

# Lake Zoning Regulations

Prepared for:

**Fannin County, Texas**

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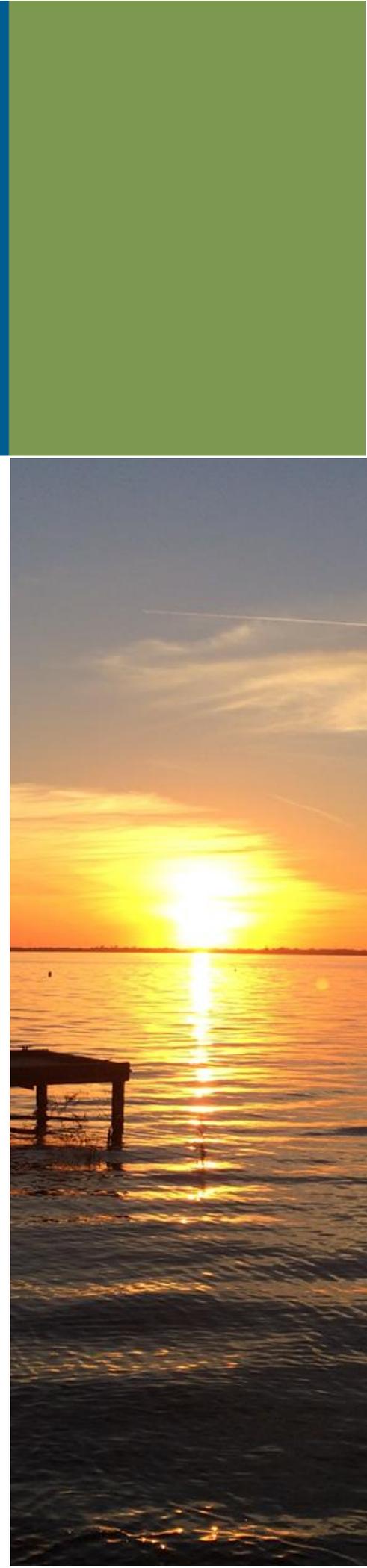
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## Table of Contents

- Section 1. General Provisions ..... 3**
  - 1.01. Title .....3
  - 1.02. Authority.....3
  - 1.03. Purpose.....3
  - 1.04. Areas Subject to Lake Zoning Regulations .....4
  - 1.05. Official Zoning District Map .....4
  - 1.06. Compliance Required / Interpretation / Rules of Construction .....5
  - 1.07. Conflicts with other Laws; Exceptions .....7
  - 1.08. Utility Connection Certificate Required .....7
  - 1.09. Zoning Violations .....7
  - 1.10. Incorporation of the Lake Comprehensive Plan .....8
  
- Section 2. Zoning Districts ..... 9**
  - 2.01. Zoning District Authorization .....9
  - 2.02. Zoning Districts Established .....10
  - 2.03. A&R, Agriculture and Ranching District .....11
  - 2.04. RE, Rural Estate Single-Family District .....12
  - 2.05. LD, Low Density Single-Family .....13
  - 2.06. R&C, Retail and Commercial District .....14
  - 2.07. RFO, Reservoir Facilities and Operations District .....15
  - 2.08. PD, Planned Development District .....16
  
- Section 3. Land Use Regulations..... 17**
  - 3.01. Uses Permitted by District .....17
  - 3.02. Classification of New and Unlisted Uses.....17
  - 3.03. Use Chart .....17
  - 3.04. Conditional Development Standards.....20
  - 3.05. Regulations of Specific Uses .....24
  - 3.06. Nonconforming Uses and Structures.....25
  - 3.07. Accessory Buildings and Uses .....29
  
- Section 4. Dimensional Regulations..... 31**
  - 4.01. Purpose.....31
  - 4.02. Establishment of Area Regulations and Standards.....31
  - 4.03. Additional Area Regulations and Standards .....31
  - 4.04. Zoning Dimensional Regulations Chart.....31
  
- Section 5. Development Regulations..... 33**
  - 5.01. Landscape Requirements.....33
  - 5.02. Residential Adjacency Standards for Businesses .....36
  - 5.03. Screening Requirements for Residential and Nonresidential Properties .....38
  - 5.04. Off-Street Parking and Loading Requirements .....41
  - 5.05. Lighting Standards .....50
  - 5.06. Building Design Standards for Nonresidential Buildings.....54
  
- Section 6. Development Review Bodies ..... 55**
  - 6.01. Commissioners Court.....55
  - 6.02. Lake Zoning Commission .....56
  - 6.03. Summary of Approval Authority of Fundamental Applications.....57



**Section 7. Application Submittal and Processing Procedures ..... 59**

7.01. General Application Processing .....59

7.02. Official Vesting Date .....62

7.03. Pre-Application Conference.....62

7.04. Applicability, Completeness, and Expiration .....63

**Section 8. Development Review Procedures ..... 65**

8.01. Zoning Amendments.....65

8.02. Public Hearings and Notification Requirements for Zoning Related Applications.....68

8.03. Zoning Required for Platting.....69

8.04. Lake Area Development (Building) Permit.....70

8.05. Utility Connection Certificate .....72

8.06. Site Plans.....74

8.07. PD, Planned Development District Application and Review .....78

8.08. Specific Use Permits (SUPs) .....83

**Section 9. Relief Procedures ..... 85**

9.01. Special Exception .....85

**Section 10. Definitions ..... 87**

10.01. A.....87

10.02. B.....89

10.03. C.....90

10.04. D.....92

10.05. E.....94

10.06. F.....95

10.07. G.....96

10.08. H.....96

10.09. I.....97

10.10. J.....98

10.11. K.....98

10.12. L.....98

10.13. M.....100

10.14. N.....102

10.15. O.....102

10.16. P.....103

10.17. Q.....105

10.18. R.....105

10.19. S.....107

10.20. T.....109

10.21. U.....110

10.22. V.....111

10.23. W.....111

10.24. X.....111

10.25. Y.....111

10.26. Z.....112



# Section 1. General Provisions

## 1.01. Title

These regulations are hereby enacted and adopted as the [Lake Zoning Regulations](#) for the area surrounding [Bois d' Arc](#) Lake.

## 1.02. Authority

### A. Enabling Legislation

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

### B. Scope of Regulations

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

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

## 1.03. Purpose

### A. Implementation of the Lake Comprehensive Plan

The [Lake Zoning Regulations](#) have been made in accordance with the [Lake Comprehensive Plan](#) for the purpose of promoting the health, safety, and general welfare of the [County](#). The [Lake Zoning Regulations](#) have been designed to achieve the following purposes:

1. Lessen congestion in the streets and roads;
2. Secure safety from fire, panic, and other dangers;
3. Promote health and the general welfare;
4. Provide adequate light and air;
5. Prevent the overcrowding of land;
6. Avoid undue concentration of population;
7. Facilitate the adequate provision of transportation, water, sewers, parks, and other public requirements; or
8. Assist in developing the area into parks, playgrounds, and recreational areas for the residents of this state and other states and nations.

### B. Zoning Regulation Considerations

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



#### 1.04. Areas Subject to Lake Zoning Regulations

##### A. Lake Zoning Area

1. Pursuant to [TLGC 231.132.\(a\)](#), the area within 5,000 feet of the shoreline of [Bois d' Arc](#) Lake shall be the [Lake Zoning Area](#) and is subject to [Lake Zoning Regulations](#).
2. The shoreline of [Bois d' Arc](#) Lake is at an elevation of 534 feet above mean sea level (AMSL).

##### B. Timing of Regulations and Completion of Lake Construction

Pursuant to [TLGC 231.132.\(b\)](#), the [Lake Zoning Regulations](#) shall be in effect regardless of whether the construction of [Bois d' Arc](#) Lake is complete.

#### 1.05. Official Zoning District Map

##### A. Zoning District Map

1. The [Zoning District Map](#) shall be labeled the "Official Zoning District Map of [Bois d' Arc](#) Lake" and shall be maintained as an electronic file and hard-copy file in the [County's](#) office.
2. The "Official Adoption Date" and the "Last Amended Date" shall be shown on the [Zoning District Map](#).

##### B. Maintenance of the Zoning District Map

1. The [Commissioners Court](#) shall be responsible for the [Zoning District Map](#) care and maintenance.
2. The [Zoning District Map](#) shall be used for reference and shall be maintained up-to-date by incorporating all subsequent amendments enacted by official action of the [Commissioners Court](#).
3. The [Commissioners Court](#) will use all reasonable means to protect the [Zoning District Map](#) from damage, and to ensure the accurate restoration of the map file if damage or destruction of the original file occurs.

##### C. Changes or Amendments Reflected on the Map

1. Any changes or amendments made to the zoning district boundaries shall be incorporated into the [Zoning District Map](#) file promptly after the [Commissioners Court](#) approves the amendment.
2. The [Commissioners Court](#) shall maintain a descriptive log of amendments to the map.
3. The [Commissioners Court](#) will use all reasonable means to ensure that no changes are made to the [Zoning District Map](#) without authorization by official action of the [Commissioners Court](#).

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

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

##### E. Informational Zoning Maps with Updates

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



## 1.06. Compliance Required / Interpretation / Rules of Construction

### A. Compliance Required

#### 1. Applicability

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

- a. Occupied,
- b. Used,
- c. Erected,
- d. Altered,
- e. Removed,
- f. Placed,
- g. Demolished, or
- h. Converted.

#### 2. Compliance with Zoning Districts

The land, buildings, structures or appurtenances described in [1.06.A.1 above](#) shall be in conformance with the [Lake Zoning Regulations](#) prescribed for the zoning district in which such land or building is located as hereinafter provided or subject to penalties as per Subsection [1.09 Zoning Violations](#).

### B. Interpretation

#### 1. Restrictiveness

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

#### 2. Abrogation

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

#### 3. Cumulative Effect

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



4. Error Correction

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

a. Applicants

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

b. Process

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

5. Commissioners Court Authority to Interpret the Lake Zoning Regulations

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

C. Rules of Construction

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

1. Number

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

2. Tense

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

3. Mandatory and Permissive Language

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

4. Gender Terms

The masculine gender includes the feminine and neuter.

5. Parentheses

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

6. Conflicts

If there is an expressed conflict:

a. The text of the [Lake Zoning Regulations](#) control over the charts or any other graphic display in the [Lake Zoning Regulations](#); and

b. The use regulations (e.g., setback for a specific use) control over the district regulations in the [Lake Zoning Regulations](#).



### 1.07. Conflicts with other Laws; Exceptions

#### A. Cases where Lake Zoning Regulations Control

If the [Lake Zoning Regulations](#) require a greater width or size of a yard, court, or other open space, require a lower building height or fewer number of stories for a building, require a greater percentage of a lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local order or regulation, the [Lake Zoning Regulations](#) control.

#### B. Cases where other Laws (e.g., municipal zoning) Control

If the other statute or local order or regulation imposes higher standards than the [Lake Zoning Regulations](#), that statute, order, or regulation controls.

### 1.08. Utility Connection Certificate Required

#### A. Enforcement Tool to Ensure Compliance

No entity that serves land with water, sewer, electricity, gas, or other utility service, may serve or connect with such service any land within the [Lake Zoning Area](#), unless the entity has been presented with or holds one of the following:

1. A utility connection certificate, applicable to such land, issued by the [Commissioners Court](#), stating that such land, with any uses or buildings, is in conformance with the [Lake Zoning Regulations](#).
  - a. The purpose of the above provision is to prohibit the connection of utilities until the land is confirmed to be in agreement with the [Lake Zoning Regulations](#).
2. A utility connection certificate, applicable to such land, issued by the [Commissioners Court](#), stating the [Lake Zoning Commission](#) and the [Commissioners Court](#) have determined that conformance is not required. This certificate is issued on request of an owner of land or a utility provider.

### 1.09. Zoning Violations

#### A. Offense

1. A person commits an offense if the person violates the [Lake Zoning Regulations](#).
2. An offense under this subsection is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000.
3. Trial shall be in the district court.

#### B. Additional Remedies

If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of the [Lake Zoning Regulations](#), the [Commissioners Court](#) may institute appropriate action to:

1. Prevent the unlawful action or use;
2. Restrain, correct, or abate the violation;
3. Prevent the occupancy of the building, other structure, or land; or
4. Prevent any illegal act, conduct, business, or use on or about the premises.

#### C. Warnings

In order to encourage compliance, the [Commissioners Court](#) may issue warnings for zoning violations before initiating procedures for fines or seeking other remedies.



D. Violation Complaints

The [Lake Zoning Commission](#) is authorized to hear complaints from any landowners or other persons that a violation of the [Lake Zoning Regulations](#) has occurred or is occurring. The [Lake Zoning Commission](#) may hold a public hearing on the complaint and recommend a form of resolution to the [Commissioners Court](#).

**1.10. Incorporation of the Lake Comprehensive Plan**

The [Lake Comprehensive Plan](#) is hereby incorporated into these [Lake Zoning Regulations](#) as a reference document and is intended to provide guidance and direction on all zoning and development matters within the [Lake Zoning Area](#).



## Section 2. Zoning Districts

### 2.01. Zoning District Authorization

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

#### A. Zoning Districts as Set Forth are Hereby Established

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

#### B. Effect of Zoning District Change

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

#### C. Interpretation of District Boundaries

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

##### 1. Center Lines

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

##### 2. Platted Lot Lines

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

##### 3. Railroad Lines

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

##### 4. Shore Lines

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

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

##### 5. Parallel or Extension Boundaries

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

##### 6. Interpretation of Zoning District Boundaries

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

##### 7. Vacation of Public Way

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



### 2.02. Zoning Districts Established

A. Purpose

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

B. Zoning Districts Established

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

Table 1: Zoning Districts	
Residential Zoning Districts	
<a href="#">2.03</a>	<a href="#">A&amp;R, Agriculture and Ranching District</a>
<a href="#">2.04</a>	<a href="#">RE, Rural Estate Single-Family District</a>
<a href="#">2.05</a>	<a href="#">LD, Low Density Single-Family</a>
Nonresidential Zoning Districts	
<a href="#">2.06</a>	<a href="#">R&amp;C, Retail and Commercial District</a>
Special Zoning Districts	
<a href="#">2.07</a>	<a href="#">RFO, Reservoir Facilities and Operations District</a>
<a href="#">2.08</a>	<a href="#">PD, Planned Development District</a>



### 2.03. A&R, Agriculture and Ranching District

This district is intended to provide for agriculture and ranching operations and the development of rural single family detached dwelling units on lots of not less than five acres.

#### A. Permitted Uses and Use Regulations

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

#### B. Dimensional Regulations

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

#### C. Development Standards

1. See the following sections for development regulations.

- a. See [3.07 Accessory Buildings and Uses](#).
- b. See [5.01 Landscape Requirements](#).
- c. See [5.02 Residential Adjacency Standards for Businesses](#).
- d. See [5.03 Screening Requirements for Residential and Nonresidential Properties](#).
- e. See [5.04 Off-Street Parking and Loading Requirements](#).
- f. See [5.05 Lighting Standards](#).
- g. See [5.06 Building Design Standards for Nonresidential Buildings](#).

2. Driveways

- a. Residential lots shall have [All-Weather Surfaced Driveways](#).
  - i. Driveways shall be designed and maintained to prevent all-weather surface materials (such as gravel) from being deposited on public streets and Right-of-Ways by storm water runoff. Specially driveways can be designed at or near the point where to driveway intersects a street to be raised or lower to limit gravel being deposited on the street from either vehicle traffic or stormwater runoff.



## 2.04. RE, Rural Estate Single-Family District

This district is intended to provide for development of single family detached dwelling units on lots of not less than one acre (43,560 square feet) that will either be connected to wastewater utility provider or on-site sewage facility.

### A. Permitted Uses and Use Regulations

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

### B. Dimensional Regulations

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

### C. Development Standards

1. See the following sections for development regulations.

- a. See [3.07 Accessory Buildings and Uses](#).
- b. See [5.01 Landscape Requirements](#).
- c. See [5.02 Residential Adjacency Standards for Businesses](#).
- d. See [5.03 Screening Requirements for Residential and Nonresidential Properties](#).
- e. See [5.04 Off-Street Parking and Loading Requirements](#).
- f. See [5.05 Lighting Standards](#).
- g. See [5.06 Building Design Standards for Nonresidential Buildings](#).

2. Driveways

- a. Residential lots shall have [All-Weather Surfaced Driveways](#).
  - i. Driveways shall be designed and maintained to prevent all-weather surface materials (such as gravel) from being deposited on public streets and Right-of-Ways by storm water runoff. Specially driveways can be designed at or near the point where to driveway intersects a street to be raised or lower to limit gravel being deposited on the street from either vehicle traffic or stormwater runoff.



## 2.05. LD, Low Density Single-Family

This district is intended to provide for development of single family detached dwelling units on lots of not less than 30,000 square feet that will be connected to wastewater utility provider.

### A. Permitted Uses and Use Regulations

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

### B. Dimensional Regulations

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

### C. Development Standards

1. See the following sections for development regulations.

- a. See [3.07 Accessory Buildings and Uses](#).
- b. See [5.01 Landscape Requirements](#).
- c. See [5.02 Residential Adjacency Standards for Businesses](#).
- d. See [5.03 Screening Requirements for Residential and Nonresidential Properties](#).
- e. See [5.04 Off-Street Parking and Loading Requirements](#).
- f. See [5.05 Lighting Standards](#).
- g. See [5.06 Building Design Standards for Nonresidential Buildings](#).

2. Garages

The following standards shall apply to properties less than (2) acres.

- a. All homes shall have at least a two-car enclosed garage, 20' x 20' minimum.
- b. Access to the garage shall be by means of a driveway connecting with an adjacent public street, alley, public access easement, private street, or private access easement.

3. Driveways

- a. Residential lots with an area less than one (1) acre shall have concrete driveways. Existing lots or parcels along gravel roads shall be exempt from the concrete driveway requirement.
- b. Residential lots with one (1) acre or more shall have [All-Weather Surfaced Driveways](#).
  - i. Driveways shall be designed and maintained to prevent all-weather surface materials (such as gravel) from being deposited on public streets and Right-of-Ways by storm water runoff. Specially driveways can be designed at or near the point where to driveway intersects a street to be raised or lower to limit gravel being deposited on the street from either vehicle traffic or stormwater runoff.



## 2.06. R&C, Retail and Commercial District

This district is composed of uses constituting retail goods and consumer services to residents of the area, as well as visitors. Per the [Lake Comprehensive Plan](#), retail and commercial uses will generally be located along major thoroughfares. The district also provides space for financial, administrative, and business services compatible with the function of the focal point of community activity and its intensive development.

### A. Permitted Uses and Use Regulations

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

### B. Dimensional Regulations

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

### C. Development Standards

1. See the following sections for development regulations.

- a. See [3.07 Accessory Buildings and Uses](#).
- b. See [5.01 Landscape Requirements](#).
- c. See [5.02 Residential Adjacency Standards for Businesses](#).
- d. See [5.03 Screening Requirements for Residential and Nonresidential Properties](#).
- e. See [5.04 Off-Street Parking and Loading Requirements](#).
- f. See [5.05 Lighting Standards](#).
- g. See [5.06 Building Design Standards for Nonresidential Buildings](#).



## 2.07. RFO, Reservoir Facilities and Operations District

The purpose of this district is to allow for the construction, operation, and maintenance of facilities and uses that support the safe and efficient reservoir operations. This district is intended for use by a public or semipublic governmental agency.

### A. Permitted Uses and Use Regulations

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

### B. Dimensional Regulations

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

### C. Development Standards - Exemptions

1. See the following sections for development regulations.

- a. See [3.07 Accessory Buildings and Uses](#).
- b. See [5.01 Landscape Requirements](#).
- c. See [5.02 Residential Adjacency Standards for Businesses](#).
- d. See [5.03 Screening Requirements for Residential and Nonresidential Properties](#).
- e. See [5.04 Off-Street Parking and Loading Requirements](#).
- f. See [5.05 Lighting Standards](#).
- g. See [5.06 Building Design Standards for Nonresidential Buildings](#).



## 2.08. PD, Planned Development District

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

### A. General Description and Purpose

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

### B. Land Area Requirement

1. A PD district requires a minimum of two (2) contiguous acres, except as allowed 2.08.B.2 below.
2. A PD district acreage may be less than two (2) acres when carrying out the recommendations of the [Lake Comprehensive Plan](#).

