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**ARTICLE 1 - GENERAL REGULATIONS****1-100 – TITLE**

1-101 – An ordinance to limit to specified districts or zones and to regulate therein, buildings and structures according to their construction and the nature and extent of their use, and the nature and extent of the uses of the land 5,000 feet within the project boundary line, as defined by state law, of Lake Tawakoni in Hunt County, Texas, including the right to regulate the height, number of stories, sizes of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings and structures and land for trade, industry, residence or other purposes; and, in the case of designated places and areas of historic and cultural and environmental importance, to regulate the construction, alteration, reconstruction, or razing of buildings and other structures.

1-102 – The short title by which this ordinance shall be known shall be:

“The Zoning Ordinance of Lake Tawakoni, Hunt County.”

**1-200 – PURPOSE**

This ordinance as herein established has been made in accordance with a Comprehensive Land Use Plan for the purpose of promoting and protecting the public health, safety, morals and general welfare of the community and in furtherance of the following related and more specified objectives:

1. Guide and regulate the appropriate use or development of all lands, in a manner which will promote the public health, safety, morals, and general welfare.
2. Provide safety from fire, flood, panic and other natural and man-made disasters.
3. Provide adequate light, air and open space.
4. Promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons and neighborhoods.
5. Encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies.
6. Provide sufficient space in appropriate locations for a variety of residential, recreational, commercial, and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all citizens.
7. Encourage the location and design of transportation routes, which will promote the free flow of traffic while discouraging location of such facilities and routes, which result in congestion or blight.
8. Promote a desirable visual environment through creative development techniques and good civic design and arrangement.

9. Promote the conservation of open space and valuable natural resources and prevent degradation of the environment through improper use of the land.
10. Encourage coordination of the various public and private procedures and activities shaping land development with a view to lessen the cost of such development and to more efficiently using the land.

### **1-300 – EMPOWERMENT TO ZONE**

The Hunt County Commissioners' Court hereby adopts, and may from time to time amend this zoning ordinance, based upon recommendations of the Lake Tawakoni Planning Commission. Such ordinance and any amendment or revision thereto shall be made in accordance with a comprehensive land use plan, and to lessen congestion in the streets, provide safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements and to promote the health and the general welfare.

The zoning ordinance shall be drawn with reasonable consideration to the character of each district and its peculiar suitability for particular uses and to encourage the most appropriate use of land. The regulations in the zoning ordinance shall be uniform throughout each district for each class or kind of buildings or structures or uses of land, but the regulations in one district may differ from those in other districts.

No zoning ordinance and no amendment or revision to any zoning ordinance shall be submitted to or adopted by initiative or referendum.

### **1-400 – COMPLIANCE**

#### **1-401 – Compliance Required**

All land, buildings, structures or appurtenances thereon located 5,000 feet within the project boundary, as defined by state law, of Lake Tawakoni, Hunt County, which are hereafter occupied, used, erected, altered, or converted, shall be used, placed, and erected in conformance with the zoning regulations prescribed for the Zoning District in which such land or building is located except as hereinafter provided.

#### **1-402 - Building Permits**

A Building Permit shall be applied for and issued by the Lake Tawakoni Planning Commission prior to the erection, alteration, or conversion of such building or land provided such construction or change is to be made in complete conformity to the provisions of this Ordinance.

A Building Permit shall state that the building or proposed use of a building or land complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all Permits shall be kept on file in the office of the Lake Tawakoni Planning Commission, and copies shall be furnished, on request, for the current price of duplication, to any person having a proprietary or tenancy interest in the land or building affected.

**1-403 – Completion of Building - Approved or Under Construction**

Nothing herein contained shall require any change in the plans, construction, or designated use of a building under construction at the time of the passage of this Ordinance and which entire building shall be completed within one year from the date of the passage of this Ordinance.

**1-404 – Location of Dwellings and Buildings**

Only one main building for one-family or two-family use with permitted accessory buildings may be located upon a lot or platted tract. Where a lot is used for multiple-family, commercial, industrial purposes, or a combination of same, or for a combination of retail and dwelling purposes, more than one main building may be located upon the lot, but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts. Whenever two or more main buildings, corporations thereof, are placed upon a single lot or tract and such buildings will not face upon a public street, the same may be permitted when the site plan for such development is approved by the Lake Tawakoni Planning Commission. No storage area or required open space for one building shall be computed as being the open space, yard, or area requirements for any other dwelling or other use.

**1-500 – LOT YARD, HEIGHT AND COVERAGE REGULATIONS****1-501 – Lot Area - Dimensions**

The regulations concerning lot dimensions set forth in Section 2-800 and as herein specified, shall apply to all lots except that a lot having less area, width or depth than herein required which was an official "lot of record" prior to the adoption of this ordinance may be used for a one-family dwelling and no lot existing at the time of passage of this ordinance shall be reduced in area, width or depth below the minimum requirements set forth herein.

**1-502 – Yards**

The yard regulations set forth in Section 2-800 and as herein specified shall apply to all lots within the several districts respectively unless otherwise specified in the ordinance. See Sections 3-400, 3-500 and 3-600 for Supplementary Yard Regulation.

**1-503 – Height**

The height regulations set forth in Section 2-800 and as herein specified shall apply to all buildings and structures within the several districts respectively unless otherwise specified in the ordinance. When height requirements are stated in stories and feet, the more restrictive requirement shall apply. See Section 3-800 for Supplementary height Regulations.

**1-504 – Lot Coverage**

The maximum percentage of any lot area which may hereafter be covered by the main building and all accessory buildings shall not exceed the requirements of Section 2-800, except where an existing building at the effective date of this ordinance may have a greater percentage of a lot covered than herein prescribed.

**1-505 – Floor Area Ratio**

The maximum floor area ratio of a lot or tract on which a building is located shall not exceed the requirements of Section 2-800, except where an existing building at the effective date of this ordinance may have a higher floor area ratio than herein prescribed, such building shall be considered a conforming use.

**1-600 – Definitions**

Interpretation of Language - All words used in the present tense shall include the future; all words in the singular number include the plural number and all words in the plural number include the singular number; the word "person" includes "corporation," "co-partnership," "association," and "individual"; the word "shall" is mandatory and not discretionary. Terms not herein defined shall have the meaning assigned to them in the "Uniform Building Code" as adopted. Terms not defined herein or in the UBC shall have the meaning customarily assigned to them.

**Accessory Building or Use** - A building or use subordinate to and incidental to the principal buildings(s) and use(s) located on the same lot. Accessory buildings shall include any and all parking garages and adjacent farm structures and, in a residence district, accessory buildings or uses shall include garages for automobile storage, tool houses, greenhouse, home workshops, children's playhouses, storage houses or garden shelters. (See Section 3-200).

**Administrator** - The administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code as directed by the Lake Tawakoni Planning Commission.

**Airport** - A place where an aircraft can land and take off usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

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

**Antenna Support Structure** - Any structure, mast, pole, tripod, box frame or otherwise tower utilized for the purpose of transmission, retransmission, or reception of electromagnetic, radio, or microwave signals. (See Section 3-107).

**Antique Shop, Sales in Building** - A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

**Apartment** - A room or suite of rooms in a multiple-family dwelling or apartment house arranged designed, or occupied as a place of residence by a single family, individual, or group of individuals.

**Arcade** - An establishment in which there are located six or more coin-operated, skill or pleasure machines.

**Auto Leasing and Renting** - Storage, leasing or renting automobiles, motorcycles, and light load vehicles.

**Auto Parking Lot or Garage** - An area or structure designed for the parking of motor vehicles.

**Auto Parts Sales (In Building)** - The use of any building or other premise for the display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

**Auto Parts Sales (in Open)** - the use of any land area for the display and sale of new or used parts for automobiles, panel trucks or vans, tractors, trailers, or recreation vehicles.

**Auto Storage** - The storage on a lot or tract of operable automobiles for the purpose of holding such vehicles for sale or distribution or storage.

**Automobile** - A four-wheeled self-propelled vehicle designed for passenger transportation and commonly propelled by an internal combustion engine.

**Automobile Repair Garage** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

**Automobile, Repair, Major** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service, collision services including body, frame or fender straightening or repair, customizing, painting, vehicle steam cleaning; undercoating and rust proofing those uses listed under "automobile repair, minor"; and other similar use.

**Automobile Service Station** - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automobile fuels, lubricants, and automobile accessories, including those operations listed under Minor Automobile Repair. Vehicles, which are inoperative or are being repaired, may not remain parked outside an Automobile Service station for a period greater than seven days.

**Bait Store** - The use of any building or premise for the retail sale inside or outside, for the display and sale of fishing supplies, including live bait.

**Bank, Savings and Loan, or Credit Union** - An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

**Bakery & Confectionery Works (Retail)** - A place for preparing, cooking, baking, and selling of bakery products on the premises.

**Bakery & Confectionery Works (Wholesale)** - A place for preparing, cooking, or baking of bakery products intended for off premises distribution.

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

**Block** - An area enclosed by streets and occupied by or intended for buildings.

**Boarding and Rooming House** - A residence structure other than a hotel where lodging and/or meals for four or more persons are provided for compensation.

**Bottling Works** - A manufacturing facility designed to place a product into a bottle for distribution.

**Bowling Alley** - An establishment engaging in providing facilities for bowling.

**Building** - Any structure built for the support, shelter, and enclosure of persons, animals, chattels, or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

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

**Building Materials and Hardware, Inside Storage - Materials** and hardware customarily used in the construction of buildings and other structures, including facilities for storage inside a building.

**Building Materials and Hardware, Outside Storage - Materials** and hardware customarily used in the construction of buildings and other structures, including facilities for storage outside a building.

**Business Service** - This group includes establishments primarily engaged in providing services not elsewhere classified, to business enterprises on a fee contract basis including but not limited to advertising agencies, computer programming and software services, and office equipment rental or leasing.

**Cabinet and Upholstering Shop** - An establishment for the production, display and sale of furniture and soft coverings for furniture.

**Caretakers' or Guards' Residence** - A residence located on premises with a main structure (Residential or nonresidential) and occupied only by a caretaker or guard employed on the premises.

**Carport** - A structure open on a minimum of three sides designed or used to shelter not more than three vehicles, not to exceed twenty-four feet on its longest dimension.

**Car Wash** - Structure used to wash motorcycles, automobiles and light load vehicles.

**Cemetery** - Property used for the interring of the dead.

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

**Church or Rectory** - A building for regular assembly for religious worship which is used primarily for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises.

**Civic Center** - A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational athletic, convention or entertainment facilities owned and/or operated by a governmental agency

**Cleaning, Small Plant or Shop** - A custom cleaning shop or pick-up station not exceeding 5,000 square feet of floor area, including but not limited to dry cleaning plants having no more than 5,000 square feet of floor area.

**Clinic** - A group of offices for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.

**College or University** - An institution established for educational purposes offering courses for study beyond the secondary education level, but excluding trade schools and commercial schools.

**Commercial Amusement (indoor)** - An enterprise such as a health club, racquetball club, karate club, recreation club or organization, or bingo parlor in a building treated acoustically so as to conform to the performance standards in Section 3-1300 providing for activities, services, and instruction for the entertainment, exercise, and improvement of fitness and health of customers, clients, or members, but not including hospitals, clinics, massage parlors, or arcades. Uses or combinations would typically include bowling alleys, ice or roller skating rinks, racquetball and handball courts, indoor tennis courts, weight lifting and nautilus facilities, exercise areas, swimming pools and spas, bingo parlors, martial arts, classrooms, and/or practice areas, gymnasiums, and indoor running or jogging tracks.

**Commercial Amusement (Outdoor)** - An outdoor area or structure, open to the public, which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-kart tracks and carnivals.

**Community Center** - A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

**Comprehensive Land Use Map** - The official policy document of the Lake Tawakoni Planning Commission for the best use of the land in the Lake Tawakoni Planning Area based upon a 20 year projection, and implemented through the Zoning Ordinance.

**Concrete or Asphalt Batching Plant (permanent)** - A permanent manufacturing facility for the production of concrete or asphalt.

**Concrete or Asphalt Batching Plant (Temporary)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

**Construction Yard (Temporary)** - A storage yard or assembly yard for building materials and equipment directly related to a construction project and subject to removal at completion of construction.

**Contract Construction** - Establishments engaged in providing services including but not limited to plumbing, heating, and air conditioning on a fee or contract basis.

**Contractor's Shop or Storage Yard** - A building, part of a building, or land area for the construction or storage of materials, tools, products, and vehicles.

**Country Club (Private)** - A land area and buildings that may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

**County Commissioners' Court** - The governing body of the County of Hunt, Texas.

**Court** - An open, unoccupied space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard or other permanent open space.

