

**LAKE RAY ROBERTS**

**2003**

**PLANNING AND**

**ZONING ORDINANCES**

THE LAKE RAY ROBERTS  
ZONING ORDINANCE OF  
THE COUNTY OF COOKE, TEXAS  
Adopted February 10, 2003

AN ORDINANCE ESTABLISHING ZONING DISTRICTS, REGULATING THE HEIGHT AND SIZE OF BUILDINGS AND OTHER STRUCTURES AND PERCENTAGE OF LOT THAT MAY BE OCCUPIED AND FOR WHAT PURPOSES, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USES OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENCE OR OTHER PURPOSES AND THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICT; PROVIDING FOR OFF STREET PARKING; ADOPTING A ZONING MAP SHOWING THE ACTUAL LOCATION OF SUCH DISTRICTS; PROVIDING FOR A METHOD OF ENFORCEMENT, FOR A CERTIFICATE OF APPROVAL AND COMPLIANCE, FOR THE INTERPRETATION OF THE ORDINANCE; DEFINING CERTAIN WORDS; FOR PENALTIES; FOR AMENDMENTS AND CHANGES; REPEALING CONFLICTING REGULATIONS AND PROVIDING A SAVING CLAUSE.

ARTICLE I – GENERAL PROVISIONS

SECTION 1.01 PURPOSE AND OBJECT OF THE ORDINANCE

The zoning regulations and districts as herein established, have been made in accordance with a comprehensive plan for the purpose of promoting health, safety, morals, and the general welfare of the County of Cooke. They have been designed to lessen congestion in the streets, to secure safety for fire, panic and other danger, to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewage, schools, parks and other public requirements. They may have been made with reasonable consideration, among other things for the character of the district and for its peculiar suitability for particular uses, and with a view of conserving the value of the buildings and land encouraging the most appropriate uses of the land within the Lake Ray Roberts area and the County of Cooke, Texas, subject to the provisions of this ordinance.

SECTION 1.02 AUTHORITY OF THE ZONING ORDINANCE

Pursuant to the exercise of their local authority granted by the State of Texas by the enactment in 1987 of Senate House Bill 753, the voters of the County of Cooke, Texas, have elected to require the establishment of a Zoning Ordinance as stipulated in Article 1.

SECTION 1.03 JURISDICTION

This ordinance shall govern any and all building, structures and land located within the area bounded by the shoreline of Lake Ray Roberts at it's take line elevation of six hundred and forty-five feet mean sea level (645 MSL) and a line five thousand feet (5,000) from and following along said take line except any land lying within the corporate limits of an incorporated municipality.

SECTION 1.04 COMPLIANCE REQUIRED

All land, buildings, structures or appurtenances thereon located within the jurisdiction of the Lake Ray Roberts Zoning Ordinance, Cooke County, Texas, which are hereafter occupied, used, erected, altered, removed, demolished or converted shall be used, removed, placed and erected in conformance with the zoning regulation prescribed for the zoning district in which such land or building is located as hereinafter provided.

## SECTION 1.05 ZONING DISTRICTS ESTABLISHED

All land lying within the jurisdiction of this ordinance is hereby divided into the following zoning districts. The regulations as set out herein are uniform throughout each district. The zoning districts established shall be known as:

<u>Abbreviated Designation</u>	<u>Zoning District</u>
AG	Agricultural District
RA	Residential Acreage
RL	Low Density Residential
HB	Highway Business
IL	Light Industrial
IH	Heavy Industrial
PD	Planned Development

## SECTION 1.06 ZONING DISTRICT MAP

The boundaries of the zoning districts set out herein are delineated upon the zoning district map of Lake Ray Roberts, Cooke County, Texas, said map being a part of this ordinance fully as if the same were set forth herein in detail. Three (3) original, official and identical copies of the zoning district map are hereby adopted bearing the signature of the County Judge and Chairman of the Planning Commission and attestation of the County Clerk and shall be filed and maintained as follows:

1. One copy shall be filed with the County Clerk and retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the County Judge and shall be maintained up-to-date by indicating thereon all and subsequent amendments for observation and compliance and for enforcing the zoning ordinance.
3. One copy shall be filed with the Planning Commission for reference purposes and shall be maintained up-to-date by indicating thereon all changes and subsequent amendments.
4. It shall be the duty of the Chairman of the Planning commission to keep the official zoning map current and the copies thereof, herein provided for, by entering on such maps any changes which the Commissioners Court may, from time to time, order by amendments to the Zoning Ordinance and map.
5. The County Clerk, upon adoption of this ordinance, shall affix a certificate identifying the map in his/her office as the official Lake Ray Roberts, Cooke County, Texas, Zoning Map. He/she shall likewise officially identify the copies directed to be kept by the office of the Environmental Health Officer and Planning Commission.
6. Reproductions for informational purposes may, from time to time, be made of the official zoning district map.

## SECTION 1.07 ZONING DISTRICT BOUNDARIES

The district boundary lines shown on the zoning District Maps are usually along the centerline of streets or alleys, property lines or extension thereof. Where uncertainty exists as to the boundaries of Districts as shown on the official zoning Map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerline of right-of-way lines of streets, highways, or alleys shall be construed to follow the centerline of right-of-way lines of such streets.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following city limits shall be construed as following city limits.
4. Boundaries indicated as following railroad lines shall be construed to be the centerline of the right-of-way of if no centerline is established, the boundary shall be interpreted to be midway between the right-of-way lines of such railroad.
5. Boundaries indicated as following shore lines or centerlines of streams 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 shore line; boundaries indicated as approximately following the centerlines of streams, drainage ways, or draws shall be construed to follow such centerlines.

## SECTION 1.08 SCHEDULES, PROCEDURES, AND ILLUSTRATIONS

Schedules, procedures and illustrations of area and size requirements and use regulations as given in the appendix to this ordinance, together with all notations, references, and other information shown thereon, and all amendments thereto shall be as much a part of this ordinance as any specific requirement of regulations as are fully set forth and described herein.

## ARTICLE II

### SPECIAL PROVISIONS

#### SECTION 2.01 NEW AND UNLISTED USES

It is recognized that new types of land use will develop and forms of land use not anticipated may desire to locate in the Lake Ray Roberts area. In order to provide for such changes and contingencies, a determination as to the appropriate classification of a new or unlisted form of land use shall be made as follows:

1. The Commissioners Court shall refer the question of any new or unlisted use to the Planning commission requesting an interpretation as to the zoning classification into which use shall be placed. The referral of the use interpretation question shall be accompanied by a statement of facts, prepared by the party requesting such determination, listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage, and the amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
2. The Planning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district

or districts within which such use should be permitted, including development standards to insure the purpose of the ordinance is maintained.

3. The Planning Commission shall transmit its findings and recommendations to the Commissioners Court as to the classification proposed for any new or unlisted use. The Commissioners Court, by resolution, may approve or deny the recommendation of the Planning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings.
4. Approval of a new or unlisted use by the Commissioners Court shall be an amendment to this ordinance which shall be added thereto in the published text at the first convenient opportunity.

## SECTION 2.02 SITE PLAN APPROVAL

Approval of a site or development plan shall be required for all developments or uses described herein except the following:

1. Lots within the "AG" Agricultural District
2. Single family and duplex dwellings located on a lot or tract of 10 acres or more (smallest lot size) which is part of a plat of record, approved by the Commissioners Court and filed in the plat records of Cooke County

Site or development plans shall become a permanent part of the zoning regulations for the property or development. Significant changes to an approved site plan shall be considered an amendment to this ordinance.

A site or development plan shall contain the following information and elements and shall be processed as follows:

1. Prior to the issuance of any development permit, there shall be submitted to the Planning Commission for its approval a site plan drawn to scale of not less than one inch equals two hundred (200) feet. A minimum of six (6) copies shall be submitted with the application to provide for review by the Planning Commission.
2. The site plan shall show, but not be limited to, the arrangement of all proposed improvements to the property, together with the essential requirements such as utilities, parking facilities, location of buildings and structures, ingress and egress, signs and landscaped areas, topographic information including proposed drainage and the impact on adjacent landowners, together with any other requirements provided by this ordinance.
3. The site plan shall indicate or by an attachment thereto a comparison summary of how the development conforms or varies from the zoning district requirements in which it is located.
4. The Planning Commission consideration shall include paving right-of-way requirements and layout of streets, alleys, and sidewalks; means of ingress and egress, provisions for drainage; parking spaces, protective screening and open spaces; areas designated for landscaping; easements and any other aspects deemed by the Planning Commission as necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.
5. It shall be unlawful to issue a development permit prior to the approval of the site plan by the Planning Commission. No development permit shall be issued except in conformity with the approved site plan, including all conditions of approval.

6. If during the course of considering the site plan, the Planning Commission is of the opinion that proper approval or disapproval cannot be granted without additional information, the Planning commission is authorized to request the applicant to submit additional information and further authorized to withhold action on the site plan until the submission of the information for the Planning Commission's consideration.
7. For the purpose of assisting in process planning, a preliminary site plan shall be submitted for Planning Commission consideration. Such preliminary site plan may contain any or all of the site plan requirements and must be drawn to scale, submitted in adequate quantity and titled "Preliminary Site Plan." The approval of a preliminary site plan will not imply approval of all elements of a site plan. It shall be unlawful to issue any development permit on a preliminary site plan.