### C. Base Zoning District

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

### D. Permitted Uses and Use Regulations

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

### E. Dimensional Regulations

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

### F. Development Standards

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



# Section 3. Land Use Regulations

## 3.01. Uses Permitted by District

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

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

## 3.02. Classification of New and Unlisted Uses

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

## 3.03. Use Chart

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

Uses	Districts						Parking
	A&R, Agriculture and Ranching District	RE, Rural Estate Single-Family District	LD, Low Density Single-Family	R&C, Retail and Commercial District	RFO, Reservoir Facilities and Operations District	PD, Planned Development District	
<b>Legend for Use Chart</b>							
P	Use is permitted in district indicated						
	Use is prohibited in district indicated						
S	Use is permitted in district upon approval of a <a href="#">Specific Use Permit (8.08)</a>						
#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in <a href="#">3.04 Conditional Development Standards</a>						
§	Reference to <a href="#">5.04 Off-Street Parking and Loading Requirements</a>						
<b>Residential Uses</b>							
<a href="#">Assisted Living/Nursing Home</a>		S	S	S		13	<a href="#">F.8</a>
<a href="#">Boarding or Rooming House</a>		S	S			13	<a href="#">E.2</a>
<a href="#">Community Group Home</a>	P	P	P			13	<a href="#">D.1</a>
<a href="#">Dwelling, Single Family (detached)</a>	P	P	P			13	<a href="#">D.1</a>
<a href="#">Dwelling, Single Family (attached – duplex)</a>		S	S			13	<a href="#">D.1</a>
<a href="#">Dwelling, Single Family (attached – townhouse)</a>		S	S			13	<a href="#">D.1</a>
<a href="#">Dwelling, Multi-Family</a>		S	S			13	<a href="#">E.2</a>
<a href="#">Guest House/Servants' Quarters</a>	P-1	P-1	P-1			13	<a href="#">D.1</a>
<a href="#">Industrialized (Modular) Home</a>	P-2	P-2	P-2			13	<a href="#">D.1</a>
<a href="#">Manufactured Home (HUD Code)</a>	P	P	P			13	<a href="#">D.1</a>
<a href="#">Manufactured Home Park</a>		S	S			13	<a href="#">D.1</a>
<b>Nonresidential Uses</b>							
<a href="#">Agriculture and Ranching Operations</a>	P	P	P	P		13	<a href="#">F.20/27</a>



Uses		Districts						Parking
Legend for Use Chart		A&R, Agriculture and Ranching District	RE, Rural Estate Single-Family District	LD, Low Density Single-Family	R&C, Retail and Commercial District	RFO, Reservoir Facilities and Operations District	PD, Planned Development District	Off-Street Parking and Loading Requirements
P	Use is permitted in district indicated							
	Use is prohibited in district indicated							
S	Use is permitted in district upon approval of a <a href="#">Specific Use Permit (8.08)</a>							
#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in <a href="#">3.04 Conditional Development Standards</a>							
§	Reference to <a href="#">5.04 Off-Street Parking and Loading Requirements</a>							
<a href="#">Amusement, Commercial (indoors)</a>					P		13	F.20
<a href="#">Amusement, Commercial (outdoors)</a>					S-3		13	F.7
<a href="#">Antique Shop</a>					P		13	F.22
<a href="#">Artisan's Workshop</a>					P		13	F.22
<a href="#">Automobile Body Shop</a>					P		13	F.20
<a href="#">Automobile or Other Motorized Vehicle Sales and Service</a>					S-4		13	F.20
<a href="#">Automobile Parts Store</a>					P		13	F.20
<a href="#">Automobile Service Garage (Major)</a>					P		13	F.9
<a href="#">Automobile Service Garage (Minor)</a>					P		13	F.9
<a href="#">Bank or Financial Institution</a>					P		13	F.1
<a href="#">Barber or Beauty Shop</a>					P		13	F.22
<a href="#">Bed and Breakfast Inn</a>		S	S	S	S		13	F.2
<a href="#">Boat Dock</a>		P	P	P	P	P	13	None
<a href="#">Car Wash, Full Service</a>					P-5		13	F.9
<a href="#">Car Wash, Self Service</a>					P-5		13	F.9
<a href="#">Carpentry Shop</a>					P		13	F.16
<a href="#">Caterer or Wedding Service</a>					P		13	F.20
<a href="#">Concentrate Animal Feeding Operation (CAFO)</a>							13	None
<a href="#">Child-Care: Foster Family Home (Independent)</a>		P	P	P			13	D.1
<a href="#">Child-Care: Foster Group Home (Independent)</a>		P	P	P			13	D.1
<a href="#">Child-Care: Licensed Child-Care Center</a>					S		13	F.3
<a href="#">Child-Care: Licensed Child-Care Home</a>		P	P	P			13	D.1
<a href="#">Child-Care: Listed Family Home</a>		P	P	P			13	D.1
<a href="#">Child Care: Registered Child-Care Home</a>		P	P	P			13	D.1
<a href="#">Church or Other Place of Worship, including Parsonage/Rectory</a>		P	P	P	P		13	F.5
<a href="#">College or University</a>					P		13	F.11
<a href="#">Concrete/Asphalt Batching Plant, Permanent</a>							13	None
<a href="#">Concrete/Asphalt Batching Plant, Temporary</a>		S	S	S	S		13	F.16
<a href="#">Country Club</a>		P	P	P			13	F.20
<a href="#">Dam-Related Construction Activities, Utilities, and Operations</a>		P	P	P	P	P	13	None
<a href="#">Dance, Music, or Drama Studio</a>					P		13	F.22
<a href="#">Educational Services Office</a>					P		13	F.17
<a href="#">Electrical Power Substations</a>		S	S	S	S		13	F.27
<a href="#">Exterminating Company</a>					P		13	F.17
<a href="#">Feed Store</a>		S			P		13	F.20
<a href="#">Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair</a>					P		13	F.16
<a href="#">Furniture Repair and Upholstering Shop</a>					P		13	F.16
<a href="#">Gas or Oil Well Operation</a>		P	P	P	P		13	F.16
<a href="#">Gasoline Filling or Service Station/Car Wash</a>					S-6		13	F.9
<a href="#">Golf Course</a>		P	P	P	P		13	F.10
<a href="#">Grocery Store</a>					P		13	F.22
<a href="#">Heliport or Helistop</a>					S-7		13	F.20
<a href="#">Home Based Business</a>		P-8	P-8	P-8			13	D.1
<a href="#">Hospital, Acute Care</a>					P		13	F.12
<a href="#">Hospital, Chronic Care</a>					P		13	F.12



Uses		Districts						Parking
Legend for Use Chart		A&R, Agriculture and Ranching District	RE, Rural Estate Single-Family District	LD, Low Density Single-Family	R&C, Retail and Commercial District	RFO, Reservoir Facilities and Operations District	PD, Planned Development District	Off-Street Parking and Loading Requirements
P	Use is permitted in district indicated							
	Use is prohibited in district indicated							
S	Use is permitted in district upon approval of a <a href="#">Specific Use Permit (8.08)</a>							
#	Use is permitted or may be permitted if the use complies with conditional development standards or limitations in the corresponding numeric end note in <a href="#">3.04 Conditional Development Standards</a>							
§	Reference to <a href="#">5.04 Off-Street Parking and Loading Requirements</a>							
<a href="#">Hotel</a>					P		13	F.13
<a href="#">Institution for the Care of Alcoholic, Psychiatric, or Narcotic Patients</a>					P		13	F.14
<a href="#">Kennel/Veterinary Office</a>		S			P		13	F.17
<a href="#">Laundry, Commercial</a>					P		13	F.20
<a href="#">Laundry, Dry Cleaning Drop-Off/Pick-Up</a>					P		13	F.22
<a href="#">Laundry, Self-Service</a>					P		13	F.22
<a href="#">Library</a>		P	P	P	P		13	F.15
<a href="#">Light Assembly and Manufacturing Processes</a>							13	F.16
<a href="#">Manufactured Home Sales</a>					P		13	F.17/27
<a href="#">Manufacturing or Industrial Operations</a>							13	F.16
<a href="#">Marina</a>		P	P	P	P		13	F.27
<a href="#">Medical Clinic</a>					P		13	F.6
<a href="#">Mining Operations</a>							13	None
<a href="#">Motel, Motor Hotel, or Tourist Court</a>					P		13	F.13
<a href="#">Office, Professional, Medical, or Business</a>					P	P	13	F.17
<a href="#">Outside Display</a>					P-9		13	F.20/27
<a href="#">Outside Storage</a>					S-10		13	F.20/27
<a href="#">Park, Playground, or Community Center, Public</a>		P	P	P	P		13	F.18
<a href="#">Pawn Shop or Alternative Financial Services</a>					P		13	F.22
<a href="#">Pre-Existing Use</a>		P	P	P	P		13	F.27
<a href="#">Private Utility (other than listed)</a>		P	P	P	P		13	None
<a href="#">Public Building</a>					P		13	F.20
<a href="#">Radio or TV Station</a>					P		13	F.20/27
<a href="#">Restaurant or Cafeteria, with or without Curb or Drive-In Service</a>					P		13	F.21
<a href="#">Restaurant or Cafeteria, without Curb or Drive-In Service (Service to be entirely within the building)</a>					P		13	F.21
<a href="#">Retail Stores and Shops</a>					P		13	F.22
<a href="#">RV Park</a>					P		13	F.23
<a href="#">School, Career</a>					P		13	F.11
<a href="#">School, Private</a>		P	P	P	P		13	F.11/24
<a href="#">School, Public</a>		P	P	P	P		13	F.11/24
<a href="#">Sexually Oriented Business</a>							13	F.22
<a href="#">Storage Units, Mini</a>					P		13	F.25
<a href="#">Tattoo Studio</a>					S		13	F.22
<a href="#">Telephone Exchange (No Offices or Storage Facilities)</a>		P	P	P	P		13	F.20
<a href="#">Temporary Building for New Construction</a>		P-12	P-12	P-12	P-12		13	F.20/27
<a href="#">Tower/Antenna: TV, Radio, Microwave, Telephone, or Cellular</a>		S	S	S	P		13	F.20
<a href="#">Utility Distribution/Transmission Line</a>		S	S	S	S		13	F.20
<a href="#">Warehouse</a>							13	F.25
<a href="#">Wedding Chapel, Reception Facility, Special Events Center</a>					S		13	F.22
<a href="#">Wrecking or Auto Salvage Yard</a>							13	F.20
<a href="#">Wholesale Center</a>					P		13	F.22



### 3.04. Conditional Development Standards

- A. The following conditional development standards shall apply:
1. Guest House/Servants' Quarters Standards
    - a. See 3.07 Accessory Buildings and Uses for standards.
  2. Industrialized (Modular) Home Standards
    - a. Industrialized (Modular) Homes shall be permitted within all Residential Zoning Districts, see Table 1: Zoning Districts.
    - b. Industrialized (Modular) Home Requirements

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

      - i. The Industrialized (Modular) Home meets or exceeds all building code requirements that apply to other dwelling units concerning on-site construction.
      - ii. The Industrialized (Modular) Home conforms to all applicable zoning standards for the respective zoning district.
      - iii. The Industrialized (Modular) Home is placed on an approved platted lot.
  3. Amusement, Commercial (outdoors) Standards
    - a. Allowed by Specific Use Permit.
    - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
    - c. No intermittent or flashing lights shall be permitted.
    - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
    - e. No exterior auditory devices shall be permitted.
  4. Automobile or Other Motorized Vehicle Sales and Service Standards
    - a. Allowed by Specific Use Permit.
    - b. All exterior light sources shall be of a down-light type, indirect, diffused, or shielded type luminaries and so installed as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets.
    - c. No intermittent or flashing lights shall be permitted.
    - d. Luminaries shall be mounted at a height not to exceed thirty (30) feet as measured vertically from the horizontal surface of the nearest parking pavement.
    - e. All building facades shall be constructed with the same masonry materials that meet the masonry regulations for the zoning district in which the property is located.
    - f. No exterior auditory devices shall be permitted.
  5. Car Wash, Full Service and Car Wash, Self Service Standards
    - a. All spray nozzles must be replaced annually with stainless steel or hard ceramic nozzles to ensure maximum efficiency.
    - b. All water leaks must be repaired as they occur.
    - c. All hoses or faucets that are in use must be attended or shut off.



- d. All high-pressure wash nozzles and pump systems shall be calibrated to flows no greater than 3 gallons per minute.
6. **Gasoline Filling or Service Station/Car Wash** Standards
    - a. Allowed by **Specific Use Permit**.
    - b. Gasoline pumps, pump islands, canopies, or car washes, where adjacent to property zoned as single family residential uses shall maintain a minimum setback of at least one hundred twenty-five feet (125').
    - c. The hours of any car wash operation may be limited when located adjacent to property zoned for single family residential uses.
    - d. No exterior illumination (either direct or indirect) shall cross a residential property line nor be a nuisance to traffic.
    - e. No outside/outdoor vending machines, such as soda, video rental, or newspaper vending machines, are permitted.
  7. **Helicopter or Helistop** Standards
    - a. Allowed by **Specific Use Permit**.
    - b. No heliport or helistop shall be located within 1,000 feet of any church, school, hospital, library, public park or within 1,000 feet of any dwelling unless:
      - i. Noise attenuation methods are implemented to achieve noise levels no greater than if the heliport or helistop were located 1,000 feet from any such property in an unprotected state;
      - ii. The Federal Aviation Administration has approved approach and departure paths for the proposed heliport or helistop which require all departures to be made at an angle of more than 90 degrees from any boundary or any such property which is less than 1,000 feet from the proposed heliport or helistop; and
      - iii. No substantial adverse impact exists on residence or businesses within the 1,000 foot requirement.
  8. **Home Based Business** Standards

A **Home Based Business** shall meet the following requirements:

    - a. No persons other than members of the family residing on the premises shall be engaged in such business;
    - b. The use of the dwelling unit for the home based business shall be clearly incidental and subordinate to its use for residential purposes by its occupants;
    - c. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home based business;
    - d. No sign advertising a home based business shall be placed on property where a home based business is conducted. Only one vehicle (motorized or non-motorized), one ton carrying capacity or less may advertise for the home based business. A Special Exception may be approved for properties larger than five (5) acres with 100 feet of frontage to advertise one (1) sign measuring a maximum of four feet by four feet;
    - e. Any sales in connection with such home based business shall be clearly secondary to occupancy. Merchandise shall not be offered or displayed for sale on the premises. Sales incidental to a service shall be allowed; and orders previously made by telephone or at a sales party may be filled on the premises;



- f. No traffic shall be generated by a home based business in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of a home based business shall be met off the street and other than in a required front yard;
  - g. No equipment, process or work shall be used or conducted in such home based business that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment, process or work shall be used or conducted which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises; and
  - h. No [Outside Storage](#) or [Outside Display](#) of any type shall be permitted with any home based business.
9. [Outside Display](#) Standards
- a. Outside Display areas shall not be placed or located more than thirty feet (30') from the main building and shall not exceed fifty (50) percent of the linear frontage of the building.
  - b. Outside Display areas shall be permitted year round.
  - c. Outside Display areas shall be additionally restricted in regards to occupying required parking spaces. Outside Display areas shall not occupy any of the parking spaces that are required by these [Lake Zoning Regulations](#) for the primary use(s) of the property, except on a temporary basis only, which is a maximum of 45 days per display and a maximum of two (2) displays per calendar year.
  - d. Outside Display areas shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
  - e. Outside Display areas shall not extend into public Right-of-Way or onto adjacent property.
  - f. Outside Display items shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
  - g. Outside Display is permitted only as an [Accessory Use](#) and is not a permitted [Principal Use](#).
10. [Outside Storage](#) Standards
- a. Allowed by [Specific Use Permit](#).
    - i. The use [Wrecking or Auto Salvage Yard](#) shall not require a [Specific Use Permit](#) unless indicated on the [Use Chart](#). Screening for [Wrecking or Auto Salvage Yards](#) is detailed in Section [3.05.C](#).
  - b. Outside Storage is limited to a maximum of 25 percent of the total lot area, shall not be located in front of or on top of the building, and must be screened.
    - i. This requirement above does not apply to [Wrecking or Auto Salvage Yards](#).
  - c. Outside Storage screening shall be required only for those areas surrounding Outside Storage.
    - i. A six (6) foot screening fence or wall shall be provided and maintained at either the surrounding Outside Storage or at the property line or street adjacent to the area to be screened by one or a combination of the following methods:
      - (a) Solid masonry consisting of rock, stone, or other material that is equivalent, visually and qualitatively;
      - (b) Wrought iron in conjunction with solid landscape screening; or
      - (c) Wood or wood vinyl in conjunction with solid landscape screening; and.
  - d. Outside Storage of materials, commodities, or equipment shall be screened with a minimum six foot (6') screening fence or wall, and shall not be visible from the street or from adjacent property.



11. [Sexually Oriented Business](#) Standards

Sexually Oriented Businesses include but are not limited to the following uses:

a. Location

- i. A person commits an offense if the person operates or causes to be operated a [Sexually Oriented Business](#) as follows:
  - (a) Within one thousand feet (1,000') of any property line of any residentially zoned property; or,
  - (b) Within one thousand feet (1,000') of any property line of any public, private, or parochial school or library; or,
  - (c) Within one thousand feet (1,000') of any property line of any public or private park, playground, greenbelt, or other recreational area or facility; or
  - (d) Within one thousand feet (1,000') of any property line of any church, convent, monastery, synagogue, or other place of worship; or,
  - (e) Within one thousand feet (1,000') of any property line of any lot devoted to residential use; or,
  - (f) Within one thousand feet (1,000') of any property line of any other [Sexually Oriented Business](#); or,
  - (g) Within the same building or structure wherein another [Sexually Oriented Business](#) occurs.
- ii. For the purposes of these [Lake Zoning Regulations](#), measurement shall be made as follows:
  - (a) The distance between two Sexually Oriented Businesses shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the first property boundary to the nearest portion of the second property boundary.
  - (b) The distance between any [Sexually Oriented Business](#) and the uses listed in [3.04.A.11.a.i](#) shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the first property boundary to the nearest portion of the second property boundary.

12. [Temporary Building for New Construction](#) Standards

- a. Temporary buildings and temporary building material storage areas to be used for construction purposes may be permitted for two (2) years in accordance with a permit issued by the [Commissioners Court](#). A six (6) month extension may be approved by the [Commissioners Court](#). After the initial extension is given, the [Commissioners Court](#) may approve a second six (6) month extension.
- b. Upon completion or abandonment of construction or expiration of permit, the temporary field offices and buildings shall be removed.

13. PD, Planned Development District Standards

Permitted uses shall be determined through Section [2.08 PD, Planned Development District](#) and Section [8.07 PD, Planned Development District Application and Review](#).



### 3.05. Regulations of Specific Uses

#### A. Location and Arrangement of Residential Buildings on Lots for Single Family or Duplex Uses

1. Only one (1) main building for single family use may be located upon a lot.
2. For lots 30,000 square feet or less, every dwelling shall front upon a public street or approved access easement, other than an alley, which means of access shall have a minimum width of thirty feet (30').

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

1. Where a lot is used for multi-family, retail, commercial, or industrial purposes, more than one (1) main building may be located upon the lot, but only when such additional main buildings conform to all the open space, parking and density requirements applicable to the uses and districts.
  - a. All main buildings within 500 feet of a roadway shall face upon a public street or approved access easement other than an alley, unless approved by a Site Plan in accordance with [3.05.B.2 below](#).
2. In cases where two (2) or more main buildings are desired to be placed upon a single lot or tract and such buildings will not face upon a public street or approved access easement, these cases may be permitted with an approved Site Plan.
3. No parking area, storage area, or required open space for one building shall be computed as being the open space yard or area requirements for any other building or other use.

#### C. Wrecking or Auto Salvage Yard

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

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

1. The storage, manufacture, utilization, or dispensing of substances which may constitute or may cause danger to public health, safety, or welfare shall be conducted only within the limits and conditions specified in the latest addition of both the International Fire Code and International Building Code.
2. The emission of toxic or explosive vapors, dusts, or aerosols into the atmosphere shall not exceed, at the facility property line, more than fifty (50) percent of the limit of such as is given in "Threshold Limit Values" as adopted at the most recent International Fire Code and International Building Code.
3. No form of flammable, toxic, or other hazardous material shall be released into or upon any utility line, pit, dump, open ground, stream, or drainage way.
4. The container size, location, design, and construction of any storage tank, building, or facility for any flammable, toxic, or other hazardous material shall be approved by the Environmental Development Department and shall be based upon the requirements of the International Fire Code and International Building Code.

#### E. Pollution Prevention

1. No operation or activity shall discharge or cause to be released into public waters any liquid or solid waste unless in conformance with the latest provisions of the Texas Commission on Environmental Quality (TCEQ), the Texas Department of Health, and/or the Texas Railroad Commission.
2. No operation or activity shall discharge or cause to be released into the atmosphere any smoke or particulate matter which exceeds the limits permitted by the latest requirements of TCEQ.



### 3.06. Nonconforming Uses and Structures

#### A. Intent of Provisions

##### 1. Existence of Nonconformities

- a. The purpose of this Section [3.06 Nonconforming Uses and Structures](#) is to establish provisions for the allowance and potential alteration of existing uses, lots and/or structures that do not conform to currently applicable [Lake Zoning Regulations](#), but which were either built before the [Lake Zoning Regulations](#) were adopted or where in conformance with standards in place at the time of their inception, and have been rendered nonconforming due to a change in the applicable standards and regulations.
- b. [Nonconformities](#) occur in three (3) general categories, or combination thereof.
  - i. [Nonconforming Uses](#). For example, a nonconforming use can be a use that is not currently allowed in a zoning district.
  - ii. [Nonconforming Structures](#). For example, a nonconforming structure can be nonconforming as to setback, yard, or height lot area or dimension requirement.
  - iii. [Nonconforming Lots](#). For example, a nonconforming lot can be nonconforming as to lot area or dimension requirement.