**Dance Hall** - An establishment open to the general public for entertainment, in particular, dancing.

**Day Care Center** - A facility providing care, training, education, custody, treatment or supervision for more than six persons for all or part of the 24 hour day, but excluding a facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own children, does not exceed 12 at any given time, and provided the total number of persons cared for does not exceed 12. The term "day care center" shall not include overnight lodging, medical treatment, counseling or rehabilitative services and does not apply to any school.

**Department or Variety Store** - Same as General Merchandise Store.

**District** - A section of the Lake Tawakoni Planning Area for which the regulations governing the area, height, or use of the land and buildings are uniform.

**Drive-in Service** - Facilities designed so that patrons customarily park on the premises and obtain services or goods brought out of the building to them by an employee of the business, without leaving their cars.

**Dry Cleaning Plant** - An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents.

**Duplex** - Same as Two-Family Dwelling.

**Dwelling, One-Family** - A building having accommodations for and occupied by not more than one family.

**Dwelling, Two-Family** - A detached building having separate accommodations for and occupied by not more than two families.

**Dwelling, Multiple-Family** - Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

**Dwelling Unit** - A building or portion of a building, which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation, sleeping, and sanitation.

**Easement** - A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity

**Electrical Substation** - A subsidiary station in which electric current is transformed.

**Engine and Motor Repair** - The adjustment, reconditioning, or restoration to working order of engines and motors.

**Exhibition Area** - An area or space either outside or within a building for the display of topic specific goods or information.

**Fairgrounds** - An area where outdoor fairs, circuses or exhibitions are held.

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

**Farm, Ranch, Garden or Orchard** - An area of five acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

**Farmer's Market** - The retail sale of farm produce by individual vendors within a covered lease space, for the primary purpose of selling fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey. Sale of any type of meat, fish or poultry eggs, refrigerated dairy products, and home canned or packaged items shall be prohibited.

**Feed Store** - An establishment for the selling of corn, grain and other foodstuffs for animals and livestock, and including other implements and goods related to agricultural processes, but not including farm machinery.

**Field Office** - A building or structure of either permanent or temporary construction, used in connection with a development or supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.

**Fire Station or Public Safety Building** - A building housing fire apparatus and usually -fire fighters, or a building housing a law enforcement agency of a unit of local government.

**Flea, Market** - A site where space inside or outside a building is rented to vendors on a short time basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, artwork, small household appliances, and similar merchandise, objects or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

**Flood Plain** - An area of land subject to inundation by a 100-year frequency flood, as shown on the flood plain map of Hunt County.

**Floor Area** - The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

**Floor Area Ratio (FAR)** - The floor area of a main building or buildings on lot, divided by the lot area.

**Florist Shop** - an establishment for the display and retail sale of flowers, small plants, and accessories.

**Food Store** - A business establishment that displays and sells consumable goods that is not to be eaten on the premises.

**Fraternal Organization, Lodge, or Civic Club** - An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, or Knights of Columbus.

**Furniture, Home Furnishings, and Equipment Stores** - This group includes retail stores selling goods used for furnishing the home, including but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

**Garden Shop** - A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting; but not including cultivation and propagation activities outside a building.

**General Commercial Plant** - Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis, including but not limited to newspaper printing, laundry plant, or cleaning and dyeing plant.

**General Manufacturing** - Manufacturing of finished products and component products or parts, from the transportation, treatment or processing of materials or substances, including basic industrial processing. Such operations must meet the performance standards, bulk controls, and other requirements in this ordinance.

**General Merchandise Stores** - This major group includes retail stores, which sell a number of lines of merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc.

**Golf Course** - An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include a clubhouse.

**Gymnastic or Dance Studio** - A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

**Heavy Load Vehicle** - A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically state otherwise.

**Heavy Machinery Sales and Storage** - A building or open area, other than a right-of-way or public parking area, used for the display, sale, rental and storage of heavy machinery, either machines in general or as a functioning unit.

**Height** - The vertical distance of a building measured from the average grade as measured at the corners of the building prior to berming to (1) the highest point of the roof's surface if a flat surface, (2) the deck line of mansard roofs or, (3) the highest point of the ridge for hip and gable roofs and, in any event, including chimneys, cooling towers, elevator bulkheads, tanks, water tower, radio towers, antennas, ornamental cupolas, domes or spires, and parapet walls. (See section 3-800).

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

**Hospital** - An institution providing primary health services and medical or surgical care to persons, primarily inpatients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including, as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities as licensed by the State of Texas.

**Household Care Facility** - A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit.

**Household Care Institution** - A facility which provides residence and care to ten or more persons regardless of legal relationship who are elderly; disabled; orphaned, abandoned, abused or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

**Housekeeping Unit** - A dwelling unit organized as a single entity in which members share common kitchen facilities and have access to all parts of the dwelling.

**Junk or Salvage Yard** - A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rubber tires and bottles, including automobile wrecking yards and automobile parts yards.

**Lake Tawakoni Planning Area** - The area designated in S.B. 753 as 5,000 feet within the project boundary line, defined as the 447 feet elevation line.

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

**Long-Term Care Facility** - An institution providing in-patient health, personal care, or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

**Lot** - Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having a minimum frontage of 12 feet upon a public street or officially approved place.

**Lot Area** - The net horizontal area of the lot excluding portions of streets and alleys, and easements for streets and alleys.

**Lot, Corner** - A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

**Lot, Coverage** - The percentage of the total area of a lot occupied by the base (first story of floor) of buildings located on the lot.

**Lot Depth** - The mean horizontal length of two lines drawn perpendicular to the front lot line of a lot and each passing through one of the two closest points of intersection of either the rear boundary of the zoning envelope (as defined herein) with the two side boundaries or the front boundary of the zoning envelope with the two side boundaries. The measurement lines shall be made perpendicular to the rear lot line if such lot line is more perpendicular to the side lot line than the front lot line. Required lot depth shall not include easement areas extending across the rear of the lot. For flag lots, measurement lines shall be drawn from the front lot line (or its extension) which is closest to the zoning envelope; but lot depth may be measured generally parallel to the street when lot width is measured perpendicular to the street in accordance with the definitions of lot width and depth.

**Lot, Flag or Panhandle** - A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twelve feet.

**Lot, Interior** - A lot other than a corner lot.

**Lot Line, Front** - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines.

**Lot Line, Rear** - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero.

**Lot Line, Side** - Any lot line not the front or rear lot line.

**Lot Lines** - The lines bounding a lot as defined herein.

**Lot of Record** - A lot, which is part of a subdivision, the plat of which has been recorded in the office of the county Clerk of Hunt County.

**Lot, Through** - a residential lot other than a corner lot abutting more than one street, and having access to more than one street. Through lots are prohibited by this ordinance.

**Lot Width** - The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line, which is closest to the front lot line.

**Manufactured Housing** - A dwelling designed and built at another site and moved to the permanent site. This includes Mobile Homes but does not include old houses moved to a new site.

**Marina** - Any water based facility for the mooring, fueling or servicing of water craft, with three or more mooring slips and including all structures (docks, breakwaters) and associated anchoring facilities.

**Mobile Home** - A dwelling designed as a house trailer or mobile home which is made immobile and used as a temporary or permanent dwelling or as part of a permanent dwelling, but not including pickup campers or travel trailers used temporarily for camping or outings.

**Mobile Home Park** - An area of not less than 5 acres nor more than 25 acres approved for occupancy by mobile homes and accessory structures related thereto.

**Mobile Home Subdivision** - A tract of land subdivided into lots which are designed as permanent sites for mobile or relocatable homes and which are served by separate utilities, dedicated street access on a legally filed plat and are capable of being conveyed as separate lots.

**Modular Homes** - Manufactured Housing units that are built to standard housing specifications and HUD specifications for Modular Homes, off-site in one or more sections and then assembled on a permanent foundation built to the Specifications of The Texas Manufactured Housing Commission.

**Non-conforming Use** - A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

**Open Space** - Area included in any side, rear, or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, or porches.

**Park or Playground** - A recreation facility, recreation center, or park owned or operated by a public agency such as a County or City School District, and available to the general public.

#### **Performance Standard Terms**

1. **Decibel** - A unit of measurement of sound pressure.
2. **Frequency** - The number of times per second a vibration or sound wave oscillates.
3. **Odor Threshold** - The concentration of odorous matter in the atmosphere necessary to be perceptible of the olfactory nerve of a normal person. Determination of the Odor Threshold is prescribed by ASTM D 1391-57 "Standard Method for Measuring Odor in Atmosphere".
4. **Particulate Matter** - Finely divided solid or liquid matter, other than water, which is released into the atmosphere.
5. **Smoke** - The visible discharge of particulate matter from chimney, vent, exhaust, or combustion process.
6. **Toxic and Noxious Matter** - any solid, liquid, or gaseous matter which is present in sufficient quantities to endanger health, safety, or comfort of persons in the vicinity or which may cause injury or damage to property.
7. **Vibration** - A periodic displacement of the earth measured in inches.

**Plat** - A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the County of Hunt and Lake Tawakoni Planning Area and subject to approval by the Lake Tawakoni Planning Commission and filed in the plat records of Hunt County

**Rehabilitation Care Facility** - A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, living together with not more than two supervisory personnel as a single housekeeping unit.

**Rehabilitation Care Institution** - A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct, together with supervisory personnel.

**Restaurant or Cafeteria** - An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-in window.

**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.

**Retirement Housing** - A development providing dwelling units specifically designed for the needs of ambulatory elderly person. To qualify as Retirement Housing, a minimum of 80% of the total units shall have a household head of 60 years of age or older.

**Single-Family Residence, Attached** - A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one family, with each dwelling attached by a common wall to another with a minimum length of attachment of 20 feet, in which each dwelling is located on a separate platted lot (unless the dwelling is part of a Planned Development approved without separate platted lots); except that 20% of the total dwellings in a single-family, attached project may be included in structures containing only two dwellings.

**Single-Family Residence, Detached** - A dwelling designed and constructed for occupancy by one family and located on lot or separate building tract and having no physical connection to a building located on any other separate lot or tract.

**Take Line** - The 447 foot elevation line around Lake Tawakoni as defined and specified in "S. B. 753". All property between this line and the lake is controlled by the Sabine River Authority.

**Tract** - An area, parcel, site, piece of land, or property, which is the subject of a zoning or development application.

**Travel Trailer** - A mobile vehicle designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highways, as contrasted to a mobile home.

**Wildlife Sanctuary** - Area of land 80% of which is used for the preservation of wildlife including plant-life, bird-life and all other wildlife, natural habitats and ecosystems. Hunting and fishing are prohibited.

**Yard** - An open space that lies between the principal or accessory building or buildings and the nearest lot line and which is unoccupied and unobstructed from the ground upward except as herein permitted.

**Yard, Front** - An open, unoccupied space on a lot facing a street extending across the front of the lot between the side lot lines and from the front building line to the front lot or street line.

**Yard, Rear** - An open, unoccupied space on a lot, except for accessory buildings as herein permitted, extending across the rear of a lot from one side lot line to the other side lot line. The rear yard shall be at the opposite end of the lot from the front yard.

**Yard, Side** - An open, unoccupied space or spaces on one or two sides of a main building and on the same lot with the building, extending from the building to a side line of the lot and extending through from the front yard to the rear yard.

**Zoning District Map** - The official zoning map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.

**Zoning Envelope** - The three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations and yard setbacks.

**ARTICLE 2 - ZONING DISTRICTS AND USES**

**2-100 – ESTABLISHMENT OF ZONING DISTRICTS**

For the purpose of this ordinance, the Lake Tawakoni Planning Area is divided into the following zoning districts

Abbreviated Designation	District Name
A	Agricultural
E-2	Estate Development - 2 acres
SF-40	Single Family - 1 acre
SF-20	Single Family - 1/2 acre
SF-10	Single Family - 1/4 acre
MF	Multiple Family
PH	Patio Home
MHA	Mobile Home - 100 x 150
MH-2	Mobile Home - 75 x 100
MOD-1	Modular Home
MOD-2	Modular Home
PD	Planned Development
C-1	Retail Commercial
C-2	Commercial
I	Industrial
WS	Wildlife Sanctuary

**2-200 – Zoning District Map**

2-201 – The boundaries of the zoning districts set out herein are delineated upon the Zoning District Map of the Lake Tawakoni Planning Area, said map being a part of this ordinance as fully as if the same were set forth herein in detail.

2-202 – Two original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the County Judge and the attestation of the County Clerk and shall be filed and maintained as follows:

1. One copy shall be filed with the County Clerk and retained as the original record and shall not be changed in any manner.
2. One copy shall be filed in the office of the Lake Tawakoni Planning Commission and shall be maintained up to date by posting thereon all changes and amendments, using the latest reproduction techniques.
3. Reproductions for information purposes may from time to time be made of the Official Zoning District Maps.

