Approving a Zoning Map Amendment (Rezoning)
8.01.A.1	Approving a Zoning Text Amendment
8.06.C.1	Approving Site Plans Related to Rezoning Applications
8.07.A.1	Approving a PD, Planned Development District Establishment
8.08.B.1.c	Approving a Specific Use Permit
8.08.E.2.a	Approving a SUP Extension
9.01	Approving a Special Exception

6.02. Lake Zoning Commission

A. Establishment

A [Lake Zoning Commission](#) is hereby established by these [Lake Zoning Regulations](#). These regulations are founded in [TLGC 231.107](#).

B. Membership

1. Three (3) residents of the affected precincts who own land in the [County](#), appointed by the [County Judge](#);
2. One (1) resident of each [Commissioners Court](#) precinct that is affected, appointed by the [County Commissioner](#) for that precinct, and if only one (1) precinct is affected, the [County Commissioner](#) shall appoint two (2) residents; and
3. The mayor of each municipality the territory or extraterritorial jurisdiction of which includes any part of the [Lake Zoning Area](#) in the [County](#).

C. Terms

1. Except for the initial appointed members, the appointed members of the [Lake Zoning Commission](#) are appointed for terms of two years expiring on February 1 of each odd-numbered year.
2. The initial appointed members are appointed for terms expiring on the first February 1 of an odd-numbered year occurring after the date of their appointment.

D. Organization

1. The [Lake Zoning Commission](#) annually shall elect a chairperson and vice-chairperson from its members, annually in February or when positions become vacant.
2. The [Commissioners Court](#) shall employ staff for the use of the [Lake Zoning Commission](#) in performing its functions.
3. A mayor serving on the [Lake Zoning Commission](#) may designate another person to serve in place of the mayor at one or more [Lake Zoning Commission](#) meetings if the [Lake Zoning Commission](#) is notified at least twenty four (24) hours prior to the meeting(s) at which the designated person shall serve in place of the mayor.

E. Duties

The [Commissioners Court](#) may assign the [Lake Zoning Commission](#) any duties that the [Commissioners Court](#) considers appropriate and that are not inconsistent with [TLGC 231](#).

F. Rules and Regulations

1. The [Lake Zoning Commission](#) shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the County Clerk and shall be a public record.
2. The [Lake Zoning Commission](#) may recommend to the [Commissioners Court](#) from time to time such additional rules and regulations as it may deem necessary to carry out the provisions of these [Lake Zoning Regulations](#).

G. Studies, Reports, and Hearings

1. At the request of the [Commissioners Court](#), the [Lake Zoning Commission](#) shall, or on its own initiative the [Lake Zoning Commission](#) may, conduct studies of the [Lake Zoning Area](#) in the [County](#) and prepare

reports to advise the [Commissioners Court](#) about the boundaries of the original zoned districts, other regulations for the [Lake Zoning Area](#), and changes to those districts or regulations.

2. Before the [Lake Zoning Commission](#) may prepare a report, it must hold a public hearing at which members of the public may present testimony about any subject to be included in the [Lake Zoning Commission’s](#) report. The [Lake Zoning Commission](#) shall give notice of the hearing as required by the [Commissioners Court](#).
3. If a report will advise the [Commissioners Court](#) about proposed action regarding the zoning classification of a parcel of land, the [Lake Zoning Commission](#) shall send written notice to each landowner, as listed on the [County](#) tax rolls, whose land is directly affected by the proposed action or whose land is located within 200 feet of land directly affected. The notice must inform the landowner of the time and place of the public hearing at which the landowner may present testimony to the [Lake Zoning Commission](#) about the proposed action and must be deposited in the United States mail before the fifteenth (15th) calendar day before the date of the hearing.

H. Adoption of Ordinance After Receipt of Report

Pursuant to [TLGC 231.110](#), the [Commissioners Court](#) may adopt a proposed ordinance only after the [Commissioners Court](#) receives the [Lake Zoning Commission’s](#) report prepared under Section [6.02.G above](#), relating to the proposed ordinance.

I. Special Exceptions

1. The [Lake Zoning Commission](#) may recommend, subject to approval by the [Commissioners Court](#), a special exception to an ordinance adopted under this subchapter if the [Lake Zoning Commission](#) finds that the grant of the special exception will not be contrary to the public interest and that a literal enforcement of the ordinance would result in an unnecessary hardship.
2. See Section [9.01 Special Exception](#) for procedures governing applications, notice, hearings, and other matters relating to the granting of a special exception.

J. Responsibilities

Table 6 is a summary of the [Lake Zoning Commission’s](#) main responsibilities.

Table 6: Lake Zoning Commission Responsibilities	
3.04.A.12	Approving a Temporary Building for New Construction
8.01.A.2	Recommending a Zoning Map Amendment (Rezoning)
8.01.A.2	Recommending a Zoning Text Amendment
8.06.C.1	Recommending Site Plans Related to Rezoning Applications
8.06.C.2	Approving Site Plans Related to Lake Area Development (Building) Permit Applications
8.07.A.1	Recommending a PD, Planned Development District Establishment
8.08.B.1.b	Recommending a Specific Use Permit

6.03. County Judge

A. Responsibilities

Table 7 is a summary of the [County Judge's](#) responsibilities within the [Lake Zoning Regulations](#). The [County Judge](#) shall have the discretion to appoint a designee to fulfill his or her responsibilities. The designee may be a [County](#) official, staff, or private contractor.

Table 7: County Judge Responsibilities	
<i>Zoning Related Responsibilities</i>	
1.05.B	Managing the Maintenance of the Zoning District Map
1.05.C	Managing the Changes or Amendments Reflected on the Map
1.05.E	Managing the Informational Zoning Maps with Updates
1.06.B.5	Executing the County Judge Authority to Interpret the Lake Zoning Regulations
6.02	Appointing members of the Lake Zoning Commission
7.01.B	Executing the Waiver of Application Information
7.01.C.1	Preparing Application Forms
7.01.D	Preparing the Development Application Handbook
7.03.B.1	Holding a voluntary Pre-Application Conference
7.04.B	Executing the Determination of Completeness for Zoning Related Applications
8.04.C	Issuing the Lake Area Development (Building) Permit
8.04.F	Issuing the Revocation; Stop-Work Orders
8.05	Issuing the Utility Connection Certificate
8.06.C	Reviewing Site Plans
8.07.C.2.e	Approving an extension of a Planned Development Master Plan
8.07.D.1	Approving a Minor PD Amendment and Adjustment
8.08.B	Reviewing of a Specific Use Permits (SUPs)
8.08.E.2	Recommending a SUP Extension

6.04. Summary of Approval Authority of Fundamental Applications

Table 8: Summary of Approval Authority of Fundamental Applications				
Application Type		Commissioners Court	Lake Zoning Commission	County Judge
2.01.C.6	Interpretation of Zoning District Boundaries	Approve	Recommend	
3.04.A.12	Issuance of a Temporary Building for New Construction		Approve	
6.02	Appoint members of the Lake Zoning Commission	Approve		Approve
8.01.A.1	Zoning Map Amendment (Rezoning)	Approve	Recommend	
8.01.A.1	Zoning Text Amendment	Approve	Recommend	
8.04.C	Issuing the Lake Area Development (Building) Permit			Approve
8.04.F	Issuing the Revocation; Stop-Work Orders			Approve
8.05	Issuing the Utility Connection Certificate			Approve
8.06.C.1	Site Plans Related to Rezoning Applications	Approve	Recommend	Review
8.06.C.2	Site Plans Related to Lake Area Development (Building) Permit Applications		Approve	Recommend
8.07.A.1	PD, Planned Development District Establishment	Approve	Recommend	Review
8.07.D.1	Minor PD Amendment and Adjustment			Approve
8.08.B.1.c	Specific Use Permit	Approve	Recommend	Review
8.08.E.2	SUP Extension		Approve	Recommend
9.01	Special Exception	Approve	Recommend	Review

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Section 7. Application Submittal and Processing Procedures

7.01. General Application Processing

A. Initiation of Application

1. Initiation by Owner or Owner’s Agent
 - a. Unless provided by these [Lake Zoning Regulations](#), any petition or Application may be initiated only by the property owner, owner of an interest in the land, or by the owner's designated agent.
 - b. If the Applicant is a designated agent, the Application shall include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.
 - c. The [County Judge](#) may require submission of documents, such as an affidavit from the owner, to provide evidence of ownership or agency.

2. Initiation by [County Judge](#)

The [County Judge](#) can initiate any [Application](#) authorized under these [Lake Zoning Regulations](#).

B. Waiver of Application Information

The [County Judge](#) may initially waive the submission of any information in the [Application](#) and accompanying materials that are not necessary due to the scope and nature of the proposed activity.

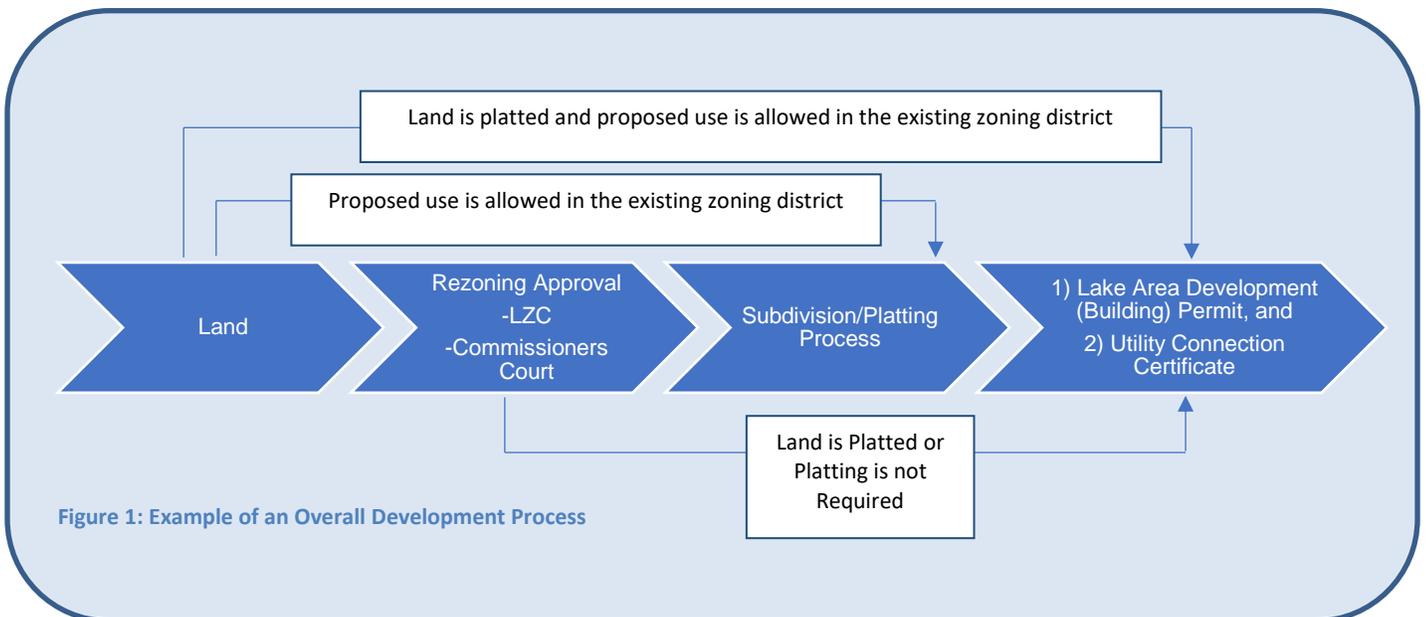


Figure 1: Example of an Overall Development Process

C. Universal Application Contents

1. Application Forms Generally

The [County Judge](#) is hereby authorized to prepare [Application Forms](#) that include information requirements, checklists, architectural or engineering drawing sizes, Applicant contact information, and any other information necessary to show compliance with County codes.