##### 2. Limit Incompatibility

It is the intent of this section to limit [Nonconformities](#).

##### 3. Structures Built Before Adoption of the [Lake Zoning Regulations](#).

It is the intent of this section to allow existing structures that were in existence before the adoption of the [Lake Zoning Regulations](#) to be allowed to expand.

#### B. Establishment of Legal Nonconforming Status

##### 1. Legal Nonconformities

Legal Nonconformities include the following:

Those uses, structures, or lots which in whole or part do not conform to current zoning standards, but were legally established prior to the date of adoption of these [Lake Zoning Regulations](#), at which time they were in conformance with applicable standards. Such uses, structures, or lots may be maintained or potentially altered subject to the provisions of this Section [3.06 Nonconforming Uses and Structures](#).

##### 2. Illegal Nonconforming Status

Those uses, structures, or lots, other than residential accessory buildings, which in whole or part are not in conformance with current zoning standards and were not in conformance with applicable standards at the time of their inception are not considered nonconforming, but are considered illegal uses, structures, or lots and shall not be approved for any alteration or expansion, and shall undertake necessary remedial measures to reach conformance with current standards, or be discontinued.

##### 3. Time of Adoption

Any use, platted lot, and/or structure is a lawful use at the time of the adoption of any amendment to these [Lake Zoning Regulations](#) but by such amendment is placed in a district wherein such use, platted lot, and/or structure is not otherwise permitted shall be deemed legal nonconforming.



C. Burden of Demonstration

The burden of establishing that any nonconformity is a legal nonconformity as defined in this section shall be borne by the owner or proponent of such nonconformity.

D. Abandonment of Use of Property

1. A [Nonconforming Use](#), when abandoned, shall not be resumed and any further use shall be in conformity with the provisions of these [Lake Zoning Regulations](#).
  2. Any [Nonconforming Use](#) that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.
  3. A [Nonconforming Use](#) right shall be considered abandoned and surrendered, forfeited, and lost when evidence presented to the [Commissioners Court](#) indicates that a structure designed or arranged for a [Nonconforming Use](#) has ceased to be used in a bona fide manner as a [Nonconforming Use](#) for a period of six consecutive calendar months. For purposes of calculating the six-month period, a use is abandoned upon the occurrence of the first of any of the following events:
    - a. On the date when the use of land is physically vacated;
    - b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;
    - c. On the date of termination of any lease or contract under which the nonconforming use has occupied the land; or
    - d. On the date a final reading of water and/or power meters is made by the applicable utility provider(s).
  4. Abandonment of a [Nonconforming Use](#) does not require intent.
  5. An abandoned use shall not be instituted on that parcel or other parcel in any district that does not permit the abandoned use.
  6. Prohibited Expansion or Reoccupation

A [Nonconforming Use](#) shall not be expanded or increased as of the adoption date of these [Lake Zoning Regulations](#), except as provided in [3.06.F Expansion of Nonconforming Uses and Structures](#).
  7. Single Family Residential Uses
    - a. Conforming single family residential uses on platted lots approved prior to the [Lake Zoning Regulations](#) adoption date, which may now be nonconforming due to stricter standards, shall be deemed in conformance with these [Lake Zoning Regulations](#) as long as the use of the lot is allowed in the respective district.
    - b. Only the lot size, depth, width, and setbacks shall be allowed to be less than the regulations prescribed in the zoning district in which it is located. All other regulations of these [Lake Zoning Regulations](#) shall be met, or the lot shall be considered nonconforming.
  8. Existing Platted Lots are Conforming Lots

Any existing vacant lot platted prior to the [Lake Zoning Regulations](#) adoption date that was legally conforming, shall be deemed a conforming lot.
- E. Changing Uses and Nonconforming Rights
1. Nonconforming Use to Conforming Use

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



2. Nonconforming Use to Another Nonconforming Use

A nonconforming use may not be changed to another nonconforming use.

3. Conforming Use in a Nonconforming Structure

Where a conforming use is located in a Nonconforming Structure, the use may be changed to another conforming use by the process outlined in [3.06.F Expansion of Nonconforming Uses and Structures](#).

F. Expansion of Nonconforming Uses and Structures

An expansion of a Nonconforming Use or Nonconforming Structure is allowed in accordance with the following.

1. Nonconforming Use Expansion in Existing Building

A [Nonconforming Use](#) may be enlarged, increased, or extended within an existing building provided:

- a. No structural alteration may be made on or in the existing building except those required by law to preserve such building in a structurally sound condition.
- b. Work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring or plumbing, to an extent not exceeding fifty percent (50%) of the current replacement value of the building.
- c. The number of dwelling units or rooms in a nonconforming residential use shall not be increased so as to exceed the number of dwelling units or rooms existing at the time said use became a nonconforming use.

2. Nonconforming Use Prohibited from Expansion beyond Existing Building

A [Nonconforming Use](#) within a building shall not be extended to occupy any land outside the building.

3. Off-Street Loading and Parking

A [Nonconforming Use](#) shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the time the land became a [Nonconforming Use](#), except to provide off-street loading or off-street parking space.

4. Residential Lot Exemption

The minimum residential lot areas for the various zoning districts shall be in accordance with their respective districts except that a lot having less area than herein required which was an official Lot of Record prior to the [Lake Zoning Regulations](#) adoption date may be used for a single family dwelling.

5. Expansion of Nonconforming Structures with Conforming Uses

Buildings or structures that do not conform to the area regulations or development standards in the [Lake Zoning Regulations](#) but where the uses are deemed conforming shall not increase the gross floor area greater than 100 percent from the date when the building became nonconforming.

G. Restoration of Nonconforming Structures

1. Total or Partial Destruction

If a [Nonconforming Structure](#) is destroyed by fire, the elements, or other natural catastrophic event, it may be rebuilt, but the existing square footage or function of the Nonconforming Structure cannot be expanded for two (2) years. The construction must comply with the zoning regulations in effect at the time the structure was permitted. The construction must commence within 12 months of the date of destruction. The failure of the owner to start such reconstruction within 12 months shall forfeit the owner's right to restore or reconstruct the structure except in conformance with the [Lake Zoning Regulations](#).



2. If the owner of a [Nonconforming Structure](#) has a [Nonconforming Use](#) and fails to begin reconstruction of the destroyed structure within 12 months of the date of destruction, then the [Nonconforming Structure](#) and [Nonconforming Use](#) shall be deemed to be discontinued or abandoned.

H. Loss and Reinstatement of Nonconforming Rights

1. Loss of Nonconforming Rights Status
  - a. If the [Commissioners Court](#) determines that a [Nonconforming Use](#) has met the definition of abandonment and has lost its nonconforming rights, the use shall not be instituted on that parcel or other parcel in any district that does not permit the discontinued use.
  - b. Any [Nonconforming Use](#) that does not involve a permanent type of structure or operation and that is moved from the premises shall be considered to have been abandoned.
2. Application for Nonconforming Rights Reinstatement
  - a. The owner and/or operator of the abandoned Nonconforming Use may submit a written application to the [Commissioners Court](#) to have the nonconforming rights reinstated.
  - b. Written Application for reinstatement of nonconforming rights must be made within ten (10) business days after the [Commissioners Court](#) issues the written notice of determination that a use has been permanently abandoned.
3. Nonconforming Rights Reinstatement
  - a. The [Commissioners Court](#) may reinstate nonconforming rights only if the [Commissioners Court](#) finds that the use was not discontinued for six (6) months or more.
  - b. The failure of the owner and/or operator to remove on-premise signs shall not be considered (on its own) evidence of a continuing use.



### 3.07. Accessory Buildings and Uses

#### A. Residential Accessory Buildings and Uses

1. The following regulations apply to [Guest House/Servants' Quarters](#) operating as [Accessory Buildings](#) or as a use attached to the main building.
  - a. A [Guest House/Servants' Quarters](#) shall be smaller in square footage than the primary residential building.
    - i. Nothing herein shall authorize the occupancy or the use of a [Guest House/Servants' Quarters](#) by anyone other than a bona fide guest or servant employed by the occupant of the main structure on such lot, estate or land.
    - ii. A [Guest House/Servants' Quarters](#) may be constructed as a part of the main building.
  - b. Only one (1) Guest House/Servants' Quarters shall be allowed on any individual tract of land.
  - c. Guest House/Servants' Quarters shall not be leased or rented.
2. [Cabin or Cabins as an Accessory Use](#) are allowed within all residential zoning districts.
3. Architectural elements for Residential Accessory Buildings.
  - a. All Accessory Buildings 200 square feet and larger shall be constructed of the same exterior construction material of the main building or structure and incorporate the same architectural elements and materials as the main building.
  - b. The color and materials of the roof of the accessory building must closely resemble the color and materials of the roof of the main building unless the accessory building is prefabricated or pre-finished.

#### B. Nonresidential Accessory Buildings

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



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# Section 4. Dimensional Regulations

## 4.01. Purpose

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

## 4.02. Establishment of Area Regulations and Standards

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

## 4.03. Additional Area Regulations and Standards

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

## 4.04. Zoning Dimensional Regulations Chart

Regulation	A&R, Agriculture and Ranching District	RE, Rural Estate Single-Family District	LD, Low Density Single-Family	R&C, Retail and Commercial District	RFO, Reservoir Facilities and Operations District	PD, Planned Development District
<b>Lot Dimensions</b>						
Minimum Lot Area	5 Acres	43,560 Square Feet	30,000 Square Feet	43,560 Square Feet	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
Minimum Lot Width	200'	100'	100'	100'	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
Minimum Lot Depth	400'	200'	100'	200'	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
Minimum Road Frontage	200'	100'	100'	100'	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
<b>Yard Setback Dimensions</b>						
Minimum Front Yard Setback	100'	80'	40'	80'	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
Minimum Side Yard Setback	100'	25'	15'	25'	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
Minimum Rear Yard Setback	100'	80'	40'	80'	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
<b>Floor Area</b>						
Minimum Floor Area for a Primary Use	1,200 Square Feet	1,200 Square Feet	1,200 Square Feet	None	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
<b>Structure Height</b>						
Maximum Height (feet/stories)	3 Stories or 50'	2.5 Stories or 35' (Up to 50' with Additional Setback) <sup>(1)</sup>	2.5 Stories or 35' (50' with Additional Setback) <sup>(1)</sup>	2.5 Stories or 35' (50' with Additional Setback) <sup>(1)</sup>	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>
<b>Building Area Coverage</b>						
Maximum Building Area (all buildings)	50%	50%	50%	75%	None	See Sections <a href="#">2.08</a> and <a href="#">8.07</a>

(1) The dwelling or other main building or portions of building other than [Accessory Buildings](#) may be erected higher than thirty-five feet (35') provided that any portion of the building above said thirty-five feet (35') height limit is set back from all required yard setback lines a distance of two feet (2') for each one (1) foot in height above said thirty-five feet (35') limit. No building shall have a height of more than fifty feet (50').



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# Section 5. Development Regulations

## 5.01. Landscape Requirements

### A. Purpose

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

### B. Applicability

1. These standards shall apply to all development within the [R&C, Retail and Commercial District](#).
2. Dam-Related Construction Activities, Utilities, and Operations

Due to their unique nature and for management of the reservoir, all [Dam-Related Construction Activities, Utilities, and Operations](#) shall be exempt from compliance with this Section [5.01 Landscape Requirements](#).

3. Agricultural Uses, Buildings, and Structures

All agricultural uses, buildings, and structures shall be exempt from compliance with this Section [5.01 Landscape Requirements](#).

### C. Nonresidential Landscaping Requirements

Nonresidential landscaping shall be required according to the following sections.

Table 2: Nonresidential Landscaping Requirements (Section References)	
Section Number	Section Title
<a href="#">5.01.C.1</a>	<a href="#">Landscaping Along Street Right-of-Way</a>
<a href="#">5.01.C.2</a>	<a href="#">Interior Parking Lot Landscaping</a>
<a href="#">5.01.C.3</a>	<a href="#">Landscaping/Screening for Parking Lots Adjacent to Residential Areas</a>
<a href="#">5.01.C.4</a>	<a href="#">Landscaping for Nonresidential Areas Adjacent to Residential Areas</a>

1. Landscaping Along Street Right-of-Way

All nonresidential uses shall comply with the following streetscape requirements:

#### a. Landscaped Edge

A landscaped edge shall be provided adjacent to all streets.

- i. The landscaped edge shall be the following minimum widths, exclusive of street [Right-of-Way](#).
  - (a) Landscape buffer width adjacent to a [Primary Roadway](#): 20 Feet
  - (b) Landscape buffer width adjacent to a [Secondary Roadway](#): 10 Feet
- ii. Within the landscaped edge, one (1) [Shade Tree](#) (3" caliper minimum) shall be planted per 40 feet of landscaped edge. The [Commissioners Court](#) may approve the grouping or clustering of trees to accommodate driveway spacing, utilities, drainage facilities, or similar site features.
- iii. The number of required trees shall be calculated solely on the area of the required landscaped edge.



b. Vehicle Headlight Screening abutting the Landscape Edge

Where parking lots, drives, and access easements abut the landscaped edge, [Shrubs](#) (5 gallon minimum) shall be planted to form a contiguous buffer along the common boundary line.

- i. The number of required shrubs shall be calculated solely on the area of the required landscaped edge.
- ii. Shrubs shall be planted in planting beds.
- iii. A berm may be placed within the landscaped edge in lieu of the required shrubs unless needed for a headlight screen. (See [5.01.C.3](#) for possible additional landscaping requirements.)
- iv. The berm must be 18 to 40 inches above the average grade of the street and parking lot curbs.
- v. The slope of the berm shall not exceed a 33 percent grade.

c. If the parking lot is located 50 feet or more from the street [Right-of-Way](#) line, no shrubs or berms will be required unless needed for a headlight screen. (See [5.01.C.3](#) for possible additional landscaping requirements.)

d. The [Applicant](#) is also encouraged to plant a variety of ornamental trees and flowers in addition to the required plantings.

e. Any permeable surface not occupied by trees, shrubs, planting beds, signs or other permitted fixtures shall be planted with turf or other living ground cover.

f. The [Lake Zoning Commission](#) and the [Commissioners Court](#) may reduce the width of the required landscape edge during [Site Plan](#) review when the reduction is required for a [Public Improvement](#).

2. Interior Parking Lot Landscaping

Any nonresidential parking area that contains more than 20 parking spaces shall provide interior landscaping in addition to the required [Landscaped Edge \(5.01.C.1.a\)](#):

a. [Interior Parking Lot Landscaping](#) shall include all areas within the paved boundaries of the parking lot as well as planting islands, curbed areas, corner lots, parking spaces and all interior driveways and aisles except those with no parking spaces located on either side.

- i. Landscaped areas outside of the parking lot may not be used to meet the [Interior Parking Lot Landscaping](#) requirement.

b. There shall be ten (10) square feet of [Interior Parking Lot Landscaping](#) for each parking space or fraction thereof.

c. There shall be one (1) [Shade Tree](#) (3" caliper minimum) or an [Ornamental Tree](#) for every ten (10) parking spaces or fraction thereof.

d. All landscaped areas shall be protected by a raised six (6) inch concrete curb.

e. Where an existing parking area is altered or expanded to increase the number of spaces to more than twenty (20), [Interior Parking Lot Landscaping](#) shall be provided on the new portion of the lot in accordance with the above standards.



3. Landscaping/Screening for Parking Lots Adjacent to Residential Areas

Where parking is within 50 feet of residentially zoned property and is not screened from view by a wall, berm or other screen, a continuous screen of shrubs (5 gallon minimum at the time of planting and planted in planting beds) must be placed adjacent to the parking. The required landscaping shall comply with the following regulations:

- a. The required shrubs shall create a minimum three (3) foot tall screen within two (2) years of the date of planting.

4. Landscaping for Nonresidential Areas Adjacent to Residential Areas

A 10-foot wide landscape buffer shall be provided adjacent to existing residential or vacant land zoned for residential uses.

D. Landscape Maintenance Requirements

1. This subsection ([5.01.D](#)) shall not apply to single family lots.
2. All plant material shall be maintained in a healthy and growing condition, and must be replaced with plant material of similar variety and size if damaged, destroyed, or removed.
3. Landscaped areas shall be kept free of trash, litter, weeds and other such materials or plants not a part of the landscaping.
4. An automatic irrigation system with rain and freeze sensors is required for all landscaping except for single family residences.
5. All cut areas front, side, and rear must have sod for erosion control.
6. Any [Developer](#) desiring to install and maintain landscaping materials and irrigation facilities within the County [Right-of-Way](#) must first receive written approval from the [Commissioners Court](#).
7. Replacement of dead landscaping shall occur prior to the issuance of a [Utility Connection Certificate](#).

E. Approved Plant Materials

1. Shade Tree

Trees shall be native, of a drought-tolerated nature, and have a mature crown of at least twenty (20) feet.

2. Ornamental Tree

Trees shall be native, of a drought-tolerated nature, and may have a mature crown less than twenty (20) feet.

3. Shrubs

Shrubs shall be native, of a drought-tolerated nature, and be a minimum of fifteen (15) inches in height when measured immediately after planting.

4. Vine

Vines shall be native or adaptive and a minimum of twenty-four (24) inches in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet physical barrier requirements as herein specified.



## 5.02. Residential Adjacency Standards for Businesses

### A. Purpose

In order to preserve and protect the integrity of single family residential neighborhoods and in an effort to protect the quiet enjoyment of single family residential properties and to maintain property values, the County has determined that it is necessary and appropriate to adopt specialized regulations for non-single family residential uses and buildings that are constructed within 200 feet of properties used for single family residences.

### B. Applicability

1. The following [Residential Adjacency Standards for Businesses](#) shall apply to all non-single family residential buildings or uses that lie within 200 feet of properties used for single family residences.
2. For purposes of the Section, the 200 foot distance shall be measured directly from the non-single family residential building and/or use to the property line of the single family residence.
3. Dam-Related Construction Activities, Utilities, and Operations

Due to their unique nature and for management of the reservoir, all [Dam-Related Construction Activities, Utilities, and Operations](#) shall be exempt from compliance with this [5.02 Residential Adjacency Standards for Businesses](#).

4. Agricultural Uses, Buildings, and Structures

All agricultural uses, buildings, and structures shall be exempt from compliance with this Section [5.02 Residential Adjacency Standards for Businesses](#).

### C. Development Regulations

1. Masonry Requirements for Building Facades
  - a. All facades of a building shall be finished on all four sides with the same materials (meeting the masonry requirements, see [5.06.C Exterior Material Requirements for Nonresidential Districts and Uses](#)), detailing, and features.
  - b. The use of cement, standard (i.e., smooth-faced) concrete block, concrete tilt wall, stucco and other masonry materials of similar characteristics is not permitted.
  - c. Exception for facades not visible from public streets:
    - i. The rear wall of the building may be constructed of standard concrete block, concrete tilt wall, stucco and other masonry materials of similar characteristics provided that:
      - (a) It is of the same color as the other facades, and
      - (b) A double row of trees on offset fifty (50) foot centers is planted in a fifteen (15) foot landscape edge, where 50% of the trees are Large Evergreen Trees.
    - ii. This exception does not apply to buildings on pad sites (i.e., “out” buildings).



2. Mechanical Equipment Screening
  - a. This subsection shall apply to equipment on the roof, on the ground or otherwise attached to the building or located on the site.
  - b. All buildings must be designed such that no mechanical equipment (HVAC, etc.) or satellite dishes shall be visible from adjacent residential uses.
  - c. Rooftop mechanical equipment and/or other rooftop appurtenance screening shall be accomplished by either the construction of:
    - i. The roof design or,
    - ii. An architectural feature that is integral to the building's design and ensures that such equipment is not visible.
  - d. The fencing or enclosure of individual mechanical units shall not be permitted except as described above.
  - e. All rooftop mechanicals or architectural features described herein shall be shown on building elevations with the required [Site Plan](#) as part of the related [Application](#).
3. Loading and Service Areas
  - a. Loading and service areas shall be located at the side or rear of buildings.
  - b. Where visible from the property line, a solid masonry screening wall at least ten feet (10') in height shall be required to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.
  - c. This 10-foot wall must screen the entire loading dock or space.
  - d. Screening materials shall utilize similar masonry materials to the building's facades.
  - e. The accommodation of adequate access for service delivery trucks may be evaluated to determine the extent of screening required.
4. Trash Receptacles and Recycling Receptacles
  - a. No trash receptacles or recycling receptacles shall be located within fifty feet (50') of properties used for single family residences.
  - b. Trash and recycling receptacles shall be screened by a solid masonry screen at least eight feet (8') in height and shall utilize similar masonry materials to the building's facades.
  - c. Trash and recycling receptacles shall be four sided with a metal gate and shall be located to the side or rear of the principal building.