2-203 – Informational items such as school and park locations may be placed on the Zoning District Map as deemed appropriate by the Lake Tawakoni Planning Commission.

2-204 – The district boundary lines shown on the Zoning District Map are usually along roads, property lines or extensions thereof, city limit boundaries or tributaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. The take line, or project boundary line shall be defined by the most current survey. Any shift in the take line creating more land, will become part of the adjacent, adjoining zoning district.
3. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
4. Boundaries indicated as approximately following city limits shall be construed as following city limits.
5. Boundaries indicated as following railroad lines shall be construed to be midway between the right-of-way lines.
6. Boundaries indicated as approximately following the center lines of all bodies of water shall be construed to follow such center lines and in the event of change in the center line, shall be construed to move with such center line.
7. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1-6 above shall be so construed. The scale of the map shall determine distances not specifically indicated on the original zoning maps.
8. The zoning classification applied to a tract of land adjacent to a street shall extend to the center line of the street.
9. Where physical features on the ground are at variance with information shown on the official zoning district map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections 1-8, the property shall be considered as classified "A", Agricultural District.

**2-300 – Specific Use Permits**

2-301 – The Commissioners’ Court of Hunt County, after public hearing and proper notice to all parties affected and after recommendations by the Lake Tawakoni Planning Commission may authorize the issuance of Specific Use Permits for the uses indicated by “S” in Section 2-400.

2-302 – The purpose and intent of a Specific Use Permit is to authorize and regulate a use not normally permitted in a district which could be of benefit in a particular case to the general welfare, provided adequate development standards and safeguards are established for such use during the review of a Specific Use Permit application.

2-303 – The Lake Tawakoni Planning Commission in considering and determining its recommendations to the Commissioners’ Court on any request for a Specific Use Permit may require from the applicant plans, information, operating data, and expert evaluation concerning the location, function and characteristics of any building or use proposed. The Commissioners’ Court may, in the interest of the public welfare and to insure compliance with this ordinance, establish conditions of operation, location, arrangement and type and manner of construction of any use for which a permit is authorized. In authorizing the location of any of the uses listed as Specific Use Permits, the Commissioners’ Court may impose such development standards and safeguards as the conditions and locations indicate important to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic or other undesirable or hazardous conditions.

2-304 – All Specific Use Permits approved in accordance with the provisions of this ordinance in its original form or as hereafter amended shall be referenced on the Zoning District Map.

**2-400 – Permitted Uses**

2-401 – Land and buildings in each of the zoning districts may be used for any of the following listed uses, but no land shall hereafter be used, and no building or structure shall hereafter be erected, altered or converted which is arranged or designed or used for other than those uses specified for the district in which it is located as set forth by the following chart: (2-403).

**2-402 – Schedule of Permitted Uses**

The following symbols are applicable to the interpretation of the Permitted Uses Chart. (2-403).

LEGEND	DESCRIPTION
*	Indicates Use permitted in district indicated
-	Indicates use prohibited in district indicated
S	Indicates use may be approved with a Specific Use Permit

2-403 CHART OF PERMITTED USES

USE	DISTRICTS															
	A	E-2	SF-40	SF-20	SF-10	MF	FH	MH-1	MH-2	MOD-1	MOD-2	PD	C-1	C-2	I	WS
MISCELLANEOUS USES																
Antique Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Arcade	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-
Bakery & Confectionery (Retail)	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Bank, Savings and Loan	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Boarding or Rooming House	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Building Materials and Storage	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	-
Cabinet or Upholstery Shop	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	*	-
Caretakers or Guards Residence	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	*	*	*	-
Cemetery	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	-
Church or Rectory	*	*	-	-	-	*	-	-	-	*	-	-	*	*	*	-
Civic Center	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Cleaning Plant, Small	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Clinic	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
College or University	\$	\$	\$	\$	-	-	-	-	-	\$	\$	-	*	*	*	-
Commercial Amusement	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-
Concrete or Asphalt Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	*	*	-
Dance Hall	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Day Care Center	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	*	*	*	-
Dry Cleaning Plant	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	-
Electrical Power Plant	\$	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-
Fair Grounds	\$	-	-	-	-	-	-	-	-	-	-	-	\$	\$	*	-
Farm, Ranch, Garden, Orchard	*	*	-	-	-	-	-	-	-	*	-	-	*	*	*	-
Farmer's Market	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-
Feed Store	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	-
Fire Station	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Flea Market	\$	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-
Florist	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Fraternal Organization	\$	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Lodge or Civic Club	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Furniture, Home Furnishings or Equipment Store	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Garden Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
General Merchandise Stores	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Golf Course or Country Club	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	*	*	*	-
Gymnastic or Dance Studio	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	*	-
Heavy Machinery Sales	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Home Occupation	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Hotels and Motels	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Household Appliance Repair	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Household Care Facility	\$	\$	\$	\$	\$	*	-	\$	\$	\$	\$	\$	-	-	-	-
Household Care Institution	-	-	-	-	-	*	-	-	-	-	-	-	-	-	-	-
Kennels	*	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Laundromat	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Long-Term Care Facility	\$	-	-	-	-	*	-	-	-	-	-	-	*	\$	-	-
Marina	-	-	-	-	-	-	-	-	-	-	-	\$	-	*	*	-
Medical Office	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Miscellaneous Retail	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Mobile Home Park	-	-	-	-	-	-	-	*	*	-	-	-	-	*	*	-
Mortuary or Funeral Home	*	-	-	-	-	-	-	-	-	-	-	-	\$	\$	*	-
Museum	\$	-	-	-	-	-	-	-	-	-	-	-	\$	\$	-	\$
Nursery	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-

2-403 CHART OF PERMITTED USES

USE	DISTRICTS															
	A	E-2	SF-40	SF-20	SF-10	MF	FH	MH-1	MH-2	MOD-1	MOD-2	PD	C-1	C-2	I	WS
Office	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Office Center	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Paint Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Park, Playground or Community Center	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	\$
Pawn Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Personal Service Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Pet Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Post Office	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Printing Shop	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
<del>Private Club</del>	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-
Private Recreation Facility	\$	\$	\$	\$	\$	\$	\$	\$	*	\$	\$	\$	*	*	*	-
Public and Utility Uses	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	*	*	*	-
Radio, TV or Satellite Structure	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-
Recreation Center	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Rehabilitation Care Facility	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	-
Rehabilitation Care Institution	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Restaurant	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Retail or Service	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Retirement Housing	-	-	-	-	-	-	-	-	-	-	-	\$	\$	\$	-	-
School, Private	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	*	*	*	\$
School, Public	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	\$
Sewage Treatment Plant	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	-
Shopping Center	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Single Family -- Residence Detached	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	-
Single Family -- Residence Attached	-	-	-	-	-	-	-	*	*	-	-	*	-	-	-	-
Small Engine Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	*	*	-
Storage or Repair of Furniture	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Studios for photographers, Musician, Artist, Radio	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Theater	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	*	-
Trailer Rental	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Veterinarian Clinic	\$	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Water Treatment Plant	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	*	*	*	-
<b>AUTOMOBILE AND RELATED USES</b>																
Auto Leasing	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	*	-
Auto Parking Lot	-	\$	-	-	-	-	-	-	-	\$	-	-	\$	*	*	-
Auto Parts Sales	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Auto Parts Sales (Used)	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Auto Repair Garage	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Car Wash	-	-	-	-	-	-	-	-	-	-	-	-	*	*	*	-
Engine and Motor Repair	-	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	-
Motorcycle Sales	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	*	-
New Car Dealer	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	*	-
Tire Dealer	-	-	-	-	-	-	-	-	-	-	-	-	\$	*	*	-
Used Car Dealer	-	-	-	-	-	-	-	-	-	-	-	-	\$	\$	*	-
Wrecking Yard	-	-	-	\$	-	-	-	-	-	-	-	-	-	-	-	-

Any industry which due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, vibration or the danger of fire as may be determined by health, fire or building officials, or is expected to be a nuisance to neighboring property.

**2-404 – Classification of New and Unlisted Uses**

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

1. The question concerning any new or unlisted use shall be referred to the Lake Tawakoni Planning Commission requesting an interpretation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by a statement of facts listing the nature of the use and whether it involves dwelling activity, sales, processing, type of product, storage and amount and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material, and vibration likely to be generated, and the general requirement for public utilities such as water and sanitary sewer.
2. The Lake Tawakoni Planning Commission will consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
3. If the Lake Tawakoni Planning Commission determines that the proposed use should be added to the Schedule of Permitted Uses (Section 2-400). The Zoning Ordinance shall be amended after a public hearing before the Lake Tawakoni Planning Commission and recommendation to the County Commissioners' Court by the Lake Tawakoni Planning Commission, and consideration for adoption by the Hunt County Commissioners' Court.

**2-500 – Prohibited Uses**

2-501 – All uses not expressly permitted are prohibited except as provided in Section 2-400.

2-502 – No land or building shall be used or occupied for a use which will in any manner create an unreasonable potential hazard to the general public, health, safety and welfare, as for example, but not by way of limitation, any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazardous conditions; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, movement of air, electrical or other disturbances, glare or liquids or solid wastes in a manner or amount conforming to the appropriate performance standards of Section 3-1200.

2-503 – Without limiting the foregoing sections, or being limited thereby, the following uses are specifically prohibited:

1. Storage, manufacturing, purifying, packaging, repackaging, selling or supplying of toxic or highly flammable chemicals or gases, as a primary use regardless of quantities involved, if said chemicals or gases are prohibited by the Environmental Protection Agency.
2. Above ground tank farms or storage of gasoline, fuel oils, gases or chemicals or other flammable, corrosive, or toxic substances as a primary use or in total on site quantities exceeding 30,000 liquid gallons or equivalent.

3. Adult bookstores, business showing X-rated movies or live acts, and other businesses dealing primarily with indecent or obscene materials, acts or paraphernalia.

### **2-600 – Nonconforming Uses and Structures**

2-601 – A nonconforming status shall exist under the following provisions of this ordinance:

1. When a use or structure which does not conform to the regulations prescribed in the district in which such use or structure is located was in existence and lawfully operating prior to December 31, 1929, and has been operating without discontinuance.
2. When on the effective date of this ordinance the use or structure was in existence and lawfully constructed, located and operating in accordance with the provisions of the prior zoning ordinance or which was a nonconforming use thereunder, and which use or structure does now not conform to the regulations herein prescribed for the district in which such use or structure is located.

2-602 – Any nonconforming use of land or structures may be continued subject to such regulations as the Lake Tawakoni Planning Commission may require for immediate preservation of the adjoining property prior to the ultimate removal of the nonconforming use. The Lake Tawakoni Planning Commission may grant a change of occupancy from one nonconforming use to another, providing the use is within the same or higher or more restricted classification as the original nonconforming use. In the event a nonconforming use of a building may be changed to another nonconforming use of more restricted classification, it shall not later be changed to a less restrictive classification of use and the prior less restrictive classification shall be considered to have been abandoned. Existing residences located in non-residential districts may be improved, maintained, or rebuilt as conforming structures.

2-603 – If a structure occupied by a nonconforming use is destroyed by fire, the elements or other cause, it may not be rebuilt except to conform to the provisions of the Ordinance. In the case, of partial destruction of a nonconforming use not exceeding 75% of its reasonable value, reconstruction will be permitted by the size or function of the nonconforming use cannot be expanded.

2-604 – If a nonconforming use on a particular parcel shall cease operation for a period of more than 6 months, then such nonconforming use shall be deemed to be permanently abandoned and shall not be re-instituted on the parcel or any other parcel in any district which does not permit the discontinued use. For the purposes of this paragraph, to "cease operation" shall mean to intentionally abandon the nonconforming use. The temporary suspension of a use shall not constitute abandonment, provided the property is not used during the period of suspension for any other purpose.

**2-700 – District Charts****2-701 – A – Agricultural (Land to be Developed)****A. PURPOSE**

The "A" District is intended to provide for farming, dairying, pasturage, horticulture, animal husbandry and the necessary accessory uses for the packing, treating, or storing of produce. It is anticipated that many "A" districts will be changed to other zoning classifications as the Lake Planning Area proceeds toward full development.