2. Information for All Applications

All Applications shall contain the following information and shall be signed under oath stating that the Applicant believes the information contained therein is true to the best of his or her knowledge:

- a. Identification of property owner and authorized agent;
- b. Description of the property and the nature of the development that is the subject of the application;
- c. Identification of all zoning classifications for the property;
- d. Identification of all pending legislative applications for the property;
- e. Identification of decisions on all quasi-judicial or administrative Applications for the property that remain in effect;
- f. Identification of all accompanying Applications;
- g. Identification of all pending or accompanying requests for relief;
- h. Demonstration of compliance with prior approved permits; and
- i. Application signed by the owner of an interest in the land subject to the Application, or the owner's designated agent.

3. All [Application Forms](#) are available from the [County Judge](#).

D. Development Application Handbook

The [County Judge](#) shall create, manage, and update a Development Application Handbook, which shall be a collection of [Application Forms](#) that the [County Judge](#) has created per [7.01.C.1](#).

E. Universal Application Fees

1. Every [Application](#) shall be accompanied by the prescribed fees set forth in the adopted [Fee Schedule](#).
2. The prescribed fee shall not be refundable, except when the [Commissioners Court](#) waives the Application fee for resubmission of an approval that was denied.
3. The [Fee Schedule](#) may be amended from time to time per procedures established by the [Commissioners Court](#).

F. Payment of all Indebtedness Attributable to the Subject Property

1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the [County](#) until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
2. It shall be the [Applicant's](#) responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.

G. Action by County Judge

1. Circulate and Compile Comments

After the determination of completeness has been established, the [County Judge](#) shall circulate the Application to all departments whose review is required for a decision on the Application and shall compile any comments from the departments.

2. If Applicable, Decision Rendered

If the [County Judge](#) is the [Decision-Maker](#) for the Application, the [County Judge](#) shall render a decision in the time prescribed for the applicable Application, if applicable.

3. If Applicable, Forward Application and Provide Notification

a. In cases where the [County Judge](#) is not the [Decision-Maker](#), the [County Judge](#) shall forward the Application for review to any advisory board/commission and the final [Decision-Maker](#), and shall prepare a report to such board or commission, or to the Commissioners Court, including the compilation of any department comments and recommendations.

b. If applicable, the [County Judge](#) also shall prepare required notices and schedule the [Application](#) for decision within the time (if any) and in the manner required by these [Lake Zoning Regulations](#).

H. Recommendation by Advisory Board/Commission

Unless otherwise prescribed within these [Lake Zoning Regulations](#), an advisory board/commission that is required to offer a recommendation to the [Decision-Maker](#) shall recommend one of the following:

1. Recommend approval of the Application by the Decision-Maker;
2. Recommend approval of the Application with conditions; or
3. Recommend denial of the Application.

I. Action by the Decision-Maker

1. Unless otherwise prescribed within these [Lake Zoning Regulations](#), the [Decision-Maker](#) for the [Application](#) shall:

- a. Approve,
- b. Approve with conditions, or
- c. Deny the Application.

2. Unless otherwise prescribed by law, where the [Decision-Maker](#) is a board, commission or the Commissioners Court, the [Application](#) shall be decided by majority vote of a quorum of the members of the board, commission or the Commissioners Court.

J. Appeals

Any final decisions by a board, commission, or [County Judge](#) may be appealed to the [Commissioners Court](#).

7.02. Official Vesting Date

A. Official Vesting Date

1. Pursuant to [Texas Local Government Code Chapter 245](#), an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the County or deposits the application or plan with the United States Postal Service by certified mail addressed to the County.
2. A certified mail receipt obtained by the Applicant at the time of deposit is prima facie evidence of the date the Application or plan was deposited with the United States Postal Service.
3. Every Application or plan is subject to a determination of completeness pursuant to [7.04.B Determination of Completeness for Zoning Related Applications](#).

7.03. Pre-Application Conference

A. Purpose

1. The [Pre-Application Conference](#) is intended to allow for the exchange of non-binding information between the [Applicant](#) and the [County Judge](#) to ensure that the Applicant is informed of pertinent County development regulations and processes.
2. The Pre-Application Conference provides an opportunity for the Applicant and County Staff to discuss major development considerations such as utilities, roadways, drainage concerns, [Lake Comprehensive Plan](#) elements, specific neighborhood characteristics, and historic information.
3. This exchange of information is intended to promote an efficient and orderly review process.

B. Pre-Application Conference before the Submission of Plans and Applications

1. Prior to formal submittal of any required plan or Application, the [Applicant](#) is encouraged to consult with the [County Judge](#) or his/her designee in order for the Applicant to become familiar with the County's development regulations and the development process.
2. At the Pre-Application Conference, the Applicant may be represented by his/her land planner, engineer, surveyor, or other qualified professional.

C. Pre-Application Conferences are Encouraged for the following Applications

1. PD, Planned Development District, see Section [2.07](#).
2. Zoning Map Amendment (Rezoning), see Section [8.01.B.1](#).
3. Site Plans, see Section [8.06](#).
4. Specific Use Permits (SUPs), see Section [8.08](#).
5. Special Exception, see Section [9.01](#).

7.04. Applicability, Completeness, and Expiration

A. Applicability

The following procedures shall apply to any zoning related plan or Application that is required by the County and is submitted in accordance with these [Lake Zoning Regulations](#).

B. Determination of Completeness for Zoning Related Applications

Every required Application shall be subject to a determination of completeness by the [County Judge](#) for processing the Application.

1. Acceptance Standards

The [Application](#) shall only be accepted by the [County Judge](#) for processing when it is accompanied by all documents required by, and prepared in accordance with, the requirements of these [Lake Zoning Regulations](#). A typographical error shall not, by itself, constitute an incomplete Application.

2. Acceptance Procedures

A determination of completeness of an Application shall be conducted in accordance with the following procedures:

- a. A determination of completeness shall be made by the [County Judge](#) not later than the tenth (10th) business day, unless otherwise specified, after the [Official Vesting Date](#).
- b. If the submitted Application is incomplete, then the Applicant shall be notified in writing not later than the tenth (10th) business day after the Official Vesting Date.
 - i. Such notice shall be served by depositing it in the U.S. Postal Service, or by electronic mail transmission, before the tenth (10th) business day following submission of the Application.
 - ii. The notification shall specify the documents or other information needed to complete the Application, and shall state the date the Application will expire (see [7.04.D Expiration of a Zoning Related Application – Before Approval Decision](#)) if the documents or other information are not provided to the County.
- c. An Application shall be deemed complete on the eleventh (11th) business day after the Application has been received if notice is not served in accordance with [7.04.B.2.b](#) (above).
- d. If the Application is determined to be complete, the Application shall be processed as prescribed by these [Lake Zoning Regulations](#).

3. Acceptance shall Not Constitute Compliance

A determination of completeness shall not constitute a determination of compliance with the substantive requirements of these [Lake Zoning Regulations](#).

4. Acceptance shall Not Guarantee Approval

There is no implied intent or guarantee that an accepted and completed Application will be approved, if after the Application is deemed complete, it is determined that the Application does not comply with these [Lake Zoning Regulations](#).

C. Re-Submittal after Notification of Incompleteness

1. If the [Application](#) is re-submitted after a notification of incompleteness within the time allotted in subsection [7.04.B.2.b \(above\)](#), the [Application](#) shall be processed upon receipt of the re-submittal.
2. To the extent that the information or documents submitted is not sufficient to enable the [Decision-Maker](#) to apply the criteria for approval, the [Application](#) may be denied on such grounds.

D. Expiration of a Zoning Related Application – Before Approval Decision

Pursuant to [Texas Local Government Code Chapter 245](#), an [Application](#) shall automatically expire (ending all vesting claims) at the close of business on the forty-fifth (45th) calendar day after the Application's [Official Vesting Date](#), if:

1. The Applicant fails to provide documents or other information necessary to comply with the County's technical requirements relating to the form and content of the permit Application;
2. The County provides to the Applicant, not later than the tenth (10th) business day after the date the Application is filed, written notice that specifies the necessary documents or other information, and the date the Application will expire if the documents or other information is not provided; and
3. The Applicant fails to provide the specified documents or other information necessary to comply with the County's requirements relating to the Application within the time provided in the notification.

E. Zoning Amendment Application

1. Complete Applications Required

No [Zoning Amendment Application](#) shall be accepted for filing or processing unless such request is accompanied by a completed [Application](#) and all documents required by and prepared in accordance with the requirements of the [Lake Zoning Regulations](#) and any other applicable regulations and it is filed with the [County Judge](#).

2. Texas Local Government Code Chapter 245 does not apply to Zoning Amendment Applications

Chapter 245 of the Texas Local Government Code, as amended, shall not apply to a [Zoning Amendment Application](#) since it is a permit under these [Lake Zoning Regulations](#) or LGC Chapter 245.

3. Denial of Zoning Applications

- a. If any County official processes a zoning Application prior to the Application being determined complete, the Application shall then be deemed invalid and shall be grounds for denial or revocation of such Application.
- b. A typographical error shall not constitute an incomplete Application.
- c. The Applicant may be notified of such denial or revocation for an incomplete zoning Application in writing.

F. Vesting Begins on the Official Vesting Date

An Application shall be vested into the standards of the [Lake Zoning Regulations](#) in effect at the time of the Application's [Official Vesting Date](#).

G. Submission of Previously Decided Zoning Related Application

After the final decision on a specific Application by the Decision-Maker, the same Application shall not be submitted again until after six (6) months from the Decision-Maker's action.

Section 8. Development Review Procedures

8.01. Zoning Amendments

A. Process Requirements

1. Zoning Amendments Require Commissioners Court Approval

The [Commissioners Court](#) may, from time to time, amend, supplement or change the boundaries of the districts (i.e., [Zoning Map Amendment \(Rezoning\)](#)) or the regulations herein established (i.e., [Zoning Text Amendment](#)) as provided by the Statutes of the State of Texas. The [Commissioners Court](#) by a majority vote may amend or reject a regulation or boundary proposed by the [Lake Zoning Commission](#).

2. Zoning Amendments Require Lake Zoning Commission Recommendation

Before taking action on any proposed amendment, the [Commissioners Court](#) shall submit the same to the [Lake Zoning Commission](#) for its recommendation and report.

3. Petitions Submitted to the Commissioners Court

- a. Any person or corporation having a proprietary interest in any property may petition the [Commissioners Court](#) to change or amend provisions of the [Lake Zoning Regulations](#); or
- b. The [Lake Zoning Commission](#) may, on its own motion or on request from the [Commissioners Court](#), study and propose zoning changes and amendments for the [Commissioners Court's](#) consideration.

B. Two Types of Zoning Amendments

1. Zoning Map Amendment (Rezoning)

A Zoning Map Amendment (Rezoning) is a change or modification to the boundaries of any zoning district within the County's [Zoning District Map](#).