### 5.03. Screening Requirements for Residential and Nonresidential Properties

#### A. Purpose

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

#### B. Applicability

1. These standards shall apply to all development within the [R&C, Retail and Commercial District](#) .

2. Dam-Related Construction Activities, Utilities, and Operations

Due to their unique nature and for management of the reservoir, all Dam-Related Construction Activities, Utilities, and Operations shall be exempt from compliance with this Section [5.03 Screening Requirements for Residential and Nonresidential Properties](#).

3. Agricultural Uses, Buildings, and Structures

All agricultural uses, buildings, and structures shall be exempt from compliance with this Section [5.03 Screening Requirements for Residential and Nonresidential Properties](#).

#### C. Screening Between Nonresidential and Residential

A screening wall/fence or landscape buffer separating nonresidential used and/or zoned areas from residential uses shall be placed up to the property line except when deemed physically impractical by the property owner and the [Commissioners Court](#).

1. Screening walls/fence separating nonresidential used and/or zoned areas from residential uses shall be at least six feet (6') in height, but not more than eight feet (8'), unless otherwise specifically permitted or required by this Section or unless approved by the [Commissioners Court](#) following a recommendation by the [Lake Zoning Commission](#) in the consideration of a [PD, Planned Development District](#) rezoning application, [Site Plan](#), or [Specific Use Permit](#).

2. Landscape buffers separating nonresidential used and/or zoned areas from residential uses shall be at least six feet (6') in height, unless otherwise specifically permitted or required by this Section or unless approved by the [Commissioners Court](#) following a recommendation by the [Lake Zoning Commission](#) in the consideration of a [PD, Planned Development District](#) rezoning application, [Site Plan](#), or [Specific Use Permit](#).

#### D. Nonresidential Construction Abuts Residential Zoning Classification

1. Nonresidential construction that abuts the boundary of any property in a residential zoning classification shall require the [Developer](#) of the nonresidential use to erect a minimum six (6) foot high screening wall/fence or establish a landscape buffer along the common boundary before public works improvements having been accepted for platting purpose or before the issuance of a [Utility Connection Certificate](#) zoning purposes.

2. The design and construction material of the screening wall shall be as specified in this Section.

#### E. Nonresidential Uses with Loading Docks

1. Nonresidential uses with loading docks and delivery entrances that face a street shall require the [Developer](#) to erect a minimum ten-foot (10') high screening wall/fence to screen views of loading docks and loading spaces intended for tractor/semi-trailer delivery.

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



F. Screening Wall/Fence Materials

1. Any screening wall/fence required by this Section shall be constructed of the following materials:
  - a. Brick, stone, or split-face concrete masonry unit;
  - b. Cement Fiberboard Siding;
  - c. Wood materials, or
  - d. Pre-cast concrete wall or poured-in-place concrete wall with a similar appearance as brick, stone or split-face concrete masonry unit.
2. All masonry construction materials shall be earth-tone or traditional masonry colors including white.
  - a. An unfinished Haydite block wall or a wall with non-traditional masonry colors shall be prohibited.
  - b. Where a masonry screening wall is constructed of split-face concrete masonry units or pre-cast concrete or poured-in-place concrete with a similar appearance as brick, stone or split-face concrete masonry unit, the decorative or split-face side of the wall shall face the adjacent residential properties or street.
  - c. Smooth-faced concrete masonry units (e.g., Haydite blocks) shall not be permitted as a construction material for a masonry screening fence.

G. Screening Wall/Fence Design

The screening wall shall be designed and constructed to prevent any drainage or erosion problems.

H. Mechanical Equipment Screening Requirements for Nonresidential Properties

1. General
  - a. In all nonresidential development, all mechanical equipment whether ground-mounted, roof-mounted or otherwise attached to the building shall be screened from view at a height of six feet (6') while standing at the highest grade on the nearby property line(s).
  - b. Mechanical equipment areas shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
  - c. The location, construction, and screening of all mechanical equipment shall be shown on the design drawings.
2. Ground-Mounted Mechanical Equipment
  - a. Ground-mounted mechanical equipment, with the exception of an electricity delivery provider's distribution voltage of 25 kv (kilovolts) or smaller, shall be screened with a screening fence or living screen equal to or greater than one foot (1') above the height of the unit.
  - b. The screening fence shall be constructed of masonry or cedar wood materials.
3. Roof-Mounted Mechanical Equipment
  - a. Roof-mounted mechanical equipment shall be screened from view with a parapet wall, mansard roof or alternative architectural element.
  - b. The height of the screening element shall be equal to or greater than the height of the mechanical unit(s) provided that the element shall not extend more than five feet (5') above the roof on a one- or two-and-one-half (2½) story building.
  - c. When the height of a mechanical unit exceeds the maximum permitted height of the screening feature, an additional roof setback for the unit shall be required at a ratio of two horizontal feet (2') for each additional one foot (1') of vertical height above the maximum five feet (5').
  - d. Screening for mechanical units shall apply to new building construction only.



I. Screening of Outdoor Waste Storage for Nonresidential Properties

1. General

- a. Waste storage areas (refuse containers, etc.) shall be constructed, located and screened to prevent interference with the peace, comfort, and repose of the occupants of any adjoining building or residence.
- b. The location, construction, and screening of all waste storage areas (refuse containers, etc.) shall be shown on the design drawings.

2. Incidental Use Requirement and Location Standards

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

- a. Only be allowed as an incidental use, and
- b. Only be allowed when located behind the building line established by the structure and not within any side or rear yard setback or any required landscaped area.

3. Setbacks

Refuse containers, trash dumpsters/containers, trash compactors, box compactors, and other similar containers shall be set back from all residential uses a minimum of twenty-five feet (25').

4. Screening Required

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

- a. The container shall be screened by the wall/fence and a metal gate capable of screening the area and shall remain closed at all times except when filling or emptying the container.
- b. Properties larger than 5 acres are exempted from screening enclosure for dumpsters if the dumpster cannot be seen from the street or a neighboring residential property.

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



## 5.04. Off-Street Parking and Loading Requirements

### A. Purpose

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

### B. Applicability

1. Except as hereinafter provided, no building or structure or part thereof shall be erected, altered, or converted for any permitted use unless vehicle parking is provided according to the following standards.
2. Vehicle parking shall be provided on the lot or tract, on an immediately contiguous lot or tract, or within one hundred fifty feet (150') of such building or structure.
3. An established use lawfully existing at the effective date of these [Lake Zoning Regulations](#) need not provide vehicle parking as hereinafter set forth. No existing vehicle parking in connection with said use, at the effective date of these [Lake Zoning Regulations](#), may be reduced below the minimum number of spaces as hereinafter required.
4. Dam-Related Construction Activities, Utilities, and Operations

Due to their unique nature and for management of the reservoir, all [Dam-Related Construction Activities, Utilities, and Operations](#) shall be exempt from compliance with this [5.04 Off-Street Parking and Loading Requirements](#).

5. Agricultural Uses, Buildings, and Structures

All agricultural uses, buildings, and structures shall be exempt from compliance with this Section [5.04 Off-Street Parking and Loading Requirements](#).

### C. General Requirements

1. Parking Areas and Driveways

Unless otherwise noted, parking areas and driveways shall be paved concrete with curbs along the perimeter areas.

2. Parking Space Dimension

In all zoning districts, all parking spaces shall not be less than ten feet (10') by twenty feet (20').

### D. Parking Space Schedule: Single Family Uses

1. The minimum off-street parking spaces for residential uses shall be two (2) spaces for each dwelling unit. These two (2) spaces shall be in addition to any garage parking spaces.
2. For lots one (1) acre or smaller, no off-street parking shall be allowed between the front property line and the front of the single family home, except on an improved or paved driveway.
3. For lots one (1) acre or smaller, no boats, recreational vehicles, trailers, or vehicles with more than two axles may be parked between the front property line and the front of the single family home.

### E. Parking Space Schedule: Multi-Family Uses

1. Off-street parking shall be provided behind the front building line in the side or rear yard of the lot or tract of land upon which an [Apartment](#) building is constructed.
2. Adequate off-street parking shall be provided to meet the requirements of the residents and their guests in each [Apartment](#) project, with a minimum of a one (1) parking space per dwelling unit plus one (1) additional parking space per bedroom.



3. No parking area or vehicle storage space shall be used for the storage or parking of any vehicle with more than two axles.

F. Parking Space Schedule: Nonresidential Uses Applicable to All Districts

Off-street parking spaces shall be provided according to the following. In cases where a use is not listed below, see [5.04.H Parking Requirements for New or Unlisted Use](#).

1. Bank, Savings and Loan, or Similar Financial Establishment  
One (1) space for each three hundred (300) square feet of Floor Area.
2. Bed and Breakfast Guest Room  
Two (2) spaces per guest room in addition to the requirements for a normal residential use.
3. Car Wash  
Minimum of six (6) spaces. Areas for bays or stalls where vehicles park for service shall not be considered a parking space.
4. Child-care, Kindergartens, Day Schools, and Similar Establishments  
One (1) space per eight (8) pupils plus one (1) space per employee.
5. Church or Other Place of Worship  
One (1) space per three (3) seats within the main sanctuary.
6. Clinics or Doctor's Offices  
One (1) space for each three hundred (300) square feet of Floor Area, minimum of five (5) spaces.
7. Commercial Outdoor Amusement  
Ten (10) spaces plus one (1) space for every three (3) persons to be normally accommodated in the establishment.
8. Convalescent Home or Nursing Home or Assisted Living Facility  
One (1) space for each six (6) rooms or beds.
9. Gasoline Service Station  
Minimum of six (6) spaces, areas adjacent to pumps where vehicles park to refuel shall not be considered a parking space.
10. Golf Course  
Minimum of thirty (30) spaces.
11. High School, College or University  
One (1) space for each classroom, laboratory or instruction area, plus one (1) space for each three (3) students accommodated in the institution.
12. Hospitals  
One (1) space for every two (2) beds.
13. Hotel or Motel  
One (1) space for each room, unit or guest accommodation.



14. Institutions of a Philanthropic Nature  
Ten (10) spaces plus one (1) space for each employee.
15. Library or Museum  
Ten (10) spaces plus one (1) for each three hundred (300) square feet of Floor Area.
16. Manufacturing, Processing or Repairing  
One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of Floor Area, whichever is greater.
17. Offices, General  
One (1) space for each three hundred (300) square feet of Floor Area, minimum of five (5) spaces.
18. Parks  
Due to the wide variety of park types and uses, the number of spaces shall be submitted by the applicant and be based on best/current planning parking ratios (recommended sources: Institute of Transportation Engineers [ITE] or the American Planning Association [APA]) and approved by the [Commissioners Court](#).
19. Places of Public Assembly Not Listed  
One (1) space for each three (3) seats provided.
20. Recreational, Private or Commercial Area or Building (Other than Listed)  
One (1) space for every three (3) persons to be normally accommodated in the establishment.
21. Restaurant or Cafeteria  
One (1) space for every three (3) seats under maximum seating arrangements, minimum of five (5) spaces.
22. Retail or Personal Service  
One (1) space for each two hundred (200) square feet of Floor Area, minimum of five (5) spaces.
23. RV Park  
Two (2) spaces for each recreational vehicle space.
24. Schools, Elementary, Junior High  
One (1) space for each classroom, plus one (1) space for each four (4) seats in any auditorium, gymnasium, or other place of assembly.
25. Storage or Warehousing  
One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of Floor Area, whichever is greater.
26. Theaters, Meeting Rooms, and Places of Public Assembly  
One (1) space for every three (3) seats.



27. Best Practices Parking Ratio

For uses shown in the [Use Chart](#) that have atypical standards or single uses which have varying parking needs depending on the function of that specific single use, an applicant may submit a parking ratio based on best planning and transportation practices.

a. Best Practices Parking Ratio Application

- i. An applicant shall fully cite the sources used to derive the applicant-submitted parking ratio, possible resources include parking standards materials from the Institute of Transportation Engineers (ITE) or the American Planning Association (APA).
- ii. The [Commissioners Court](#) shall review the applicant submitted parking ratio to confirm best planning practices for a use.
- iii. The [Commissioners Court](#) shall approve, modify, or deny the applicant submitted parking ratio.

b. Parking Ratio Determination in Case where no Application is Submitted

If the applicant does not submit a parking ratio, then the [Commissioners Court](#) shall determine the parking ratio based on the best/current planning and transportation practices.

G. Off-Street Parking Regulations

1. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building or development.
2. Floor Area of a structure devoted to off-street parking of vehicles shall be excluded in computing the off-street parking requirements of any use.

H. Parking Requirements for New or Unlisted Use

Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be determined by the [Commissioners Court](#) as those of a similar use.

I. Circulation and Parking Requirements for all Nonresidential Developments

1. Applicability

The regulations provided in this section shall apply to all nonresidential development.

2. Parking Aisles

Parking aisles shall be designed perpendicular to the front of the primary building in the development.

3. Wheel Stops and/or Bollards

If curbs are not provided, then parking spaces that face and are adjacent to a building or required landscaped area shall utilize wheel stops and/or bollards within 12 inches from the end of the space.



J. Parking Space Design Details

Each standard off-street surface parking space size shall be in accordance with the design standards as shown on the following illustrations for space size and design.

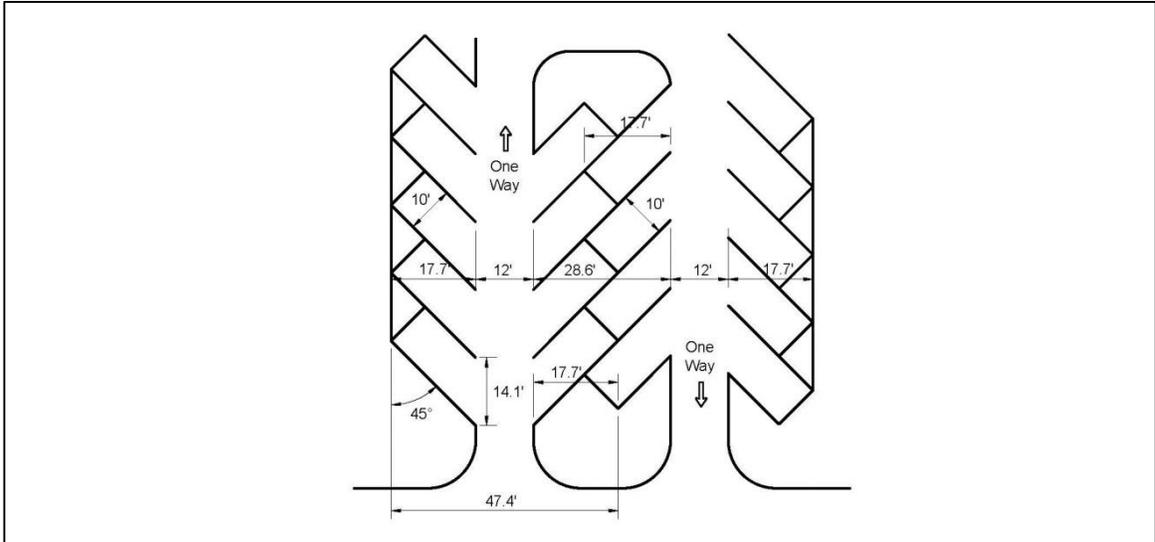


Figure 1: 45 Degree Layout with One-Way Traffic

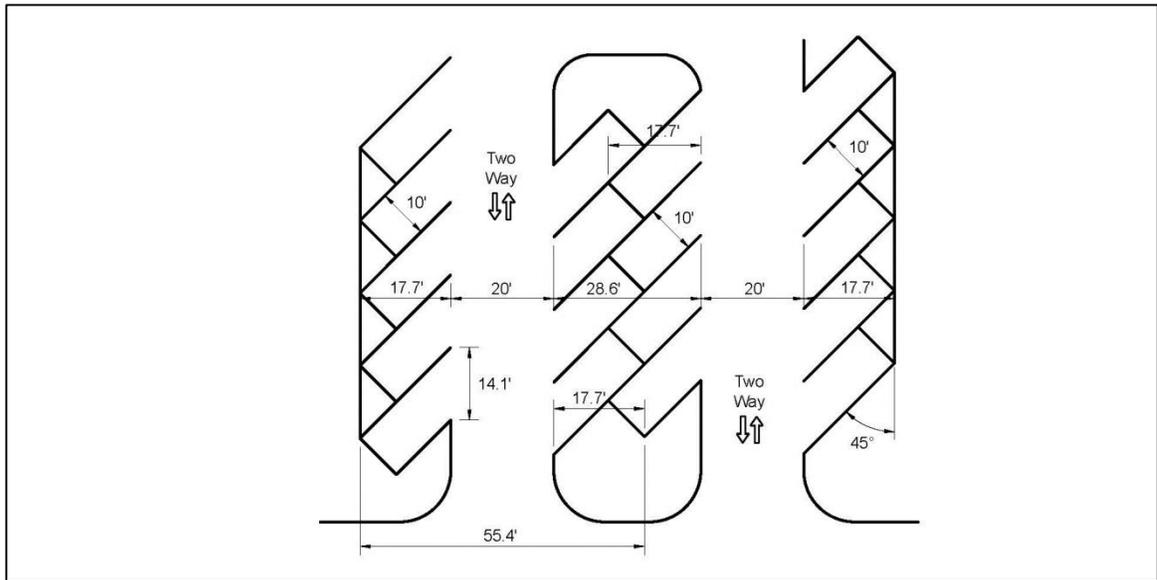


Figure 2: 45 Degree Layout with Two-Way Traffic

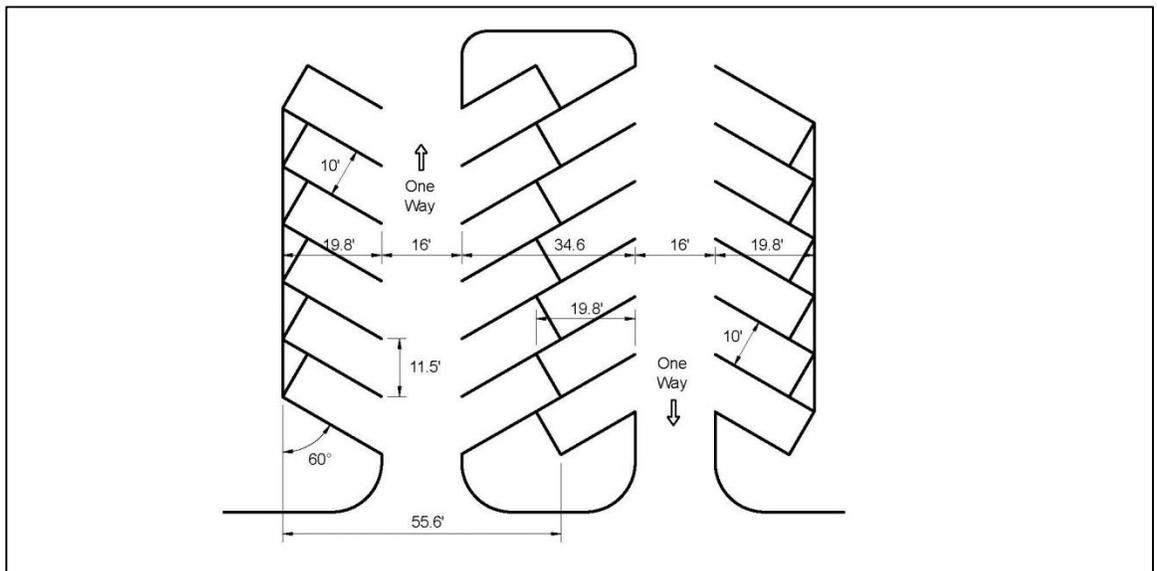


Figure 3: 60 Degree Layout with One-Way Traffic

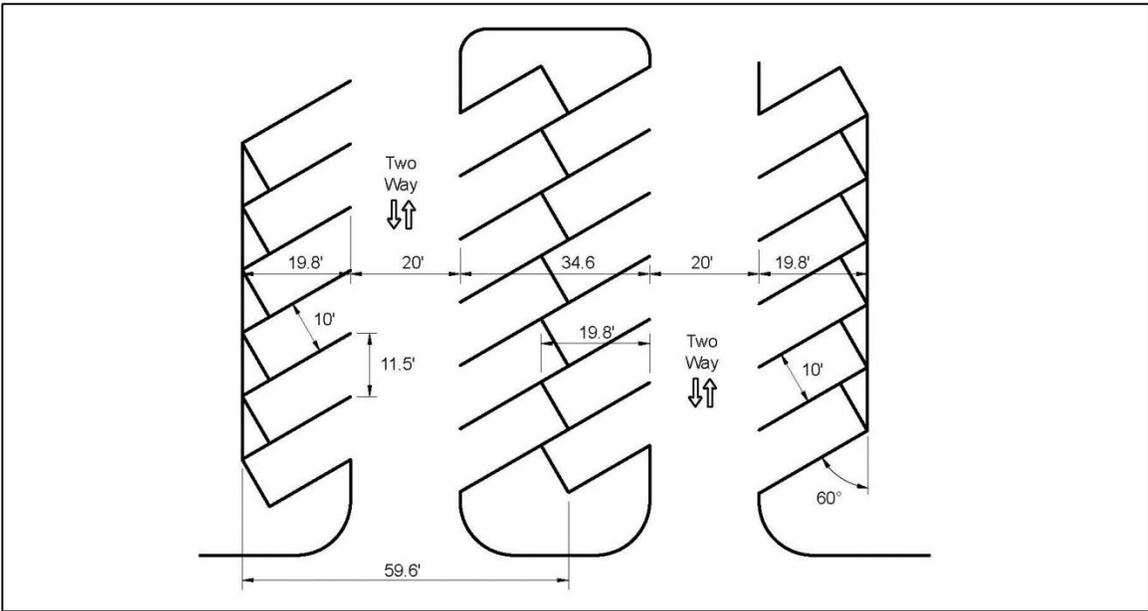


Figure 4: 60 Degree Layout with Two-Way Traffic

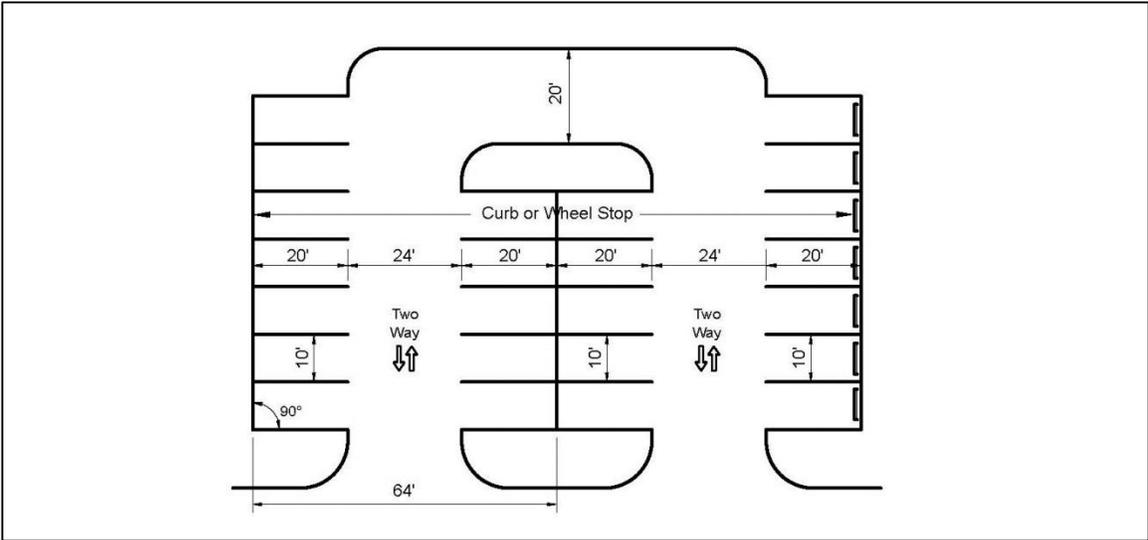


Figure 5: 90 Degree Layout with Two-Way Traffic



K. Off-Street Loading Space: All Districts

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

1. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street.
2. Each site shall provide a designated maneuvering area for trucks.
3. No maneuvering shall take place in the right-of-way.