**B. PERMITTED USES**

1. Single Family Residence, Detached
2. Church and Rectory
3. Farm, Ranch, Garden or Orchard
4. Park, Playground, or Community Center
5. School, Public or Private
6. Utility Distribution and Transmission Lines (except when prohibited elsewhere in this ordinance.)
7. Accessory Building to Main Use

See Section 2-400

**C. AREA, YARD AND BULK REQUIREMENTS**

1. Minimum Lot Area - 3 acres
2. Minimum Lot Width - 50 feet
3. Minimum Lot Depth - 150 feet
4. Minimum Front Yard - 40 feet
- Corner Lot - 25 feet on side street
5. Minimum Side Yard - 15 feet
6. Minimum Rear Yard - 10 feet
7. Minimum Floor Area  
Per Dwelling Unit - 1000 square feet
8. Maximum Height - 3 stories provided, the third story may not exceed 10% of the total floor area of the building
9. Maximum Coverage - 20% plus 10 %additional coverage permitted for accessory buildings.  
(See Section 3-200)
10. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000).

## 2-702 – E-2 – Estate Development

## A. PURPOSE

The "E-2" district is intended to provide areas for single-family development in a rural or ranch like setting or where topography and/or utility capacities limit the use of the land. Provisions were made for limited ranching pursuits as well as those uses necessary and incidental to single family living. Accessory dwelling units are permitted for use by family members only.

## B. PERMITTED USES

1. Single-Family Residence, Detached
2. Church and Rectory
3. Farm, Ranch, Garden or Orchard
4. Park, Playground, or Community Center
5. School, Public or Private
6. Accessory Building to Main Use

See Section 2-400, Permitted Uses for a complete listing

## C. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - 85,000 square feet
2. Minimum Lot Width - 50 feet
3. Minimum Lot Depth - 250 feet
4. Minimum Front Yard - 50 feet, except as provided in Section 3-400
5. Minimum Side Yard - 15 feet
6. Minimum Rear Yard - 10 feet plus 10 ft. Utility Easement
7. Minimum Floor Area  
Per Dwelling Unit - 1000 square feet
8. Maximum Height - 3 stories, provided the third story shall not exceed  
10% of the total floor area of the building.  
(See Section 3-700)
9. Parking Requirements - 2 parking spaces per dwelling unit.  
(See Section 3-1000)

## D. SPECIAL DISTRICT REQUIREMENTS

Animal Restrictions in the E-2, Estate Development District:

1. Number - No more than two larger animals specifically, cattle, horses, 4 sheep, and 4 goats, can be maintained per acre of lot area.
2. Type - Swine are expressly prohibited. Other types of animals which introduce an unusual disturbance to the community or adjoining property owners shall not be maintained.

**Accessory Buildings** - Accessory buildings in the E-2 District, excepting garages, must be located behind the main dwelling in the rear yard.

1. Accessory buildings shall be at least 10 feet from any side property line and 10 feet from the rear property line.
2. Accessory buildings used for animals or livestock must be 100 feet or more from a dwelling on an adjoining property.
3. Accessory buildings must be designed and constructed so that they are in keeping with the general architecture of the development.

**Accessory Dwelling Units** - Accessory dwelling units in the E-2 District shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and shall comply with the above requirements for accessory buildings.

Temporary buildings, mobile homes, or travel trailers may be used for on-site dwelling purposes only during the construction phase of the main dwelling unit. All temporary dwellings must be removed from the estate within 6 months of the start of construction or issuance of Building Permit.

A permanent accessory dwelling unit may be sold separately from the sale of the entire property, provided that it is removed from the property.

**Travel Trailers and Recreational Vehicle Storage** - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line).

## 2-703 – SF-40 – SINGLE FAMILY RESIDENCE

## A. PURPOSE

The "SF-40" District is intended to provide areas for large-lot, lower-density, single family developments protected from excessive noise, illumination, odors, visual clutter and other objectionable influences to family living.

## B. PERMITTED USES

1. Single-Family Residence, Detached
2. Planned Development
3. Park, Playground, or Community Center

## C. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - 40,000 square feet
2. Minimum Lot Width - 150 feet
3. Minimum Lot Depth - 200 feet
4. Minimum Front Yard - 50 feet, except as provided below and in Section 3-400
5. Minimum Side Yard - 15 feet
  - Corner Lot - 25 feet on street side
6. Minimum Rear Yard - 10 feet
7. Minimum Floor Area
  - Dwelling Unit - 1000 square feet
8. Maximum Height - 3 stories (See Section 3-700)
9. Maximum Coverage - 20% plus 10% additional coverage permitted for accessory buildings.
10. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000)

Front yards may be varied under one, but not both, of the following provisions:

1. The minimum front yard may be reduced by a maximum of 5 feet if 25% of the street lengths in the subdivision are curvilinear in design. In no case shall the required front yard be less than 35 feet. The term "curvilinear in design" shall refer to any street segment which is designed with a degree of curvature not less than 3 degrees 30 feet and not greater than 22 degrees 55 feet, and which shall offset a minimum distance of 30 feet, said offset being measured perpendicular to the initial tangent line of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets, excluding streets with a right-of-way width greater than 70 feet.
2. The front yard setback may be staggered, varied, or reduced to a minimum setback of 40 feet, provided that the average setback for any block face shall be 45 feet. Under this provision, no more than three adjacent lots may have a setback less than 45 feet, and a minimum lot depth of 175 feet, as measured from the front building line to the rear lot line, shall be maintained.

**D. SPECIAL DISTRICT REQUIREMENTS**

1. **Fences** - All fences shall be architecturally harmonious with the development.
2. **Accessory Buildings** - No temporary buildings, mobile homes or travel trailers may be used for on-site dwelling purposes. (See Section 3-200). Accessory Buildings must be designed and constructed so that they are in keeping with the general architecture of the development.
3. **Animal Restrictions** - No large animals, specifically cattle, horses, sheep, and goats may be kept. Swine and fowl are expressly prohibited. Exotic and wild animals are also expressly prohibited.
4. **Travel Trailers and Recreational Vehicle Storage** - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line).

## 2-704 – SF-20 – Single Family Residence

## A. PURPOSE

The "SF-20" District is intended to provide for single-family development in a semi-rural setting without provisions for ranching or related activities. The SF-20 District may also serve as transitional areas between E-2 Districts and commercial uses. The SF-20 District is suited for shore area development and in most cases, meets the half-acre requirement for septic tank installation.

## B. PERMITTED USES

1. Single Family Residence, Detached
2. Planned Development
3. Park, Playground, or Community Center

See Section 2-400 Permitted Uses for a complete list.

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area - 20, 000 feet
2. Minimum Lot Width - 100 feet  
Corner Lot - 105 feet
3. Minimum Lot Depth - 150 feet
4. Minimum Front Yard - 35 feet, except as provided in Section 3-400
5. Minimum Side Yard - 10 feet
6. Minimum Rear Yard - 10 feet
7. Minimum Floor Area per Dwelling Unit - 1000 square feet
8. Maximum Height - 3 stories, provided the third story shall not exceed 10% for the total floor area of the building. (See Section 3-700)
9. Maximum Coverage - 25% plus 10% additional coverage permitted for accessory buildings.
10. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000, Parking Regulations)

## D. SPECIAL DISTRICT REQUIREMENTS

1. Animal Restrictions - No large animals, specifically cattle, horses, sheep and goats may be kept. Swine, fowl and exotic animals are expressly prohibited.
2. Accessory Buildings - must be designed and constructed so that they are in keeping with the general architecture of the development.
3. Fences -All fences shall be architecturally harmonious with the development.

4. **Special Front Yard Requirements** -The minimum front yard maybe reduced by a maximum of 5 feet if 25% of the street lengths in the subdivision are curvilinear in design. In no case shall the required front yard be less than 35 feet, The term "curvilinear in design" shall refer to any street segment which is designed with a degree of curvature not less than 3 degrees 30 feet and not greater than 22 degrees 55 feet, and which shall offset a minimum distance of 30 feet, and said offset being measured perpendicular to the initial tangent of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets, excluding streets with a right-of-way width greater than 70 feet.
5. **Travel Trailers and Recreational Vehicle Storage** - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line).

2-705 – SF-10 – SINGLE FAMILY RESIDENCE

A. PURPOSE

The "SF-10" District is intended to provide for areas of dense single-family development on moderate size lots, protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living. The use of this district requires the use of a wastewater collection and treatment system.

B. PERMITTED USES

- 1. Single Family Residence, Detached
- 2. Park, Playground, or Community Center

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See Section 2-400 Permitted Uses for a complete listing.

C. AREA, YARD, AND BULK REQUIREMENTS

- 1. Minimum Lot Area - 10,000 square feet
- 2. Minimum Lot Width - 75 feet  
Corner Lot - 80 feet
- 3. Minimum Lot Depth - 100 feet
- 4. Minimum Front Yard - 30 feet, except as provided below and in Section 3-400
- 5. Minimum Side Yard - 10 feet
- 6. Minimum Rear Yard - 10 feet
- 7. Minimum Floor Area per Dwelling Unit - 800 square feet
- 8. Maximum Height - 2 stories (See Section 3-700) 35 feet maximum
- 9. Maximum Coverage - 35% plus 10% additional coverage permitted for accessory buildings.
- 10. Parking Requirements - 2 off-street parking spaces per dwelling unit (See Section 3-1000, Parking Regulations)

Front yards may be varied under one, but not both, of the following provisions:

- 1. The minimum front yard may be reduced by a maximum of 5 feet if 25% of the street lengths in the subdivision are curvilinear in design. In no case shall the required front yard be less than 25 feet. The term "curvilinear in design" shall refer to any street segment which is designed with a degree of curvature not less than 3 degrees 30 feet and not greater than 22 degrees 55 feet, and which shall offset a minimum distance of 30 feet, said offset being measured perpendicular to the initial tangent of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets, excluding streets with a right-of-way width greater than 70 feet.

2. The front yard setback may be staggered, varied, or reduced to a minimum setback of 25 feet, provided that the average setback for any block face shall be 30 feet. Under this provision, no more than three adjacent lots may have a setback less than 30 feet. Where setbacks are varied, the maximum setback shall be 35 feet, and a minimum lot depth of 70 feet, as measured from the front building line to the rear lot line, shall be maintained.

#### D. SPECIAL DISTRICT REQUIREMENTS

1. Animal Restrictions - No large animals, specifically cattle, horses, sheep and goats may be kept. Swine, fowl and exotic animals are expressly prohibited.
2. Accessory Buildings - must be designed and constructed so that they are in keeping with the general architecture of the development.
3. Fences - All fences shall be architecturally harmonious with the development.
4. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line).

## 2-706 – MF – MULTIPLE FAMILY

## A. PURPOSE

The "MF" District is intended to accommodate condominiums and apartments at a density of 12 residential units per acre in a park-like setting with extensive areas of usable open space and landscaping. MF districts should be located along or near major thoroughfares and should not have principle access through single family residential streets. The use of this district requires the use of a wastewater collection and treatment system.

## B. PERMITTED USES

1. Single-Family Residence, Detached
2. Single-Family Residence, Attached
3. Two-Family Residence
4. Multiple-Family Residence
5. Planned Development
6. Church and Rectory
7. Day Care Center
8. Park, Playground, or Community Center
9. School, Public or Parochial

See Section 3-400 Permitted Uses for a complete listing.

## C. AREA, YARD, AND BULK REQUIREMENTS

1. Maximum Residential Density - 12 units per acre
2. Minimum Lot Area - 8400 square feet
3. Minimum Lot Width - 70 feet
4. Minimum Lot Depth - 120 feet
5. Minimum Front Yard  
one and two stories - 25 feet, except as provided in Section 3-400
6. Minimum Side Yard - 10 feet
7. Minimum Rear Yard - 10 feet
8. Minimum Floor Area  
per Dwelling Unit - 500 sq. ft. - Efficiency  
- 650 sq. ft. - 1 Bedroom  
- 800 sq. ft. - 2 Bedroom  
- 120 sq. ft. - each additional bedroom
9. Maximum Lot Coverage - 35% plus 10% additional coverage  
permitted for accessory buildings
10. Maximum Height - 3 stories (See Section 3-700)  
- 40 feet maximum
11. Minimum Open Space - 600 sq. ft. per unit plus 300 square feet for each  
additional bedroom or sleeping room over one.
12. Parking Requirements - 2 off-street parking spaces per dwelling unit  
(See Section 3-1000) and below.

**D. SPECIAL DISTRICT REQUIREMENTS**

1. **Animal Restrictions** - No large animals, specifically cattle, horses, sheep, and goats may be kept. Swine, fowl and exotic animals are expressly prohibited.
2. **Parking Spaces** - The off-street parking spaces designated for each dwelling unit shall be located within 100 feet of the dwelling unit served by such spaces.
3. **Walls** - A wall not more than 8 feet in height may be erected in the front yard provided such wall is of at least 50% open construction. Walls shall be designed and constructed so that they are in keeping with the general architecture of the development. Such walls must meet all other applicable requirements for walls contained in Section 3-1000.
4. **Garage Enclosures** - Garage enclosures shall be architecturally harmonious with the development.
5. **Street names** - Whenever street names are to be given to public streets or private drives in a multiple-family development, such street names shall be approved by the Hunt County 911 Coordinator. Street Numbers shall be assigned by the Hunt County 911 Coordinator.
6. **Travel Trailers and Recreational Vehicle Storage** - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line.