2. Zoning Text Amendment

A Zoning Text Amendment is the change of the text within these [Lake Zoning Regulations](#) and does not include change or modification to the boundaries of any zoning districts.

C. Lake Zoning Commission Recommendation Requires Public Hearing

1. The [Lake Zoning Commission](#) shall hold a public hearing on any [Application](#) for any amendment or change prior to making its recommendation and report to the [Commissioners Court](#).

2. In the case of a [Zoning Map Amendment \(Rezoning\)](#):

- a. Written notice of all public hearings before the Lake Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.
 - i. Such notice shall be given not less than fifteen (15) calendar days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved County tax roll or County tax roll for the area affected.
- b. The written notice may be served by depositing it, postage paid and properly addressed, in the United States mail.
- c. Consistency between a Zoning Map Amendment (Rezoning) and the Lake Comprehensive Plan shall be required (see Section 8.01.D).

D. Consistency between a Zoning Map Amendment (Rezoning) and the Lake Comprehensive Plan

1. Consistency Rule

A [Zoning Map Amendment \(Rezoning\)](#) shall be consistent with the [Lake Comprehensive Plan](#).

2. Cases Requiring a Lake Comprehensive Plan Amendment Prior to Rezoning Approval

- a. There are cases where the [Commissioners Court](#) may wish to approve a rezoning request that is not consistent with the [Lake Comprehensive Plan](#).
- b. If this case occurs, the [Commissioners Court](#) may amend the [Lake Comprehensive Plan](#) and related maps prior to the approval of the rezoning request.
- c. This [Lake Comprehensive Plan](#) amendment may occur jointly with the rezoning request, provided the [Commissioners Court](#) acts first upon the [Lake Comprehensive Plan](#) amendment.

E. Commissioners Court Decision and Public Hearing Required

- 1. A public hearing shall be held by the [Commissioners Court](#) before adopting any proposed amendment.
- 2. Before the fifteenth (15th) calendar day before the date of the hearing, notice of the time and place of the hearing must be published in an official publication (newspaper or a newspaper of general circulation) in the County.

F. Three-Fourths Commissioners Court Vote Required for Protested Amendments

If any of the following conditions exist, then amendments shall not become effective except by a three-fourths (3/4) vote of the governing body.

- 1. The [Lake Zoning Commission](#) recommended denial of zoning amendment.
- 2. A protest against such proposed amendment has been filed at least three (3) calendar days before the date of the public hearings with the [Commissioners Court](#) by one of the following types of protesters:
 - a. Interior Protesters:
The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area included within a proposed amendment boundary.
 - b. Exterior Protesters:
The property owners, duly signed and acknowledged, of twenty (20) percent or more of the lots or land area within a two hundred (200) foot radius of the exterior boundary of the area included in a proposed amendment.

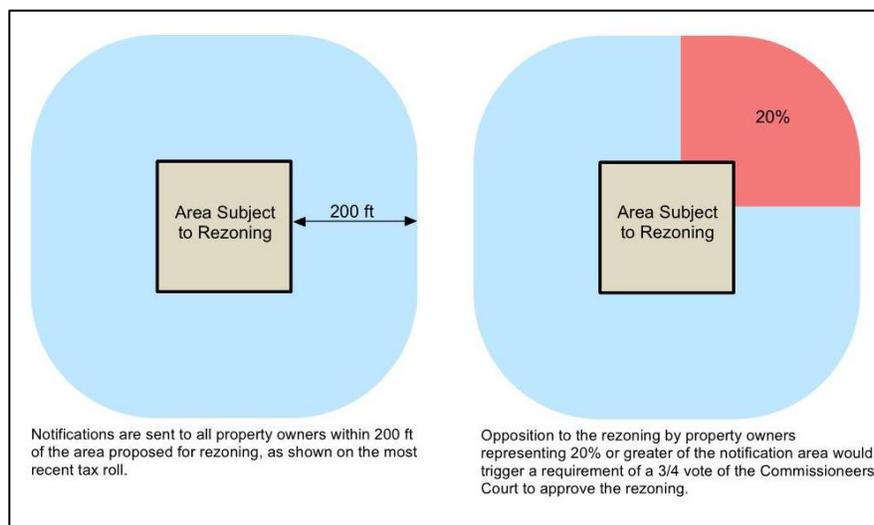


Figure 2: Calculation for Exterior Protestors

G. Criteria for Considering a Zoning Change

1. [Table 9: Rezoning Evaluation Criteria](#) is intended to be used as a tool when making rezoning decisions.
2. The guide includes criteria that considers the potential impacts and compatibility of new developments. Although this guide provides a list of criteria, this list is non-exhaustive.
3. There may be additional unique variables that should be considered with a particular rezoning request.
4. Additionally, the level of importance of each criterion may be weighted differently for various rezoning requests.

Table 9: Rezoning Evaluation Criteria		
Topic	Criteria	Does it comply?
		Yes/No/NA
Compatible Future Land Use	Does the proposed land use align with the Future Land Use category designated for the property?	
Compatible Density	Does the lot size for the proposed development align with the Future Land Use category designated for the property?	
Proximity to the Lake	Does the proposed development’s proximity to the Lake meet the vision expressed in Chapter 2?	
Design Standards	Do the dimensional and design standards (such as minimum setbacks, building heights, lot coverage, etc.) for the proposed development meet the minimum standards established for the zoning district?	
Compatible Existing Land Uses	Does the proposed land use align with the existing land use of the immediate surrounding property with regard to density and compatibility?	
Drainage and Water Runoff	Does the proposed development create excessive drainage or water runoff that would have a significant impact on surrounding properties?	

8.02. Public Hearings and Notification Requirements for Zoning Related Applications

A. Applications Requiring Public Hearing for Zoning Related Applications

1. Zoning Map Amendment (Rezoning), see Section [8.01.B.1](#);
2. Zoning Text Amendment, see Section [8.01.B.2](#);
3. Planned Development (PD) Steps for Creation and Development, see Section [8.07.C](#);
4. Specific Use Permits (SUPs), see Section [8.08](#);
5. Special Exception, see Section [9.01](#).

B. Review Bodies and the Associated Public Hearings per Zoning Application Type

Public hearings shall be conducted for each review body per plan or [Application](#) type according to the following table.

Table 10: Review Bodies and the Associated Public Hearings per Zoning Application Type		
Application Type	Commissioners Court	Lake Zoning Commission
Zoning Map Amendment (Rezoning)	Hearing	Hearing
Zoning Text Amendment	Hearing	Hearing
Planned Development (PD) Steps for Creation and Development	Hearing	Hearing
Specific Use Permits (SUPs)	Hearing	Hearing
Special Exception		Hearing

C. Public Notice Requirements for Public Hearings for Zoning Related Applications

Listed below are the zoning related Applications requiring public Notice.

1. Zoning Map Amendment (Rezoning), see Section [8.01.B.1](#);
2. Zoning Text Amendment, see Section [8.01.B.2](#);
3. Planned Development (PD) Steps for Creation and Development, see Section [8.07.C](#);
4. Specific Use Permits (SUPs), see Section [8.08](#);
5. Special Exception, see Section [9.01](#).

D. Required Public Notice for Zoning Related Plans and Applications

Public notices shall be required according to the following table.

Table 11: Required Public Notice for Zoning Related Plans and Applications		
Application Type	Published Notice	Mailed Notice
Zoning Map Amendment (Rezoning)	Required	Required
Zoning Text Amendment	Required	
Planned Development (PD) Steps for Creation and Development	Required	Required
Specific Use Permits (SUPs)	Required	Required
Special Exception	Required	Required

E. Types of Notice

1. “Published Notice” and “Mailed Notice” of Public Hearings for Zoning Changes Involving Real Property
 - a. Published Notice
 - i. Notice of the public hearing to occur before the [Commissioners Court](#) shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the [County](#) before the fifteenth (15th) calendar day prior to the date of the public hearing.
 - b. Mailed Notice (also referred to as “Written Notice”)
 - i. Written notice of the public hearing before the [Lake Zoning Commission](#) shall be sent to all owners of property, as indicated by the most recently approved tax roll, that is located within the area of application and within two hundred (200) feet of any property affected thereby, said written notice to be sent before the fifteenth (15th) calendar day prior to the date such hearing is held.
 - ii. Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.
 - iii. If written notice as required is not sent before the fifteenth (15th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:
 - (a) Legal description of the property and the street address or approximate location within the [County](#);
 - (b) Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the application shall be described;
 - (c) The date, time, and place of hearing;
 - (d) The website that contains the zoning map and information regarding the rezoning;
 - (e) The phone number where questions may be answered; and
 - (f) Other information as may be necessary to provide adequate and timely public notice.
2. “Published Notice” of Public Hearing for Zoning Changes Involving Regulation Text
 - a. For requests involving proposed changes to the text of the zoning regulations, notice of the [Commissioners Court](#) public hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the [County](#) before the fifteenth (15th) calendar day prior to the date of the public hearing.
 - b. Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed/written notification to individual property owners.

8.03. Zoning Required for Platting

The [County](#) shall not approve any [Plat](#) of any subdivision within the area subject to [Lake Zoning Regulations](#) until the area covered by the proposed [Plat](#) shall have been zoned by the [Commissioners Court](#).

8.04. Lake Area Development (Building) Permit

A. Applicability

All new structures over 800 square feet shall be required to obtain a [Lake Area Development \(Building\) Permit](#) before construction activities occur.

B. Application

1. An [Application](#) for a Lake Area Development (Building) Permit shall be obtained from the [County Judge](#).
2. The [Application](#) for a Lake Area Development (Building) Permit shall contain the following minimum information:
 - a. Name, mailing address, and contact telephone number of the Applicant and of the property owner, if not the same.
 - b. Street address and legal description of the property for which the permit is to be obtained. The legal description, with the recorded data, shall be determined from a copy of a deed presented by the Applicant if there is any question on the part of the [County](#) as to the legal description or ownership.
 - c. Zoning district of the property for which the permit is to be obtained.
 - d. Statement of the type and scope of work to be done.
 - e. A Site Plan per section [8.06 Site Plans](#).
 - f. The Application shall be accompanied by maps and plans. Such maps and plans shall become a part of the Application.
 - g. The Applicant shall attest to the accuracy of all information given on or accompanying the Application.
 - h. There shall be a separate Application for each building or structure to be constructed, erected, installed, or altered, except for accessory buildings and appurtenances which may be included in the permit for the major structure when construction is concurrent.

C. Processing

1. The [Lake Area Development \(Building\) Permit Application](#) and accompanying information shall be presented in three (3) complete copies to the [County Judge](#) during normal business hours. The [County Judge](#) shall note on all copies of the Application, one of which is to be returned to the Applicant, the date on which the completed Application is received.
2. Within 15 calendar days of the date the [Lake Area Development \(Building\) Permit Application](#) is received, the request shall be reviewed by the [County Judge](#).
3. The related Site Plan is either approved or denied per Section [8.06.C.2 Site Plans Related to Lake Area Development \(Building\) Permit Applications](#).
4. The Lake Area Development (Building) Permit shall be issued or the [Application](#) denied. If the Application is not acted upon by the [County Judge](#) within 15 calendar days, the Application shall be considered as approved on the 16th calendar day after submission. The action of denial of a request for modification shall stay the requirement for approval within 15 calendar days.
 - a. If the Application is in full compliance with these [Lake Zoning Regulations](#), the Applicant shall be notified in writing or by telephone that the [Lake Area Development \(Building\) Permit](#) will be issued.
 - b. If modification of the Application and/or accompanying information is required to bring the request into full compliance, as above, the Application shall be denied, and the Applicant notified

in writing or by telephone. The Applicant shall be given a list of all corrections required to bring the request into full compliance.