L. Vehicle Stacking Requirements

1. Stacking Space Definition

Stacking spaces provide the ability for vehicles to queue on-site prior to receiving a service.

2. Stacking Space Size and Location

A stacking space shall be a minimum of ten (10) feet in width and twenty (20) feet in length and shall not be located within or interfere with any other circulation driveway, parking space, fire lane, or maneuvering area.

3. Additional Stacking Space Location Criteria

Stacking spaces shall be provided behind the vehicle bay door, middle of the service window, or middle of the service island, whichever is applicable.

4. Number of Required Stacking Spaces (All Districts)

In all zoning districts, at the time any building or structure is erected or altered, stacking spaces shall be provided in the number and manner set forth in the following list of property uses.

- a. Automated Teller Machine (ATM)  
Three (3) stacking spaces.
- b. Automobile Oil Change and Similar Establishments  
Three (3) stacking spaces per bay.
- c. Car Wash, Full Service  
Six (6) stacking spaces per bay.
- d. Car Wash, Self Service (Automated)  
Three (3) stacking spaces per bay.
- e. Car Wash, Self Service (Open Bay)  
Two (2) stacking spaces per bay.
- f. Car Wash, Self Service (Drying Areas and Vacuum Islands)  
Two (2) stacking spaces per drying area and/or vacuum island.
- g. Child-care, Kindergartens, Day Schools, and Similar Child Training and Care Establishments  
One (1) stacking space per twenty (20) students provided on a through "circular" drive.
- h. Dry Cleaning, Pharmacy, or Other Retail Establishments with a Drive-Through  
Three (3) stacking spaces for first service window.



- i. Financial Institution  
Five (5) stacking spaces per window or service lane.
  - j. Restaurant with Drive-Through  
Five (5) stacking spaces for first window, order board, or other stopping point.
5. Single Stacking Space Required after the Final Window, Order Board, or Stopping Point  
A single stacking space shall be provided after the final window, order board, or stopping point to allow vehicles to pull clear of the transaction area prior to entering an intersecting on-site driveway or maneuvering aisle.
  6. Visibility Triangle Requirement for Drive-Through Lanes and Escape Lanes  
Buildings and other structures shall have a ten (10) foot visibility triangle at the end point of drive-through lane and escape lane to provide adequate visibility to allow vehicles to safely exit the drive-through lane and escape lane prior to merging into intersecting driveways or maneuvering aisles.
  7. Escape Lane Requirement for Drive-Through Facilities
    - a. An escape lane shall be provided for any use containing a drive-through facility.
    - b. An escape lane shall be nine (9) feet in width and shall provide access around the drive-through facility.
    - c. An escape lane may be part of a circulation aisle.



### 5.05. Lighting Standards

#### A. Purpose

The purpose of this subsection is to:

1. Reduce the problems created by improperly designed and installed outdoor lighting;
2. Reduce problems of glare on operators of motor vehicles, pedestrians and land uses;
3. Minimize light trespass;
4. Reduce the energy and financial costs of outdoor lighting by establishing regulations, which limit the area that certain kinds of outdoor lighting fixtures can illuminate; and
5. Preserve the night sky as a natural resource.

#### B. Applicability

1. These standards shall apply to all development within the [R&C, Retail and Commercial District](#).
2. The following standards shall apply to all exterior lighting except public street lighting and other lighting that is specifically exempted by this subsection.
3. Dam-Related Construction Activities, Utilities, and Operations

Due to their unique nature and for management of the reservoir, all [Dam-Related Construction Activities, Utilities, and Operations](#) shall be exempt from compliance with this Section [5.05 Lighting Standards](#).

4. Agricultural Uses, Buildings, and Structures

All agricultural uses, buildings, and structures shall be exempt from compliance with this Section [5.05 Lighting Standards](#).

#### C. General Requirements

1. Buffer Areas and Required Setback Areas

Light sources or luminaires are prohibited in buffer areas and within required setback yard areas except on pedestrian walkways and hike and bike trails.

2. Outdoor Advertising Lighting

- a. Light for outdoor advertising shall be designed to function as full cutoff type of luminaires.
- b. See [Figure 6: Shielded / Cutoff Light Source Required](#) for examples.

3. Shielded Light Source Required

- a. All luminaires located on nonresidential use properties shall be designed so that the light source (bulb or lamp) is completely shielded from direct view of at a point six (6) feet above grade on the lot line.
- b. See [Figure 6: Shielded / Cutoff Light Source Required](#) for examples.

4. Light Trespass Limitations onto Residential Properties

All luminaires located on private property shall be designed or positioned so that the maximum illumination at the property line next to a residential property shall not exceed one-quarter (¼) foot-candle and shall not exceed one-half (½) foot-candle adjacent to a street right-of-way.

5. Canopy Lighting

Lighting recessed for canopies covering fueling stations at automobile service stations and drive-through facilities shall not illuminate abutting properties and the luminaires shall be designed so that



the light source and lenses (bulb or lamp) are completely shielded from direct view at a point six (6) feet above grade on the lot line.

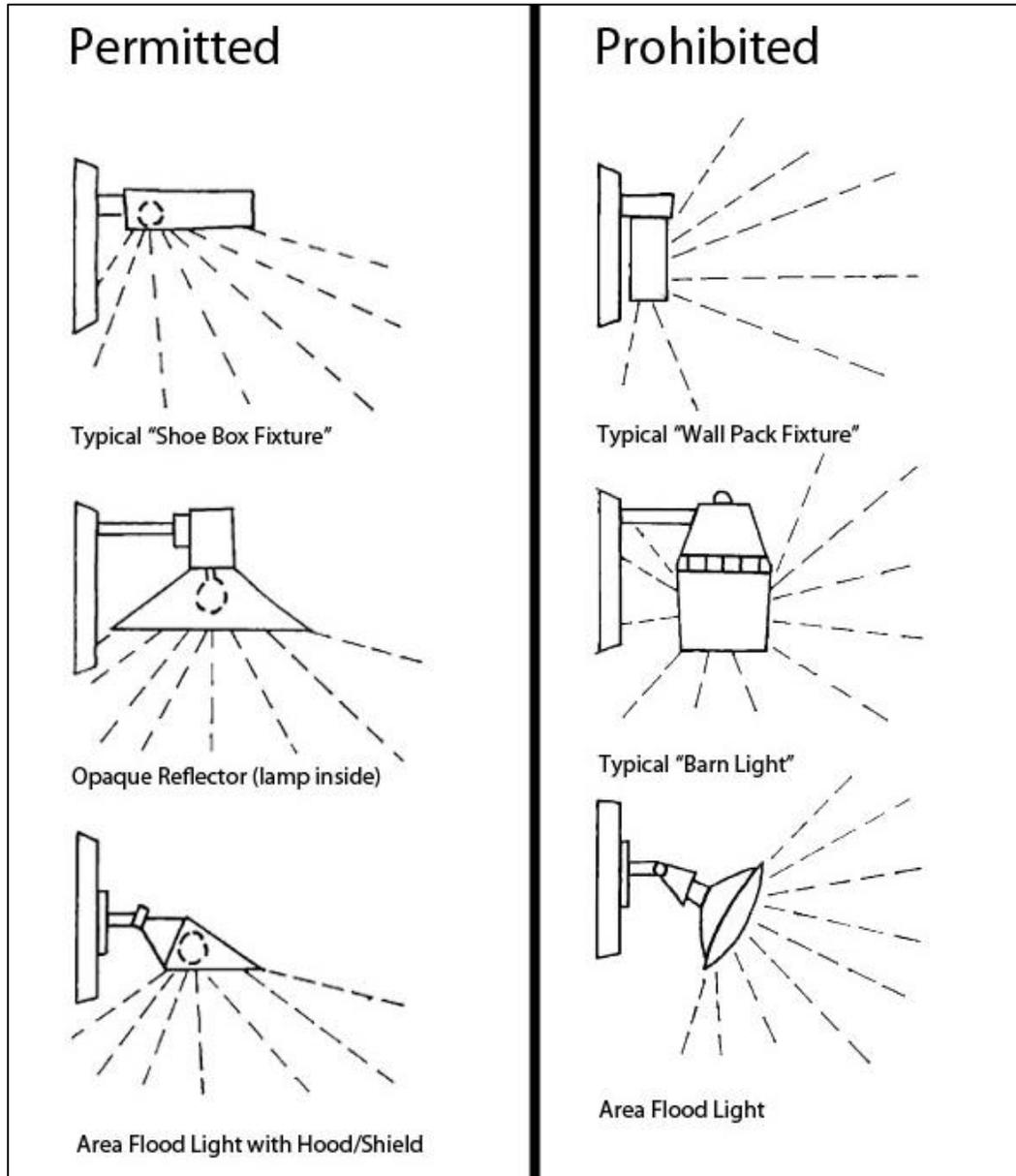


Figure 6: Shielded / Cutoff Light Source Required

- 6. Wall or Roof Lighting
  - a. Wall or roof lighting may be used to illuminate the pedestrian walkways, entrance areas and yard areas within thirty (30) feet of the building.
  - b. No wall or roof lighting shall be used to illuminate areas for motor vehicle parking or access.



- 7. Open Area Used for Motor Vehicle Parking, Storage or Access
  - a. Any open area used for motor vehicle parking, storage or access may be illuminated with freestanding luminaires.
  - b. Freestanding luminaires are permitted to be a maximum of thirty (30) feet in height.
  - c. All luminaires must have a total cutoff angle equal to or less than ninety (90) degrees.

- 8. Signs
  - a. Externally illuminated signs, advertising displays, building identification, and monument signs shall use top mounted light fixtures that shine light downward and that are fully shielded or upward with pin-pointed lights that are fully shielded.
  - b. LED signs shall not exceed 0.3 foot-candles above ambient light when measured at the property line. In order to establish ambient light, the sign shall be turned off and a light meter used to gauge lighting levels, then the sign shall be turned on with typical advertising or messages shown and the increase shall be measured.

- 9. Flags, Statues, and Other Similar Objects

Outdoor light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a very narrow cone of light for the purpose of confining the light to the object of interest and minimize spill-light and glare.

D. Prohibited

- 1. Lighting Fixtures
  - a. “Cobra head” type lighting fixtures having dished or “drop” lenses or refractors that house other than incandescent light sources shall be prohibited.
  - b. See [Figure 6: Shielded / Cutoff Light Source Required](#) for examples.
- 2. Flickering or Flashing Lights

Flickering or flashing lights shall be prohibited.

E. Exemptions

The following are exempt from these standards.

- 1. Decorative Seasonal Lighting

Decorative seasonal lights used for temporary purposes.
- 2. Residential Dwellings, except multi-family developments
  - a. Lighting for residential dwellings, provided that:
    - i. The lamps have a power rating of less than or equal to seventy-five (75) watts,
    - ii. A cutoff component is incorporated in the design of the luminaires, and
    - iii. The lighting level at the property line shall not exceed the maximum level specified within the [Lake Zoning Regulations](#).
  - b. The maximum lighting level at the property line may be exceeded in cases where the lamp is turned on and off by a motion sensor and the lamp is not on for a continuous period exceeding ten (10) minutes.
- 3. Specific Signs

Signs constructed of translucent materials and wholly illuminated from within are exempt from the shielding requirement.



4. Temporary Emergency Lighting  
Temporary emergency lighting used by police, fire fighters, or other emergency services, as well as all vehicular luminaires.
5. Hazard Warnings  
Hazard warning luminaires, which are required by federal and state regulatory agencies.
6. Residential Party Lights
  - a. Residential party lights for social gatherings. Such temporary outdoor lighting includes, but is not limited to, strings of lights and lanterns.
  - b. The party lights shall be removed within one week after a social gathering.
7. Specific Recreation
  - a. Because of their unique requirement for nighttime visibility and their limited hours of operations, ball diamonds, playing fields and tennis courts are exempted from the general standards of this section.
  - b. Lighting for these outdoor recreational uses shall be shielded to minimize light and glare from spilling over onto a residential area.
  - c. The maximum permitted illumination at the residential property line shall not exceed two (2) foot-candles.
8. Public Street or Sidewalk Projects  
[Commissioners Court](#) may vary from these requirements as part of the approval of public street or sidewalk projects.



## 5.06. Building Design Standards for Nonresidential Buildings

### A. Purpose

1. This section of the [Lake Zoning Regulations](#) is intended to ensure that all nonresidential buildings shall be compatible with the architectural character and design as described within the [Lake Comprehensive Plan](#) in terms of style, mass, material, height, roof design, and other exterior elements.
2. Unless otherwise specified by these [Lake Zoning Regulations](#), all buildings shall be finished on all four sides with the same materials, detailing, and features and with a higher level of finish on the front facades (as set forth in the requirements [5.06.C](#) Exterior Material Requirements for Nonresidential Districts and Uses).

### B. Applicability

1. All nonresidential buildings shall comply with this Section 5.06.
2. Dam-Related Construction Activities, Utilities, and Operations

Due to their unique nature and for management of the reservoir, all [Dam-Related Construction Activities, Utilities, and Operations](#) shall be exempt from compliance with this Section [5.06 Building Design Standards for Nonresidential Buildings](#).

3. Agricultural Uses, Buildings, and Structures

All agricultural uses, buildings, and structures shall be exempt from compliance with this Section [5.06 Building Design Standards for Nonresidential Buildings](#).

### C. Exterior Material Requirements for Nonresidential Districts and Uses

The exterior façades of a main building or structure shall consist of one hundred (100) percent [Class 2: Masonry Construction](#).

### D. Nonresidential Building Orientation

Any building (excluding parking garages) within view of a public [Right-of-Way](#) shall either face such [Right-of-Way](#) or shall have a facade facing such [Right-of-Way](#) in keeping with the character of the [Front Façade](#).

### E. Nonresidential Front Façade Entry Requirements

1. A [Front Façade](#) shall be articulated and designed to present a distinctive entry presence, emphasizing the building's entry point along the façade.
2. Each building shall provide a sheltered entry.

### F. Roof Design Standards

1. All structures shall be constructed with a pitched roof, flat roof with a parapet, true mansard roof, or any combination thereof.
2. All flat roof surfaces shall be screened from ground level views so that such roof surfaces are not visible.
3. Roofs of stairwells and elevator machine rooms and other similar spaces shall be exempt from roofing design standards so long as they are not visible from ground level. For the purpose of this paragraph, "visible" shall be defined as "capable of being seen at a height of six feet (6') while standing at the highest grade on the property line."



# Section 6. Development Review Bodies

## 6.01. Commissioners Court

### A. Establishment

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

### B. Responsibilities

Table 3 is a summary of the [Commissioners Court's](#) main responsibilities within the [Lake Zoning Regulations](#).

Table 3: Commissioners Court Responsibilities	
<a href="#">1.05.B</a>	<a href="#">Maintenance of the Zoning District Map</a>
<a href="#">1.05.C</a>	<a href="#">Changes or Amendments Reflected on the Map</a>
<a href="#">1.05.E</a>	<a href="#">Informational Zoning Maps with Updates</a>
<a href="#">1.06.B.5</a>	<a href="#">Commissioners Court Authority to Interpret the Lake Zoning Regulations</a>
<a href="#">1.08.A.2</a>	Approving an exception to the <a href="#">Utility Connection Certificate</a> requirement
<a href="#">2.01.C.6</a>	<a href="#">Interpretation of Zoning District Boundaries</a>
<a href="#">3.04.A.12</a>	Issuance of a <a href="#">Temporary Building for New Construction</a>
<a href="#">3.06.H.1</a>	Determination of a <a href="#">Loss of Nonconforming Rights Status</a>
<a href="#">3.06.H.3</a>	Approving a <a href="#">Nonconforming Rights Reinstatement</a>
<a href="#">5.04.F.27</a>	Approval of a <a href="#">Best Practices Parking Ratio</a>
<a href="#">5.04.H</a>	Determination of a <a href="#">Parking Requirements for New or Unlisted Use</a>
<a href="#">6.02</a>	Appoint members of the <a href="#">Lake Zoning Commission</a>
<a href="#">7.01.B</a>	<a href="#">Waiver of Application Information</a>
<a href="#">7.01.C.1</a>	Preparation of <a href="#">Application Forms</a>
<a href="#">7.01.D</a>	Preparation of <a href="#">Development Application Handbook</a>
<a href="#">7.03.B.1</a>	Hold a voluntary <a href="#">Pre-Application Conference</a>
<a href="#">7.04.B</a>	<a href="#">Determination of Completeness for Zoning Related Applications</a>
<a href="#">8.01.A.1</a>	Approving a <a href="#">Zoning Map Amendment (Rezoning)</a>
<a href="#">8.01.A.1</a>	Approving a <a href="#">Zoning Text Amendment</a>
<a href="#">8.04.C</a>	Issuance of a <a href="#">Lake Area Development (Building) Permit</a>
<a href="#">8.04.F</a>	Issuance of a <a href="#">Revocation; Stop-Work Orders</a>
<a href="#">8.05</a>	Issuance of a <a href="#">Utility Connection Certificate</a>
<a href="#">8.06.C</a>	Review of <a href="#">Site Plans</a>
<a href="#">8.06.C.1</a>	Approving <a href="#">Site Plans Related to Rezoning Applications</a>
<a href="#">8.07.A.1</a>	Approving a <a href="#">PD, Planned Development District Establishment</a>
<a href="#">8.07.D.2.e</a>	Approve an extension of a <a href="#">Planned Development Master Plan</a>
<a href="#">8.07.E.1</a>	Approve a <a href="#">Minor PD Amendment and Adjustment</a>
<a href="#">8.08.B</a>	Review of a <a href="#">Specific Use Permits (SUPs)</a>
<a href="#">8.08.B.1.c</a>	Approving a <a href="#">Specific Use Permit</a>
<a href="#">8.08.E.2</a>	Recommend a <a href="#">SUP Extension</a>
<a href="#">8.08.E.2.a</a>	Approving a <a href="#">SUP Extension</a>
<a href="#">9.01</a>	Approving a <a href="#">Special Exception</a>



6.02. Lake Zoning Commission

A. Establishment

The [Commissioners Court](#) shall appoint the [Lake Zoning Commission](#).