## 2-707 – PH - PATIO HOME

## A. PURPOSE

The "PH" District is intended to provide for areas of detached, zero-lot-line, single-family development in a clustered lot pattern with a common usable open space system that is an integral part of the development. The use of this district requires the use of a wastewater collection and treatment system.

## B. PERMITTED USE

1. Single-Family Residence, Detached
2. Planned Development
3. Single-Family Detached development at SF-10 standards in the PH District

See Section 2-800, Permitted Uses, for a complete listing.

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area - 4,000 square feet
2. Minimum Lot Width - 40 feet  
Corner Lot - 45 feet
3. Minimum Lot Depth - 90 feet
4. Minimum Front Yard - 20 feet, except as provided below and in Section 3-400
5. Minimum Side Yard - See below
6. Minimum Rear Yard - 10 feet
7. Minimum Floor Area  
Per Dwelling Unit - 800 square feet
8. Maximum Height - 2 stories, 35 feet (See Section 3-700)
9. Maximum Coverage - 50% plus 10% additional coverage permitted for  
accessory buildings.
10. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000)

## D. SPECIAL DISTRICT REQUIREMENTS

1. Patio Home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be increased to a minimum of ten feet. A minimum five-foot wide maintenance easement shall be placed on the adjacent lot to enable the property owner to maintain his house. Side yards and maintenance easements shall be placed on the subdivision plat. A minimum separation between patio homes of 10 feet shall be provided. Roof overhangs will be allowed to project into the maintenance easement a maximum of 24 inches.

2. The front yard setback may be staggered, varied, or reduced to a minimum setback of 10 feet for lots facing a cul-de-sac or loop streets, not exceeding 400 feet in length, with the approval of a site plan or subdivision plat. Under this provision, the maximum setback shall be 25 feet, and a minimum lot depth of 65 feet, as measured from front building line to rear lot line, shall be maintained.
3. Animal Restrictions – Large animals, specifically cattle, horses, sheep, and goats are prohibited. Swine, fowl and exotic animals are expressly prohibited.
4. Open Space Requirements – Each parcel of land developed under PH standards, shall provide usable open space totaling 15% of the area of a PH Development. Such open space shall have a maximum slope of 10% and shall be exclusive of street and alley right-of-way and/or easements, individually platted lots without open space easements, private yards, and patios. The 15% shall be computed on the percentage of total platted area in a PH subdivision.
5. Walls and Fences – A wall may be erected on the front property line provided such wall is of at least 50% open construction. Walls and fences shall be designed and constructed to be harmonious with the district.
6. Garages - Garages shall be designed and constructed to be harmonious with the district.
7. Travel Trailers and Recreational Vehicle Storage Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line).

**HUNT COUNTY**  
**LAKE TAWAKONI**  
**PLANNING COMMISSION**

**ZONING ORDINANCE**

# Lake Tawakoni Planning Commission Zoning Ordinance

AN ORDINANCE OF THE COUNTY OF HUNT, TEXAS, APPROVING AND ADOPTING COMPREHENSIVE ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, SIZE OF YARDS, COURTS, AND OPEN SPACES; THE HEIGHT, BULK AND USE OF BUILDINGS AND LAND FOR TRADE; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING THE MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF VEHICLES; PROVIDING FOR THE MINIMUM REQUIRED FLOOR AREA OF DWELLING UNITS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES, AND THE PERCENTAGE OF A LOT THAT MAY BE OCCUPIED BY STRUCTURES AND THE FLOOR AREA RATIO THEREOF; ADOPTING PERFORMANCE STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP OR IN THE ORDINANCE; PROVIDING FOR SUBDIVISION REGULATIONS; PROVIDING A PENALTY FOR VIOLATION; PROVIDING FOR NON-CONFORMING USES AND A METHOD FOR DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS; PROVIDING FOR A CERTIFICATE OF OCCUPANCY; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS (\$1000) FOR EACH OFFENSE; PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

Whereas, under the laws of the State of Texas, authority is conferred upon the County of Hunt to establish zoning districts within 5,000 feet of the project boundary line of Lake Tawakoni, as defined in state law, for the purpose of regulating the use of land and controlling the density of population to the end that congestion may be lessened in the public streets, and the public health, safety, convenience and general welfare promoted; and,

Whereas, the Lake Tawakoni Planning Commission created by S.B. 753 and appointed by the Hunt County Commissioners' Court held several citizen open meetings concerning the comprehensive land use plan and zoning ordinance; and,

Whereas, the Lake Tawakoni Planning Commission held a public hearing on November 7, 1989, after written notice was mailed to adjacent or affected property owners of record as their names appeared upon the last approved tax roll, within 200 feet of the zoning action, at least ten days before the date set for public hearing, and notice was published in a paper of general circulation in the County of Hunt, at least ten days prior to such public hearing date, in accordance with Art. 1581 i-2 V.A.T.C.S.

Whereas, the Lake Tawakoni Planning Commission after the public hearing reviewed all testimony and requests, and did present to the County Commissioners the Zoning Ordinance in final form recommending its adoption:

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS' COURT OF THE COUNTY OF HUNT, TEXAS:

That the Lake Tawakoni Zoning Ordinance is hereby recommended in its entirety to read as follows:

## 2-708 – MH-1 – MOBILE HOME

## A. PURPOSE

The "MH-1" District is intended to provide for the development of Mobile Home or Trailer Parks where mobile or manufactured housing can be placed in a coordinated, well designed moderately high density setting. This district is intended to provide subdivisions with well-planned, large lots exclusively for mobile homes. Use of this district requires the use of a wastewater collection and treatment system.

## B. PERMITTED USES

1. Single Family Residence
2. Multiple Family
3. Mobile Home Park or Trailer Park
4. Park, Playground, or Community Center

See Section 2-400 Permitted Uses for a complete list

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area - 10,000 square feet
2. Minimum Lot Width - 100 feet  
Corner Lot - 120 feet
3. Minimum Lot Depth - 150 feet
4. Minimum Front Yard - 30 feet from street. (See Section 3-400)
5. Minimum Side Yard - (See D. (1) below)
6. Minimum Rear Yard - 10 feet (See D. (2) below)
7. Minimum Floor Area per Dwelling Unit - 600 square feet
9. Maximum Lot Coverage - None
10. Minimum Height - 1 story (See Section 3-700) 15 feet maximum
11. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000)

## D. SPECIAL DISTRICT REQUIREMENTS

1. No mobile homes or house trailers shall be located closer than ten feet to the side of any lot, plot, or tract on which such mobile home or trailer is located and all mobile home stands shall be so located that a minimum of 25 feet clearance shall exist between adjacent mobile homes. Any accessory structure such as an awning, cabana, carport, storage cabinet, or porch, which has a floor area of 25 square feet or more, shall be considered the same as a mobile home for establishing the minimum side yard clearance. No mobile home shall be located closer than 25 feet to any boundary line or district line of a Mobile Home (MH-1) District.

2. No mobile home or house trailer shall be located closer than 15 feet to the rear line of any lot, plot, or tract on which such mobile home is located and no mobile home shall be located closer than 25 feet to any boundary line or district line of a Mobile Home (MH-1) District.
3. Minimum area for a mobile home park shall be 5 acres. Maximum area for a mobile home park shall be 25 acres.
4. Accessory Building - In the MH-1 District, no carport, garage, storage building office, or caretaker's dwelling, laundry house or other permitted structure may be located closer than 10 feet to any side or rear line of a plot, lot, tract, or stand except that such structure may be located within ten feet of the side or rear line of a plot, lot, tract, or stand when such structures are located within the rear 25% of the trailer lot, plot, or tract. Such structures shall also be subject to front yard requirements above.
5. This Mobile Home District (MH-1) may be developed according to the standards required in the SF-10 District.
6. Street names - When ever street names are to be given to public streets or private drives in a mobile home development, such street names shall be approved with approval of a site plan. All names must be coordinated with the Hunt County 911 Coordinator.
7. Animal restrictions in the MH-1 District prohibit large animals, specifically, cattle horses, sheep, and goats. Swine, fowl and exotic animals are expressly prohibited.
8. Fences are permitted behind the front wall of the structure to the rear building line, only. All fences shall be architecturally harmonious with the development.
9. Travel Trailers and Recreational Vehicle Storage Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line) or in a special Trailer storage area on the property.

## 2-709 – MH-2 – MOBILE HOME

## A. PURPOSE

The "MH-2" District is intended to provide for Mobile Home or Trailer Parks where mobile or manufactured housing can be placed in a coordinated, well-designed high-density setting. Such districts are primarily weekend retreats or second homes.

## B. PERMITTED USES

1. Single Family Residence
2. Multiple Family
3. Mobile Home Park or Trailer Park
4. Park, Playground or Community Center

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area - 6,500 square feet
2. Minimum Lot Width - 75 feet  
Corner Lot - 85 feet
3. Minimum Lot Depth - 100 feet
4. Minimum Front Yard - 30 feet from street. (See Section 3-400)
5. Minimum Side Yard - See D1 below.
6. Minimum Rear Yard - 10 feet (See D2 below)
7. Minimum Floor Area  
per Dwelling Unit - 600 sq. ft.
8. Maximum Lot Coverage - None
9. Maximum Height - 1 story (See Section 3-700)  
15 feet maximum
10. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000)

## D. SPECIAL DISTRICT REQUIREMENTS

1. No mobile homes or house trailer shall be located closer than ten feet to the side of any lot, plot, or tract on which such mobile home or trailer is located and all mobile home stands shall be so located that a minimum of 20 feet clearance shall exist between adjacent mobile homes. Any accessory structure such as an awning, cabana, carport, storage cabinet, or porch, which has a floor area of 25 square feet or more, shall be considered the same as a mobile home for establishing the minimum side yard clearance. No mobile home shall be located closer than 20 feet to any boundary line or district line of a Mobile Home (MH-2) District.
2. No mobile home or house trailer shall be located closer than 10 feet to the rear line of any lot, plot, or tract on which such mobile home is located and no mobile home shall be located closer than 20 feet to any boundary line or district line of a Mobile Home (MH-2) District.

3. Minimum area for a mobile home park shall be 5 acres. Maximum area for a mobile home park shall be 25 acres.
4. Accessory Building - In the MH-2 District, no carport, garage, storage building, office, or caretaker's dwelling, laundry house or other permitted structure may be located closer than 10 feet to any side or rear line of a plot, lot, tract, or stand except that such structure may be located within ten feet of the side or rear line of a plot, lot, tract, or stand when such structures are located within the rear 25% of the trailer lot, plot, or tract. Such structures shall also be subject to front yard requirements above.
5. This Mobile Home District may be developed according to the standards required in the MHA District, or SF-10 District, but must include these requirements as a minimum.
6. Animal restrictions in the MH-2 District prohibit large animals, specifically, cattle, horses, sheep, and goats. Swine, fowl and exotic animals are expressly prohibited.
7. Street names - Whenever street names are to be given to public streets or private drives in a mobile home development, such street names shall be approved with approval of a site plan.
8. Fences are permitted behind the front wall of the structure to the rear building line only. All fences shall be architecturally harmonious with the development.
9. Travel Trailers and Recreational Vehicle Storage Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line or in a special Trailer storage area on the property.

## 2-710 – MOD-1 – Single Family Modular Residence – 1/2 Acre and Larger

## A. PURPOSE

The "MOD-1" District is intended to provide for a single-family Modular Home development in a semi-rural setting without provisions for ranching or related activities. The MOD-1 District may also serve as transitional areas between other residential districts and commercial uses. Homes in this District must be site built or be Manufactured Modular homes built off site and delivered to the site. Homes must be mounted on permanent foundations that meet the specifications of the Texas Manufactured Housing Commission and the FHA. All Modular Homes must have a minimum width of 24 feet and a minimum length of 50 feet.

## B. PERMITTED USES

1. Single Family Residence, Detached
2. Planned Development
3. Park, Playground, or Community Center

See Section 2-400 Permitted uses for a complete list.