5. If completion of some other zoning action is required to effect the issuance of a building permit, such action must be completed prior to the Application for a Lake Area Development (Building) Permit.
6. If the request is approved and upon payment of the required fee, the Lake Area Development (Building) Permit shall be issued.

D. Duration

A [Lake Area Development \(Building\) Permit](#) is valid for 12 months. If work described or permitted by any [Lake Area Development \(Building\) Permit](#) has not begun within 12 months from the date of issue thereof, such permit shall be automatically revoked, and no work shall begin until a new building permit has been issued.

E. Renewal

A Lake Area Development (Building) Permit may be renewed upon verbal request, presentation of the original dated approved application, and payment of the appropriate fee. Any construction not completed within 24 full months of the issue date of the original Lake Area Development (Building) Permit shall require issuance of a new Lake Area Development (Building) Permit.

F. Revocation; Stop-Work Orders

1. A Lake Area Development (Building) Permit may be revoked and/or a stop-work order issued by the [County Judge](#) at any time prior to the completion of the building or structure for which the same was issued, when it shall appear that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, was issued in error, or that any of the provisions of the building codes or of the zoning regulations are being violated.
2. The [County Judge](#) shall issue a stop order upon the failure, refusal, or neglect of any owner, their agent, contractor, or duly authorized representative to secure such permit and pay the prescribed fee as herein provided.
3. Any revocation or order to stop may be served upon the owner, their agent or contractor, or upon any person employed upon the building or structure for which the permit was or should have been issued. Thereafter no construction shall proceed until the revoked Lake Area Development (Building) Permit is reinstated or until a Lake Area Development (Building) Permit has been issued.

G. Fees

All fees for a [Lake Area Development \(Building\) Permit](#) are established in the adopted [Fee Schedule](#).

8.05. Utility Connection Certificate

A. Utility Connection Certificate Required

A [Utility Connection Certificate](#) shall be required for the connection or reconnection of a utility service (water, sewer, electricity, gas, or other utility service) from the utility provider to the customer.

B. Procedure for New or Altered Buildings

1. Written Application

Written application for a [Utility Connection Certificate](#) for a new building or for an existing building that is to be altered shall be made at the same time as the application for the [Lake Area Development \(Building\) Permit](#) for such building.

2. Timing of Certificate Issuance

Said [Utility Connection Certificate](#) shall be issued within fifteen (15) calendar days after a written request for the same has been made to said [County Judge](#) or his/her agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of these [Lake Zoning Regulations](#).

C. Procedure for Vacant Land or a Change in Building Use

1. Written Application

Written application for a [Utility Connection Certificate](#) shall be made to the [County Judge](#) for review of the following:

- a. For the use of vacant land,
- b. For a change in the use of land or a building, or
- c. For a change in a nonconforming use to a conforming use.

2. Timing of Certificate Issuance

If the proposed use is in conformity with the provisions of these [Lake Zoning Regulations](#), the [Utility Connection Certificate](#) therefore shall be issued within fifteen (15) calendar days after the completed application for same has been made. The [County Judge](#) shall not issue the [Utility Connection Certificate](#) where [County](#) taxes are delinquent.

D. Contents of a Utility Connection Certificate

1. Building and Proposed Use

Every Utility Connection Certificate shall state that the building or the proposed use of a building or land complies with all provisions of the [Lake Zoning Regulations](#).

2. Record of Certificates of Occupancy

A record of each Utility Connection Certificate shall be kept in file on the office of the [County Judge](#) or his/her agent and copies shall be furnished upon request to any person having a proprietary in the building or land affected.

8.06. Site Plans

A. Purpose

The purpose of the Site Plan process is to establish a procedure for coordinating and verifying improvements to properties. Through Site Plan review, zoning standards and other applicable standards that may apply to specific site development can be uniformly implemented by the County for multi-family and nonresidential development. This process is intended to promote, among other items, the efficient and harmonious use of land, safe and efficient vehicular and pedestrian circulation, parking and loading, lighting, screening, open space, landscaping, and natural features.

B. Applicability

1. Processing and Timing: Two Different Types of Site Plans Exist

a. Site Plans Related to Rezoning Applications

No site plan is required at the time of [Zoning Map Amendment \(Rezoning\)](#) Application except for Applications for Specific Use Permits (SUPs).

b. Site Plans Related to Lake Area Development (Building) Permit Applications

No [Lake Area Development \(Building\) Permit](#) shall be issued for any applicable developments or any on-site construction/development activity shall occur unless a [Site Plan](#) is first approved by the County.

2. Public Hearings

A public hearing on a Site Plan is not required unless a site plan is prepared in conjunction with a [Zoning Map Amendment \(Rezoning\)](#) Application.

3. Effect

No [Utility Connection Certificate](#) shall be issued unless all construction and development conform to the Site Plan as approved by the County.

C. Approval and Process

1. Site Plans Related to Rezoning Applications

The approval of a Site Plan related to a rezoning Application requires the following:

- a. A recommended action by [Lake Zoning Commission](#) for the [Commissioners Court's](#) consideration, and
- b. Approval by the [Commissioners Court](#).

2. Site Plans Related to Lake Area Development (Building) Permit Applications

The approval of a Site Plan related to a building permit or construction/development Application requires the following:

- a. Review by the [County Judge](#), and
- b. Approval by the [Lake Zoning Commission](#).

3. Site Plan Process Overview

The purpose of the Site Plan process is to:

- a. Ensure compliance with adopted County development regulations and other applicable regulations that apply to the property for which the County has enforcement responsibility;
- b. Promote safe, efficient and harmonious use of land through application of County-adopted design standards and guidelines;
- c. Promote the vision established by the [Lake Comprehensive Plan](#);
- d. Ensure adequate public facilities to serve development;
- e. Coordinate and document the design of public and private improvements to be constructed;
- f. Prevent or mitigate adverse development impacts, including overcrowding and congestion;
- g. Aid evaluation and coordination of land subdivision, including the granting of easements, Right-of-Way, development agreements and provision of surety;
- h. Identify and address environmental concerns (floodplain, drainage, trees, topography, etc.); and
- i. Promote the public health, safety and welfare.

D. Site Plan Exempted Development

The following types of development are exempted from the requirements of this [8.06 Site Plans](#):

- a. Agricultural buildings; and
- b. A [Temporary Building for New Construction](#) as permitted by [3.03 Use Chart](#).

E. Submission of Site Plan Applications

1. Coordinating Official

Applications for approval of plans required by this Section [8.06 Site Plans](#) must be submitted to the [County Judge](#).

2. Calendar of Official Processing Dates

A calendar of official processing dates shall be published by the County thirty (30) calendar days prior to the beginning of each calendar year.

3. Late Application Processing Date

All Applications required by this Section [8.06 Site Plans](#) filed on a date other than an official processing date shall be processed according to the schedule established by the subsequent official processing date appearing on the calendar after the filing date and after the date of receipt of the Application.

4. Other Regulations for Applications

Applications are also governed by [Section 7 Application Submittal and Processing Procedures](#).

F. Fees, Forms and Procedures

1. Schedule of Fees

The fees relating to the Site Plan approval process shall be established by the [Fee Schedule](#).

2. Procedures, Forms and Standards

The [County Judge](#) shall establish procedures, forms and standards with regard to the content, format and number of copies of information constituting an Application for a [Site Plan](#).

G. Site Plan

1. Site Plan Application Procedure and Requirements

a. Site Plan Pre-Application

- i. Before preparing a [Site Plan](#), the [Applicant](#) may meet with the [County Judge](#) to allow the Applicant to learn the general procedures for approval and to review the concept of the proposed development, if desired by Applicant.
- ii. No Application for a permit may be submitted to or accepted for filing with the [County Judge](#) during the meeting.

b. Site Plan General Application

The property owner or authorized agent shall file an Application for the approval of a Site Plan. This Application shall include the information listed on the Site Plan [Application Form](#) and Checklist, which shall be created and maintained by the [County Judge](#).

c. Site Plan Standards of Approval

i. Site Plan Approval

The [Commissioners Court](#) or [Lake Zoning Commission](#), using the review and approval process outlined in Section [8.06.C.1](#) and [8.06.C.2](#) respectively, may approve, conditionally approve, table or deny a Site Plan based upon the criteria listed below.

ii. Approval Criteria

- (a) Conformance with the [Lake Comprehensive Plan](#) and adopted design guidelines.
- (b) Compliance with the [Lake Zoning Regulations](#) and other applicable regulations and previously approved, valid plans for the property.
- (c) The design and location of off-street parking and loading facilities to ensure that all such spaces are usable and are safely arranged.
- (d) The width, grade and location of streets designed to accommodate prospective traffic and to provide access for firefighting and emergency equipment to buildings.
- (e) The use of landscaping and screening to provide adequate buffers to shield lights, noise, movement or activities from adjacent properties when necessary, and to complement the design and location of buildings and be integrated into the overall site design.
- (f) The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
- (g) Protection and conservation of soils from erosion by wind or water or from excavation or grading.
- (h) Protection and conservation of water courses and areas subject to flooding.
- (i) The adequacy of streets, water, drainage, wastewater, storm water facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.
- (j) The design of adjacent public street improvements and Right-of-Way including existing or proposed deceleration lanes, median openings and left turn bays, location of driveways, drive aisles, cross access between internal developments, and access to properties adjacent to the subject site.
- (k) The County shall not take action on a Site Plan for property where County taxes are delinquent.

- d. Site Plan Lapse
 - i. Two (2) Year Effective Period
 - (a) The approval of a Site Plan shall be effective for a period of two (2) years from the date of filing of the Application with the County. At the end of this time, the Site Plan shall expire unless the Applicant demonstrates to the County that progress has been made towards completion of the project for which the Site Plan was approved.
 - (b) Submission and receipt of approval of engineering plans and building permits prior to expiration of the Site Plan shall be evidence of progress towards completion.
 - (c) However, if engineering plans and permits have been approved only for a portion of the property or if the progress towards completion is only for a portion of the property and/or improvements, the Site Plan for the remaining property and/or improvements shall expire.
 - ii. Expired Site Plans
 - (a) For all expired Site Plans, the Applicant shall be required to submit a new Site Plan subject to the then existing regulations (see [8.06.G.1 Site Plan Application Procedure and Requirements](#)).
 - (b) Site Plan approval shall expire upon completion of the improvements shown on the plan. Permits must remain valid during the construction process.
 - (c) Subsequent additional development, site modifications and redevelopment shall be permitted in accordance with [8.06.I Additional Development and Redevelopment](#) and shall be considered a new project subject to the then existing laws and regulations of the County.

H. Revocation of Site Plan Approval

The Commissioners Court may revoke approval of a Site Plan if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information or if it is determined that it was obtained using fraud or deceit.