B. Creating and Amending Lake Zoning Regulations

1. The [Lake Zoning Commission](#) shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district.
2. The [Lake Zoning Commission](#) shall make a preliminary report and hold public hearings on that report before submitting a final report to the [Commissioners Court](#).
3. The [Commissioners Court](#) may not take action or hold a public hearing until it has received the final report of the commission.

C. Membership and Terms

The [Lake Zoning Commission](#) must consist of a chairman and four additional members. The following membership and terms are established by [Section 231.136 of the Texas Local Government Code](#).

1. Chairman

- a. The [Commissioners Court](#) shall appoint the chairman.
- b. The chairman must be a public official in the [County](#).
- c. The public official may be either an elected or appointed official holding either a [County](#)-wide or a municipal legislative, administrative, or judicial position.
- d. The chairman serves a two-year term of office.
- e. The [Commissioners Court](#) shall fill a vacancy in the office of chairman by appointment.

2. Other Members

- a. The other members serve four-year terms.
- b. In making the initial appointments of the other members, the [Commissioners Court](#) shall designate the members for staggered terms of one, two, three, and four years.
- c. In the event of resignation, end of term, or a vacancy, the [Commissioners Court](#) shall appoint new members.

D. Secretary

The [Lake Zoning Commission](#) may employ a secretary, an acting secretary, and other technical/clerical personnel.

E. Responsibilities

Table 4 is a summary of the [Lake Zoning Commission's](#) main responsibilities.

Table 4: Lake Zoning Commission Responsibilities	
<a href="#">1.08.A.2</a>	Recommending an exception to the <a href="#">Utility Connection Certificate</a> requirement
<a href="#">8.01.A.2</a>	Recommending a <a href="#">Zoning Map Amendment (Rezoning)</a>
<a href="#">8.01.A.2</a>	Recommending a <a href="#">Zoning Text Amendment</a>
<a href="#">8.06.C.1</a>	Recommending <a href="#">Site Plans Related to Rezoning Applications</a>
<a href="#">8.06.C.2</a>	Approving <a href="#">Site Plans Related to Lake Area Development (Building) Permit Applications</a>
<a href="#">8.07.A.1</a>	Recommending a <a href="#">PD, Planned Development District Establishment</a>
<a href="#">8.08.B.1.b</a>	Recommending a <a href="#">Specific Use Permit</a>
<a href="#">8.08.E.2</a>	Recommending a <a href="#">SUP Extension</a>



6.03. Summary of Approval Authority of Fundamental Applications

Table 5: Summary of Approval Authority of Fundamental Applications			
Application Type		Commissioners Court	Lake Zoning Commission
<a href="#">1.08.A.2</a>	Exception to the <a href="#">Utility Connection Certificate</a> requirement	Approve	Recommend
<a href="#">2.01.C.6</a>	<a href="#">Interpretation of Zoning District Boundaries</a>	Approve	
<a href="#">3.04.A.12</a>	Issuance of a <a href="#">Temporary Building for New Construction</a>	Approve	
<a href="#">3.06.H.1</a>	Determination of a <a href="#">Loss of Nonconforming Rights Status</a>	Approve	
<a href="#">3.06.H.3</a>	Approving a <a href="#">Nonconforming Rights Reinstatement</a>	Approve	
<a href="#">5.04.F.27</a>	Approval of a <a href="#">Best Practices Parking Ratio</a>	Approve	
<a href="#">5.04.H</a>	Determination of a <a href="#">Parking Requirements for New or Unlisted Use</a>	Approve	
<a href="#">6.02</a>	Appoint members of the <a href="#">Lake Zoning Commission</a>	Approve	
<a href="#">8.01.A.1</a>	<a href="#">Zoning Map Amendment (Rezoning)</a>	Approve	Recommend
<a href="#">8.01.A.1</a>	<a href="#">Zoning Text Amendment</a>	Approve	Recommend
<a href="#">8.04.C</a>	Issuance of a <a href="#">Lake Area Development (Building) Permit</a>	Approve	
<a href="#">8.04.F</a>	Issuance of a <a href="#">Revocation; Stop-Work Orders</a>	Approve	
<a href="#">8.05</a>	Issuance of a <a href="#">Utility Connection Certificate</a>	Approve	
<a href="#">8.06.C.1</a>	<a href="#">Site Plans Related to Rezoning Applications</a>	Approve	Recommend
<a href="#">8.06.C.2</a>	<a href="#">Site Plans Related to Lake Area Development (Building) Permit Applications</a>		Approve
<a href="#">8.07.A.1</a>	<a href="#">PD, Planned Development District Establishment</a>	Approve	Recommend
<a href="#">8.07.E.1</a>	<a href="#">Minor PD Amendment and Adjustment</a>	Approve	
<a href="#">8.08.B.1.c</a>	<a href="#">Specific Use Permit</a>	Approve	Recommend
<a href="#">8.08.E.2</a>	<a href="#">SUP Extension</a>	Approve	Recommend
<a href="#">9.01</a>	<a href="#">Special Exception</a>	Approve	



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# Section 7. Application Submittal and Processing Procedures

## 7.01. General Application Processing

### A. Initiation of Application

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

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

### B. Waiver of Application Information

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

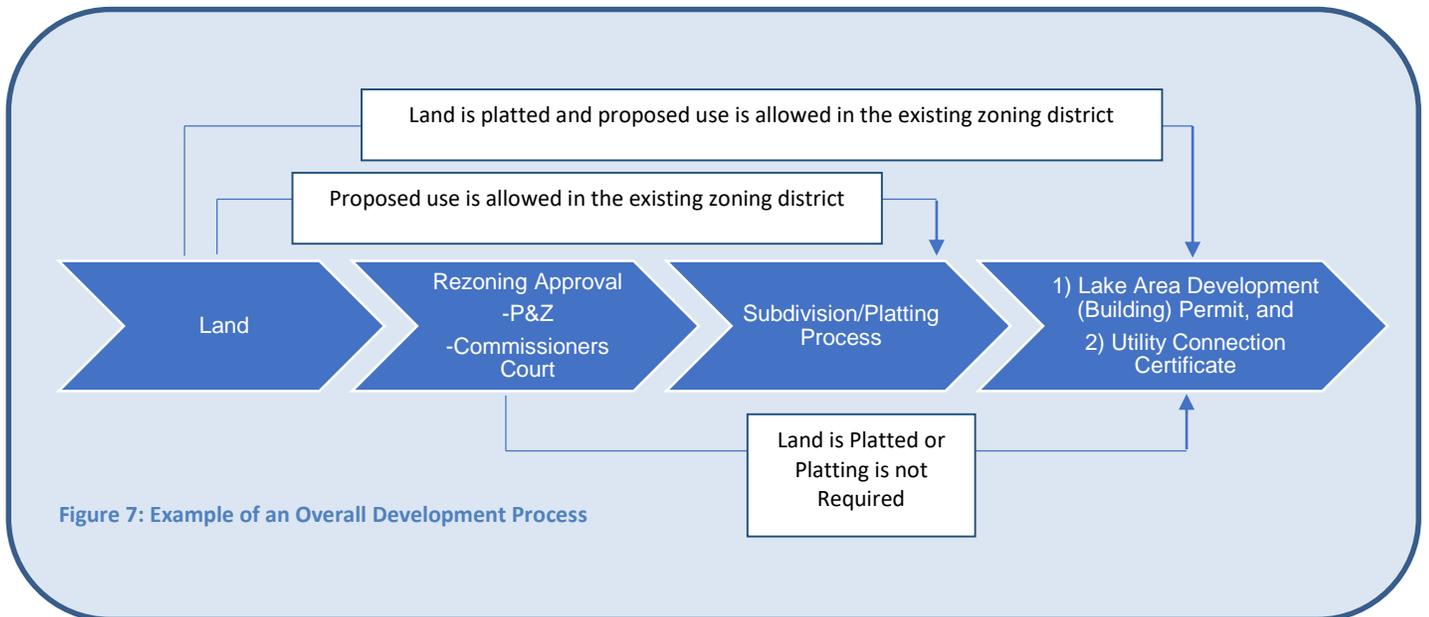


Figure 7: Example of an Overall Development Process



C. Universal Application Contents

1. Application Forms Generally

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

2. Information for All Applications

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

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

3. All [Application Forms](#) are available from the [Commissioners Court](#).

D. Development Application Handbook

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

E. Universal Application Fees

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

F. Payment of all Indebtedness Attributable to the Subject Property

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



G. Action by Commissioners Court

1. Circulate and Compile Comments

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

2. Decision Rendered, If Applicable

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

3. Forward Application and Provide Notification

a. In cases involving a recommendation or decision from an advisory board/commission, the [Commissioners Court](#) shall forward the Application for review to the advisory board/commission. In forwarding the Application for review, the [Commissioners Court](#) may include a compilation of any [County](#) department comments and recommendations, if available.

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

H. Recommendation by Advisory Board/Commission

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

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

I. Action by the Decision-Maker

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

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

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

J. Conditions

The initial or final [Decision-Maker](#) may attach such conditions to the approval of an Application as are reasonably necessary to ensure compliance with applicable requirements of these [Lake Zoning Regulations](#).



## 7.02. Official Vesting Date

### A. Official Vesting Date

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

## 7.03. Pre-Application Conference

### A. Purpose

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

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

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

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

1. PD, Planned Development District, see Section [2.08](#).
2. Zoning Map Amendment (Rezoning), see Section [8.01.B.1](#).
3. Site Plans, see Section [8.06](#).
4. Specific Use Permits (SUPs), see Section [8.08](#).
5. Special Exception, see Section [9.01](#).



## 7.04. Applicability, Completeness, and Expiration

### A. Applicability

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

### B. Determination of Completeness for Zoning Related Applications

Every required Application shall be subject to a determination of completeness by the [Commissioners Court](#) for processing the Application. The [Commissioners Court](#) may approve a designee to process the determination of completeness and overall Application processing.

#### 1. Acceptance Standards

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

#### 2. Acceptance Procedures

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

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

#### 3. Acceptance shall not Constitute Compliance

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

#### 4. Acceptance shall not Guarantee Approval

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



C. Re-Submittal after Notification of Incompleteness

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

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

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

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

E. Zoning Amendment Application

1. Complete Applications Required

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

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

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

3. Denial of Zoning Applications

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

F. Vesting Begins on the Official Vesting Date

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

G. Submission of Previously Decided Zoning Related Application

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



## Section 8. Development Review Procedures

### 8.01. Zoning Amendments

#### A. Process Requirements

##### 1. Zoning Amendments Require Commissioners Court Approval

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

##### 2. Zoning Amendments Require Lake Zoning Commission Recommendation

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

##### 3. Petitions Submitted to the Commissioners Court

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

#### B. Two Types of Zoning Amendments

##### 1. Zoning Map Amendment (Rezoning)

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

##### 2. Zoning Text Amendment

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

#### C. Lake Zoning Commission Recommendation Requires Public Hearing

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

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

- a. Written notice of all public hearings before the Lake Zoning Commission on a proposed amendment or change shall be sent to all owners of real property within two hundred (200) feet of the property on which the change is requested.
  - i. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice, properly addressed and postage paid, to each taxpayer as the ownership appears on the last approved County tax roll or County tax roll for the area affected.
- b. The written notice may be served by depositing it, postage paid and properly addressed, in the United States mail.
- c. Consistency between a [Zoning Map Amendment \(Rezoning\)](#) and the [Lake Comprehensive Plan](#) shall be required (see Section [8.01.D](#)).



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

1. Consistency Rule

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

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

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

E. Commissioners Court Decision and Public Hearing Required

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

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

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

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

G. Resubmittal of Rezoning Applications

- 1. An applicant shall not submit a rezoning request if the same or similar rezoning request has been considered and adjudicated by the [Commissioners Court](#) within the previous six months.

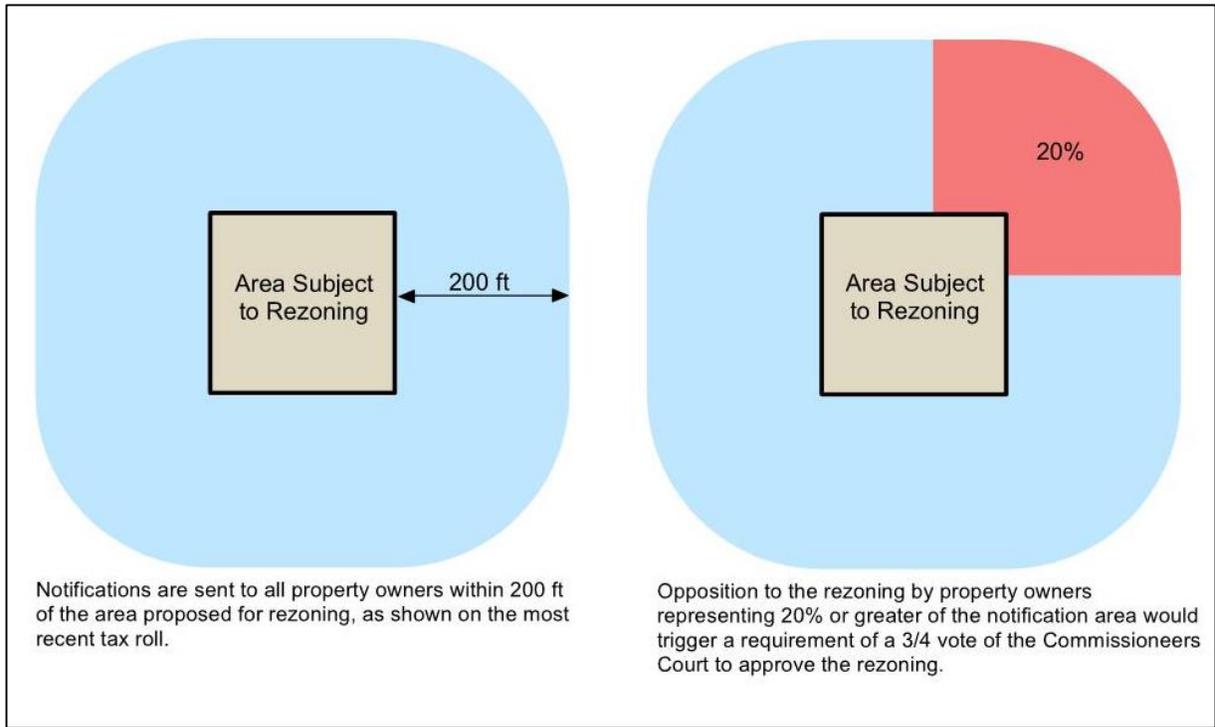


Figure 8: Calculation for Exterior Protestors



**8.02. Public Hearings and Notification Requirements for Zoning Related Applications**

**A. Applications Requiring Public Hearing for Zoning Related Applications**

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

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

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

Table 6: Review Bodies and the Associated Public Hearings per Zoning Application Type		
Application Type	Commissioners Court	Lake Zoning Commission
Zoning Map Amendment (Rezoning)	Hearing	Hearing
Zoning Text Amendment	Hearing	Hearing
Planned Development (PD) Steps for Creation and Development	Hearing	Hearing
Specific Use Permits (SUPs)	Hearing	Hearing
Special Exception		Hearing

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

Listed below are the zoning related Applications requiring public Notice.

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

**D. Required Public Notice for Zoning Related Plans and Applications**

Public notices shall be required according to the following table.

Table 7: Required Public Notice for Zoning Related Plans and Applications		
Application Type	Published Notice	Mailed Notice
Zoning Map Amendment (Rezoning)	Required	Required
Zoning Text Amendment	Required	
Planned Development (PD) Steps for Creation and Development	Required	Required
Specific Use Permits (SUPs)	Required	Required
Special Exception	Required	Required



#### E. Types of Notice

1. "Published Notice" and "Mailed Notice" of Public Hearings for Zoning Changes Involving Real Property
  - a. Published Notice
    - i. Notice of the public hearing to occur before the [Commissioners Court](#) shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the [County](#) before the fifteenth (15th) calendar day prior to the date of the public hearing.
  - b. Mailed Notice (also referred to as "Written Notice")
    - i. Written notice of the public hearing before the [Lake Zoning Commission](#) shall be sent to all owners of property, as indicated by the most recently approved tax roll, that is located within the area of application and within two hundred (200) feet of any property affected thereby, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held.
    - ii. Said written notice shall be served by using the last known address as listed on the most recently approved tax roll and depositing the notice, postage paid, in the regular United States mail.
    - iii. If written notice as required is not sent before the tenth (10th) calendar day prior to the date of the hearing, then the hearing must be delayed until this notice requirement is met. Such notice shall include:
      - (a) Legal description of the property and the street address or approximate location within the [County](#);
      - (b) Present zoning classification of the property and the zoning sought by the applicant. If not a rezoning, then the nature or intent of the application shall be described;
      - (c) The date, time, and place of hearing;
      - (d) The website that contains the zoning map and information regarding the rezoning;
      - (e) The phone number where questions may be answered; and
      - (f) Other information as may be necessary to provide adequate and timely public notice.
2. "Published Notice" of Public Hearing for Zoning Changes Involving Regulation Text
  - a. For requests involving proposed changes to the text of the zoning regulations, notice of the [Commissioners Court](#) public hearing shall be accomplished by publishing the purpose, time, and place of the public hearing in the official newspaper of the [County](#) before the fifteenth (15th) calendar day prior to the date of the public hearing.
  - b. Changes in the zoning text that do not change zoning district boundaries (i.e., that do not involve specific real property) do not require mailed/written notification to individual property owners.

#### **8.03. Zoning Required for Platting**

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



## 8.04. Lake Area Development (Building) Permit

### A. Applicability

#### 1. Standard

Unless exempted, all new structures over 1,000 square feet shall be required to obtain a [Lake Area Development \(Building\) Permit](#) before construction activities occur.

#### 2. Exemptions

The following shall be exempt from the [Lake Area Development \(Building\) Permit](#) requirement.

- a. All agricultural buildings and structures, such as barns and loafing sheds.
- b. All expansions or remodels of existing Single-Family homes.
- c. All accessory buildings on lots two (2) acres or larger.
- d. All buildings and structures associated with [Dam-Related Construction Activities, Utilities, and Operations](#).
- e. The [RFO, Reservoir Facilities and Operations District](#).

### B. Application

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

### C. Processing

1. The [Lake Area Development \(Building\) Permit Application](#) and accompanying information shall be presented in three (3) complete copies to the [Commissioners Court](#) during normal business hours. The [Commissioners Court](#) shall note on all copies of the Application, one of which is to be returned to the Applicant, the date on which the completed Application is received.
2. Within 30 business days of the date the [Lake Area Development \(Building\) Permit Application](#) is received, the request shall be reviewed by the [Commissioners Court](#) and a Lake Area Development



(Building) Permit issued, or the [Application](#) denied. If the Application is not acted upon by the [Commissioners Court](#) within 30 business days, the Applicant shall be considered as approved on the 31<sup>st</sup> business day after submission. The action of denial of a request for modification shall stay the requirement for approval within 30 business days.

- a. If the Application is in full compliance with these [Lake Zoning Regulations](#), the Applicant shall be notified in writing or by telephone that the [Lake Area Development \(Building\) Permit](#) will be issued.
  - b. If modification of the Application and/or accompanying information is required to bring the request into full compliance, as above, the Application shall be denied, and the Applicant notified in writing or by telephone. The Applicant shall be given a list of all corrections required to bring the request into full compliance.
3. If completion of some other zoning action is required to effect the issuance of a building permit, such action must be completed prior to the Application for a Lake Area Development (Building) Permit.
  4. If the request is approved and upon payment of the required fee, the Lake Area Development (Building) Permit shall be issued.

D. Duration

A [Lake Area Development \(Building\) Permit](#) is valid for six (6) months. If work described or permitted by any [Lake Area Development \(Building\) Permit](#) has not begun within six (6) months from the date of issue thereof, such permit shall be automatically revoked, and no work shall begin until a new building permit has been issued.

E. Renewal

A Lake Area Development (Building) Permit may be renewed for two (2) additional six-month periods upon verbal request, presentation of the original dated approved application, and payment of the appropriate fee. Any construction not completed within eighteen (18) full months of the issue date of the original Lake Area Development (Building) Permit shall require issuance of a new Lake Area Development (Building) Permit.

F. Revocation; Stop-Work Orders

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

G. Fees

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



### 8.05. Utility Connection Certificate

#### A. Utility Connection Certificate Required

##### 1. Standard

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

##### 2. Exemptions

The following shall be exempt from the [Utility Connection Certificate](#) requirement.

- a. All agricultural buildings and structures, such as barns and loafing sheds.
- b. All expansions or remodels of existing Single-Family homes.
- c. All accessory buildings on lots two (2) acres or larger.
- d. All buildings and structures associated with [Dam-Related Construction Activities, Utilities, and Operations](#).
- e. The [RFO, Reservoir Facilities and Operations District](#).

#### B. Procedure for New or Altered Buildings

##### 1. Written Application

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

##### 2. Timing of Certificate Issuance

Said [Utility Connection Certificate](#) shall be issued within fourteen (14) calendar days after a written request for the same has been made to said [Commissioners Court](#) or his agent after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of these [Lake Zoning Regulations](#).