### SECTION 2.03 SPECIFIC USE PERMITS

The Commissioners Court may by an affirmative vote after public hearing and proper notice to all parties affected, and after recommendations from the Planning Commission that the use is in general conformance with the comprehensive plan and containing such requirements and safeguards as are necessary to protect adjoining property, authorize the granting of a specific use permit for those uses indicated as such in the schedule of uses given in this ordinance, according to the following criteria:

1. Highway Business, Light Industrial and Heavy Industrial Districts require a specific use permit for each application for re-zoning.
1. All applications for specific use permits shall be accompanied by a site plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and construction of signs; means of ingress and egress to public streets; the type of visual screening such as walls, plantings, and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of two hundred (200) feet.
2. In recommending that a specific use permit for the premises under consideration be granted, the Planning Commission shall determine that such uses are harmonious with and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to the requirements for the right-of-ways, easements, paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, heights of structures, and compatibility of building.
3. Every specific use permit granted under these provisions shall be considered as an amendment to the zoning ordinance as applicable to such property under consideration so long as all conditions imposed at the time of granting said permit continue to be met and no substantive change in the use of the property occurs. In the event the building, premise, or land use under the specific use permit is voluntarily vacated for a period of ninety (90) days, the use of the same shall thereafter conform to the regulations of the original zoning district of such property unless a new and separate specific use permit is granted for continuation of the same. If the improvements are not under construction after 6 months of the approval of the Commissioners Court, the specific use permit shall be considered

null and void. Improvements do not include entrance roads unless approved by the planning commission.

4. In granting a specific use permit, the Commissioners Court may impose conditions which shall be complied with by the owner or grantee before a development permit may be issued for use of the building on such property pursuant to such specific use permit; and such conditions precedent prior to occupancy of the property.
5. No specific use permit shall be granted unless the applicant, owner, and grantee of the specific use permit shall be willing to accept and agree to be bound by and comply with the written requirements of the specific use permit, as attached to the site plan drawing (or drawings) and approved by the Planning Commission. The specific use permit agreement shall be on the final plat and signed by the owner to record his agreement to conform to the permit.
6. No building, premises, or land use under a specific use permit may be enlarged, modified, structurally altered, or otherwise significantly changed unless a separate specific use permit is granted for such enlargement, modification, structural alterations, or change.
7. When the Commissioners Court authorizes granting of a specific use permit, the zoning map shall be amended to its legend to indicate that the affected area has conditions and limited uses, said amendment to indicate the appropriate zoning district for the approval use and suffixed by an "S" designation.
8. All specific use permits issued by the Commissioners Court may be transferable from one owner or owners of the subject property to a new owner or occupant of the subject property.

#### SECTION 2.04 TEMPORARY USES

The following temporary uses may be allowed within the appropriate zoning districts under the conditions and for the time specified upon proper application and review by the County:

1. A temporary building may be used as an office incidental to construction work if such building is located under the same property as the site under construction, contains no living quarters, and provides only for uses incidental to construction on the premises. Such buildings shall be removed within thirty (30) days following final acceptance of the construction by the county.
2. A temporary facility or a permanent residential structure located on any platted lot in an approved residential subdivision may be used as a construction office, or as a sales office, or for display purposes. No more than one office and no more than four (4) display facilities shall be allowed for any purposes for any other subdivision. Such temporary use shall be allowed for a period of one year, with extensions upon application and approval of six (6) months possible provided construction remains continuous and no more than ten (10) lots remain unsold in the subdivision. However, in no case shall more than four (4) such extensions be granted.
3. Temporary uses of a religious or philanthropic nature by those organizations not normally conducting business or profit may be allowed for the period of their actual duration up to a maximum of thirty (30) days, except that two (2) extension of up to thirty (30) days may be possible upon application and approval.
4. Temporary sales of seasonal products such as firewood, cut trees, plants, fruit and vegetables, and the like may be allowed during their normal and generally accepted season for a period of up to

thirty (30) days, except that two (2) extensions of up to thirty (30) days may be possible upon application and approval.

5. The County, in approving or denying such application (shall consider the) nature of the use; existing uses in surrounding areas; noise, dust, light, and traffic generated; health and sanitary conditions; and compliance with other regulations of this ordinance. The county shall have the right to revoke any temporary use at any time or to deny any extension upon finding that a hazard or nuisance shall exist by continuing such use; after which revocation or denial such temporary use shall immediately cease and shall be removed within ten (10) days of notification of such finding.

## SECTION 2.05 NON-CONFORMING USES AND STRUCTURES

1. A non-conforming 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.
2. No non-conforming use may be expanded or increased beyond the lot or tract upon which such non-conforming 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.
3. A non-conforming 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.
4. A change of occupancy from one non-conforming use to another non-conforming use may be made, provided such change is to a use permitted in a Zoning District where the original non-conforming 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 non-conforming structure.
5. If a structure occupied by a non-conforming 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 non-conforming 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 non-conforming use shall not be expanded.
6. Whenever a non-conforming use is abandoned, all non-conforming 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 non-conforming operation and the actual act of discontinuance. Any non-conforming 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.

## SECTION 2.06 EXEMPTIONS

This ordinance does not regulate the use, design, or placement of public utility buildings, land or facilities.

## SECTION 2.07 DEFINITIONS

For the purpose of this Ordinance, the following words and terms as used herein are defined to mean the following:

Words used in the present tense include the future; words in the singular number indicate the plural; and words in the plural number include the singular; the word “building” includes the word “structure”, the word “shall” or the word “must” is mandatory; the term “used for” includes the meaning “designated for” or “intended for”. Appeals as to meaning of the terms herein defined shall be determined by the Planning Commission (Section 6.05).

Accessory Building or Use – a subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designated as an integral part of the main building.

Accessory Building (Farm) – A structure, other than a dwelling, on a farm as herein defined, for the housing protection, or storage of the usual farm equipment, animals and crops.

Accessory Building (Residential) – In a residence district, a subordinate building, attached or detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, tool house, bath house, or greenhouse as a hobby (no business), home workshop, children’s playhouse, storage or garden shelter, but not involving the conduct of a business.

Agricultural Sign – An accessory sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

Agriculture – The planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in the vicinity or the raising and feeding of livestock and poultry shall be considered an agriculture venture if the area in which the livestock or poultry is kept is ten acres or more in area.

Airport or Landing Field – An area improved for the landing or take-off of aircraft approved by the Federal Aviation Administration (FAA) and the Cooke County Commissioners Court for operation as an aircraft landing facility.

Alley – A minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alteration – Any addition, removal, extension or change in the location of any exterior wall of a main building or accessory building.

Amusement, Commercial (Indoor) – Any amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the boundary property line and including, but not limited to, a bowling alley or billiard parlor.

Amusement, Commercial (Outdoor) – Any 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 golf driving range, archery range or miniature golf course.

Apartment – A room or a suite of rooms within an apartment house, arranged, intended or designed for a place of residence of a single family or group of individuals living together as a single housekeeping unit.

Apartment House (Multiple Family Dwelling) – A building arranged, or designed for more than two families.

Art Gallery of Museum – An institution for the collection, display, and distribution of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.

Basement – A story below the first story, as defined under “Story”, counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Block – A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Planning Commission shall determine the outline of the block

Boarding House or Lodging House – A building other than a hotel, occupied as a single housekeeping unit, where lodging or meals are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.

Building – An enclosed structure, anchored to permanent foundation, and having exterior or party walls and a roof, designed for the shelter of persons, animals or property. When divided by other than common or contiguous walls, each portion or section of such building shall be regarded as a separate building, except that the two buildings connected by a breezeway shall be deemed as one building.

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

Cleaning or Laundry Self-Service Shop – To be of the customer self-service type and not a commercial laundry or cleaning plant.

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

Community Center (Public) – A building or grounds owned or operated by a governmental body for the social, recreational, health, or welfare of the community served.

Country Club (Private) – An area of twenty (20) acres or more containing a golf course and a club house and available only to private specific membership, such a club may contain adjunct facilities such as a private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

County – The County of Cooke, Texas.

Court – An open, unoccupied space, other than a yard, bounded on three or more sides by exterior walls of a building, or by exterior walls of a building and lot lines on which walls are allowable.

Curb Level – The mean level of the curb in front of the lot, or in case of a corner lot, along the abutting street where the mean curb level is the highest.

Custom Personal Service Shop – Tailor, dressmaker, shoe shop or similar shop offering custom service.

Dance Hall or Night Club – An establishment offering to the general public facilities for dancing and entertainment for a fee.

Day Care for Children – A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

Development, or to Develop – A “development” includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To “develop” is to create a development.

Dwelling – A building or portion thereof, designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, boarding and lodging houses, apartment houses, and apartment hotels, but not hotels, house trailers or mobile homes.

Dwelling, Two-Family – A building arranged, intended or designed for occupancy by two families.

Family – One or more persons who are related by blood or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities.

Floor Area – The total square feet of floor space within the outside dimensions of a building includes each floor level.

Garage, Community – A building or portion thereof, other than a public, private or storage garage as defined below, providing storage for motor vehicles with facilities for washing, but no other services, such garage to be in lieu of private garages within a block or portion of a block.

Garage, Private – An accessory building for storage primarily of motor vehicles.