I. Additional Development and Redevelopment

Following the completion of improvements shown on an approved Site Plan, additional development, site modifications, or redevelopment of the site shall be permitted subject to the approval of a revised Site Plan, which shall be considered a new project and shall require submittal of a revised Site Plan and the approval of the Commissioners Court under the regulations, requirements and procedures then in effect.

J. Design Standards and Specifications

The following design standards and specifications, as they exist or may be amended, are required in addition to the design standards and specification set forth in these [Lake Zoning Regulations](#):

1. Subdivision Regulations;
2. Engineering Standards; and
3. Any design standards and specifications approved by the Commissioners Court following the enactment of this provision.

8.07. PD, Planned Development District Application and Review

A. General

1. PD, Planned Development District Establishment

An Application for a PD, Planned Development District shall be made to the Lake Zoning Commission and Commissioners Court in the same manner that an [Application](#) for any [Zoning Map Amendment \(Rezoning\)](#) is made.

2. Submission of PD Related [Plats](#) and [Site Plans](#) Shall Occur After PD Establishment

The subsequent Applications for Plats and Site Plans within an established PD, Planned Development District shall be reviewed and approved separately and independently in accordance with established procedures.

3. Land Area Requirement for PD, Planned Development Districts

See [2.07.B Land Area Requirement](#) for area requirements.

B. Planned Development (PD) Submission Requirements

1. The Developer and/or builder of a PD shall follow a four (4) step procedure, as follows:

- a. [Pre-Application Conference](#), as outlined in [7.03 Pre-Application Conference](#).
- b. [Zoning Map Amendment \(Rezoning\)](#) Application with the submission of Planned Development Master Plan, which includes the:
 - i. [PD Design Statement](#) and
 - ii. [PD Concept Design Map](#).
- c. [Plat](#) Application, if subdivision occurs and where required by the [Subdivision Regulations](#).
- d. [Lake Area Development \(Building\) Permit](#) Application.

2. Approvals Needed before Proceeding

- a. Each required step shall be completed and approved before the following step is reviewed.
- b. The Lake Zoning Commission and Commissioners Court may, however, review more than one step at the same public hearing.

3. Public Hearings (Rezoning and Plats)

- a. Public hearings shall be held on the [Zoning Map Amendment \(Rezoning\) Application](#) and the [Planned Development Master Plan](#) in accordance with regular procedures for zoning Applications.
- b. Public hearings on required Plats shall be held in accordance with regular procedures established in the [Subdivision Regulations](#).

C. Planned Development (PD) Steps for Creation and Development

1. Step 1. Pre-Application Conference Review
 - a. At least ten (10) business days prior to submission of an Application for Zoning Map Amendment (Rezoning) to a PD, Planned Development District, the [Applicant](#) shall submit to the [County Judge](#) a [Sketch Plan](#) drawn to approximate scale showing streets, lots, public areas, and other significant features.
 - b. The Applicant should discuss with the [County Judge](#) the procedure for adopting a PD, Planned Development District and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.
 - c. The [County Judge](#) shall also advise the Applicant, where appropriate, to discuss the proposed PD, Planned Development District with those officials charged with responsibility to review the various aspects of the proposal coming within their jurisdiction.
 - d. The intent of [Step 1. Pre-Application Conference Review](#) is to expedite and facilitate the approval of a Planned Development Master Plan.
2. Step 2. PD Application for Rezoning and Planned Development Master Plan
 - a. Procedures and Requirements
 - i. The PD Zoning Map Amendment (Rezoning) Application shall be filed in accordance with regular procedures and on Application Forms of the County.
 - ii. The [Planned Development Master Plan](#), which is submitted with the Application for rezoning, shall consist of a [PD Design Statement](#) and a [PD Concept Design Map](#).
 - iii. The Applicant shall also provide other supporting maps as necessary to meet the submission requirements of these [Lake Zoning Regulations](#).
 - b. PD Design Statement

The [PD Design Statement](#) shall be a written report submitted as a part of the [Planned Development Master Plan](#) containing a minimum of the following elements:

 - i. Title of PD;
 - ii. List of the owners and/or Developers;
 - iii. Statement of the general location and relationship to adjoining land uses, both existing and proposed;
 - iv. Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
 - v. The existing PD zoning districts in the development area and surrounding it;
 - vi. Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas);
 - vii. A list of all applicable special development regulations or modified regulations to the base zoning district;
 - viii. A statement identifying the existing and proposed streets, including Right-of-Way standards and street design concepts;

- ix. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
 - x. A topographic map with minimum five (5) foot contour intervals;
 - xi. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
 - xii. The proposed densities, and the use types and sizes of structures; and
 - xiii. A description of the proposed sequence of development.
- c. PD Concept Design Map
- i. The [PD Concept Design Map](#) shall be a graphic representation of the development plan for the area of a PD, Planned Development District.
- d. Approval of the Planned Development Master Plan
- i. Upon final approval by the Commissioners Court of the Planned Development Master Plan and the appropriate minute order of rezoning, these elements shall become a part of the [1.05 Official Zoning District Map](#).
 - ii. The minute order of rezoning shall adopt the Planned Development Master Plan by reference, and it shall be attached to said minute order and become a part of the official records of the County.
- e. Expiration of Planned Development Master Plan
- i. If, after two (2) years from the date of approval of a [Planned Development Master Plan](#), no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire.
 - ii. If a Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within this [8.07 PD, Planned Development District Application and Review](#).
 - (a) An extension to the two (2) year expiration shall be granted if a development Application for the PD has been submitted and is undergoing the development review process or if the [County Judge](#) determines development progress is occurring.
- f. Use and Development of the Property
- i. The Planned Development Master Plan shall control the use and development of the property, and all Lake Area Development (Building) Permits and development requests shall be in accordance with the plan until it is amended by the Commissioners Court.
 - ii. The Developer shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the [County Judge](#).
 - iii. The Planned Development Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the [County Judge](#).

3. Step 3. [Plat](#)
 - a. Where a subdivision [Plat](#) is required, the [Applicant](#) shall prepare a [Plat](#) for review, approval, and filing of record according to procedures established by the [Commissioners Court](#). In addition to these procedures, the [Plat](#) shall include:
 - i. Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the Commissioners Court.
 - ii. A Homeowners' or Property Owners' Association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including [Usable Open Space](#), private street drives, fire lanes, service and parking areas, and recreation areas.
 - b. If no Plat is required, then proof of the items identified in subparagraphs [8.07.C.3.a.i](#) and [ii above](#) shall be submitted and approved as a part of the [Planned Development Master Plan](#) at the time the [Zoning Map Amendment \(Rezoning\)](#).
4. Step 4. Site Plan
 - a. A Site Plan shall be submitted upon the Application for a [Lake Area Development \(Building\) Permit](#) and reviewed in accordance with procedures established in [8.06 Site Plans](#).

D. [Planned Development \(PD\) Modifications](#)

1. [Minor PD Amendment and Adjustment](#)

The [County Judge](#) may approve or defer to Commissioners Court consideration of a [Minor PD Amendment and Adjustment](#) to the [Planned Development Master Plan](#) provided all of the following conditions are satisfied:

- a. The project boundaries are not altered.
- b. Uses other than those specifically approved in the [Planned Development Master Plan](#) are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the [PD Design Statement](#).
- c. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.
- d. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.
- e. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.
- f. Floor Area, if prescribed, is not increased or decreased by more than ten (10) percent.
- g. Floor Area ratios, if prescribed, are not increased.
- h. Open space ratios, if prescribed, are not decreased.

2. [County Judge](#) Approval

- a. The [County Judge](#) shall determine if proposed amendments to an approved Planned Development Master Plan satisfy the above criteria.
- b. If the [County Judge](#) finds that these criteria are not satisfied, an amended Planned Development Master Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.

E. Reversion

1. Property Owner Request

- a. If the property owner decides to abandon the PD concept and nullify the [Planned Development Master Plan](#), he or she shall make Application for rezoning either to the original status or to a new classification.
- b. Said Application shall be heard according to regular procedures by the Lake Zoning Commission and Commissioners Court.

8.08. Specific Use Permits (SUPs)

A. General

The uses listed under the various districts within the [Use Chart](#) as [Specific Use Permits \(SUPs\)](#) are so classified because they may have adverse effects or more intensely dominate the area in which they are located than do other uses permitted in the district.

B. SUP Application Process

1. Procedures for Processing an SUP

- a. The [County Judge](#) shall initiate review of the SUP and may request written comments from any [County](#) official, if deemed necessary.
- b. [Lake Zoning Commission](#) shall review and recommend approval, approval with conditions, or denial of the SUP to the Commissioners Court.
- c. After receiving recommendation from Lake Zoning Commission, [Commissioners Court](#) shall approve, approve with conditions, or deny the SUP. The approval of the SUP does not change the zoning classification.
- d. Both Lake Zoning Commission and Commissioners Court shall provide the required public hearing and notice in accordance with [8.02 Public Hearings and Notification Requirements for Zoning Related Applications](#).

2. Compatibility Conditions

- a. The Lake Zoning Commission and Commissioners Court may require conditions and safeguards as necessary to protect adjoining property.
- b. A use allowed by an SUP shall be in general conformance with the [Lake Comprehensive Plan](#) and contain such requirements and safeguards as are necessary to protect adjoining property.

3. Required Information

- a. Each application shall be accompanied by a Site Plan (see [8.06 Site Plans](#)) and such other information as is required by these [Lake Zoning Regulations](#).
- b. The Lake Zoning Commission or Commissioners Court may require additional information, operating data and expert evaluation concerning the location and function and characteristics of any building or use proposed.

C. SUP Regulations

1. In recommending that an SUP for the premises under consideration to be granted, the [Commissioners Court](#) shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall consider the following factors:
 - a. Safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site;
 - b. Adequate means of ingress and egress to public streets or approved access easements and appropriate paving widths of streets, alleys and sidewalks to accommodate traffic generated by the proposed use;
 - c. Provisions for drainage;
 - d. Adequate off-street parking and loading;
 - e. Safety from fire hazard and measures for fire control;

- f. Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;
 - g. Heights of structures; and
 - h. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.
2. In granting an SUP, the [Commissioners Court](#) may impose conditions and time limits that shall be complied with by the owner or grantee before a [Utility Connection Certificate](#) may be issued by the [County Judge](#) for use of the building on such property pursuant to such [SUP](#), and such conditions are precedent to granting of the [Utility Connection Certificate](#).
- D. Acceptance and Agreed Compliance by the Applicant, Owner and Grantee
No [SUP](#) shall be granted unless the [Applicant](#) of the [SUP](#) shall be willing to accept and agree to be bound by and comply with the adopting [SUP](#), as well as the attached [Site Plan](#) drawings approved by the [Commissioners Court](#) and shall comply with the minimum requirements provided in the zoning district in which the property is located.
- E. SUP Expiration and Extension
1. SUP Expiration
 - a. An [SUP](#) shall automatically expire if a [Lake Area Development \(Building\) Permit](#) is not issued and construction begun within six (6) months of the granting of the [SUP](#).
 2. SUP Extension
 - a. The [Commissioners Court](#) may authorize an extension beyond the six (6) months upon recommendation by the [County Judge](#). Two extensions may be given by the [Commissioners Court](#).
- F. Amendments Required for Changes
No building, premise, or land used under an [SUP](#) may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved [SUP](#) is granted for such enlargement, modifications, structural alteration, or change.