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area - 20,000 feet
2. Minimum Lot Width - 100 feet  
Corner Lot - 105 feet
3. Minimum Lot Depth - 150 feet
4. Minimum Front Yard - 35 feet, except as provided in Section 3-400
5. Minimum Side Yard - 10 feet
6. Minimum Rear Yard - 10 feet
7. Minimum Floor Area per Dwelling Unit - 1200 square feet
8. Maximum Height - 3 stories, provided the third story shall not exceed 10% for the total floor area of the building. (See Section 3-700)
9. Maximum Coverage - 25% plus 10% additional coverage permitted for accessory buildings.
10. Parking Requirements - 2 off-street parking spaces per dwelling unit.  
(See Section 3-1000, Parking Regulations)

## D. SPECIAL DISTRICT REQUIREMENTS

1. Animal Restrictions - No large animals, specifically cattle, horses, sheep and goats may be kept. Swine, fowl and exotic animals are expressly prohibited.
2. Accessory Buildings - must be designed and constructed so that they are in keeping with the general architecture of the development.
3. Fences – All fences shall be architecturally harmonious with the development.

4. Special Front Yard Requirements – The minimum front yard maybe reduced by a maximum of 5 feet if 25% of the street lengths in the subdivision are curvilinear in design. In no case shall the required front yard be less than 35 feet, The term "curvilinear in design" shall refer to any street segment which is designed with a degree of curvature not less than 3 degrees 30 feet and not greater than 22 degrees 55 feet, and which shall offset a minimum distance of 30 feet, and said offset being measured perpendicular to the initial tangent of the curve. Computation of percentage of curvilinear streets shall utilize the centerline of all interior streets, excluding streets with a right-of-way width greater than 70 feet.
5. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line (setback line).

## 2-711 – MOD-2 – Single Family Modular Residence – 2 Acre and Larger

## A. PURPOSE

The "MOD-2" District is intended to provide for a single-family Modular Home development in a semi-rural setting on larger tracts of land. Homes in this District must be site built or be Manufactured Modular homes built off site and delivered to the site. Homes must be mounted on permanent foundations that meet the specifications of the Texas Manufactured Housing Commission and the FHA. All Modular Homes must have a minimum width of 24 feet and a minimum length of 50 feet.

## B. PERMITTED USES

1. Single Family Residence, Detached
2. Planned Development
3. Park, Playground, or Community Center

See Section 2-400 Permitted Uses for a complete list.

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area - 85,000 square feet
2. Minimum Lot Width - 200 feet
3. Minimum Lot Depth - 150 feet
4. Minimum Front Yard - 50 feet, except as provided in Section 3-400
5. Minimum Side Yard - 15 feet
6. Minimum Rear Yard - 10 feet plus 10 ft/ Utility Easement
7. Minimum Floor Area per Dwelling Unit - 1200 square feet
8. Maximum Height - 3 stories, provided the third story shall not exceed 10% for the total floor area of the building. (See Section 3-700)
9. Parking Requirements - 2 off-street parking spaces per dwelling unit. (See Section 3-1000, Parking Regulations)

## D. SPECIAL DISTRICT REQUIREMENTS

Animal Restrictions in the MOD-2 – Single Family Modular Home District.

1. Number - No more than two larger animals, specifically cattle, horses, 4 sheep or 4 goats may be kept per acre of lot area. Exotic animals are expressly prohibited.
2. Type – Swine are expressly prohibited. Other types of animals, which introduce an unusual disturbance to the community or adjoining property owners, shall not be maintained.

Accessory Buildings in the MOD-2 District

1. Must be designed and constructed so that they are in keeping with the general architecture of the development.
2. Accessory Buildings except garages, must be located behind the main dwelling in the rear yard. Garages must be behind the building setback.

3. Accessory buildings shall be at least 10 feet from any side property line and 10 feet from the rear property line
4. A Permanent accessory dwelling unit may be sold separately from the sale of the entire property provided that it is removed from the property. .

Fences - All fences shall be architecturally harmonious with the development.

Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the setback line.

**2-712 - C-1 - LIGHT COMMERCIAL****A. PURPOSE**

The "C-1" District is intended to provide for regional and community retail, office, and commercial uses and should generally be located along high-volume thoroughfares. In addition to those uses permitted in office and retail districts, "C-1" districts include most automobile related sales and service uses, other contracting services, and storage and warehousing uses.

**B. PERMITTED USES - (See Article 5 for site plan requirements)**

1. Retail
2. Service
3. Institutional
4. Professional
5. Transportation, Utility or Communication

See Section 2-400 Permitted Uses, for a complete listing.

**C. AREA, YARD, AND BULK REQUIREMENTS**

1. Minimum Lot Area - None
2. Minimum Lot Width - None
3. Minimum Lot Depth - None
4. Minimum Front Yard - 50 feet, except as provided in Section 3-400
5. Minimum Side Yard - None, except as provided in Section 3-500  
Corner Lot - 50 feet on street side
6. Minimum Rear Yard - 10 feet where no alley abuts the rear  
property line (See Section 3-600)
7. Maximum Height - 2 stories (See Section 3-700);  
35 feet maximum
8. Maximum Lot coverage - 40% (for gasoline service stations, see Section F)
9. Maximum Floor Area Ratio - 0.8:1

**D. PARKING REQUIREMENTS - See Section 3-1000****E. LOADING DOCKS - Must be designed to provide unimpeded traffic flow at all times, except alleys.****F. OPEN STORAGE - See Section 3-800****G. LANDSCAPING - See Section 3-1100****H. SPECIAL DISTRICT REQUIREMENTS**

For gasoline service stations, canopies shall be considered as an accessory structure and shall be included in all calculations of lot coverage. A maximum 30% of the lot may be covered by the primary and/or accessory structures for service stations.

## 2-713 – C-2 – LIGHT COMMERCIAL

## A. PURPOSE

The "C-2" District is intended to provide areas for light manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental services that are developed in accordance with the same performance standards applicable to all other zoning districts.

## B. PERMITTED USES

Nearly all uses except residential uses are permitted. See Section 2-400 for a complete list.

## C. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - None
2. Minimum Lot Width - None
3. Minimum Lot Depth - None
4. Minimum Front Yard - 50 feet, except as provided in Section 3-400
5. Minimum Side Yard - None except as provided in Section 3-500
6. Minimum Rear Yard - 10 feet where no alley abuts the rear lot line  
(See Section 3-600)
7. Maximum Lot Coverage - 50% (for gasoline service stations, See Section G-1)
8. Maximum Height - (See Section G-2 below)
9. Maximum Floor Area - 1:1 Ratio

## D. PARKING REQUIREMENTS - See Section 3-1000.

## E. LOADING DOCKS - Must be designed to provide unimpeded traffic flow at all times, except alleys.

## F. LANDSCAPING - See Section 3-1200

## G. OPEN STORAGE - See Section 3-800

## H. SPECIAL DISTRICT REQUIREMENTS

1. For gasoline service stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for service stations.)
2. The height of any building erected in a C-2 District shall be limited to a height of 2 stories, for a distance of 400 feet from a residential district boundary of the residential districts listed below; to 4-stories for a distance between 400 and 700 feet; and for distances beyond 700 feet, 20 stories (said distances shall include streets and/or highways): E-2, SF-40, SF-20, and SF-10.

## 2-714 - I - INDUSTRIAL

## A. PURPOSE

The "I" Industrial district is intended to provide areas for manufacturing firms engaged in processing, assembling, warehousing, research and development, and incidental service that are developed in accordance with the same performance standards applicable to all other zoning districts.

## B. PERMITTED USES - (See Article 5 for site plan requirements)

## C. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - None
2. Minimum Lot Width - None
3. Minimum Lot Depth - None
4. Minimum Front Yard - 50 feet, except as provided in Section 3-400
5. Minimum Side Yard - None except as provided in Section 3-500
6. Minimum Rear Yard - 10 feet where no alley abuts the rear lot line  
(See Section 3-600) service stations  
(See G-3) below.
7. Maximum Height - See Section G-5
8. Maximum Floor Area - 2:1 Ratio

## D. PARKING REQUIREMENTS - See Section 3-1000

## E. LOADING DOCKS - Must be designed to provide unimpeded traffic flow at all times, except alleys.

## F. LANDSCAPING - See Section 3-1100

## G. SPECIAL DISTRICT REQUIREMENTS

1. Open Storage - Open storage of material and commodities is permitted behind the required building line, except that junk yards, salvage yards, and any similar open storage of used machinery or used equipment or material for reuse of parts, dismantling, wrecking, or reprocessing may be located only after review by the Lake Tawakoni Planning Commission for the purpose of establishing the probable effect of such use on adjacent property. After review, the Lake Tawakoni Planning Commission may, based its findings, approve, or disapprove such use by recommendation of a resolution to the County Commissioners' Court. See Section 3-800.
2. Metal Buildings - Metal exterior buildings shall be permitted only by approval of a site plan.
3. For gasoline service stations, canopies shall be considered as an accessory structure and should be included in all calculations of lot coverage. (A maximum 30% of the lot may be covered by the primary and/or accessory structures for service stations.)

4. Any permitted use listed in 2-400 which includes any of the following are expressly prohibited
  - a. Any type of operation or process requiring an air permit or NPDES (National Pollutant Discharge Elimination System) permit under local, state or federal regulations or which are required to comply with RCRA (Resource Conservation and Recovery Act) reporting requirements are expressly prohibited from all districts in the Lake Tawakoni Planning Area.
  - b. No hazardous waste disposal site, incinerator or municipal landfill maybe located in the Lake Planning Area.
5. Height of Buildings - The height of any building erected in an Industrial district shall be limited to a height of 2 stories, for a distance of 400 feet from the residential district boundary of the residential districts listed below; to 4 stories for a distance between 400 and 700 feet; and for distances beyond 700 feet, 20 stories (said distances shall include streets and/or highways): E-2, SF-40, SF-20, SF-10, MF, C-1.

## 2-715 – WS – WILDLIFE SANCTUARY

## A. PURPOSE

The "WS" District is intended to preserve the unique rural setting and natural habitat found in the Lake Planning Area. While various densities from low to high afford many different housing opportunities, the WS district provides a distinctly protected area for the wildlife found in the Lake Planning Area, thereby preserving environmentally sensitive areas.

## B. PERMITTED USES

1. Wildlife Sanctuary
2. Parks, Playground or Community Center
3. Museum

## C. AREA, YARD AND BULK REQUIREMENTS

1. Minimum lot area - 10 acres
2. Maximum coverage - 20%

## D. SPECIAL DISTRICT REQUIREMENTS

1. No hunting or fishing is permitted in this district.
2. The area preserved shall be made available at reasonably accessible times to the public for visiting.
3. The area must remain as much in its natural state as possible.

2-800 -- SUMMARY OF YARD, LOT AND HEIGHT REQUIREMENTS

DESCRIPTION	A	E-2	SF-40	SF-20	SF-10	PH	MF	MH-1	MH-2	MOD-1	MOD-2	ZAC	C-1	C-2	I
Minimum Lot Area (Sq. Ft.)	3AC	2AC	40000	20000	10000	4000	8400	10000	6500	20000	20000	2AC	NONE	NONE	NONE
Lot Width	150	150	100	100	75	40	70	100	75	100	100	150	NONE	NONE	NONE
Corner Lot	150	200	200	105	80	45	120	150	85	105	105	200	NONE	NONE	NONE
Lot Depth	40	50	30	30	20	20	25	30	30	35	35	50	50	50	50
Minimum Front Yard	25	25	25	25	25	25	25	25	25	25	25	50	50	50	50
Corner Lot	25	25	25	25	25	25	25	25	25	25	25	50	50	50	50
Minimum Side Yard	15	15	15	10	7.5	NA	10	10	*	10	10	15	NONE	NONE	NONE
Minimum Rear Yard	10	10	10	10	10	10	10	10	10	10	10	10	10	10	10
Minimum Floor Area	1000	1000	1000	1000	1000	800	**	600	600	1000	1000	1000	NONE	NONE	NONE
Maximum Height	3	3	3	3	2	2	3	1	1	3	3	3	2	*	*
Stories															
Maximum Coverage	0.2	0.2	0.2	0.25	0.35	0.5	0.35	NONE	NONE	0.25	0.25	0.2	NONE	0.5	0.5
Parking Req.	2/unit	see	see	see											
Maximum Floor Area Ratio	-	-	-	-	-	-	-	-	0.8:1	-	-	-	3-1000	3-1000	3-1000
													0.04236	0.08403	

LEGEND:

- \* See District Specifications
- \*\* Efficiency 500 sf.
- One Bedroom 650 sf.
- Two Bedroom 800 sf.
- Each Additional Bedroom 120 sf.

This is an incomplete chart and is intended for informational purposes only.

For other requirements see body of zoning ordinance

**ARTICLE 3 - SUPPLEMENTARY REGULATIONS****3-100 – PRINCIPAL PERMITTED USES AND SPECIFIC USES****3-101 – DAY CARE CENTERS**

No portion of a day care center site may be located within 1000 feet of gasoline pumps; or underground gasoline storage tanks, or any other storage area for explosive materials. Day care centers shall be located adjacent to a street having a pavement width of 36 feet or greater.