Garage, Public – A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Garage, Storage – A building or portion thereof, except those defined as a private, a public, or a community garage providing storage for more than four motor vehicles, with facilities for washing but no other services.

Golf Course (Commercial) – A golf course, privately owned, but open to the public for a fee and operated as a commercial venture.

Gross Leasable Area – The total floor area of all buildings designed for tenant occupancy and exclusive use including basement, mezzanine and upper floors, if any, measured from the centerline of joint partitions and from outside wall faces.

Height of Building – The vertical distance measured from the highest of the following three levels:

1. From the street curb level.
2. From the established or mean street grade in case the curb has not been constructed.
3. From the average finished ground level adjoining the building if it sets back from the street line; to the level of the highest point of the roof beams of flat roof or roofs inclining not more than one inch to the foot, or to the mean height of the top of the main plates and highest ridge for other roofs.

Height of Yard or Court – The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

Heliport – A landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft and subject to approval by the Federal Aviation Administration (FAA) and the Cooke County Commissioners Court.

Helistop – A landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 10,000 pounds and not for regularly scheduled stops and subject to approval by the Federal Aviation Administration (FAA) and Cooke County Commissioners Court.

Home Occupation – A home occupation is an occupation carried on in the home by a member of the occupant's family, without the employment of additional persons, without the use of a sign to advertise the occupation, without offering any commodity for sale on the premises and which does not create obnoxious noise or other obnoxious conditions to abutting residential property such as emission of odor, increased traffic or generation of light or smoke, and where the use is carried on in the main structure only. A home occupation shall specifically exclude the operation of the repair garage, plumbing shop or similar activity.

Hospital – A “hospital” is a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Hotel or Motel – A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel, and establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone use and upkeep of furniture.

Kindergarten or Nursery – An establishment where more than three (3) children are housed for care or training during the day or portion thereof.

Light Fabrication and Assembly Processes – Including the manufacturers of clothing, jewelry, trimming decorations and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

Livestock Auction – Barns, pens and sheds for the temporary holding and sale of livestock.

Local Utility Line – The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water surface drainage water, sewage, electric power or telephone service including pad or pole mounted distribution transformers which includes either above or below ground service.

Lot – A parcel of land occupied or to be occupied by one main building or unit group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or approved place.

Lot (Corner) – A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimensions, unless otherwise specified by the building inspector.

Lot (Coverage) – The percentage of the total area of a lot occupied by the base (first story or floor) of building located on the lot or the area determined as the maximum cross sectional area of a building.

Lot (Interior) – A lot whose side lot lines do not abut upon any street.

Lot (Reverse Corner) – A corner lot whose front line faces at right angles to the front lot lines of the interior lots or whose rear lot line abuts the side lot lines of interior lots.

Lot (Through) – An interior lot having frontage on two streets.

Lot Depth – The mean horizontal distance from the street line to the rear line.

Lot Lines – The lines bounding a lot as defined herein.

Lot Lines (Front) – The boundary between a lot and the street on which it fronts.

Lot Lines (Rear) – The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Planning Commission shall determine the rear line.

Lot Lines (Side) – Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or a side street line.

Lot Width – The horizontal distance between side lines, measured at the front building line.

Lots in Separate Ownership at the Time of the Passage of this Ordinance – A lot whose boundary lines, along their entire length touched lands under other ownership as shown by plat or deed recorded in the office of the recorder of deeds of the county on or before the date of the adoption of this Ordinance.

Manufactured Home – A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards. Manufactured homes shall be subject to the development standards in Section 4.13.

Mini-Storage Warehouses – A building or group of buildings in a controlled access compound that contains individual compartmentalized and controlled access stalls or lockers of varying sizes not to exceed five hundred (500) square feet for the storage of user's good or wares.

Mobile Home – A transportable, factory built home, designed to be used as a year round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Modular or Factory Fabricated Dwelling – Factory built housing certified as meeting the local/state building codes as applicable to modular housing. Once certified by the State of Texas, modular homes shall be subject to the same standards as site-built homes.

Nonconforming Use, Building or Yard – A use, building or yard which does not, by reason of design, use or dimensions, conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to the passage of this Ordinance.

Nursing Home or Residence for Aged – A home where ill or elderly people are provided with lodging and meals with or without nursing care.

Off-Street Parking Incidental to Main Use – Off-street parking spaces provided in accordance with the requirements specified by the Ordinance and located on the lot or tract occupied by the main use or within one hundred and fifty (150) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.

Park or Playground (Public) – An open recreation facility or park owned and operated by a public agency or School Board and available to the general public.

Parking Lot or Structure (Commercial) – An area or structure devoted to the parking or storage of automobiles for a fee. 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 and egress.

Place – An open, unoccupied space other than a street or alley permanently established, or dedicated as the principal means of access to property abutting thereon.

Planning Commission – The agency designated in this Ordinance as the Cooke County Planning Commission and appointed by the Cooke County Commissioners Court as an advisory body to it and which is authorized to recommend changes and variation in the zoning ordinance, review site and development plans, and conduct studies as assigned by the Court.

Playfield or Stadium (Public) – An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.

Public Building, Shop or Yard of Local, State or Federal Agency – Facilities such as office buildings, maintenance yards and shops required by branches of Local, State or Federal Government for service to an area such as Highway Department Yard, City Services Center or Experiment Station.

Radio, Television or Microwave Towers – Structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antennae installations for home use of radio or television.

Railroad Team Tracks – A siding for spotting and unloading or loading boxcars or other railroad cars and which area is connected to a public street by a drive for access.

Railroad Track or Right-of-Way – But not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

School (Business) – A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school or commercial art school, but not including manual trade schools.

School (Commercial Trade) – A business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation and similar trades.

School, Public and Denominational – A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

Service Net Floor Area – The total floor area of a building exclusive of stairways, rest rooms, storage rooms, hallways, or other areas which are not regularly used by inhabitants, visitors, employees, clients, customers, patients or patrons in their normal everyday use of the building.

Signs –

- A. 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.
- B. The term “signs” shall not include the following:
1. 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.
  2. Placards, banners, pennants, merchandise, pictures or models of products of services incorporated in a window display.
  3. 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.
  4. One (1) nameplate per public entrance per business of no more than two (2) square feet per face which is suspended under a canopy.
  5. Temporary decorations or displays clearly incidental and customary and commonly associated with national, local or religious holiday celebrations.
  6. 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.
  7. Traffic and other official signs of any public or governmental agency.
  8. 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.
  9. Temporary interior paper window signs.

#### Classes of Signs –

- A. 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.
- B. 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 one (1) building fascia for each street upon which a building faces.
- C. Flush Wall Sign – Any sign attached to or erected against the wall of a building with the sign face in a plane parallel to the plane of said wall and which does not extend more than twelve (12) inches from the building fascia.

- D. “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.
- E. 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.
- F. 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.
- G. Permanent Sign – A sign which is permanently affixed or attached to the ground or to a structure.
- H. 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.
- I. Projecting Wall Sign – Any sign other than a flush wall sign which projects from and is supported by a wall or a building.
- J. Rooftop Sign – A sign erected upon or above a roof or above a parapet wall of a building.
- K. Sign Face – The surface of the sign upon, against or through which the message is displayed or illustrated.
- L. Sign, Illegal – Any sign which was erected in violation of this ordinance.
- M. 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.
- N. 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.
- O. 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.
- P. 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.

Single Family Dwelling (Attached) – A dwelling constructed on the lot which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

Single Family Dwelling (Detached) – A dwelling constructed on the lot 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.

Stable or Animal Shelter (Private) – An accessory building for quartering horses or other livestock (not household pets) when the stable or building is set back from all adjacent property lines at least fifty (50) feet and when the site contains a minimum area of one (1) acre for each animal quartered.

Stable (Private) – An accessory building for the keeping of horses, ponies or cows, owned by occupants of the premises and not kept for remuneration, hire or sale.

Stable (Public) – A stable other than a private or riding stable as defined herein.

Stable (Riding) – A structure in which horse or ponies, used exclusively for pleasure riding or driving, are housed, boarded or kept for remuneration, hire or sale.

Story – That part of a building included between the surface of one finished floor and the surface of the finished floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. 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. The first story is the highest story having its interior floor surface not more than four feet above curb level, established or mean street grade, or average ground level, as mentioned in the Height of Buildings section.

Street – A right-of-way which affords principal means of vehicular access to property abutting thereon.

Street Line – The dividing line between the street right-of-way and the abutting property.

Structural Alterations – Any alteration involving a change in or addition to the supporting members of a building, such as bearing walls, columns, beams or girders.

Structure – Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to signs, and excepting utility poles, fences and retaining walls.

Swimming Pool (Commercial) – A swimming pool with accessory facilities, not part of the municipal or public recreational system and not a private swim club, but where the facilities are available to the general public for a fee.

Swimming Pool (Private) – A swimming pool constructed for the exclusive use of the residents of a single family, two family or multiple family dwelling and located and fenced in accordance with the regulations of the State of Texas. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Telephone Exchange, Switching Relay and Transmitting Station – But not including public business facilities, storage or repair facilities.

Temporary Field Office or Construction or Yard Office – A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees, equipment or material.

Trailer House or Mobile Home – Any structure used for living or sleeping purposes, having no foundation other than wheels, blocks, skids, jacks, horses or skirting, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place.