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

##### 1. Written Application

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

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

##### 2. Timing of Certificate Issuance

If the proposed use is in conformity with the provisions of these [Lake Zoning Regulations](#), the [Utility Connection Certificate](#) therefore shall be issued within fourteen (14) calendar days after the completed application for same has been made. The [Commissioners Court](#) shall not issue the [Utility Connection Certificate](#) where [County](#) taxes are delinquent.



D. Contents of a Utility Connection Certificate

1. Building and Proposed Use

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

2. Record of Certificates of Occupancy

A record of each Utility Connection Certificate shall be kept on file on with the [Commissioners Court](#) or its desingee and copies shall be furnished upon request to any person having a proprietary in the building or land affected.



### 8.06. Site Plans

#### A. Purpose

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

#### B. Applicability

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

###### a. Site Plans Related to Rezoning Applications

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

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

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

##### 2. Public Hearings

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

##### 3. Effect

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

#### C. Approval and Process

##### 1. Site Plans Related to Rezoning Applications

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

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

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

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

- a. Approval by the [Lake Zoning Commission](#).



### 3. Site Plan Process Overview

The purpose of the Site Plan process is to:

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

### D. Site Plan Exempted Development

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

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

### E. Submission of Site Plan Applications

#### 1. Coordinating Official

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

#### 2. Calendar of Official Processing Dates

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

#### 3. Late Application Processing Date

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

#### 4. Other Regulations for Applications

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

### F. Fees, Forms and Procedures

#### 1. Schedule of Fees

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

#### 2. Delinquent Taxes

No Site Plan shall be approved for properties with delinquent County taxes.



### 3. Procedures, Forms and Standards

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

## G. Site Plan

### 1. Site Plan Application Procedure and Requirements

#### a. Site Plan Pre-Application

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

#### b. Site Plan General Application

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

#### c. Site Plan Standards of Approval

##### i. Site Plan Approval

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

##### ii. Approval Criteria

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



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

#### H. Revocation of Site Plan Approval

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

#### I. Additional Development and Redevelopment

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

#### J. Design Standards and Specifications

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

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



## 8.07. PD, Planned Development District Application and Review

### A. General

#### 1. PD, Planned Development District Establishment

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

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

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

#### 3. Land Area Requirement for PD, Planned Development Districts

See [2.08.B Land Area Requirement](#) for area requirements.

#### 4. Lake Comprehensive Plan

Approved PD, Planned Development Districts should meet the intent and promote the goals and recommendations contained within the [Lake Comprehensive Plan](#).

### B. Planned Development (PD) Submission Requirements

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

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

#### 2. Approvals Needed before Proceeding

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

#### 3. Public Hearings (Rezoning and Plats)

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

### C. Incorporation of Soft Surface Trails

In order to implement the vision of the [Lake Comprehensive Plan](#), it is the [Commissioners Court's](#) desire to have [Soft-Surface Trails](#) for equestrians, hikers, and walkers incorporated in PD, Planned Development Districts. The PD, Planned Development District is a process that can be used to encourage developers to create trails within their development that connect into a regional County trail network, will increase property values across the County and offer County residents and visitors recreational opportunities.



1. Factor in Approving a PD, Planned Development District.
  - a. The use of soft surface trails for equestrians, hikers, and walkers within a proposed PD, Planned Development District could be a contributing factor in the approval of an [Application](#). The existence of trails within a proposed PD, Planned Development District may be used to offset other less-desirable features of the proposed PD, Planned Development District.
  - b. PD, Planned Development Districts should provide opportunities for trail extensions and/or connection to trail heads.

2. Trails May Not be Appropriate in Some Cases

Since not all PD, Planned Development Districts may be appropriate for trails, the Commissioners Court may approve an [Application](#) that does not incorporate soft surface trails. Using the [Lake Comprehensive Plan](#) as a guide, the Commissioners Court may assess the benefit of a trail on a case-by-case basis with the intended purpose of the PD, Planned Development District.

3. Recommended Trail Design Components

The following are components that are encouraged to be incorporated in the design of trails.

- a. Trails through and within a PD, Planned Development District should be designed to maximize the pleasure of being outdoors, and be useable for multiple purposes, such as hiking/walking, bird-watching, dog-walking, bicycling, and horse-riding.
- b. When possible, trails within a PD, Planned Development District should allow for one or more connections into the County Regional Trail Network.
- c. Shared use of major trail facilities (such as trailheads) should be a component in planning trails within a PD, Planned Development District. Where possible, bicycling should be directed to hard-surface trails, and equestrians should be directed to soft-surface trails. Where the cycling and equestrian traffic must share the trail bed (such as over a bridge), the shared trail bed should be as short as possible, diverging to separate trail beds at each end of the shared segment.
- d. Preservation of natural creeks is encouraged as a site for the location of trails.
- e. Trailhead Parking
  - i. Parking for a trailhead that will be used for equestrians should not be paved, but should have either a well-drained natural grassed surface or a layer of crushed gravel/rock spread over the natural surface. There should be room to maneuver vehicles pulling horse trailers. A pocket-trailhead ([Trailhead, Pocket](#)) should accommodate 3-5 trailers, a full-sized **Trailhead** should accommodate at least 20 trailers.
  - ii. Where trailheads are shared by multiple users (bicyclists, hikers, and equestrians), parking for non-equestrians should be separate from the equestrian parking and may be paved.

- D. Planned Development (PD) Steps for Creation and Development

1. Step 1. Pre-Application Conference Review
  - a. At least ten (10) business days prior to submission of an Application for Zoning Map Amendment (Rezoning) to a PD, Planned Development District, the [Applicant](#) shall submit to the [Commissioners Court](#) a [Sketch Plan](#) drawn to approximate scale showing streets, lots, public areas, and other significant features.
  - b. The Applicant should discuss with the [Commissioners Court](#) the procedure for adopting a PD, Planned Development District and the requirements for the general layout of streets and utilities, access to arterials, or general design and narrative, the availability of existing services, and similar matters.



- c. The [Commissioners Court](#) shall also advise the Applicant, where appropriate, to discuss the proposed PD, Planned Development District with those officials charged with responsibility to review the various aspects of the proposal coming within their jurisdiction.
  - d. The intent of [Step 1. Pre-Application Conference Review](#) is to expedite and facilitate the approval of a Planned Development Master Plan.
2. Step 2. PD Application for Rezoning and Planned Development Master Plan
- a. Procedures and Requirements
    - i. The PD Zoning Map Amendment (Rezoning) Application shall be filed in accordance with regular procedures and on Application Forms of the County.
    - ii. The [Planned Development Master Plan](#), which is submitted with the Application for rezoning, shall consist of a [PD Design Statement](#) and a [PD Concept Design Map](#).
    - iii. The Applicant shall also provide other supporting maps as necessary to meet the submission requirements of these [Lake Zoning Regulations](#).
  - b. PD Design Statement

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

    - i. Title of PD;
    - ii. List of the owners and/or Developers;
    - iii. Statement of the general location and relationship to adjoining land uses, both existing and proposed;
    - iv. Description of the PD concept, including an acreage or square foot breakdown of land use areas and densities proposed, a general description proposed, a general description of building use types, proposed restrictions, and typical site layouts;
    - v. The existing PD zoning districts in the development area and surrounding it;
    - vi. Selection of one conventional zoning district as a base zoning district to regulate all uses and development regulations not identified as being modified (multiple base zoning districts may be selected to accommodate a mixture of land uses in different geographic areas);
    - vii. A list of all applicable special development regulations or modified regulations to the base zoning district;
    - viii. A statement identifying the existing and proposed streets, including Right-of-Way standards and street design concepts;
    - ix. The following physical characteristics: elevation, slope analysis, soil characteristics, tree cover, and drainage information;
    - x. A topographic map with minimum five (5) foot contour intervals;
    - xi. Drainage information, including number of acres in the drainage area and delineation of applicable flood levels;
    - xii. A statement of utility lines and services to be installed, including lines to be dedicated to the [County](#) and which will remain private;
    - xiii. The proposed densities, and the use types and sizes of structures; and
    - xiv. A description of the proposed sequence of development.



- c. PD Concept Design Map
    - i. The [PD Concept Design Map](#) shall be a graphic representation of the development plan for the area of a PD, Planned Development District.
    - ii. The [Commissioners Court](#) shall establish an Application Form outlining all requirements of the PD Concept Design Map and shall be responsible for maintaining and revising the Application Form.
  - d. Approval of the Planned Development Master Plan
    - i. Upon final approval by the Commissioners Court of the Planned Development Master Plan and the appropriate minute order of rezoning, these elements shall become a part of the [1.05 Official Zoning District Map](#).
    - ii. The minute order of rezoning shall adopt the Planned Development Master Plan by reference, and it shall be attached to said minute order and become a part of the official records of the County.
  - e. Expiration of Planned Development Master Plan
    - i. If, after two (2) years from the date of approval of a [Planned Development Master Plan](#), no substantial development progress has been made within the PD, then the Planned Development Master Plan shall expire.
    - ii. If a Planned Development Master Plan expires, a new Planned Development Master Plan must be submitted and approved according to the procedures within this [8.07 PD, Planned Development District Application and Review](#).
      - (a) An extension to the two (2) year expiration shall be granted if a development Application for the PD has been submitted and is undergoing the development review process or if the [Commissioners Court](#) determines development progress is occurring.
  - f. Use and Development of the Property
    - i. The Planned Development Master Plan shall control the use and development of the property, and all Lake Area Development (Building) Permits and development requests shall be in accordance with the plan until it is amended by the Commissioners Court.
    - ii. The Developer shall furnish a reproducible copy of the approved PD Concept Design Map for signature by the [Commissioners Court](#).
    - iii. The Planned Development Master Plan, including the signed map and all supporting data, shall be made a part of the permanent file and maintained by the [Commissioners Court](#).
3. Step 3. [Plat](#)
- a. Where a subdivision [Plat](#) is required, the [Developer](#) shall prepare a [Plat](#) for review, approval, and filing of record according to procedures established by the [Commissioners Court](#). In addition to these procedures, the [Plat](#) shall include:
    - i. Provisions for the ownership and maintenance of common open space and detention/retention ponds. Said open space shall be dedicated to a private association or dedicated to the public provided that a dedication to the public shall not be accepted without the approval of the Commissioners Court.
    - ii. A Homeowners' or Property Owners' Association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities, including [Usable Open Space](#), private street drives, fire lanes, service and parking areas, and recreation areas.



- b. If no Plat is required, then proof of the items identified in subparagraphs [8.07.D.3.a.i](#) and [ii above](#) shall be submitted and approved as a part of the [Planned Development Master Plan](#) at the time the [Zoning Map Amendment \(Rezoning\)](#).
  - 4. Step 4. Site Plan
    - a. A Site Plan shall be submitted upon the Application for a [Lake Area Development \(Building\) Permit](#) and reviewed in accordance with procedures established in [8.06 Site Plans](#).
- E. Planned Development (PD) Modifications
- 1. Minor PD Amendment and Adjustment

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

    - a. The project boundaries are not altered.
    - b. Uses other than those specifically approved in the [Planned Development Master Plan](#) are not added. Uses may be deleted but not to the extent that the character of the project is substantially altered from the character described within the [PD Design Statement](#).
    - c. The allocation of land to particular uses or the relationship of uses within the project are not substantially altered.
    - d. The density of housing is not increased more than ten (10) percent or decreased by more than thirty (30) percent.
    - e. The land area allocated to nonresidential uses is not increased or decreased by more than ten (10) percent.
    - f. Floor Area, if prescribed, is not increased or decreased by more than ten (10) percent.
    - g. Floor Area ratios, if prescribed, are not increased.
    - h. Open space ratios, if prescribed, are not decreased.
  - 2. Commissioners Court Approval
    - a. The [Commissioners Court](#) shall determine if proposed amendments to an approved Planned Development Master Plan satisfy the above criteria.
    - b. If the [Commissioners Court](#) finds that these criteria are not satisfied, an amended Planned Development Master Plan shall be submitted for full review and approval according to the procedures set forth in these regulations.
- F. Reversion
- 1. Property Owner Request
    - a. If the property owner decides to abandon the PD concept and nullify the [Planned Development Master Plan](#), he or she shall make Application for rezoning either to the original status or to a new classification.
    - b. Said Application shall be heard according to regular procedures by the Lake Zoning Commission and Commissioners Court.



## 8.08. Specific Use Permits (SUPs)

### A. General

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

### B. SUP Application Process

#### 1. Procedures for Processing an SUP

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

#### 2. Compatibility Conditions

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

#### 3. Required Information

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

### C. SUP Regulations

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



- f. Protection against negative effects of noise, glare and lighting on the character of the neighborhood, protective screening and open space;
      - g. Heights of structures; and
      - h. Compatibility of buildings and such other measures as will secure and protect the public health, safety, and general welfare.
  - 2. In granting an SUP, the [Commissioners Court](#) may impose conditions and time limits which shall be complied with by the owner or grantee before a [Utility Connection Certificate](#) may be issued by the [Commissioners Court](#) for use of the building on such property pursuant to such [SUP](#), and such conditions are precedent to granting of the [Utility Connection Certificate](#).
- D. Acceptance and Agreed Compliance by the Applicant, Owner and Grantee

No [SUP](#) shall be granted unless the [Applicant](#) of the [SUP](#) shall be willing to accept and agree to be bound by and comply with the adopting [SUP](#), as well as the attached [Site Plan](#) drawings approved by the [Commissioners Court](#) and shall comply with the minimum requirements provided in the zoning district in which the property is located.
- E. SUP Expiration and Extension
  - 1. SUP Expiration
    - a. An [SUP](#) shall automatically expire if a [Lake Area Development \(Building\) Permit](#) is not issued and construction begun within six (6) months of the granting of the [SUP](#).
  - 2. SUP Extension
    - a. The [Commissioners Court](#) may authorize an extension beyond the six (6) months upon recommendation by the [Lake Zoning Commission](#).
- F. Amendments Required for Changes

No building, premise, or land used under an [SUP](#) may be enlarged, modified, structurally altered, or otherwise significantly changed, unless an amendment to the approved [SUP](#) is granted for such enlargement, modifications, structural alteration, or change.



## Section 9. Relief Procedures

### 9.01. Special Exception

#### A. Applicability

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

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

#### B. Public Hearing Required

The [Commissioners Court](#) shall hold a public hearing on the [Special Exception](#) petition and shall publish notice of the public hearing before the 15<sup>th</sup> calendar day before the date of the hearing in a newspaper of general circulation in the County.

#### C. Granting a Special Exception

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

#### D. Protesting a Special Exception

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

#### E. Special Exception Consideration

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

#### F. The Commissioners Court may Impose Conditions

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



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## Section 10. Definitions

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

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

### 10.01. A

1. *Abandonment*

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

2. *Abutting*

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

3. *Access*

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

4. *Accessory Building*

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

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

5. *Accessory Use*

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

6. *Agriculture and Ranching Operations*

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

7. *All-Weather Surfaced Driveway*

A gravel, asphalt, or concrete driveway.

8. *Alley*

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



9. Amusement, Commercial (indoors)  
An amusement enterprise wholly enclosed in a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a climbing wall center or billiard parlor.
10. Amusement, Commercial (outdoors)  
An amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range and miniature golf course.
11. Antique Shop  
An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishing and decorations that have value and significance as a result of age, design and sentiment.
12. Apartment  
A room or suite of rooms in a multi-family residence arranged, designed, or occupied as a place of residence by a single family, individual, or group of individuals.
13. Applicant  
The person or entity responsible for the submission of an [Application](#). The [Applicant](#) must be the actual owner of the property for which an [Application](#) is submitted, or shall be a duly authorized representative of the property owner. Also see [Developer](#).
14. Application  
The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the County to initiate [County](#) review and approval of a development project.
15. Application Form  
The written form that is filled out and executed by the [Applicant](#) and submitted to the [County](#) along with other required materials as a part of an [Application](#).
16. Approval
  - a. Approval constitutes a determination by the official, board, commission or Commissioners Court responsible for such determination that the Application is in compliance with the minimum provisions of these [Lake Zoning Regulations](#).
  - b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
17. Articulation  
The visual variation to both the height and depth dimensions of a building through the use of materials, colors, fenestration and details.
18. Artisan's Workshop  
An establishment used for the preparation, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, leather-craft, hand-woven articles, and related items.
19. Assisted Living/Nursing Home  
A facility operated by a business or non-profit organization where ill or elderly people are provided with lodging and meals, with or without nursing care.



20. Automobile Body Shop  
A facility that provides collision repair services, including body frame straightening, replacement of damaged parts, and painting.
21. Automobile or Other Motorized Vehicle Sales and Service  
A business providing sales display and service of new and used motorized vehicles, including motorcycles, RVs, and boats.
22. Automobile Parts Store  
Stores selling new automobile parts, tires, and accessories.
23. Automobile Service Garage (Major)  
A facility for the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, or providing collision services, including body, frame, or fender repair, and overall painting, where all work is conducted inside the building.
24. Automobile Service Garage (Minor)  
A facility for routine automobile services or minor repairs, such as tire services, quick-lubes, batteries, with all work being conducted inside the building and within the same day.

## 10.02. B

25. Bank or Financial Institution  
A freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
26. Barber or Beauty Shop  
A fixed establishment or place where one or more persons engage in the practice of barbering or cosmetology.
27. Base Flood  
The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
28. Bed and Breakfast Inn  
An owner or operator occupied residence with bedrooms available for overnight guests.
29. Block  
A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad [Right-of-Way](#), highway, stream, or corporate boundary lines.
30. Block Face  
The portion of a [Block](#) that abuts a street.
31. Block Length  
The length of the [Block Face](#) between two intersections.
32. Boarding or Rooming House  
A building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for three or more persons, but not to exceed eight persons.



33. *Boat Dock*  
A structure built over or floating upon the water and used as a landing place for boats and other marine transport, fishing, swimming, and other recreational uses. (Note: As the land owner of the lake property, all boat docks require the approval of North Texas Municipal Water District.)
34. *Bois d' Arc Lake*  
The reservoir that is designated in the Texas Local Government Code, Chapter 231.131 as being subject to zoning regulations. This reservoir or lake is formerly known as the Lower Bois d'Arc Creek Reservoir.
35. *Building*  
A structure enclosed within exterior walls, built, erected and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of persons, animals, or property.
36. *Building Height*  
a. The vertical distance measured from the curb level to the highest point of the roof.  
b. Where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished grade along the front of the building.
37. *Building Setback Line*  
The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street [Right-of-Way](#)/property line.

### 10.03. C

38. *Cabin or Cabins as an Accessory Use*  
Living quarters in a building separate from and in addition to the main residential building(s) on a lot, used for intermittent or temporary occupancy by either nonpaying or paying guests; and the total square footage of all combined cabins on a property shall be less than the square footage of the main residential building(s).
39. *Car Wash, Full Service*  
A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.
40. *Car Wash, Self Service*  
A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.
41. *Carpentry Shop*  
A shop involving woodworking and the assembly of wood products.
42. *Caterer or Wedding Service*  
A service providing meals or refreshments for public or private entertainment for a fee.
43. *Child-Care: Foster Family Home (Independent)*  
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for six or fewer children up to the age of 18 years.



44. *Child-Care: Foster Group Home (Independent)*  
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a single independent home that is the primary residence of the foster parents and licensed to provide care for seven to 12 children up to the age of 18 years.
45. *Child-Care: Licensed Child-Care Center*  
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, an operation providing care for seven or more children younger than 14 years old for less than 24 hours per day at a location other than the permit holder's home.
46. *Child-Care: Licensed Child-Care Home*  
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, the primary caregiver provides care in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children, but the total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.
47. *Child-Care: Listed Family Home*  
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a caregiver at least 18 years old who provides care in her own home for compensation, for three or fewer children unrelated to the caregiver, ages birth through 13 years. Regular care is provided, which is care provided for at least four hours a day, three or more days a week, and more than nine consecutive weeks. The total number of children in care, including children related to the caregiver, may not exceed 12.
48. *Child Care: Registered Child-Care Home*  
Per the definition of the [Department of Family and Protective Services](#) (DFPS) or as amended by the DFPS, a caregiver who provides regular care in her own home for not more than six children from birth through 13 years. Child day care can be provided for six additional school-aged children before and after the customary school day. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.
49. *Church or Other Place of Worship, including Parsonage/Rectory*  
A place of worship and religious training of recognized religions, including the on-site housing of ministers, rabbis, priests, nuns, and similar staff personnel.
50. *College or University*  
An academic institution of higher learning, accredited or recognized by the State, and offering a program of series of programs of academic study.
51. *Commissioners Court*  
The duly elected governing body of the [County](#).
52. *Concentrate Animal Feeding Operation (CAFO)*  
A lot or facility (other than an aquatic animal production facility) where animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period, and the animal confinement areas do not sustain crops, vegetation, forage growth, or post-harvest residues in the normal growing season and are defined by Texas Commission on Environmental Quality (TCEQ) as either a large CAFO, medium CAFO, small CAFO, or state-only CAFO. The TCEQ classification for the different types of CAFOs may be found within the TCEQ's General Permit to Discharge Waste: [TXG920000](#).
53. *County*  
Fannin County, Texas, together with all its governing and operating bodies.