Site plan approval by the Lake Tawakoni Planning Commission shall be required for all day care center sites, whether or not a Specific Use Permit is required.

Day Care Centers are a permitted use by right if operated by an organized church and within the building complex of said church. However, operation of day care facilities requires issuance of a Certificate of Occupancy for day care.

A Day Care Center shall be permitted by right as an accessory use in an Industrial District provided it is located in a single tenant structure. A day Care Center may be permitted by Specific Use Permit on an individually platted lot.

Day Care Centers located within any residential district except the MF district shall be required to plat in multiples of the minimum lot width of the district classification requirements.

The lot depth shall meet the minimum requirements and in no case shall be approved in a configuration, which could not, in the Lake Tawakoni Planning Commission's opinion, be converted into standard lots for residential development.

A day care center shall comply with the following standards:

1. All vehicular entrances and exits shall be clearly labeled and visible from the adjacent public street.
2. All passenger loading and unloading areas shall be on premises and outdoor play space shall be located so as to avoid safety hazards from vehicular traffic, and adequate walkways shall be provided.
3. Outdoor play space shall be provided at a rate of 65 square feet per child. This requirement shall be based on the maximum design capacity of the day care facility constructed. Play areas shall be fenced.
4. In residential districts, a maximum of one-half of the required outdoor play space may be provided off-site. When off-premises outdoor play area is utilized, it must be located within 100 feet of the day care facility premises and safely accessible without crossing at-grade, any major or secondary thoroughfare.
5. No day care center shall be part of an one-family or two-family dwelling.

## 3-102 – MULTIPLE FAMILY RESIDENCES

1. Where an apartment building or buildings are erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of 30 feet apart and no balcony or canopy shall extend into such court area for a distance greater than five feet.
2. A side yard of 15 feet shall be required for any building face or wall, which contains no openings for windows, light or air.
3. Usable Open Space Requirements for the MF District are 600 square feet for one-bedroom units, and 300 square feet for each additional bedroom over one.

## 3-103 – PRIVATE CLUBS

1. Private clubs shall be restricted to CA C-2 and I districts or any district when in conjunction with a country club.
2. A private club shall be prohibited within 1,000 feet of the property line of any church, public or private school, hospital, or publicly owned park, except that the prohibition will not apply to property located within 1,000 feet of a hospital or publicly owned park if the Lake Tawakoni Planning Commission finds that issuance of the specific use permit would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood.
3. All Specific Use Permits issued for the operation of private clubs shall be conditioned so that 65% of gross receipts shall be derived from the sale of food, subject to an annual audit provided at the expense of the permittee for review by the Lake Tawakoni Planning Commission.
4. Permitted private clubs must contain a minimum of 40 dining seats allowing a minimum area of 12 square feet of dining area per dining chair.
5. The permittee must comply with the provisions of the Alcoholic Beverage Code and receive a private club permit from the State of Texas within six months from the date of issuance, of the Specific Use Permit.

## 3-104 – Adult Bookstores, Sale of Pornographic Material

Adult bookstores and the sale of pornographic material is prohibited in the Lake Tawakoni Planning Area.

## 3-105 – Underground Storage Tanks

Each owner of an underground storage tank shall notify the Lake Tawakoni Planning Commission in addition to notification to state authorities as required by any state statute or regulation, of the age, size, type, location and uses of any underground storage tank. The same notification requirement will apply where a change in use, a discontinuance of use or a commencement of use shall occur.

In addition to other fines and penalties for failure to notify state authorities in accordance with the Resources Conservation and Recovery Act of 1986 and The HSWA amendments of 1984, shall pay a fine of \$500 per day for failure to notify the Lake Tawakoni Planning Commission in accordance with this section.

### 3-106 – HOMEOWNERS' ASSOCIATIONS

Plats and site plans in all residential districts shall be approved subject to the submission of a legal instrument setting forth a plan or manner of permanent care and maintenance of open spaces, recreational areas, and other communally owned facilities. No such instrument shall be acceptable until approved by the County Attorney as to legal form and effect. A Homeowners' Association (HOA) is the most widely accepted technique for managing commonly owned property.

The HOA shall be organized as a corporation with automatic membership in the HOA when property is purchased. This shall be specified in the covenants which run with the land, and which bind all subsequent owners. Covenants for maintenance assessments shall also run with the land. Assessments shall also be handled in covenant form rather than as articles of incorporation since the latter may be easily amended. Included in the maintenance covenants shall be procedures for changing them at stated intervals since maintenance costs may change over time. Deeds shall also mention the rights and responsibilities of property owners to the HOA. The HOA shall also be responsible for liability insurance, local taxes, and the maintenance of all commonly held facilities through the use of a pro-rata share formula for all property owners.

### 3-107 - Radio, Television, Microwave Communications, Amateur, Citizens Band, Satellite and Commercial Antennas

1. Antenna Support Structures - Commercial - No commercial radio, television, or microwave reflector antenna support structure shall be closer to any residential district boundary line or any area shown as residential on the current Comprehensive Plan than a distance equal to the sum of the required yard specified for the zoning district in which such building or structure is located, plus 25 feet, plus twice the height of the portion of the structure above two stories. Such distance shall be measured as the shortest possible distance in a straight line from the structure to the closest point of such area or residence.
2. Antenna Support Structures - Private - The location of all antennas including Amateur Radio, Citizens Band, Television, Microwave Reflectors (Satellite Dishes), their support structures and associated foundations shall be prohibited within any required front yard, except support wires may be located in side or front yards. All antennas must be at least a minimum distance equal to its height from the nearest property line.

**3-108 – ADOPTION OF CODES**

This ordinance incorporates and adopts the following codes by reference, herein, which have been filed with the County Clerk for permanent record and inspection. The Lake Tawakoni Planning Commission and its designated representatives are hereby authorized and directed to enforce all provisions of these codes:

Uniform Building Code, 1988 Edition  
Uniform Mechanical Code, 1989 Edition  
Uniform Plumbing Code, 1988 Edition  
Swimming Pool, Spa and Hot Tub Code, 1989 Edition  
National Electrical Code, 1990 Edition

The latest revision of each of the above codes will be automatically adopted when released by the Code Authority.

**3-200 – ACCESSORY BUILDING REGULATIONS**

3-201 – In a residence or apartment district, a detached accessory buildings shall not be used for commercial purposes.

3-202 – Detached accessory buildings shall be located behind the front building line of the main building.

**3-300 – LOT REGULATIONS**

3-301 – Public and semi-public institutions such as hospitals, churches, and schools located in any district shall have a minimum site area of two acres, and shall have direct access to a street with a minimum 36 feet of pavement width.

**3-302 – PROHIBITED ACCUMULATIONS**

It shall be unlawful for any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the Lake Planning Area, to permit or allow impure or unwholesome matter of any kind, objectionable, hazardous, unsightly or unsanitary matter of whatever nature to accumulate or remain thereon.

It shall be unlawful for any person to throw, deposit, or sweep any of the above-prohibited matter into, upon or along any drain, gutter, alley, sidewalk, street, park right-of-way, or vacant lot, or upon any public or private premises within the Lake Planning Area.

**3-303 – WEEDS, etc.**

It shall be unlawful for any person owning claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the Lake Planning Area to permit weeds, brush or any objectionable or unsightly vegetation to grow to a greater height than twelve (12) inches upon such real property within one hundred fifty (150) feet of any property line which abuts street right-of-way, alleys, utility easements, subdivided additions, developed property or

any buildings or other structures. It shall be the duty of such person to keep the area from the line of his property to the curb line next adjacent to it, if there is a curb line, and if not, then to the center line of the adjacent unpaved street, or the edge of the pavement of a paved but uncurbed street, free and clear of the matter referred to above.

All vegetation not regularly cultivated and which exceeds twelve (12) inches in height shall be presumed to be objectionable and unsightly, except that regularly cultivated crops shall not be allowed to grow within the right-of-way of any public street or easement nor shall they be allowed to obstruct the necessary view to and from adjacent right-of-way, but shall be kept mowed the same as provided above.

In the event that any person owning, claiming, occupying or having supervision or control of any real property, occupied or unoccupied, within the Lake Planning Area fails to comply with the provisions of this article, it shall be the duty of the Lake Tawakoni Planning Commission or its duly appointed representative to give ten (10) days notice in writing to such person, or by letter addressed to such person at that post office address, or by publication two (2) times within ten (10) consecutive days in the newspaper of general circulation. If such person fails or refuses to remedy said deficiencies within ten (10) days after date of such notification, the county may go upon such property and do or cause to be done the work necessary to obtain such compliance.

### **3-304 - EXPENSES**

The expenses incurred by the county pursuant to Sections 3-303 and 3-304 in correcting the condition of such property and all administrative costs incurred by the county shall be paid by the county and charged to the owner of such property. In the event the owner fails or refuses to pay such expense within thirty (30) days after the first day of the month following the one in which the work was done, the county shall file with the County Clerk of Hunt County a statement of the expenses incurred in correcting the condition of the property. When such statement is filed, the county shall have a privileged lien on such property, second only to tax liens and liens for street improvements, to secure the payment of the amount so expended. Such amount shall bear interest at the rate of ten (10) percent per annum from the date the county incurs the expense. For any such expenditures and interest, suit may be instituted and recovery and foreclosure had by the county.

The statement of expense filed with the County Clerk or a certified copy thereof shall be prima facie proof of the amount expended in such work, improvement or correction of the property.

### **3-400 – FRONT YARD REGULATIONS**

3-401 – Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage.

3-402 – If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is

located, and if no front building line has been established by plat, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard of more than 10 feet greater than the front setback observed by any building on a contiguous lot. The provisions shall be superseded on any lot where a minimum building line has been established by plat or ordinance and the front yard or setback provisions of such plat or ordinance shall be observed. (See Appendix Illustration 10)

3-403 – Except as herein provided, the front yard shall be open and unobstructed from a point 40 inches above the general ground level of the graded lot to the sky. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet and sub-surface structures, platforms or slabs may not project into the front yard to a height greater than 40 inches above the average grade of the yard. (See Appendix Illustration 6)

3-404 – For corner lots with a curved corner lot line, the building line shall be established as provided in Appendix Illustration 5.

3-405 – In residential developments except in the MF District, the minimum front yards specified may be reduced by a maximum of five feet when such yards front on the bulb portion of a cul-de-sac. In no case shall the required front yard be reduced to less than 25 feet under this provision. (See Appendix Illustration 4)

3-406 – Except where staggered setbacks are permitted and utilized, residential building lines shall be uniform along the entire frontage of a street between two intersecting streets or alleys.

### **3-500 – SIDE YARD REGULATIONS**

3-501 – On a corner lot used for one-family or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after the effective date of this Ordinance, except that where one street exposure is designated as a side yard by a platted building line which provides a side yard of 15 feet or more, the building line provisions on the plat shall be observed. On lots, which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective districts.

3-502 – The minimum interior side yard requirements in a Planned Development shall be established on the site plan.

3-503 – Non-residential uses in residential districts shall be required to observe the side yards requirements.

3-504 – Every part of a required side yard shall be open and unobstructed except for the ordinary projections of windowsills, belt course, cornices, and other architectural features projecting not to exceed 12 inches into the required side yard, and roof eaves projecting not to exceed 36 inches into the required side yard. A fence may be constructed on the property line adjacent to a side yard.

3-505 – There shall be a side yard of not less than three feet from any side lot line, alley line, or easement line for any accessory building provided that such building is separated from the main building by a minimum distance of 15 feet. In the case of an accessory building being closer than 15 feet to the main building, the minimum side yard requirements of the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard of not less than 15 feet. Garages located and arranged so as to be entered from the side yard shall have a minimum side yard equal to the required side yard for the main building.

3-506 – Gasoline service station pump islands shall not be located closer than 39 feet to any side property line. Canopies for pump islands shall have a minimum setback of 20 feet from the side property line when the canopy thickness is three feet or less. An increased setback of 10 feet will be required for each additional foot or a portion of a foot in excess of three feet.

3-507 – Car washes shall be set back a minimum of 50 feet from any side yard adjacent to a residential district.

### **3-600 – REAR YARD REGULATIONS**

3-601 – Every part of a required rear yard shall be open and unobstructed to the sky from a point 40 inches above the ground level of the graded lot, except for permitted accessory buildings and the ordinary projections of window sills, belt courses, cornices, and roof overhangs and other architectural features projecting not to exceed four feet into the required rear yard. A fence may be constructed on the property line adjacent to a rear yard.

3-602 – The minimum rear yard requirement in a Planned Development shall be established on the site plan.