Trailer House or Mobile Home Court – Land used or intended to be used, let or rented for occupancy by two or more house trailers or mobile homes.

Variance – Relief from or variation of the provisions of these regulations, other than use regulations, as applied to a specific piece of property, as distinct from rezoning, as further set out hereinafter in Powers and Duties of the Planning Commission.

Wrecking or Auto Salvage Yard – A yard enclosed by an eight (8) foot solid screening fence or building where automobiles or parts of automobiles or machinery are stored, dismantled and/or offered for sale in the open as whole units, as salvaged parts or as processed metal.

Yard – An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard, or the depth of a rear yard, the least shall be used. Where lots abut a street that is designated a thoroughfare on the transportation plan, all yards abutting said street shall be measured from a line one-half the proposed right-of-way width from the center line, or from the lot line, whichever provides the greater setback. On other lots, all yards abutting a street shall be measured from a line twenty-five feet from the center line, or from the lot line, whichever provides the greater setback.

Yard (Front) – A yard across the full width of the lot from the front line of the main building to the front line of the lot.

Yard (Rear) – A yard between the rear lot lines and the rear line of the main building and the side lot lines.

Yard (Side) – A yard between the main building and the adjacent side line to the lot, and extending entirely from the front yard to the rear yard.

### ARTICLE III

#### DISTRICT REGULATIONS

##### Section 3.01 “AG” AGRICULTURAL DISTRICT REGULATIONS

1. Purpose – This zone is designed to preserve the economic viability of agricultural lands and operations in Cooke County and to insure that when conversion occurs, provisions for utilities, streets, and other facilities have been addressed and the fiscal integrity of the County preserved.
2. Principal Permitted Uses –
  - A. Agriculture including the raising of field crops, horticulture, animal husbandry, poultry farms and kennels.
  - B. Ranch and farm dwellings pertaining to agricultural operations.
  - C. Single Family detached dwellings when located on unsubdivided parcels of five (10) acres or more.
  - D. Veterinarian Clinics.

- E. Greenhouses.
  - F. Home Occupations.
3. Permitted Accessory Uses –
- A. Living quarters for persons regularly employed on the premises.
  - B. Guest houses, not rented or otherwise conducted as a business.
  - C. Home Occupations.
  - D. Offices incidental to and necessary for conducting a permitted use.
  - E. Private garages, stables and barns.
  - F. Roadside stands for the sale of agricultural products grown on the premises.
  - G. Other accessory uses and buildings customarily appurtenant to a permitted use.
4. Specific Use Permits (The following uses must be approved by the Planning Commission)–
- A. Quarters for transient labor.
  - B. Cemeteries, crematories and mausoleums.
  - C. Petroleum or gas wells.
  - D. Radio or television towers.
  - E. Golf courses (private).
  - F. Airport, Heliport or landing field.
  - G. Riding Clubs
  - H. Rodeo Grounds
  - I. Country Clubs
  - J. Recreational camps operated by public, charitable or religious organizations.
5. Development Standards –
- A. Minimum Lot Area – ten (10) acres.
  - B. Minimum Width of Lot – two hundred fifty (250) feet.
  - C. Maximum Height of Building – thirty-five (35) feet.
  - D. Minimum Front Yard – one hundred (100) feet.

- E. Minimum Rear Yard – one hundred (100) feet.
- F. Minimum Side Yard – one hundred (100) feet.
- G. Minimum Side Yard at Corner – one hundred (100) feet.

### SECTION 3.02 “RA” RESIDENTIAL ACREAGE DISTRICT REGULATIONS

1. Purpose – This zone is designed to promote and encourage a suitable environment for family life on large parcels (2.5 acres or more) of land.
2. Extent of use: This zone is permitted within the entire Lake Ray Roberts Zoning Area but subject to the approval of the zoning commission.
3. Principal Permitted Uses –
  - A. Single-family detached dwellings.
  - B. Refer to Section 4.05 for permitted livestock uses.
4. Permitted Accessory Uses –
  - A. Home occupations.
  - B. Private garages and parking areas.
  - C. Private swimming pool exclusively for the use of residents of the premises and their nonpaying guests.
  - D. Private stables, corrals and paddocks when located no closer than twenty (20) feet from any property line, no closer than fifty (50) feet from a street line and no closer than one hundred fifty (150) feet from any dwelling adjoining property.
5. Specific Use Permits –
  - A. Public, Parochial and private schools and colleges offering courses of general instruction when located on sites of at least five (5) acres and including convents, monasteries, dormitories and other related living structures when located on the same site as the school or college.
  - B. Churches, synagogues, chapels and similar places of religious workshop and instruction of a quiet nature when located in a permanent structure.
6. Development Standards –
  - A. Minimum Lot Area – two and one half (2.5) acres

- B. Minimum Width of Lot – three hundred (300) feet.
  - C. Maximum Height of Building – fifty (50) feet.
  - D. Minimum Front Yard – fifty (50) feet.
  - E. Minimum Rear Yard – fifty (50) feet.
  - F. Minimum Side Yard – fifty (50) feet.
  - G. Minimum Side Yard at Corner – fifty (50) feet.
  - H. Maximum Lot Coverage – twenty (20) percent.
7. Miscellaneous Provisions –
- A. Off-street parking space shall be provided for all uses established in this zone.
  - B. Only one building for living purposes shall be permitted on one zoning lot, with the exception of a guest house or other exceptions as approved by the Planning Commission.

SECTION 3.03 “RL” LOW DENSITY RESIDENTIAL

1. Purpose – This zone is designated to promote and encourage a suitable environment for family life on lots between 1 1/2 and 2 1/2 acres

Extent of use: This zone is not permitted within 2,500 feet of the take line of the Corps of Engineers property of Lake Ray Roberts as described in Section 1.03.

2. Principal Permitted Uses –
- A. Single-family detached dwellings.
  - B. Churches, synagogues, chapels and similar places of religious worship and instruction of a quiet nature when located in a substantial structure and on a site of at least one and one half (1 1/2) acres.
  - C. Country clubs.
3. Permitted Accessory Uses –
- A. Home occupation.
  - B. Private garages and parking areas.
  - C. Private swimming pools exclusively for the use of residents of the premises and their nonpaying guests.

- D. The parking of one unoccupied travel trailer or motor home designed for recreational use and not to exceed thirty-six (36) feet in length, shall be permitted in the rear or side yard.
  - E. The storage of one pleasure boat shall be permitted within a building, or in the open within the rear or side yard.
  - F. Other accessory uses customarily and normally found to be appurtenant to uses permitted in this zone.
4. Specific Use Permits – No specific use permits.
5. Development Standards –
- A. Minimum Lot Area – one and one half (1 1/2) acres
  - B. Minimum Width of Lot – one hundred (100) feet.
  - C. Maximum Height of Building – thirty-five (35) feet.
  - D. Minimum Front Yard – twenty-five (25) feet.
  - E. Minimum Rear Yard – twenty-five (25) feet.
  - F. Minimum Side Yard – twenty-five (25) feet.
  - G. Minimum Side Yard on Corner – twenty-five (25) feet.
  - H. Maximum Lot Coverage – twenty (20) percent.
6. Miscellaneous Provisions –
- A. Off-street parking shall be provided for all uses established in this zone.
  - B. Only one building for living purposes shall be permitted with the exception of a guest house or other exceptions as approved by the Planning Commission on one zoning lot.

SECTION 3.08 “H-B” HIGHWAY BUSINESS DISTRICT REGULATIONS

- 1. Purpose – This district designation is for automobile-oriented business.
- 2. Specific Use Permit- All Highway Business District uses shall be submitted as a specific use permit to the planning commission. Specific use permit shall be submitted according to Section 2.03.
- 3. Principal Permitted Uses – The following uses shall be permitted in the H-B Highway Business District provided that any use permitted in this district shall be separated from abutting residential zoning

districts by a fence or hedge at least six (6) feet in height which effectively screens the view on a year-round basis, and all uses shall provide adequate fencing to control blowing debris:

- A. Any use permitted in the R-L Low Density Residential District, provided any such use complies with all of the use requirements of such district, except that the minimum area of lot provisions of this district shall be applicable.
- B. Automobile repair, conducted inside of a building.
- C. Banks, savings and loan and finance companies.
- D. Churches.
- E. Heliports.
- F. Hotels and motels.
- G. Indoor theaters.
- H. Membership Clubs.
- I. Multiple-family dwellings.
- J. Offices and clinics.
- K. Parking lots and parking garages.
- L. Parks and playgrounds.
- M. Personal service shops.
- N. Printing and newspaper offices.
- O. Recreational uses.
- P. Restaurant.
- Q. Retail Stores.
- R. Laundry and dry cleaning outlets whose business consists primarily of serving retail customers.
- S. Public and private vocational and technical schools.
- T. Automobile and mobile home sales.
- U. Drive-in or drive-through facilities as a principal use (restaurants, theaters, car washes, banks, etc.).
- V. Gas stations.