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Section 9. Relief Procedures

9.01. Special Exception

A. Applicability

Any of the following persons may petition the [Commissioners Court](#) for a [Special Exception](#) to the [Lake Zoning Regulations](#) adopted by the [Commissioners Court](#):

1. A person aggrieved by the regulation; or
2. Any officer, department, board, or bureau of the County or of a municipality in the County.

B. Process and Public Hearing Required

1. The [Lake Zoning Commission](#) shall review and make a recommendation to the [Commissioners Court](#).
2. The [Commissioners Court](#) shall hold a public hearing on the [Special Exception](#) petition and shall publish notice of the public hearing before the 15th calendar day before the date of the hearing in a newspaper of general circulation in the County.

C. Granting a Special Exception

Except as provided by Subsection [9.01.D](#), the [Commissioners Court](#) may grant a petition for a [Special Exception](#) by majority vote.

D. Protesting a Special Exception

1. If a proposed [Special Exception](#) to the [Lake Zoning Regulations](#) is protested in accordance with this subsection [9.01.D](#), the proposed [Special Exception](#) must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the [Commissioners Court](#).
2. The protest must be presented at the public hearing and signed by the owners of at least twenty (20) percent of:
 - a. The lots covered by the proposed special exception; or
 - b. The lots within 200 feet of the lots covered by the proposed special exception.

E. Special Exception Consideration

When in the [Commissioners Court's](#) judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially injured, the [Commissioners Court](#) may, in specific cases, after public notice and public hearing and subject to appropriate conditions and safeguards, authorize the a Special Exceptions.

F. The Commissioners Court may Impose Conditions

In granting a [Special Exception](#), the [Commissioners Court](#) may impose such conditions as are necessary to protect adjacent property owners and to ensure public health, safety and general welfare.

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Section 10. Definitions

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, according to their customary usage in the practice of municipal planning and engineering.

For the purpose of these [Lake Zoning Regulations](#), certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the [Commissioners Court](#):

10.01. A

1. Abandonment

To cease or discontinue a use or activity, but excluding temporary or short-term interruptions to a use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, or during normal periods of vacation or seasonal closure.

2. Abutting

Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.

3. Access

A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

4. Accessory Building

a. In a residential district, a subordinate building used for a purpose customarily incidental to the main structure, such as a detached private garage for automobile storage, loafing shed, tool house, greenhouse as a hobby, home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business. (See [3.07 Accessory Buildings and Uses](#) for standards.)

b. In a nonresidential district, a subordinate building incidental to the main structure.

5. Accessory Use

A use that is clearly and customarily incidental and secondary to the permitted and/or [Principal Use](#) of land or building(s), and that is located upon the same lot, and that does not change the character thereof. The land/building area that is used for the accessory use is significantly less than that used for the primary use.

6. Agriculture and Ranching Operations

Agriculture and ranching operations include cultivating the soil; producing crops for human food, animal feed, planting seed, or fiber; floriculture; viticulture; horticulture; raising or keeping livestock or poultry; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or normal crop or livestock rotation procedure. This use includes hunting and fishing as allowed by State law and property owner permission. A [Concentrate Animal Feeding Operation \(CAFO\)](#) is not included in the above definition.

7. Alley

A public [Right-of-Way](#), not intended to provide the primary means of access to abutting lots, that is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

8. Amusement, Commercial (indoors)

An amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a climbing wall center or billiard parlor.

9. *Amusement, Commercial (outdoors)*

An 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 in the open including, but not limited to, a roping area, golf driving range, archery range and miniature golf course.
10. *Antique Shop*

An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishing and decorations that have value and significance as a result of age, design and sentiment.
11. *Apartment*

A room or suite of rooms in a multi-family residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.
12. *Applicant*

The person or entity responsible for the submission of an [Application](#). The [Applicant](#) must be the actual owner of the property for which an [Application](#) is submitted, or shall be a duly authorized representative of the property owner. Also see [Developer](#).
13. *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.
14. *Application Form*

The written form that is filled out and executed by the [Applicant](#) and submitted to the [County](#) along with other required materials as a part of an [Application](#).
15. *Approval*
 - a. Approval constitutes a determination by the official, board, commission or Commissioners Court responsible for such determination that the Application is in compliance with the minimum provisions of these [Lake Zoning Regulations](#).
 - b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
16. *Artisan's Workshop*

An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.
17. *Assisted Living/Nursing Home*

A facility operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care.
18. *Automobile Body Shop*

A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.
19. *Automobile or Other Motorized Vehicle Sales and Service*

A business providing sales display and service of new and used motorized vehicles, including motorcycles, RVs, and boats.

20. Automobile Parts Store
Stores selling new automobile parts, tires, and accessories.
21. Automobile Service Garage (Major)
A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.
22. Automobile Service Garage (Minor)
A facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.

10.02. B

23. Bait Shop
The use of any building or premise for the display and retail sale of fishing supplies, including live bait.
24. Bank or Financial Institution
A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
25. Barber or Beauty Shop
A fixed establishment or place where one or more persons engage in the practice of barbering or cosmetology.
26. Barndominium
A structure that includes living space and barn space. A Barndominium shall either be considered a Dwelling, Single Family (detached) or a Guest House/Servants' Quarters. Barns detached from the living space operating as a separate structure are not included in this definition.
27. Base Flood
The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
28. Bed and Breakfast Inn
An owner or operator occupied residence with bedrooms available for overnight guests.
29. Block
A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad [Right-of-Way](#), highway, stream, or corporate boundary lines.
30. Block Face
The portion of a [Block](#) that abuts a street.
31. Block Length
The length of the [Block Face](#) between two intersections.
32. Boarding or Rooming House
A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.

33. *Building*
Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.
34. *Building Height*
- The vertical distance measured from the curb level to the highest point of the roof.
 - 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.
35. *Building Setback Line*
The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street [Right-of-Way](#)/property line.

10.03. C

36. *Car Wash, Full Service*
A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.
37. *Car Wash, Self Service*
A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.
38. *Carpentry Shop*
A shop involving woodworking and the assembly of wood products.
39. *Caterer or Wedding Service*
A service providing meals or refreshments for public or private entertainment for a fee.
40. *Child-Care: Foster Family Home (Independent)*
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.
41. *Child-Care: Foster Group Home (Independent)*
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.
42. *Child-Care: Licensed Child-Care Center*
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.
43. *Child-Care: Licensed Child-Care Home*
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

44. *Child-Care: Listed Family Home*

Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.

45. *Child Care: Registered Child-Care Home*

Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.

46. *Church or Other Place of Worship, including Parsonage/Rectory*

A place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.

47. *College or University*

An academic institution of higher learning, accredited or recognized by the State, and offering a program of series of programs of academic study.

48. *Commissioners Court*

The governing body of the [County](#).

49. *Concentrate Animal Feeding Operation (CAFO)*

A lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season and are defined by Texas Commission on Environmental Quality (TCEQ) as either a large CAFO, medium CAFO, small CAFO, or state-only CAFO. The TCEQ classification for the different types of CAFOs may be found within the TCEQ's General Permit to Discharge Waste: [TXG920000](#).

50. *Community Center*

A building dedicated to social or recreational activities, serving the [County](#) or neighborhood and owned and operated by the [County](#), or by a non-profit organization dedicated to promoting the health, safety, and general welfare of the [County](#).

51. *Community Group Home*

A community-based residential home with not more than six (6) persons with disabilities and two (2) supervisors residing in the home, and that otherwise meets the requirements of the Community Homes for Disabled Persons Location Act ([Chapter 123 of the Human Resources Code](#)).

52. *Community Parks*

Larger parks that may provide athletic fields, swimming pools, recreation centers, tennis courts, open areas, etc.

53. *Concrete/Asphalt Batching Plant, Temporary*

A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

54. *Construction Plans*

A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [County](#) for review in conjunction with a subdivision or a development.

55. Country Club
An area of one hundred (100) or more acres containing a golf course and club house that may include as adjunct facilities a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.
56. County
Cooke County, Texas.
57. County Engineer
The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated as such by the Commissioners Court.
58. County Judge
The person holding the office of County Judge. This term shall also include any designee of the County Judge.
59. Court
An open unoccupied space other than a yard, on the same lot with a building that is bounded on three (3) or more sides by the building.
60. Cul-de-Sac
A short, residential street having but one vehicular access point to another street, and terminated on the opposite end by a vehicular turnaround.

10.04. D

61. Dance Hall or Night Club
An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the [County](#).
62. Dance, Music, or Drama Studio
Studio for performing arts education or similar activities.
63. Date of Adoption
The date of adoption of these [Lake Zoning Regulations](#).
64. Dead-End Street
A street, other than a cul-de-sac, with only one outlet.
65. Decision-Maker
The County official or group, such as the [County Judge](#), [Commissioners Court](#), or [Lake Zoning Commission](#), responsible for deciding action on an [Application](#) authorized by these [Lake Zoning Regulations](#).
66. Developer
- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by these [Lake Zoning Regulations](#).
 - b. The word [Developer](#) is intended to include the terms [Subdivider](#), property owner, and, when submitting platting documents, [Applicant](#).

67. Development
Any manmade change to improved or unimproved real estate, including but not limited to buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.
68. Development Agreement
Agreement between the [County](#) and a Subdivider, that includes provisions for construction of Public Improvements, County participation, pro rata agreements, escrow deposits, and other provisions for the development of land. (See the Subdivision Regulations for details.)
69. Development Application
An Application, for any type of plan, permit, plat or Construction Plans/drawings authorized or addressed by this Subdivision Regulations. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.
70. Development Application Handbook
A collection of Application Forms created, updated, and managed by the County. (See [7.01.D](#) for details.)
71. Dwelling, Multi-Family
Any building, or portion thereof, that is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or that is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.
72. Dwelling, Single Family (attached – duplex)
A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.
73. Dwelling, Single Family (attached – townhouse)
A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.
74. Dwelling, Single Family (detached)
A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
75. Dwelling Unit
One or more rooms that are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.

10.05. E

76. Easement
- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other [County](#) or public services.
 - b. An area established for public purposes on private property upon which the [County](#) shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of [County](#) systems.
 - c. The [County](#) shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

77. Easement, Common Access
An easement to provide shared access to and from commercial, and industrial owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.
78. Educational Services Office
A business involved in providing educational training or tutoring in an office environment.
79. Engineer
A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare [Construction Plans](#) and specifications for public works improvements.
80. Engineering Plans
See [Construction Plans](#).
81. Equestrian Center
An improved area, lighted and generally fenced, of at least thirty feet (30') in width or length within which equestrian activities involving horse riding or driving occurs. Also includes boarding stables.
82. Exterminating Company
A business providing services for the extermination of rodents and insects.

10.06. F

83. Family
A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living , sleeping, cooking, and eating facilities:
- Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
 - Four unrelated people; or
 - Two unrelated people and any children related to either of them.
84. Fee Schedule
A listing of fees for various [County Applications](#), that is prepared by the [County](#) and approved by [Commissioners Court](#) and may be amended periodically. The [Fee Schedule](#) is approved separately from these [Lake Zoning Regulations](#).
85. Feed Store
An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.
86. Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair
Business providing basic repair services for mechanical equipment.
87. Flood Plain
The area subject to be inundated by water from the [Base Flood](#).
88. Floodway
A natural drainage area that accommodates the design flood for existing creeks and open drainage ways.