54. County Engineer  
The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated as such by the Commissioners Court.
55. County Judge  
The person holding the office of County Judge. This term shall also include any designee of the County Judge.
56. Community Center  
A building dedicated to social or recreational activities, serving the [County](#) or neighborhood and owned and operated by the [County](#), or by a non-profit organization dedicated to promoting the health, safety, and general welfare of the [County](#).
57. Community Group Home  
A community-based residential home with not more than six (6) persons with disabilities and two (2) supervisors residing in the home, and that otherwise meets the requirements of the Community Homes for Disabled Persons Location Act ([Chapter 123 of the Human Resources Code](#)).
58. Community Parks  
Larger parks that may provide athletic fields, swimming pools, recreation centers, tennis courts, open areas, etc.
59. Concrete/Asphalt Batching Plant, Permanent  
A permanent manufacturing facility for the production of concrete or asphalt.
60. Concrete/Asphalt Batching Plant, Temporary  
A temporary manufacturing facility for the on-site production of concrete or asphalt during construction of a project, and to be removed when the project is completed.
61. Construction Plans  
A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [County](#) for review in conjunction with a subdivision or a development.
62. Country Club  
An area of one hundred (100) or more acres containing a golf course and club house that may include as adjunct facilities a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.
63. Court  
An open unoccupied space other than a yard, on the same lot with a building that is bounded on three (3) or more sides by the building.
64. Cul-de-Sac  
A short, residential street having but one vehicular access point to another street, and terminated on the opposite end by a vehicular turnaround.

#### 10.04. D

65. Dam-Related Construction Activities, Utilities, and Operations  
Any use by a public or semi-public governmental agency related to construction activities of the [Bois d' Arc](#) Lake dam, any utilities (temporary or permanent) or any use related to the operation and maintenance of dam or lake facilities. This use can include electrical power substations, outdoor storage, and recreational facilities. This use does not include office, retail, or commercial development.



66. *Dance Hall or Night Club*  
An establishment offering to the general public facilities for dancing and entertainment for a fee and subject to licensing and regulation by the [County](#).
67. *Dance, Music, or Drama Studio*  
Studio for performing arts education or similar activities.
68. *Date of Adoption*  
The date of adoption of these [Lake Zoning Regulations](#).
69. *Dead-End Street*  
A street, other than a cul-de-sac, with only one outlet.
70. *Decision-Maker*  
The County official or group, such as the [Commissioners Court](#) or [Lake Zoning Commission](#), responsible for deciding action on an [Application](#) authorized by these [Lake Zoning Regulations](#).
71. *Developer*
- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by these [Lake Zoning Regulations](#).
  - b. The word [Developer](#) is intended to include the terms [Subdivider](#), property owner, and, when submitting platting documents, [Applicant](#).
72. *Development*  
Any manmade change to improved or unimproved real estate, including but not limited to buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.
73. *Development Agreement*  
Agreement between the [County](#) and a Subdivider, that includes provisions for construction of Public Improvements, County participation, pro rata agreements, escrow deposits, and other provisions for the development of land. (See the Subdivision Regulations for details.)
74. *Development Application*  
An Application, for any type of plan, permit, plat or Construction Plans/drawings authorized or addressed by this Subdivision Regulations. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.
75. *Development Application Handbook*  
A collection of Application Forms created, updated, and managed by the County.(See 7.01.D for details.)
76. *Dwelling, Multi-Family*  
Any building, or portion thereof, that is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or that is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.
77. *Dwelling, Single Family (attached – duplex)*  
A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.

78. Dwelling, Single Family (attached – townhouse)

A dwelling that is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and that is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.

79. Dwelling, Single Family (detached)

A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

80. Dwelling Unit

One or more rooms that are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.

**10.05. E**81. Easement

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

82. Easement, Common Access

An easement to provide shared access to and from commercial, and industrial owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.

83. Educational Services Office

A business involved in providing educational training or tutoring in an office environment.

84. Electrical Power Substations

A part of the electrical distribution system with the primary function to transform electrical voltage, includes transformer stations and switching stations.

85. Engineer

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare [Construction Plans](#) and specifications for public works improvements.

86. Engineering Plans

See [Construction Plans](#).

87. Equestrian Center

An improved area, lighted and generally fenced, of at least thirty feet (30') in width or length within which equestrian activities involving horse riding or driving occurs. Also includes boarding stables.



88. Exterminating Company

A business providing services for the extermination of rodents and insects.

**10.06. F**

89. Family

A person living alone, or any of the following groups living together as a single nonprofit housekeeping unit and sharing common living, sleeping, cooking, and eating facilities:

- a. Any number of people related by blood, marriage, adoption, guardianship, or other duly authorized custodial relationship;
- b. Four unrelated people; or
- c. Two unrelated people and any children related to either of them.

90. Fee Schedule

A listing of fees for various [County Applications](#), that is prepared by the [County](#) and approved by [Commissioners Court](#) and may be amended periodically. The [Fee Schedule](#) is approved separately from these [Lake Zoning Regulations](#).

91. Feed Store

An establishment engaged in retail sale of supplies directly related to the day-to-day activities of agricultural production.

92. Fix-It Shop, Bicycle Repair, Blade Sharpening, Small Engine Repair

Business providing basic repair services for mechanical equipment.

93. Flood Plain

The area subject to be inundated by water from the [Base Flood](#).

94. Floodway

A natural drainage area that accommodates the design flood for existing creeks and open drainage ways.

95. Floor Area

The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breeze-ways, automobile storage areas, garages, workshops, attic storage areas and basements.

96. Front Façade

A façade directly visible from any public street or main circulation drive and the façade used as the primary entrance to the building.

97. Frontage

All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.

98. Furniture Repair and Upholstering Shop

A business that repairs and replaces upholstery to household and office furnishings; does not include motor vehicle upholstery or repair.



**10.07. G**

99. Garage, Private (attached)

A garage that has one or more walls common with the principal building on a lot or that is attached to the principal building by an enclosed porch, or passage way, the roof of which is part of an extension of the roof of the principal building and for the purpose of the height and area regulations of these [Lake Zoning Regulations](#) such a garage is to be considered a part of the principal building.

100. Garage, Private (detached)

A garage existing separate and apart from the main building, but situated on the same lot, tract or parcel of land with the main building.

101. Garage, Storage

A building or portion thereof, other than a private garage, used exclusively for parking or storage or self-propelled vehicles, but with no other services provided, except facilities for washing.

102. Gas or Oil Well Operation

Places primarily devoted to subsurface mining of gas or oil. Typical uses are gas and oil drilling operations.

103. Gasoline Filling or Service Station/Car Wash

Any lot or parcel of land or portion thereof used partly or entirely for storing or dispensing flammable liquids, combustible liquids, liquefied flammable gas, or flammable gas into the fuel tanks of motor vehicles. May include a car wash facility.

104. Golf Course

A private or public tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways, and hazards. A golf course includes a clubhouse and shelters as accessory uses.

105. Grocery Store

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

106. Guest House/Servants' Quarters

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

**10.08. H**

107. Hard-Surface Trail

Please see definition for [Trail, Hard-Surface](#).

108. Heliport or Helistop

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

109. Home Based Business

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

- a. The activity employs only members of the immediate family of the resident of the dwelling unit;



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

110. Homeowners' or Property Owners' Association

A formal nonprofit organization operating under recorded land agreements through which:

- a. Each lot and/or property owner in a specific area is automatically a member; and
- b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- c. The charge if unpaid, becomes a lien against the nonpaying member's property.

111. Hospital, Acute Care

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

112. Hospital, Chronic Care

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

113. Hotel

An establishment offering lodging to the transient public for compensation. A Hotel is distinguished from a [Motel, Motor Hotel, or Tourist Court](#) (Definition #152) in that access to the majority of the guest rooms is through a common entrance and lobby. A Hotel is a nonresidential use.

114. HUD-Code Manufactured Home

See [Manufactured Home – HUD Code](#) under the definition of [Manufactured Housing](#) (Definition #146).

## 10.09. I

115. Improvement

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

116. Industrialized Building

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

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

117. Industrialized (Modular) Home

See [Industrialized \(Modular\) Home](#) under the definition of [Manufactured Housing](#) (Definition #146).



118. Infrastructure

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

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

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

### 10.10. J

120. Junk

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

### 10.11. K

121. Kennel/Veterinary Office

Any lot or premises on which three (3) or more dogs, cats, or other domestic animals at least four (4) months of age, are housed or accepted for boarding, trimming, grooming, bathing and/or treatment for which payment is received.

122. Kindergarten

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

### 10.12. L

123. Lake Area Development (Building) Permit

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

124. Lake Comprehensive Plan

- a. The plan titled *Fannin County's Comprehensive Plan for Lower Bois d'Arc Creek Reservoir*, including all revisions thereto, adopted by the [Commissioners Court](#) as the official policy regarding the guidance and coordination of the development of land in the [County](#).
- b. The plan indicates the general location recommended for various land uses, transportation routes, streets, utilities, parks other public and private developments.
- c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan, Transportation Plan, Parks Plan, and Lake Edge Development Standards.

125. Lake Zoning Area

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

126. Lake Zoning Commission

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



127. Lake Zoning Regulations

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

128. Land Planner

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

129. Laundry, Commercial

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

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

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

131. Laundry, Self-Service

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

132. Library

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

133. Light Assembly and Manufacturing Processes

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

134. Local Street

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

135. Lot

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

136. Lot, Corner

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

137. Lot, Depth

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

138. Lot, Interior

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

139. Lot, Through

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

140. Lot Lines

The lines bounding a lot as defined herein.

141. Lot of Record

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

142. Lot Width

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

**10.13. M**143. Manufactured Home (HUD Code)

See [Manufactured Home – HUD Code](#) under the definition of [Manufactured Housing](#) (Definition #146).

144. Manufactured Home Park

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

145. Manufactured Home Sales

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

146. Manufactured Housing

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

## a. Mobile Home

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

## b. Manufactured Home – HUD Code

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

## c. Industrialized (Modular) Home

As governed by the definition within the [Texas Manufactured Housing Standards Act \(Article 5221f-1.\)](#), a structure or building module that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a permanent residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in



the structure. The term does not include a [Mobile Home](#) or [Manufactured Home – HUD Code](#) as defined in the [Texas Manufactured Housing Standards Act \(Article 5221f, V.A.C.S.\)](#). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes. See [Conditional Development Standards](#) subsection [3.04.A.2](#) for [Industrialized \(Modular\) Home](#) regulations.

147. *Manufacturing or Industrial Operations*

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

148. *Marina*

A facility for secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel, for use by the owner or resident of the lot, and those other than the owner or resident of the lot, upon which the facility is located. (Note: The North Texas Municipal Water District [NTMWD] owns and manages the land under and typically adjacent to the lake. Marina development is at the discretion of the NTMWD.)

149. *Masonry Construction*

a. Class 1: Masonry Construction

Class 1: Masonry Construction shall include the following exterior construction materials: fired brick, natural and manufactured stone, granite, and marble.

b. Class 2: Masonry Construction

Class 2: Masonry Construction shall include the following exterior construction materials: all Class 1: Masonry Construction, architectural concrete block, stucco, cement fiberboard siding, and tilt wall concrete panels.

c. Class 3: Masonry Construction

Class 3: Masonry Construction shall include the following exterior construction materials: all Class 1: Masonry Construction, Class 2: Masonry Construction, EIFS, and sealed and painted concrete block.

150. *Medical Clinic*

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

151. *Mining Operations*

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

152. *Motel, Motor Hotel, or Tourist Court*

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

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

c. The establishment furnishes customary [Hotel](#) (Definition #113) services and many contain a restaurant, club, lounge, banquet hall and/or meeting rooms.

d. A motel is a nonresidential use.

**10.14. N****153. Neighborhood Parks**

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

**154. Nonconforming Lot**

A lot that is classified as [Legal Nonconformities](#) per Section [3.06.B.1](#).

**155. Nonconforming Structure**

A structure that is classified as [Legal Nonconformities](#) per Section [3.06.B.1](#).

**156. Nonconforming Use**

A use of land that is classified as [Legal Nonconformities](#) per Section [3.06.B.1](#).

**157. Nonconformities**

The term [Nonconformities](#) is a general term used to referred to [Nonconforming Uses](#), [Nonconforming Structures](#) and [Nonconforming Lots](#).

**158. Nonresidential Use**

Any use other than a residential use.

**159. Nonresidential Zoning Districts**

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

**10.15. O****160. Office, Professional, Medical, or Business**

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

**161. Official Vesting Date**

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

**162. Open Storage**

See [Outside Storage](#) (Definition #[165](#)).

**163. Outdoor Storage**

See [Outside Storage](#) (Definition #[165](#)).

**164. Outside Display**

The temporary outside display of finished goods. Finished goods are specifically intended for immediate retail sales and are not intended nor used as an area for the continuous keeping or storage (i.e., [Outside Storage](#)) of such finished goods. Examples of outside display include the display of grills, deer feeders, patio furniture, lawn movers, flowers, pumpkins, Christmas trees, and clothing. For information regarding possible regulations, see the [Use Chart](#) and Section [3.04.A.9](#).



165. Outside Storage

The continuous keeping or storage of any finished or unfinished goods, materials, merchandise, or equipment outside of a building for more than twenty-four (24) hours. For information regarding possible regulations, see the [Use Chart](#) and Section [3.04.A.10](#).

**10.16. P**

166. Park, Playground, or Community Center, Public

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

167. Parking Area, Public

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

168. Parking Area, Semi-Public

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

169. Parking Space

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

170. Parking Structure

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

171. Parking, Off-Street, Incidental to Main Use

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

172. Parkway

Within the [Right-of-Way](#), the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See [Figure 9: Example of a Parkway](#) for visual depiction of a parkway.

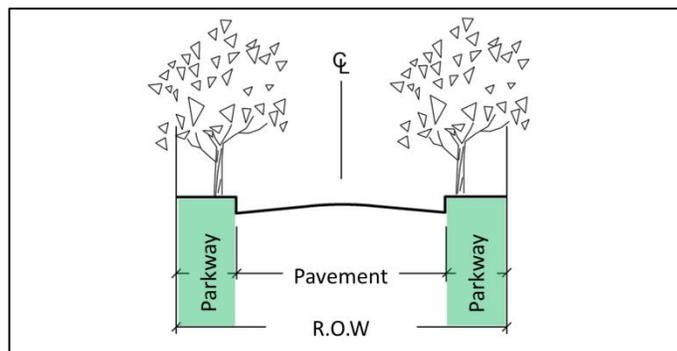


Figure 9: Example of a Parkway



173. Paved Driveways

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

174. Pavement Width

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

175. Pawn Shop or Alternative Financial Services

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

176. PD Concept Design Map

a. A map depicting the development plan for the area of a PD, Planned Development District. A [PD Concept Design Map](#) combined with a [PD Design Statement](#) forms a [Planned Development Master Plan](#).

b. See Section [8.07.D.2.c PD Concept Design Map](#) for additional information.

177. PD Design Statement

a. A design statement describing the intent of a PD, Planned Development District. A [PD Design Statement](#) combined with a [PD Concept Design Map](#) forms a [Planned Development Master Plan](#).

b. See Section [8.07.D.2.b PD Design Statement](#) for additional information.

178. Perimeter Street

A street that abuts a parcel of land to be subdivided on one side.

179. Person

Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.

180. Planned Development Master Plan

The Planned Development Master Plan (which is submitted with the application for rezoning) consists of a [PD Design Statement](#) (Definition #177) and a [PD Concept Design Map](#) (Definition #176). See [8.07 PD, Planned Development District Application and Review](#).

181. Pre-Existing Use

Any use on a specific, individual property that was in existence on or before the effective date of these [Lake Zoning Regulations](#).

182. Plat

a. A map or chart of the subdivision, lot or tract of land.

b. It shall include the term plan, plat or re-plat, in both singular or plural.

183. Portable Building

Structures that are capable of being carried and transported to another location, not including [Manufactured Housing](#) (definition #146).

184. Principal Use

The primary or predominant use of any lot or building.



185. Primary Roadway

Primary Roadways are street as defined within the Lake Comprehensive Plan.

186. Private Utility (other than listed)

A non-public utility requiring special facilities in residential areas or on public property such as electricity, natural gas, or telecommunications not customarily provided by the municipality or public utilities. All radiating equipment must comply with current Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety.

187. Progress Towards Completion

Progress towards completion of the project shall include any one of the following:

- a. An Application for a plan for development is submitted;
- b. A good-faith attempt is made to file with the [County](#) an Application for a permit necessary to begin or continue towards completion of the project;
- c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
- d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
- e. Utility connection fees for the project have been paid to a regulatory agency.

188. Public Building

- a. Any building held, used, or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated.
- b. A building belonging to or used by the public for the transaction of public or quasi-public business.

189. Public Facilities for Local, State, or Federal Government

Facilities such as office buildings, maintenance yards, equipment yards, service facilities, shops, etc.

190. Public Improvement

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

## 10.17. Q

## 10.18. R

191. Radio or TV Station

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



192. Record Drawings

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

193. Regularly

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

194. Residential Street

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

195. Residential Use

Residential use means use of a structure as a residence.

196. Residential Zoning Districts

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

197. Restaurant or Cafeteria, with or without Curb or Drive-In Service

- a. An establishment engaged primarily in the business of preparing food and purveying it on a self-serve or semi self-serve basis.
- b. Customer orders and/or service may be by means of a walk-up counter or window designed to accommodate automobile traffic.
- c. Consumption may be either on or off the premises.

198. Restaurant or Cafeteria, without Curb or Drive-In Service (Service to be entirely within the building)

An establishment serving food in or on non-disposable dishes to be consumed primarily while seated at tables or booths within a building.

199. Retail Stores and Shops

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

200. Retaining Wall

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

201. Retirement Housing

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

202. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a street or alley.
- b. A [Right-of-Way](#) may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.



- c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
- d. For platting purposes, the term "[Right-of-Way](#)" shall mean that every Right-of-Way shown on a Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

203. *RV Park*

A parcel of land designed, improved, or intended to be used for short- or long-term occupancy by recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

## 10.19. S

204. *School, Career*

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

205. *School, Private*

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

206. *School, Public*

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

207. *Secondary Roadway*

Secondary Roadways are street as defined within the Lake Comprehensive Plan.

208. *Setback Line*

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

209. *Sexually Oriented Business*

A commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer, such uses include a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other.

210. *Site Plan*

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

211. *Sketch Plan*

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

212. *Small Wind Energy Systems*

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

213. *Soft-Surface Trail*

Please see definition for [Trail, Soft-Surface](#).

214. *Special Exception*

See Section 9.01 Special Exception.



215. Special Zoning Districts

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

216. Specific Use Permit

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

217. Stable, Boarding

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

218. Stable, Commercial

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

219. Stable, Private Club

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

220. Storage Units, Mini

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

221. Storefront

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

222. Story

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

223. Street

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

224. Street Width

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

225. Structural Alterations

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

226. Structure

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



227. Subdivider

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

228. Subdivision

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

229. Subdivision Plat

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

230. Subdivision Regulations

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

231. SUP

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

232. Surveyor

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

## 10.20. T

233. Tattoo Studio

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

234. Telephone Exchange (No Offices or Storage Facilities)

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

235. Temporary Building for New Construction

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

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

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



237. Trail, Hard-Surface

The trail bed surface is paved with concrete or asphalt, and sheds water. The trail bed is constructed to handle multiple types of traffic such as bicyclists, joggers, and walkers, but not motorized traffic.

238. Trail, Soft-Surface

The trail bed is not paved, but is either natural dirt (cleared of vegetation), or covered with a gravel substance, such as decomposed granite. The trail bed does not shed water. The trail bed is constructed to handle multiple types of traffic such as joggers, walkers, and equestrians, but not motorized traffic.

239. Trailer

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

240. Trailhead

Parking area for day-users of the trail network. A trailhead will have at least one entrance from a road for vehicles to enter and exit, and will have one or more gateways to the trail network. There may be facilities for comfort and convenience within the trailhead (e.g. restrooms, water spigots, picnic tables), A full-sized trailhead is at least one acre in size.

241. Trailhead, Pocket

Parking area for day-users of the trail network. A pocket trailhead will have one entrance from a road for vehicles to enter and exit, and will have one or more gateways to the trail network. There will be no facilities within the trailhead. A Pocket Trailhead would be at least ¼ acre in size..

242. Transportation Plan

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

**10.21. U**

243. Usable Open Space

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

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

244. Utility Connection Certificate

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



245. Utility Distribution/Transmission Line

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

246. Utility Easement

See [Easement](#) (Definition #81).

**10.22. V**

**10.23. W**

247. Warehouse

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

248. Wedding Chapel, Reception Facility, Special Events Center

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

249. Wholesale Center

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

250. Wrecking or Auto Salvage Yard

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

**10.24. X**

**10.25. Y**

251. Yard

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

252. Yard, Front

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

253. Yard, Rear

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

254. Yard, Side

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



**10.26. Z**

255. Zoning District Map

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