- W. Motels or motor hotels.
  - X. Shopping centers.
  - Y. Other business uses which have similar environmental influences.
  - Z. Accessory buildings and uses.
4. Development Standards –
- A. Minimum Area of Lot – Minimum lot area shall be 1 1/2 acres.
  - B. Minimum Width of Lot – Minimum lot width shall be one hundred (100) feet.
  - C. Minimum Yard – Minimum yard depth shall be twenty (20) feet from streets and alleys.
5. Miscellaneous Provisions -
- A. Off-street parking and loading areas shall be provided for all permitted uses.
  - B. Planned Unit Development – Areas planned as a unit to provide variation in building placement, which are located on a unit development plan as defined, processed and approved according to Section 4.15 of this ordinance, may vary requirements for minimum area of individual lots, width of lot, front yard, rear yard, and side yard as required above.
6. Minimum Service Line Requirements –
- A. For each drive-in or drive-through service bay, there shall be provided a minimum of three (3) spaces on the entrance side and one (1) space on the exit side.
  - B. Where the bay can be entered from either direction, the entrance requirements shall control for each direction.
  - C. In any case, parking, automobile storage or service line shall not be permitted in the street right-of-way.

SECTION 3.09 “I-L” LIGHT INDUSTRIAL DISTRICT

- 1. Purpose – The Light Industrial District is intended for the purpose of allowing certain industrial uses which 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 insure compatibility with adjoining uses.
- 2. Specific Use Permit- All Light Industrial District uses shall be submitted as a specific use permit to the planning commission. Specific use permit shall be submitted according to Section 2.03.
- 3. Principal Permitted Uses –
  - A. Animal hospitals or clinics.

- B. Auto body repair.
- C. Bottling works.
- D. Building material sales (except of ready-mix concrete and similar uses which emit dust, odor, or smoke).
- E. Carpenter, cabinet, plumbing or sheet metal shops.
- F. Contractor's office and equipment storage yard.
- G. Dog kennels.
- H. Dry cleaning and/or laundry plants.
- I. Frozen food lockers.
- J. Greenhouses and nurseries, retail and wholesale.
- K. Light manufacturing operations, providing that such use is not noxious or offensive by reason of vibration or noise beyond the confines of the building or emission of dust, fumes, gas, odor or smoke.
- L. Machinery sales, service repairs, painting and storage.
- M. Monument sales and manufacture.
- N. Motor vehicle sales, services, repairs and painting.
- O. Oil field supply facilities.
- P. Sign printing and manufacturing.
- Q. Truck and retail terminals.
- R. Upholstery shops.
- S. Warehouses.
- T. Welding shops.
- U. Wholesale merchandise sales and storage.
- V. Certain trailers and/or single family residences may be used in conjunction with the above uses provided they are accessory uses to the permitted use and are occupied by the owner, or security personnel.
- W. Other industrial uses which have similar influences as the above uses.

D. Minimum Area of Lot – Minimum lot area shall be 1 ½ acres.

E. Minimum Width of Lot – Minimum lot width shall be one hundred (100) feet.

4. Minimum Yard – Minimum yard depth shall be twenty (20) feet from streets and alleys–

A. Intensity of Use Regulations –

1. A building structure or use, allowed in this district, may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and their access roads.
2. When a building or structure is located within one hundred fifty (150) feet from a residential district zone, said building structure shall not exceed forty-five (45) feet in height.

B. Yard Regulations –

1. Front Yard – No front yard shall be required for uses permitted in this district except as necessary to accommodate future street rights-of-way, in which cases, the building shall be set back according to the adopted Street Master Plan and Streets Rights-of-way. Further, in cases when the front yard is adjacent to a more restrictive zoning district, the landscape buffer strip or the fencing requirements for side and rear yards may apply.
2. Side and Rear Yards –
  - a. A side yard and/or rear yard of fifteen (15) feet;
  - b. Landscaped buffer strip six (6) feet in height containing a shrub border to serve as a screen between the more restrictive zoned property and the proposed use shall be provided and adequately maintained by the property owner at a height of six feet; or
  - c. A six foot solid fence or wall shall be provided and maintained by the property owner.

C. Traffic Regulations – No loading or unloading operation shall be permitted in the right-of-way of any street or alley.

D. Miscellaneous Provisions –

1. Off-street parking and loading areas shall be provided for permitted use.
2. Planned Unit Development – Areas planned as a unit to provide variation in building placement, which are located on a unit development plan as defined, processed and approved according to Section 4.15 of this ordinance, may vary requirements for minimum area of individual lots, width of lot, front yard, rear yard and side yard as required above.

## SECTION 3.09 “I-H” HEAVY INDUSTRIAL DISTRICT

1. Purpose – The Heavy Industrial District is intended for the purpose of allowing certain industrial uses which 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 insure compatibility with adjoining uses.
  
2. Specific Use Permit- All Light Industrial District uses shall be submitted as a specific use permit to the planning commission. Specific use permit shall be submitted according to Section 2.03.
  
3. Principal Permitted Uses –
  - a) Manufacturing Plant.
  - b) Ready Mix Concrete
  - c) Sand or Gravel Quarry
  - d) Industrial Plant
  - e) Other industrial uses which have similar influences as the above uses.
  
- f) Development Standards –
  - F. Minimum Area of Lot – Minimum lot area shall be 10 acres
  - G. Minimum Width of Lot – Minimum lot width shall be five hundred (500) feet.
  
7. Minimum Yard – Minimum yard depth shall be five hundred (500) feet from streets and alleys–
  - a) Intensity of Use Regulations –
    1. A building structure or use, allowed in this district, may occupy all that portion of the lot except for that area required for off-street parking and off-street loading and their access roads.
    2. When a building or structure is located within five hundred (500) feet from a residential district zone, said building structure shall not exceed forty-five (45) feet in height.
  
  - b) Yard Regulations –
    1. Front Yard – Front yard shall be screened from view with approved screens or vegetation.
    2. Side and Rear Yards –
      - d. A side yard and/or rear yard of five hundred (500) feet;

- e. Landscaped buffer strip six (6) feet in height containing a shrub border to serve as a screen between the more restrictive zoned property and the proposed use shall be provided and adequately maintained by the property owner at a height of six feet; or
  - f. A six foot solid fence or wall shall be provided and maintained by the property owner.
- c) Traffic Regulations – No loading or unloading operation shall be permitted in the right-of-way of any street or alley.
- d) Miscellaneous Provisions –
- 1. Off-street parking and loading areas shall be provided for permitted use.

### SECTION 3.10 “PD” PLANNED DEVELOPMENT

Planned Unit Development – Areas planned as a unit to provide variation in building placement, which are located on a unit development plan as defined, processed and approved according to Section 4.15 of this ordinance, may vary requirements for minimum area of individual lots, width of lot, front yard, rear yard and side yard as required above.

Refer to Section 4.15 for regulations.

## ARTICLE IV

### REGULATIONS APPLICABLE TO ALL DISTRICTS

SECTION 4.01 Utilities – All land uses permitted within this ordinance shall utilize Cooke County approved water and wastewater systems. The systems shall be shown and identified on all site plans submitted for approval under this ordinance.

SECTION 4.02 Accessory Buildings and uses – A subordinate use of a building, other structure or tract of land, or a subordinate building or other structure, which is:

- A. Clearly incidental to the use of the principal building, other structure or use of land.
- B. Customary in connection with the principal building, other structure or use of land.
- C. Ordinarily located on the same lot with the principal building, other structure or use of land.

SECTION 4.03 Permitted Accessory Buildings and Uses – Accessory buildings and uses may include but are not limited to the following:

- A. Home occupations.
- B. Horses and household pets.

- C. Signs.
- D. Off-street parking areas.
- E. Off-street loading areas.
- F. Fences.
- G. Private greenhouses.
- H. Private swimming pools.
- I. Storage of merchandise in business, commercial and industrial districts.
- J. Cultivation, storage and sale of crops, vegetables, plants and flowers produced on the premises.

SECTION 4.04 Home Occupations – A home occupation shall be allowed as a permitted accessory use provided that all of the following conditions are met:

- A. Such use shall be conducted entirely within a dwelling and carried on by the inhabitants living there.
- B. Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the character thereof.
- C. The total area used for such purposes shall not exceed one-half (1/2) the floor area of the user's dwelling unit.
- D. There shall be no exterior advertising other than identification of the home occupations.
- E. There shall be only incidental sale of stocks, supplies or products conducted on the premises.
- F. There shall be no exterior storage on the premises of material or equipment used as a part of the home occupation.
- G. There shall be no offensive noise, vibration, smoke, dust, odors, heat or glare noticeable at or beyond the property line.
- H. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation.
- I. In particular, a home occupation may include but is not limited to the following, provided all requirements contained herein are met:
  - 1. Art studio.
  - 2. Dressmaking or millinery work.
  - 3. Professional office.
  - 4. Office for insurance or real estate.

5. Teaching.
  6. The renting of rooms to not more than four (4) persons per dwelling.
- J. A home occupation shall not be interpreted to include the following:
1. Animal hospital.
  2. Nursing Home.
  3. Restaurant.
  4. Tourist home.
  5. Or as herein defined.

SECTION 4.05 Horses and Household Pets in the (RA, RL and PD Districts) –

- A. Large animals such as horses, donkeys, mules, cattle, emus or ostriches for the personal use of the occupants of a lot and their guests may be kept as permitted accessory uses provided at least one (1) acre of pasture area is available for each animal.
- B. Pets, such as dogs and cats shall be considered as a permitted accessory use, provided not more than four (4) adult animals are kept on any one (1) lot plus one adult animal per acre with a maximum of 10 adult animals.