89. Floor Area
The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breeze-ways, automobile storage areas, garages, workshops, attic storage areas and basements.
90. Front Façade
A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.
91. Frontage
All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.
92. Furniture Repair and Upholstering Shop
A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstery or repair.

10.07. G

93. Garage, Private (attached)
A garage that has one or more walls common with the principal building on a lot or that is attached to the principal building by an enclosed porch, or passage way, the roof of which is part of an extension of the roof of the principal building and for the purpose of the height and area regulations of these [Lake Zoning Regulations](#) such a garage is to be considered a part of the principal building.
94. Garage, Private (detached)
A garage existing separate and apart from the main building, but situated on the same lot, tract or parcel of land with the main building.
95. Garage, Storage
A building or portion thereof, other than a private garage, used exclusively for parking or storage or self-propelled vehicles, but with no other services provided, except facilities for washing.
96. Gas or Oil Well Operation
Places primarily devoted to subsurface mining of gas or oil. Typical uses are gas and oil drilling operations.
97. Gasoline Filling or Service Station/Car Wash
Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. May include a car wash facility.
98. Golf Course
A private or public tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.
99. Greenhouse (Private)
A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants not intended for public sale.
100. Greenhouse (Public)
A building or structure constructed chiefly of glass, glasslike or translucent material, cloth, or lath, which is devoted to the protection or cultivation of flowers or other tender plants and intended for public sale.

101. Grocery Store

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

102. Guest House/Servants' Quarters

Living quarters operated as an incidental/accessory use that is either attached or detached from the principal residence and used without renting or leasing as a residence by either guests or persons employed to provide domestic services to the occupants of the principal residence.

103. Gun Range

Any building or premise, that caters to or allows the use of firearms, specifically designed for the safe discharge and use of any firearms.

10.08. H104. Heliport or Helistop

An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.

105. Home Based Business

A business, occupation, or profession conducted within a residential dwelling unit by the resident thereof, and possess the following characteristics:

- a. The activity employs only members of the immediate family of the resident of the dwelling unit;
- b. There is no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of a business; and
- c. Said home occupation does not have a separate entrance for the business and does not include appointed visits by the general public.

106. Homeowners' or 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.

107. Hospital, Acute Care

An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and an active life, and that is licensed by the State of Texas.

108. Hospital, Chronic Care

An institution where those persons suffering from illness, injury, deformity, deficiency or age are given care and treatment on a prolonged or permanent basis, and that is licensed by the State of Texas.

109. Hotel

An establishment offering lodging to the transient public for compensation. A Hotel is distinguished from a [Motel](#), [Motor Hotel](#), or [Tourist Court](#) (Definition #147) in that access to the majority of the guest rooms is through a common entrance and lobby. A Hotel is a nonresidential use.

110. HUD-Code Manufactured Home

See [Manufactured Home – HUD Code](#) under the definition of [Manufactured Housing](#) (Definition #143).

111. Improvement

Any man-made fixed item that becomes part of or placed upon real property, see also [Public Improvement](#).

10.09. I

112. Industrialized Building

The [Industrialized Building](#) definition within the [Texas Manufactured Housing Standards Act \(Article 5221f-1.\)](#) shall govern if different from the following:

- a. A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system.
- b. The term includes the plumbing, heating, air-conditioning, and electrical systems.
- c. The term does not include any commercial structure that is in excess of three stories or 49 feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

113. Industrialized (Modular) Home

See [Industrialized \(Modular\) Home](#) under the definition of [Manufactured Housing](#) (Definition #143).

114. Infrastructure

All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the County.

115. Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients

An institution offering resident treatment to alcoholic, psychiatric or narcotic patients.

10.10. J

116. Junk

Includes scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc, all other scrap metals and their alloys, bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles, used boats or airplanes, tires and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, and subject to being dismantled for Junk.

10.11. K

117. Kennel/Veterinary Office

Any lot or premises on which five (5) or more dogs, cats, or other domestic animals at least four (4) months of age, are housed or accepted for boarding, trimming, grooming, bathing and/or treatment for which payment is received or adoption is sought.

118. Kindergarten

A school or class of young children four (4) to six (6) years old that develops basic skills and social behavior by games, handicraft and other means.

10.12. L**119. Lake Area Development (Building) Permit**

A permit issued by the [County](#) before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the [County](#) code.

120. Lake Comprehensive Plan

- a. The plan titled *Cooke County's Comprehensive Plan for Lake Ray Roberts*, including all revisions thereto, adopted by the **Commissioners Court** as the official policy regarding the guidance and coordination of the development of land in the [County](#).
- b. The plan indicates the general location recommended for various land uses, transportation routes, and streets.
- c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan and Transportation.

121. Lake Ray Roberts

The reservoir that is designated in the Texas Local Government Code, Chapter 231.102 as being subject to zoning regulations.

122. Lake Zoning Area

See Section [1.04.A](#) for definition.

123. Lake Zoning Commission

The Lake Zoning Commission of the [County](#).

124. Lake Zoning Regulations

The adopted [Lake Zoning Regulations](#) of the County, as may be amended in the future, and may be referred as "the Lake Zoning Regulations."

125. Land Planner

A person(s) other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and who is a member of the [American Planning Association](#).

126. Laundry, Commercial

An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

127. Laundry, Dry Cleaning Drop-Off/Pick-Up

Fabrics, clothes, and linens cleaning shop or drop-off/pick-up station not exceeding 6,000 square feet of Floor Area.

128. Laundry, Self-Service

A laundromat facility not exceeding 3,500 square feet in Floor Area where patrons wash, dry, or dry clean clothing or other fabrics in machines operated by the patron.

129. Library

A room or building for exhibiting, or an institution in charge of, a collection of books, or artistic, historical, or scientific objects.

130. Light Assembly and Manufacturing Processes

- a. The fabrication, assembly, manufacturing, and packaging of finished products or parts, predominantly from previously prepared materials, but excluding basic industrial processing.
- b. Light fabrication, assembly, manufacturing, and packaging processes do not emit detectable dust, odor, smoke, gas or fumes beyond the bounding property lines of the lot or tract upon which the use is located and do not generate noise or vibration at the property boundary that is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas.

131. Local Street

A street meeting the standards of a Local Street, as defined within the Subdivision Regulations.

132. Lot

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this [Subdivision Regulations](#), and having its principal frontage upon a street or officially approved place.

133. Lot, Corner

- a. A lot situated at the junction of two or more streets.
- b. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the [Lake Zoning Commission](#).

134. Lot, Depth

The mean horizontal distance from the front street line to the rear line.

135. Lot, Interior

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

136. Lot, Through

An interior lot having frontage on two streets. Such through lot shall provide a front yard on each street.

137. Lot Lines

The lines bounding a lot as defined herein.

138. Lot of Record

A lot that is part of a subdivision, a map of which has been recorded in the office of the [County](#) Clerk.

139. Lot Width

The mean horizontal distance between side lines measured at right angles to the depth.

10.13. M

140. Manufactured Home (HUD Code)

See [Manufactured Home – HUD Code](#) under the definition of [Manufactured Housing](#) (Definition #143).

141. Manufactured Home Park

A parcel of land used for Manufactured Home (HUD Code) sites or lots that have been divided for rental or lease purposes. [RV Parks](#) are not included in this definition.

142. Manufactured Home Sales

The offering for sale, storage, or display of [Manufactured Housing](#) units on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

143. Manufactured Housing

Any one of three types of prefabricated housing products that are typically manufactured or assembled at a location other than the end user's permanent site, and that are regulated by the [Texas Manufactured Housing Standards Act \(Article 5221f and 5221f-1, V.A.C.S.\)](#) and the [Texas Occupations Code Chapter 1202. Industrialized Housing and Buildings](#). For the purpose of these [Lake Zoning Regulations](#), there are three types of manufactured homes:

a. Mobile Home

As governed by the definition within the [Texas Manufactured Housing Standards Act \(Article 5221f\)](#), a movable dwelling designed to be transported on its own chassis on the highway (either intact or in major sections) by a prime mover, that is constructed with a base section so as to be independently self-supporting, and that does not require a permanent foundation for year-round living. A mobile home is also defined as any manufactured home that was constructed prior to June 15, 1976.

b. Manufactured Home – HUD Code

As governed by the definition within the [Texas Manufactured Housing Standards Act \(Article 5221f\)](#), a movable dwelling designed to be transported on the highway, either intact or in major sections, by a prime mover, that can be used as a residential dwelling either with or without a permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976. A HUD-Code manufactured home will display a red certification label on the exterior of each transportable section.

c. Industrialized (Modular) Home

As governed by the definition within the [Texas Manufactured Housing Standards Act \(Article 5221f-1.\)](#), a structure or building module that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a permanent residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include a [Mobile Home](#) or [Manufactured Home – HUD Code](#) as defined in the [Texas Manufactured Housing Standards Act \(Article 5221f, V.A.C.S.\)](#). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes. See [Conditional Development Standards](#) subsection [3.04.A.2](#) for [Industrialized \(Modular\) Home](#) regulations.

144. Manufacturing or Industrial Operations

An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted/raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibration beyond its property line.

145. Medical Clinic

A group of offices for one or more physicians, surgeons, chiropractors or dentists, engaged in treating the sick or injured, but not including rooms for the abiding of patients.

146. Mining Operations

Surface mining operations for aggregates (sand and gravel) or other surface or subsurface mineral extraction operations. This definition does not include "Oil and Gas Operations" as defined by the [Texas Natural Resources Code Chapter 81](#).

147. Motel, Motor Hotel, or Tourist Court

a. An establishment offering to the transient public the use of guest rooms or sleeping accommodations for compensation.

b. Such an establishment consists of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking areas not through common entrance and lobby.

- c. The establishment furnishes customary [Hotel](#) (Definition #109) services and many contain a restaurant, club, lounge, banquet hall and/or meeting rooms.
- d. A motel is a nonresidential use.

10.14. N

148. Neighborhood Parks

Parks that provide a variety of outdoor recreational opportunities and are within convenient distances for a majority of the residences to be served thereby.

149. Nonresidential Use

Any use other than a residential use.

150. Nonresidential Zoning Districts

The term "Nonresidential Zoning Districts" means a zoning district as listed a nonresidential zoning district within [Table 1: Zoning Districts](#).

10.15. O

151. Office, Professional, Medical, or Business

A room or group of rooms used for conducting the affairs of a business, profession, service industry, or government.

152. Official Vesting Date

- a. Pursuant to Texas Local Government Code Chapter 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the County or deposits the application or plan with the United States Postal Service by certified mail addressed to the County.
- b. See [7.02 Official Vesting Date](#) for further details and standards.

153. Open Storage

See [Outside Storage](#) (Definition #156).

154. Outdoor Storage

See [Outside Storage](#) (Definition #156).

155. Outside Display

The temporary outside display of finished goods. Finished goods are specifically intended for immediate retail sales and are not intended nor used as an area for the continuous keeping or storage (i.e., [Outside Storage](#)) of such finished goods. Examples of outside display include the display of grills, deer feeders, patio furniture, lawn movers, flowers, pumpkins, Christmas trees, and clothing. For information regarding possible regulations, see the [Use Chart](#) and Section [3.04.A.10](#).

156. Outside Storage

The continuous keeping or storage of any finished or unfinished goods, materials, merchandise, or equipment outside of a building for more than twenty-four (24) hours. For information regarding possible regulations, see the [Use Chart](#) and Section [3.04.A.11](#).