SECTION 4.06 Off-Street Parking – In all districts there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

- A. In the following Zoning Districts, the minimum off-street parking spaces for residential uses shall be –

AG - Agricultural - Two (2) spaces for each dwelling unit

RA & RL -Residential -Two (2) spaces for each dwelling

HB - Highway Business - Two (2) spaces for each unit

PD - Planned Development - Same as for Residential

B. Parking Space Schedule for Non-Residential Uses Applicable to all Districts and Planned Developments –

Bank, Savings & Loan or Similar Financial Institutions	-	One (1) space for each 100 square feet of floor area
Bowling Alley	-	Six (6) spaces for each lane
Clinics or Doctor's Offices	-	One (1) space for each 100 square feet of floor area
Churches	-	One (1) space for each 4 seats in the main sanctuary
Commercial Amusement	-	Thirty (30) spaces plus one (1) space for each 100 square feet of floor area over 2,000 square feet
Convalescent Home or Home for the Aged	-	One (1) space for each 6 rooms or beds
Gasoline Service Station	-	Minimum of six (6) spaces
Golf Course	-	Minimum of thirty (30) spaces
High School, College or University	-	One (1) space for each classroom, laboratory, or institution area plus one (1) space for each three students accommodated in the institution
Hospital	-	One (1) space for every 3 beds plus one (1) space for each 2 staff members and employees
Hotel or Motel	-	One (1) space for each sleeping room. For accessory restaurant uses, one (1) space for each 4 patron seats
Institutions of a Philanthropic-Nature	-	Ten (10) spaces plus one (1) space for each employee
Library or Museum	-	Ten (10) spaces plus one (1) space for each 300 square feet of floor area
Manufacturing, Processing, or Repairing	-	One (1) space for each 2 employees or one (1) space for each 1,000 square feet of floor space, whichever is greater
Offices, General	-	One (1) space for each 100 square feet of floor area

Recreational Area or Building, Private or Commercial	-	One (1) space for every 4 persons accommodated
Restaurants or Cafeterias	-	One (1) space for every 3 seats under maximum seating arrangements
Retail or Personal Service	-	One (1) space for each 100 square feet of floor area
Schools (Elementary or Junior High)	-	One (1) space for each classroom plus (1) space for each 4 seats in any auditorium, gymnasium or other place of assembly
Storage or Warehouse	-	One (1) space for each 2 employees or one (1) space for each 1,000 square feet of floor area, whichever is greater
Theater, Meeting Rooms and Place of Public Assembly	-	One (1) space for every 4 seats

C. Rules for Computing Number of Parking Spaces – In computing the number of parking spaces required for each of the above uses, the following rules shall govern;

1. “Floor Area” shall mean the gross floor area of the specific use.
2. Where fractional spaces result, the parking spaces required shall be constructed to be the nearest whole number.
3. The parking space requirements for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
4. Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for additional spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.
5. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

D. Parking Lot Design –

1. Off-street parking spaces shall be designed according to the minimum space and driveway requirements as shown in the Appendix. Minimum space requirements are:
  - a. Nine (9) feet x nineteen (19) feet for full size vehicles

- b. Seven (7) feet six (6) inches x fifteen (15) feet for compact vehicles.
  - c. Twelve (12) feet x twenty (20) feet for handicapped spaces when required.
2. Handicap Parking Space Requirements – All parking lots or areas required under this ordinance shall provide and designate 5% of the total number of spaces required for handicap use with a minimum of one (1) space per lot/area.

The parking space size shall be as specified above and located at the closest point or area to the main entrance and/or ramp of the building.

All such parking spaces shall be identified by an above ground sign not less than 1.5 square feet in area.

3. Compact Vehicle Parking – Twenty percent (20%) of all parking lots or areas may be designated for compact vehicles providing such spaces are identified by an above ground sign.
4. In lieu of locating required parking spaces on the lot which generates the parking requirements, such parking spaces may be provided on any lot or premises owned by the owner of the parking generator within two hundred fifty (250) feet of the property generating such parking requirements for any business, commercial or industrial. Leasing of a lot or premises shall be approved by the Planning Commission provided the developer signs an acknowledgment that the continuing validity of his permit depends upon his continuing ability to provide the requisite number of spaces.
5. All areas counted as off-street parking space shall be unobstructed and free of other uses.
6. Unobstructed access to and from a street shall be provided for all off-street parking spaces.
7. All open off-street parking spaces shall be surfaced with asphalt, concrete, compacted gravel or other dustless material. All open off-street parking areas with ten (10) or more spaces shall be adequately screened from any adjoining residential zoned lot by a fence or wall at least four (4) feet but no more than six (6) feet in height or by a strip at least four (4) feet wide densely planted with trees or shrubs which shall be maintained in good condition at all times. In addition, if lighting is provided, it shall not be directed toward any adjacent residential areas.
8. Off-street parking spaces may be provided in areas designed to serve jointly two (2) or more buildings or users, provided that the total number of off-street parking spaces shall not be less than that required by this ordinance for the total combined number of buildings or uses.
9. No part of any off-street parking space required for any building or use for the purpose of complying with the provisions of this ordinance shall be included as a part of an off-street parking space similarly required for another building or use, and no part of an off-street parking space required for any building or use for the purpose of complying with the provisions of this ordinance shall be converted to any use other than parking unless

additional space is provided to replace such converted parking space and to meet the requirements of any use to which such parking space is converted.

E. Parking Prohibitions –

1. No parking space, garage or carport or other vehicle storage space or structure located on private property in a residential zone shall be used for the storage of any truck, truck trailer, or van with a manufacturer's rated capacity exceeding one and one-half (1 ½) tons, or any tractor, tractor trailer, farm trailer or other agricultural equipment.
2. It shall be unlawful for any person to park or permit to remain parking on a public street within the county any truck, truck trailer or van with a manufacturer's rated capacity exceeding one and one-half (1 ½) tons, or any tractor, tractor trailer farm trailer, or other agricultural equipment, between the hours of 6:00 PM and 7:00 AM, except when said motor vehicles, trailers or equipment are engaged in loading or unloading.
3. No boat, trailer, "camper trailer", motor home, or other such recreational vehicle allowed as an accessory use shall be parked or stored within the required front yard

SECTION 4.07 Off-Street Loading Areas – In the HB, I-L, IH and PD Districts, off-street loading areas containing five hundred (500) square feet with no one (1) dimension less than ten (10) feet shall be required as an accessory use for new construction or major additions involving an increase in floor area, as follows:

- A. One (1) off-street loading space shall be provided for new constructions or additions having a floor area between five hundred (500) square feet and twenty thousand (20,000) square feet.
- B. One (1) additional off-street loading space shall be provided for each additional twenty thousand (20,000) square feet or fraction thereof of floor area in excess of twenty thousand (20,000) square feet, provided no such loading space occupies any part of a public street, alley, driveway or sidewalk.

SECTION 4.08 Fences, Hedges, and Walls – Fences, hedges and walls may be permitted in the various districts as accessory uses in accordance with the following limitations:

- A. In the RA, RL and PD Districts, they shall not exceed four (4) feet in height when located less than thirty (30) feet from the front lot line.
- B. In the RA, RL and PD Districts, they shall not exceed six (6) feet in height when located more than thirty (30) feet from the front lot line.
- C. In all districts, they shall not be located within twenty-five (25) feet of the curbs of edge of pavement of a corner lot.

SECTION 4.09 Supplementary Lot Area and Lot Width Regulations –

- A. Where an individual lot was held in separate ownership from adjoining properties or was platted prior to the effective date of this ordinance in a recorded subdivision approved by Cooke County and has less area or less width than required in other sections of this ordinance, such a lot may be

occupied according to the permitted uses provided for in the district in which such lot is located, provided that no lot area or lot width is reduced more than one-third (1/3) the zoning requirements otherwise specified by this chapter.

- B. No part of an area or width required for a lot for the purpose of complying with the provisions of this ordinance shall be included as an area or width required for another lot.

SECTION 4.10 Supplementary Yard Regulations –

- A. In any district where lots comprising fifty percent (50%) or more of the frontage on one (1) side of a street between intersecting streets are developed with buildings having an average front yard with a variation of not more than ten (10) feet, the average front yard of such buildings shall be the minimum required.
- B. Cornices, eaves, or similar architectural features may extend into a required yard not more than two (2) feet.
- C. Fire escapes may extend into a required rear yard not more than six (6) feet.
- D. Where a side yard is otherwise required by this ordinance, the side yard along the street side of a normal corner lot (not a reverse corner lot) shall be not less than fifteen (15) feet.
- E. Where a side yard is otherwise required by this ordinance, the side yard along the street side of a reverse corner lot shall be not less than the required front yard requirement for the district in which the lot is located.
- F. No part of a yard required for a building for the purpose of complying with the provisions of this chapter shall be included as a yard for another building.

SECTION 4.11 Supplementary Building Height Regulations –

- A. All dwellings shall be constructed with at least seventy-five percent (75%) of the roof surface higher than seven (7) feet from grade.
- B. It shall be unlawful to construct, build or establish any building, trees, smokestack, chimney, flagpole, wire, tower or other structure or appurtenance thereto which may constitute a hazard or obstruction to the safe navigation, landing and takeoff of aircraft at a publicly used airport.

SECTION 4.12 Major Flood Channels – No building or other structure except a flood control dam or irrigation structure shall be constructed within major flood channels unless adequate flood protection measures are taken according to the following special conditions:

- A. Any building or structure which is approved shall be located as to offer minimum obstruction to the flow of floodwater and shall not cause lands outside of the natural flood channel to be flooded.
- B. No dwellings shall be permitted.
- C. No schools, churches or other places of public assembly shall be permitted.
- D. No storage or materials which could be moved by floodwaters shall be permitted.

SECTION 4.13 Children's Centers Regulations – For the purpose of this ordinance, children's centers shall include care centers, day nurseries, nursery schools, preschools nurseries and play groups. A minimum of three thousand (3,000) square feet of outdoor play area shall be provided for fifteen (15) children or fewer, with two hundred (200) square feet more being required for each additional child. Such play area within or abutting any residential district shall be enclosed by a decorative solid wood fence or masonry wall or chain link fence with vegetation screening, densely planted. The height of such fence shall be four (4) feet or more, subject to compliance with Section IV of this ordinance. Where access to preschool nurseries is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for the purpose of loading and unloading children. There shall be an indoor floor space reserved for school purposes of forty (40) square feet per child.

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SECTION 4.15 PLANNED UNIT DEVELOPMENTS

1. Definition of a Planned Development – A project located within any of the zone districts described herein, developed on at least two (2 1/2) acres of land, including usable open space for the mutual benefit of the entire tract, designed to provide variety and diversity through the variance of normal zoning and subdivision standards so that the maximum long-range benefits can be gained and the unique features of the development or site preserved and enhanced while still being in harmony with the surrounding neighborhood.

2. Special Requirements –

- A. The tract or parcel of land involved shall be either in one (1) ownership or the subject of an application filed jointly by the owners of all the property to be included.
- B. In residential areas, the minimum amount of functional open space (exclusive of streets and parking) shall be twenty-five (25%) of the total acreage.
- C. The Planning Commission and the Commissioners Court shall have the right to establish general design standards which shall apply to any unit development plan based upon such factors as the proposed housing type, unique features of the site and the surrounding neighborhood.
- D. Areas and facilities of joint use shall be retained in title by the developers or deeded to an organization composed of all owners in that development.

3. Procedure – A unit development proposal shall be processed in the following manner (which may or may not run concurrently with a rezoning request):

- A. A pre application discussion should be held between the developer and the Planning Commission.
- B. The necessary information as specified herein shall be submitted to the planning office for presentation to the Planning Commission and to the Commissioners Court for their review and approval if, in their opinion, all conditions required herein are being met. The Planning Commission and the Commissioners Court may follow public hearing and public notice procedures similar to those outlined in Section 6.04 Amendments, when such action is considered desirable. At the time the necessary information is submitted to

the Planning commission, the developer shall pay a fee of twenty-five dollars (\$25) to cover the cost of reviewing the unit development plan and the advertising.

- C. Following approval of the Commissioners Court and before a development permit is issued, the unit development plan shall be recorded with the County Clerk.
  - D. A unit development plan may be amended by the addition of adjacent tracts of land, which may be less than two (2) acres in size, or the original design may be amended, provided that all procedures followed are the same as those required for initial approval. The basic concept of the original design may be amended, provided that all procedures followed are the same as those required for initial approval and that the basic concept of the original plan is preserved.
4. Information Required – An application for a unit development shall contain the following information:
- A. Proposed name of the area.
  - B. Total acreage.
  - C. A site plan showing the proposed location and dimensions of all structures.
  - D. Utilities and drainage.
  - E. Land to be retained as functional open space, the purpose for which it is to be used and an explanation of how such open space will be preserved and maintained.
  - F. A circulation plan for vehicles and pedestrians.
  - G. Uses to be developed in the area and the proposed density of development.
  - H. Topography at two foot intervals.
  - I. A legal description of the property.
  - J. The proposed construction time schedule.
  - K. Screening and major landscape plans.
  - L. Such additional information as may be requested by the Planning Commission and Commissioners Court in order to grant the exceptions required by the unit development.

## ARTICLE V

### SIGNS

#### SECTION 5.01 SIGNS PERMITTED

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

SECTION 5.02 Limitations in AG, RA, R-L, Districts: Signs in the AG, R-A, R-L, Districts may include and shall be limited to the

Following –

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

SECTION 5.03 Limitations in Business, Commercial and Industrial Districts: Signs in the HB, IL AND IH Districts may include and shall be limited to the following –

- A. Such signs as are permitted in the RA and RL District.
- B. 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:
  - 1. 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.
  - 2. 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 (10 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.
  - 3. 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.
  - 4. 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 event 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.

5. Notwithstanding anything contained I 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.

SECTION 5.04      Billboards – Billboards may be erected on ground or wall locations in the Light Industrial Zoning District along any public roadway with a right-of-way width in excess of one hundred and twenty (120) feet.

- A.      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.
- B.      Distance – No billboard shall be erected closer than one thousand (1,000) feet to an existing billboard.
- C.      Design – Doubled faced signs shall be designed and constructed to provide for a perimeter filler trim panel enclosing both sign faces.

SECTION 5.05      Measurement of Signs – The following rules shall apply to measurement of signs in all districts:

- A.      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.
- B.      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.
- C.      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.
- D.      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.

SECTION 5.06 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:

- A. 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.
- B. When electrical service is provided to freestanding signs or ground signs, all such electrical service shall be underground.
- C. Such signs shall comply with the following requirements with respect to size, height and location, except that ground signs may be placed at the front property line (except as prohibited in Subsection A above), provided such ground signs meet all other requirements of this Article.

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.

- D. No more than one (1) freestanding or ground street sign per street frontage shall be permitted for any property.

SECTION 5.07 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.

SECTION 5.08 General Regulations – The following rules shall apply with respect to signs in all districts under this chapter:

- A. 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.
- B. 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.
- C. Flashing, moving, blinking, chasing or animation effects are prohibited on all signs, except the following:
  - 1. Time and temperature signs.
  - 2. 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.
- D. 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.
- E. Signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.
- F. 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.
- G. Signs which identify businesses, goods or services no longer provided on the premises shall be removed within ninety (90) days after such business ceases.
- H. 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.
- I. 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.

ARTICLE VI

ADMINISTRATION

SECTION 6.01 INTERPRETATION AND APPLICATION

In the interpretation and the application of the provisions of this ordinance, the following regulations set forth below shall govern:

- A. Provisions for Minimum Requirements – In their interpretation and application, the provisions of this chapter shall be regarded as the minimum requirements for the protection of the public health, safety, comfort, morals, convenience, prosperity and welfare. This chapter shall therefore be regarded as remedial and shall be liberally construed to further its underlying purposes.
- B. Application of Overlapping Regulations – Whenever both a provision of this ordinance and any other provision of this ordinance, or any provision in any other law, ordinance, resolution, rule or regulation of any kind contain any restrictions covering any of the same subject matter, whichever restrictions are more restrictive or impose higher standards or requirements shall govern. All uses and all area, width and yards permitted under the terms of this chapter shall be in conformity with all other provisions of law.
- C. Existing Permits and Private Agreements – This chapter is not intended to abrogate or annul:
  - 1. Any permits issued before the effective date of this chapter.
  - 2. Any easement, covenant or any other private agreement.

SECTION 6.02 ADMINISTRATIVE OFFICIAL

The provisions of this ordinance shall be administered and enforced by the Cooke County Commissioners Court of their designated representative.

The Commissioners Court or any duly authorized person shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out their duties in the enforcement of this ordinance.

Whenever any construction or land use activities being conducted contrary to the provisions of this ordinance, the Commissioners Court may order the activity stopped by notice, in writing, served on the owner or persons conducting such activity, and any such persons shall forthwith stop such activity until authorized by the Commissioners Court to proceed.

SECTION 6.03 PLANNING COMMISSION-DUTIES, POWERS AND RULES

The Planning Commission is hereby established for the Lake Ray Roberts area with the powers and duties as herein provided:

- A. Organization –

1. Three residents of the affected precincts who own land in the county and who are appointed by the county judge of the county.
  2. One resident of each commissioners precinct that is affected who is appointed by the county commissioner for that precinct; if only one precinct is affected, the commissioner shall appoint two; and
  3. The mayor of each incorporated city or town that includes any part of the Lake Ray Roberts lake area in the county.
  4. Except for the initial appointed members, the appointed members of a commission are appointed for terms of two years expiring on February 1 of each odd-numbered year. 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.
  5. A Commission annually shall elect a chairman and vice-chairman from its members. The Commissioners court shall employ staff for the use of the commission in performing its functions.
- B. Meeting – Meetings of the Planning Commission shall be public and held at the call of the Chairman and at such times as the Commission may determine.
- C. Rules and Regulations – The 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. The 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 provision of this ordinance.
- D. Authority and Responsibilities –
1. At the request of the Commissioners Court, the Planning Commission shall, or on its own initiative a Commission may, conduct studies of the lake area over which it has jurisdiction and prepare reports to advise the Commissioners Court about the boundaries of the original zoned districts, other regulations for the lake area and changes to those districts or regulations.
  2. The Planning Commission shall consider and may grant or deny approval of any site plan required by this ordinance.
  3. The Planning Commission shall hold a public hearing and make a recommendation to the Commissioners Court, prior to any consideration by the Commissioners Court, on any of the following:
    - a. Any change or amendment to any of the provisions or regulations contained in this ordinance.
    - b. Any change or amendment to the zoning district map, or any change in any zoning district boundary.
    - c. Any request for a specific permit.