10.16. P

157. *Park, Playground, or Community Center, Public*

An open recreational facility or park owned and operated by a public agency such as the [County](#) or the school district, and available to the general public.

158. *Parking Area, Public*

An open area other than a street, alley or place, used for temporary parking of more than four (4) self-propelled vehicles and available for public use, whether free, for compensation or as an accommodation for clients or customers.

159. *Parking Area, Semi-Public*

An open area other than a street, alley or place, used for temporary parking of more than four (4) self-propelled vehicles, as an accessory use to semi-public institutions, schools, churches, hospitals and non-commercial clubs.

160. *Parking Space*

Open space or garage space reserved exclusively for the parking of a vehicle.

161. *Parking Structure*

- a. A structure devoted to the parking or storage of automobiles for a fee.
- b. May include, in the case of a [Parking Structure](#) only, a facility for servicing of automobiles, provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

162. *Parking, Off-Street, Incidental to Main Use*

Off-street parking spaces provided in accordance with the requirements specified in these [Lake Zoning Regulations](#) and located on the lot or tract occupied by the main use or within three hundred feet (300') of such lot or tract and located within the same zoning district as the main use in an adjacent parking district.

163. *Paved Driveways*

Paved driveways are constructed of brick pavers, concrete pavers, hot mix asphaltic concrete, or Portland Cement concrete.

164. *Pavement Width*

The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.

165. *Pawn Shop or Alternative Financial Services*

An establishment where money is loaned on the security of personal property and where unredeemed items are sold to the public, or a check cashing business, bail bonds office, payday advance or loan business, money transfer business, car title loan business, or any other similar businesses engaged in non-traditional short-term lending.

166. *PD Concept Design Map*

- a. A map depicting the development plan for the area of a PD, Planned Development District. A [PD Concept Design Map](#) combined with a [PD Design Statement](#) forms a [Planned Development Master Plan](#).
- b. See Section [8.07.C.2.c PD Concept Design Map](#) for additional information.

167. *PD Design Statement*

- a. A design statement describing the intent of a PD, Planned Development District. A [PD Design Statement](#) combined with a [PD Concept Design Map](#) forms a [Planned Development Master Plan](#).
- b. See Section [8.07.C.2.b PD Design Statement](#) for additional information.

168. Perimeter Street
A street that abuts a parcel of land to be subdivided on one side.
169. Person
Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.
170. Planned Development Master Plan
The Planned Development Master Plan (which is submitted with the application for rezoning) consists of a [PD Design Statement](#) (Definition #167) and a [PD Concept Design Map](#) (Definition #166). See [8.07 PD, Planned Development District Application and Review](#).
171. Plat
- a. A map or chart of the subdivision, lot or tract of land.
 - b. It shall include the term plan, plat or re-plat, in both singular or plural.
172. Principal Use
The primary or predominant use of any lot or building.
173. Private Utility (other than listed)
A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.
174. Progress Towards Completion
Progress towards completion of the project shall include any one of the following:
- a. An Application for a plan for development is submitted;
 - b. A good-faith attempt is made to file with the [County](#) an Application for a permit necessary to begin or continue towards completion of the project;
 - c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - e. Utility connection fees for the project have been paid to a regulatory agency.
175. Public Building
- a. Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.
 - b. A building belonging to or used by the public for the transaction of public or quasi-public business.
176. Public Facilities for Local, State, or Federal Government
Facilities such as office buildings, maintenance yards, equipment yards, service facilities, shops, etc.

177. Public Improvement

Any [Improvement](#), facility or service together with its associated public site, [Right-of-Way](#) or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the County ultimately assumes the responsibility for maintenance, operation and/or ownership.

178. Radio or TV Station

Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms. Excluded are facilities classified as major utility services or broadcasting or communication towers.

179. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

10.17. Q

10.18. R

180. Regularly

Regularly means featuring, promoting, performing, permitting, doing or advertising an event or other happening or occurrence on a recurring or routine basis involving any length of time.

181. Residential Street

A street that is intended primarily to serve traffic within a neighborhood or limited residential district and that is used primarily for access to abutting properties.

182. Residential Use

Residential use means use of a structure as a residence.

183. Residential Zoning Districts

Residential district means a single family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the [Lake Zoning Regulations](#), see [Table 1: Zoning Districts](#) for a list of districts.

184. Restaurant or Cafeteria, with Drive-Up Window or Curb Service

An establishment, with drive-up window or curb service, where food and drink are prepared and consumed primarily on the premises.

185. Restaurant or Cafeteria, without Drive-Up Window or Curb Service

An establishment, without drive-up window or curb service, where food and drink are prepared and consumed primarily on the premises.

186. Retail Stores and Shops

An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

187. Retaining Wall

A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.

188. Retirement Housing

Any age restricted housing development that may be in any housing form, including detached and attached dwelling units, apartments, and residences, offering private and semiprivate rooms and designed to provide meals and nursing care.

189. 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.

190. 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. 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.

10.19. S

191. School, Career

Career schools including programs such as dental assisting, pharmacy technician, nurse aide, veterinary assistant, etc.

192. School, Private

Includes private school facilities providing K-12 education (Kindergarten, elementary, middle school, high schools).

193. School, Public

Includes public school facilities providing K-12 education (Kindergarten, elementary, middle school, high schools).

194. Setback Line

A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.

195. Site Plan

A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the Lake Zoning Regulations.

196. Sketch Plan

A sketch or informal plan prepared for the pre-application review process.

197. Small Wind Energy Systems

A wind energy conversion system consisting of a wind turbine, a tower and associated control or conversion electronics which will be used to reduce on-site consumption of utility power.

198. Solar or Wind Farm

An area of land consisting a collection of solar panels or wind turbines to generate energy for commercial use.

199. Special Exception

See Section 9.01 Special Exception.

200. Special Zoning Districts

The term “Special Zoning Districts” means a zoning district as listed a special zoning district within [Table 1: Zoning Districts](#).

201. Specific Use Permit

- a. An approval for a specific use that has been determined to be more intense or to have a potentially greater impact than a use permitted by-right within the same zoning district.
- b. See [8.08 Specific Use Permits \(SUPs\)](#).

202. Stable, Boarding

A stable and related open pasture where horses are quartered for owners on a fee basis.

203. Stable, Commercial

An establishment where horses are kept and rented to the general public for riding.

204. Stable, Private Club

A paddock, stable and related riding and quartering facilities for horses owned by a specific number of recorded members and maintained for the exclusive use of such members and guests.

205. Storage Units, Mini

- a. A building(s) containing separate, individual self-storage units for rent or lease.
- b. The conduct of sales, business, or any activity other than storage does not occur within any individual storage unit.

206. Storefront

Storefronts are defined as the part of the building that fills the structural bay on the front façade at ground level.

207. Story

- a. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof.
- b. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story.
- c. The first story is the highest story having its interior floor surface not more than four feet (4') above the curb level, or the average elevation of the finished grade along the front of the building where it set back from the street.

208. Street

A public [Right-of-Way](#) that provides vehicular traffic access to adjacent lands.

209. Street Width

The shortest distance between the property or easement lines that delineate the [Right-of-Way](#) of a street.

210. Structural Alterations

Any change in any supporting member of a building, such as a bearing wall, column, partition, beam, or girder, or an change in the pitch or height of the roof.

211. Structure

Anything constructed or erected that requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

212. Subdivider

- a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
- b. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

213. Subdivision

- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
- b. Any other subdivision or re-subdivision of land contemplated by the provisions of [Chapter 212, Local Government Code](#).

214. Subdivision Plat

A Plat established by the Texas Local Government Code involving the subdividing of land in two (2) or more parts or the amending of a recorded [Plat](#).

215. Subdivision Regulations

The adopted Subdivision Regulations of the [County](#).

216. SUP

See [Specific Use Permit](#) definition and Section [8.08 Specific Use Permits \(SUPs\)](#).

217. Surveyor

A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.

10.20. T

218. Tattoo Studio

A commercial use involving the marking of skin of persons with a design by a process of pricking or ingraining an indelible pigment or by raising scars, or similar method.

219. Telephone Exchange (No Offices or Storage Facilities)

A building used exclusively for the transmission and exchange of telephone messages, but the term shall not include wireless service towers.

220. Temporary Building for New Construction

- a. A structure or shelter used in connection with the construction of a development or building project for housing on the site of temporary administration and supervisory functions and for sheltering employees and equipment.
- b. Buildings are permitted for a specific period of time in accordance with a permit issued by the [County](#).
- c. See the [3.03 Use Chart](#) and Section [3.04.A.12](#) within the [Conditional Development Standards](#) for details.
- d. The term “Temporary Field or Construction Office” may also be used.

221. Tiny House

Residential structures with less than 800 square feet total living space. Living space shall exclude porches, garages, and other spaces not heated or cooled by any means. Tiny Houses are not required to be constructed following the HUD Code regulations.

222. Tiny House Park

A parcel of land used for Tiny House sites or lots that have been divided for rental or lease purposes. RV Parks are not included in this definition.

223. Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular

Structures supporting antenna for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television.

224. Trailer

A portable dwelling unit designed to move on wheels from location to location by automobile or truck.

225. Transportation Plan

The plan that guides the development of adequate circulation within the [County](#), and connects the [County](#) street system to regional traffic carriers. Also referred to as the Thoroughfare Plan.

10.21. U

226. Usable Open Space

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:

- a. Walks,
- b. Rooftops,
- c. Buildings, except those portions or any building designed specifically for recreation purposes,
- d. Parking areas,
- e. Landscaped parking requirements,
- f. Driveways,
- g. Turnarounds, or
- h. Right-of-Ways or easements for streets and alleys.

227. Utility Connection Certificate

An official certificate issued by the [County](#) through the enforcement official that indicates conformance with the County's rules and regulations and that authorizes legal use of the premises.

228. Utility Distribution/Transmission Line

Facilities, including subsidiary stations that serve to distribute, transmit, transform, or reduce the pressure of gas, water, or electric current, including, but not limited to, electrical transmission lines, gas transmission lines, and metering stations.

229. Utility Easement

See [Easement](#) (Definition #76).

230. Warehouse

Facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

231. Wedding Chapel, Reception Facility, Special Events Center

A building, facility, room, or portion thereof, which is rented, leased or otherwise made available to any person or group for a private event function, that is not open to the general public, whether or not a fee is charged.

232. Wholesale Center

An establishment or place of business primarily engaged in selling and/or distributing merchandise to the general public; to retailers; to industrial, commercial, institutional, or professional business users; and to other wholesalers.

233. Wrecking or Auto Salvage Yard

A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.

10.22. V

10.23. W

234. Winery

An agricultural processing plant used for the commercial purpose of processing grapes, other fruit products, or vegetables to produce wine or similar spirits. Processing includes wholesale sales, crushing, fermenting, blending, aging, storage, bottling, administrative office functions for the winery and warehousing. Retail sales and tasting facilities of wine and related promotional items are included as a part of the winery operations.

10.24. X

10.25. Y

235. Yard

- a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

236. Yard, Front

A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.

237. Yard, Rear

A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.

238. Yard, Side

A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

10.26. Z

239. Zoning District Map

The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the [Lake Zoning Regulations](#), which may also be cited as the Zoning Map. See Section [1.05 Official Zoning District Map](#).