- d. Any request for a Planned Development “PD”.
2. The Planning Commission shall, either on its own initiative or by direction of the Commissioners Court or at the request of any person having a proprietary interest in any property, schedule and hold a public hearing on any proposed:
    - a. change
    - b. amendment
    - c. variance
    - d. special exception

#### SECTION 6.04 AMENDMENTS

The Commissioners Court may from time to time by resolution or on petition of an interested property owner or owners, amend, supplement or change the boundaries of the districts or the regulations herein established. All such petitions shall be accompanied by a fee of Two Hundred Dollars (\$200). Payable to Cooke County, no part of which shall be refundable regardless of the action taken on the petition.

1. Submission to Planning Commission – Before taking any action on any proposed amendment, supplement, or change in the ordinance, the Commissioners Court shall submit the proposed revision to the Planning Commission for its review, recommendation, and report.
2. Public Hearing and Notice – Prior to making its report to the Commissioners Court, the Planning Commission shall hold at least one public hearing thereon. Written notice of all public hearings on proposed changes shall be sent to all owners of property, or to the person rendering the same for county taxes, located within two hundred (200) feet of any property affected thereby, within not less than ten (10) days before such hearing is held. Such notice may be served by using the last known address as shown on the last approved county tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail. Notice of hearings on proposed changes in zoning regulations affecting the county in general shall be accomplished by one publication one time in a newspaper of general circulation in the county, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
3. Commission Report – The Commission, after the public hearing is closed, shall prepare its report on the requested change stating its findings, evaluation of the request and of the relationship of the request to the adopted county plan, and its recommendation thereon. The commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the Commission shall consider the following factors:
  - A. Whether the uses permitted by the proposed change would be appropriate in the area concerned.
  - B. Whether adequate public facilities and other public services exist or can be provided to serve the needs of additional uses likely to be constructed as a result of such change, and the consequences of such change.

- C. Whether the proposed change is in accord with any existing or proposed plans for transportation, drainage, open space, public water supply and sanitary sewers to the area.
4. Commissioners Court Hearing – A public hearing shall be held by the Commissioners Court before adopting any proposed amendment, supplement, or change in the ordinance. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the county, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the first date of publication.
  5. Negative Recommendations; Written Protest – An amendment, supplement, or change shall not become effective except by favorable vote of three-fourths of all members of the Commissioners Court:
    - A. If the Commission recommends disapproval of the proposed change, or
    - B. If written protest is filed by owners of twenty (20) percent of the areas of land:
      1. Within the site of the proposed change, or
      2. Within two hundred (200) feet of any boundaries of the site.

Protests signed by property owners may be filed prior to or at one of the public hearings conducted by either the Commission or the Commissioners Court. Written protests filed with the Commission shall be forwarded to the Commissioners Court with the Commission’s recommendation on the request.
  6. Limitation on Resubmission of Petition – No amendment, supplement, change, or repeal of any section of this ordinance which has been legally rejected by both the Planning Commission and the Commissioners Court shall be again considered either by the Planning Commission or the Commission Court on an appeal or petition by an appellant or application before the expiration of one year from the date of the original action.

SECTION 6.05 SPECIAL EXCEPTIONS

Subject to being overruled by the Commissioners Court, the Planning Commission shall have the following powers and duties which shall be in harmony with the purpose and intent of this ordinance and in accordance with the public interest and the most appropriate development of the area:

1. To hear and decide appeals from, and review any order, requirement, decision or determination made by, an administrative official charged with enforcement of the regulations established by this chapter.
2. To authorize, upon appeal in specific cases, variances from the terms of this ordinance where, by reason of exceptional narrowness, shallowness or slope of a specific piece of property at the time of the enactment of this ordinance, or by reason of exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this chapter, provided

that no variance shall authorize any use in a zoning district other than a use specifically permitted in such zoning district.

## SECTION 6.07 APPLICATIONS AND APPEALS PROCEDURE

The Planning Commission shall hold a public hearing on all applications and appeals with the following special conditions required:

1. For applications for variances of this chapter, the Planning Commission shall mail a written notice of said hearing at least seven (7) days prior to the hearing date to the applicant and to owners of property adjacent to the property in question. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing of determination of the Planning Commission.
2. For applications for variances of this chapter, the applicant shall be charged a fee of one hundred fifty dollars (\$150) to cover the cost of advertising and processing.
3. Unless otherwise stated in the Planning Commission minutes, all variance permits shall be valid for a period of time not to exceed six (6) months from the time such variance is granted.

## ARTICLE VII

### ENFORCEMENT

## SECTION 7.01 DEVELOPMENT PERMITS

All applications for development permits shall be accompanied by accurate plot plans, submitted in duplicate, drawn to scale showing:

- A. The actual shape and dimensions of the lot to be built upon.
- B. The exact sizes and locations on the lot of the buildings and accessory buildings and uses proposed and existing.
- C. The lines within which the proposed building and structure shall be erected or altered.
- D. The location of all utility services on the lot.
- E. The existing and intended use of each building or part of building.
- F. The number of families or dwelling units the building is designed to accommodate.
- G. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

One copy of such plot plans will be returned to the owner when such plans have been approved. An inspection of as long as two (2) weeks may be required for inspection of plans before a permit is issued.

All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on an actual survey by a qualified registered surveyor or be based on a subdivision plat properly

approved by and filed with the county and the lot shall be staked out on the ground before construction is started.

## SECTION 7.02 CERTIFICATE OF APPROVAL

No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used nor shall any basic change or use in land or structure be made until a certificate of approval and compliance shall have been issued by the county stating that the building or proposed use of land or building complies with the provisions of this ordinance and conditions of approval.

- A. Requirement – A certificate of approval shall be required for any of the following:
1. Occupancy and use of a building hereafter erected or structurally altered.
  2. Change in use of an existing building to a use of different classification.
  3. Occupancy and use of vacant land, except agricultural uses.
  4. Any change in the use of a nonconforming use.
  5. No such occupancy, use or change of use, shall take place until a certificate of approval therefore shall have been issued by the county.
- B. Contents – Every certificate of approval shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all certificates of occupancy shall be kept on file in the office of the Environmental Health Officer of his agent and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- C. Temporary Certificate – Pending the issuance of a regular certificate, a temporary certificate of approval may be issued by the building official for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificates shall not be construed as in any way altering the respective rights, duties or obligations, of the owners or of the city relating to the use or occupancy of the premises or any other matter covered by this ordinance.
- D. Revocation of Certificate of Approval – Issuance of the certificate of approval does not relieve an applicant of conformance to this ordinance, and all regulations of Cooke County. If a violation of said code is discovered after issuance of a certificate of approval, the same may be revoked by the county until the violation is corrected, or a citation may be issued as provided for in this ordinance.

## SECTION 7.03 FILING FEES AND CHARGES

The fees and charges shall be paid to the County where any application, petition, or appeal is tendered to the Planning Commission or any other authorized agency or official of the county. Each of the fees and charges provided shall be paid in advance and no action of the Planning Commission, Commissioners Court or any other agency or official of the County shall be valid until the fees and changes shall have been paid to the County.

Except as herein before provided, these fees and charges shall be paid on all application petitions, and appeals, regardless of the action taken by the Planning Commission or any other board, agency or official of the County and whether the application, petition, or appeal is approved or denied by the Commissioners Court. Such fees and charges shall not, however, be charged or paid for any amendment, change or other action initiated by the County.

1.	Amendments	-	\$200.00
2.	Specific Use	-	\$150.00
3.	Special Exception	-	\$150.00
4.	Site Plan Review	-	\$150.00
5.	Planned Development	-	\$250.00
6.	Temporary Uses	-	\$ 25.00
7.	Development Permit	-	\$ 75.00
8.	Development Permit Accessory Use	-	\$ 25.00
9.	Certificate of Approval	-	no charge
10.	Certificate of Approval (Re inspection)	-	\$ 25.00

SECTION 7.04 PENALTY

Any person, firm or corporation who shall violate any of the provisions of this ordinance or who shall fail to comply with any provisions hereof shall be guilty of a Class C misdemeanor and shall be prosecuted in the same manner as an offense defined by state law.

SECTION 7.05 CONFLICT

1. Whenever the requirements of this ordinance conflict with those contained in other ordinance, resolutions or actions of the County, the most stringent or restrictive provision shall govern.
2. Whenever this ordinance conflicts with an action of a special-purpose district or authority that owns the lake or an action of a municipality that applies to a lake area in the county, the municipal or special-purpose district action controls to the extent of the conflict.

SECTION 7.06 SEVERABILITY

If any section, paragraph, clause, or part of this ordinance is declared invalid or unenforceable for any reason, such declaration shall not be held to invalidate or impair the validity, force or effect of any other section, paragraph, clause or part of this ordinance.

SECTION 7.07 SAVINGS

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be.

SECTION 7.08 EFFECTIVE DATE

This ordinance shall become effective immediately upon its passage.