3-603 – There shall be a rear yard of not less than three feet from any lot line, alley line, or easement line, except that, if no alley exists, the rear yard shall not be less than 10 feet as measured from the rear lot line. Carports, garages, or other accessory buildings, located behind the main building and constructed closer than 15 feet to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building, except that a carport may be constructed not closer than three feet to the rear lot line, if there is an alley between that line and the lot to the rear. Garages arranged so as to be entered by a motor vehicle from an alley or alley easement shall be set back from the rear lot line or alley easement line a minimum distance of 20 feet.

3-604 – A car wash shall be set back a minimum of 50 feet from any rear yard adjacent to a residential district.

### **3-700 – HEIGHT REGULATIONS**

3-701 – In zoning districts and Planned Developments where the height of buildings is restricted to three stories or less, water standpipes and tanks, church steeples, domes and spires on school buildings and institutional buildings, the roofs of auditoriums and sanctuaries of single story construction may be erected to exceed the district's maximum height. Side and rear yards shall be increased by two additional feet, and the front yard shall be increased by one additional

foot, for each foot that such structures exceed the district's maximum height where adjacent to residential districts. The increase in the required yard shall apply only to the portion of the structure, which causes the increased yard requirements. Antennas may project a maximum of six feet above the highest point of roofs without additional yard setbacks in all districts.

3-702 – Publicly owned sports lighting, communication antennas or communication structures, utility poles and towers, and water tanks are exempt from height restrictions.

3-703 – Flagpoles shall be limited to a maximum height of 50 feet, except that this requirement may be altered or waived if the Lake Tawakoni Planning Commission determines that such alteration or waiver is not detrimental to neighboring property.

### **3-800 – OPEN STORAGE**

3-801 – No open storage of commodities, materials, junk, or equipment for sale or display shall be permitted in any residential district.

3-802 – Open storage of commodities, materials, junk or equipment offered for sale or storage, shall be permitted in Commercial and Industrial Districts provided that such open storage shall be screened from view from any street or adjacent property, with screening which does not contain openings constituting more than 40 square inches in each one square foot of screening surface. Open storage shall be screened from adjacent properties by either a six-foot high masonry-screening wall, living screen or fence made of material appropriate for the district. (Sheet metal is not a suitable material). See Paragraph 3-900

3-803 – The above standards shall not apply to new or used automobile dealer facilities, which have outdoor display of vehicles for sale, or to a nursery as the primary use on the site.

3-804 – Nothing in this section shall be deemed to prohibit temporary open storage of merchandise for display and sale during a sidewalk sale.

### **3-900 – SCREENING, FENCE AND WALL REGULATIONS**

3-901 – Any screening wall or fence shall be constructed so that they are in keeping with the general architecture of the development. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

3-902 – No fence, screen, wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street or drive intersection.

3-903 – All screening walls shall be equally finished on both sides of the wall.

3-904 – In any residential district or along the common boundary between any residential and non-residential district where a wall, fence or screening separation is erected, the following standards for height, location, and design shall be observed:

1. In the event that a residential district sides or backs upon a non-residential district, a solid screening wall or fence of not less than six nor more than eight feet in height shall be erected on the property line separating these district. The purpose of the screening wall or fence is

to provide a visual barrier between the properties. The owner of the non-residential property shall be responsible for and shall build the required wall or fence on this property line dividing his property from the residential district. In cases where the Lake Tawakoni Planning Commission finds this requirement to be better met by an irrigated living screen, the same may be substituted for the screening wall.

2. The maximum height of a fence or wall in a required front yard of a single-family district shall not exceed 40 inches. Combinations of berms and fences shall not exceed 40 inches in height. Fences for outdoor play areas located in the front yard of day care centers may be a maximum of 48 inches in height.
3. All fences and walls in the front yard except headlight screens shall be at least 50% open.

### **3-1000 – OFF-STREET PARKING**

3-1001 – In all districts, in connection with every business institution, recreational, residential, manufacturing, research laboratory, public building or any other use, there shall be provided, at the time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces.

3-1002 – OFF-SITE PARKING - Off-site, off-street parking space may be permitted with site plan approval in any district subject to all of the following requirements:

1. That a permanent and irrevocable easement of the parking facilities in favor of the premises to be benefited thereby shall be dedicated and recorded as a condition of such use.
2. That the nearest point of the premises utilized for such parking spaces shall be not more than 30 feet in a straight line from the nearest point of the premises to be benefited thereby.
3. No such parking space may be located on the same lot as a residence dwelling.

### **3-1003 – SIZE OF SPACE**

Each standard off-street surface parking space shall measure not less than 9 feet by 20 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched or grass area other than a sidewalk, street right-of-way or adjacent property, the length of the standard space may be reduced to 18 feet.

Each standard off-street surface parking space located on a single lot platted for single-family use shall measure not less than 8 feet by 20 feet, exclusive of access drives, aisles, and alleys. The driveway shall, in no instance, be of a lesser width than the width of the garage door.

Each small car off-street parking space shall measure not less than 8.5 feet by 16 feet, exclusive of access drives and aisles, and shall be of usable shape and condition. Where it is possible for a vehicle to overhang the front of a parking space above a paved, stoned, mulched or grass area other than a sidewalk, street right-of-way or adjacent property, the length of the small care space may be reduced to 15 feet. All small car parking spaces shall be grouped and located in specific areas so as not to be scattered throughout a parking lot.

A maximum of 50% of the required parking for a general office or light manufacturing plant may be permitted as small car spaces upon approval of a site plan but only when both of the following conditions are met:

1. Signs will identify the small car spaces.
2. The entire grounds and building served by the small car spaces are occupied and controlled by one tenant who shall be responsible for policing the use of the small car spaces.

### 3-1004 – SPECIAL PARKING REGULATIONS

1. In no event shall equipment, including motor vehicles, trucks and vans having an 11,000 pounds gross weight (GVW) be parked or left standing at any time on a surface other than a paved driveway or paved parking lot. No truck or van under this section shall remain in driveways for more than 48 hours at one time.
2. Trailers and boats must be stored and parked behind the front line of the building structure. No boats or trailers may be stored or parked in front driveways or on the street.

### 3-1005 – ACCESS

Driveways shall provide adequate provision for ingress and egress to all parking spaces or maneuvering areas with direct access to a public street or to a private right-of-way easement.

### 3-1006 – PARKING SPACE SCHEDULE

The minimum number of parking spaces for all residential districts is two spaces per dwelling unit. The minimum required parking spaces available for the following non-residential uses are:

1. Bank, Savings & Loan or similar Financial Establishment  
1 space for each 300 square feet.
2. College or University –  
1 space for each two students, plus  
1 space for each classroom, or instruction area.
3. Commercial amusement  
1 space for each 100 square feet.
4. Bingo parlors  
1 space for 3 seats.
5. Day care Center  
1 space per 10 pupils.
6. Farmers' Market  
1 space per vendor plus 1.5 spaces for each 200 square feet of market area.

7. Flea Market  
1.5 spaces for each 200 square feet of floor area or market area.
8. Furniture store or Large Appliance Store  
1 space for 400 square feet of floor space.
9. Gasoline Service station  
Minimum of six spaces.
10. Golf course  
5 spaces for each green.
11. Hospitals  
1 space for every two beds.
12. Household Care Facility  
2 spaces for each unit.
13. Household Care Institution  
1 space for every three rooms.
14. Library or museum  
10 spaces plus one space for each 300 square feet of floor area.
15. Manufacturing, Processing or repairing  
1 space for each two employees, or  
1 space for each 1000 square feet of floor area, which ever is greater.
16. Restaurant or Cafeteria  
1 space for every 100 square feet of floor area.
17. Retail or Services  
1 space for each 200 square feet of floor area.
18. Schools
  - Elementary - 1 space for each 15 students.
  - Middle - 1 space for each 14 students.
  - 9-10 Grades - 1 space for each 6 students.
  - 11 -12 Grades - 1 space for each 1.5 students, faculty and staff.
19. Shopping Centers  
1 space for each 200 square feet of floor area.
20. Storage or Warehousing  
1 space for each two employees, or  
1 space for each 1000 square feet of floor area, whichever is greater.

21. Theaters, and Places of Public Assembly  
1 space for every three seats.
22. Vehicle Repair Garage  
3 spaces per service bay.

### **3-1100 – LANDSCAPING REQUIREMENTS**

3-1101 – Every lot shall provide a minimum of 5% of the lot area to be utilized for landscaping. A minimum of one-half of the required landscaping area shall be located in the front yard. Required landscaping area shall not include driveways, paved walks, or right-of-way or easements for streets or alleys. Where a fence or wall is required, the fence or wall may be located within the required landscaping area.

3-1102 – Plant Material. Trees of species whose roots are known to cause damage to public roadways or other public works shall be prohibited. Trees recommended are: Live Oak, Red Oak, Cedar, Elm, Bald Cypress, Silver Maple, Japanese Black Pine, or trees native to Hunt County of similar quality. Pecan trees with Indian names are also recommended as the best choices for plant material.

3-1103 – Existing plant material shall be preserved during the development of any subdivision or improvement on any property to the extent possible. The removal of trees over 24 inches in diameter is expressly prohibited in this ordinance.

### **3-1200 – PERFORMANCE STANDARDS**

In all zoning districts, any use indicated as a permitted use shall conform in operation, location, and construction to the performance standards hereinafter specified for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazardous material, toxic and noxious matter, vibration, and glare.

3-1201 – Noise - At no point at the bounding property line of any use shall the sound pressure level of any operation or plant exceed 75 decibels.

3-1202 – Odor - No use shall be located or operated which involves the emission of odorous matter from a source of operation where the odorous matter exceeds the odor threshold at the bounding property line determined by observation by person or persons.

### **3-1300 – SIGNS**

3-1301 – Definitions.

1. Free Standing Sign – A sign erected on a freestanding frame, mast or pole affixed to the ground, and not attached to any building.
2. Off-Premises Sign – A sign consisting of a multi-prism sign, a sign with poster panels or bulletins mounted on a building wall or freestanding structure, a painted bulletin with the message painted directly on the background of a wall-mounted or freestanding sign, or similarly constructed and maintained off-premises.

3. Portable Sign – A sign which is not permanently affixed or attached to the ground or to any structure or a sign mounted upon, painted upon or otherwise erected upon a van, truck, automobile, bus railroad car, tractor-trailer or other vehicle, whether or not such vehicle is in operating condition.
4. Sign – The term sign shall include any writing, letter, word, numeral, pictorial representation, pictorial abstraction, graphic or pictorial form, symbol, or design which conveys a recognizable meaning or identity or distinction; or any of the above which forms a structure or part of a structure or which is affixed in a any fashion to any feature which attracts or is designed to attract attention to the subject matter or is used as means of identification or advertisement or announcement.
5. Billboard Sign - A free standing sign that is an off premises sign that is usually a large sign erected to lease space to advertisers.

### 3-1302 – Signs in Commercial and Industrial Zoning Districts

The total area per face of a sign(s) shall not exceed one and one-half (1-1/2 square feet of face area for each linear foot of building fascia length. However, in no event shall the total sign allowance for any building be less than one square foot of sign area for each lineal foot of lot frontage. Allowances for individual occupancies within a multi-use building shall be calculated on leased or occupied fascia length. If the lot on which the building is located has multiple property frontage street frontage shall be counted for purposes of this chapter. If more than one sign is erected on a lot or series of contiguous lots under the same ownership, the total area of a of all of the signs shall comply with the foregoing limitation. Where multiple property or street frontage exists, only the amount of added sign area allowed by virtue of each additional frontage shall be allowed to face directly that frontage.

3-1303 – Signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.

### 3-1304 - Off Premises Signs and Billboards.

3-1304-1 – Sign Placement - No off-premise Sign or Billboard shall be erected closer than one thousand (1,000) feet to another off-premise Sign or Billboard.

3-1304-2 - Billboards shall not be larger than 100 square feet in area. The maximum height of any billboard shall not exceed 30 feet. No part of any sign shall be closer than 10 feet of any right-of-way.

3-1305 – Signs which project above the fascia wall, portable signs, tent signs, strings of light bulbs not permanently mounted on a rigid background used in connection with commercial premises for commercial purposes (other than traditional holiday decorations) posters and wind-driven signs (except banners and pennants) shall be prohibited in all zones.

3-1306 – The Lake Tawakoni Planning Commission or duly appointed representative shall cause to be removed any sign that is dangerous or defective, or one for which no permit has been issued seven days after the date of mailing a notice, at the expense of the owner.

3-1307 – Signs existing at the time of the effective date of this ordinance shall be regarded as nonconforming signs which may continue to exist until structurally altered, removed, destroyed as an act of God, or until the business which they are advertising is no longer in existence. Any nonconforming sign which has been damaged in excess of 50% of its replacement cost shall not be restored, except in conformance with this ordinance.

3-1308 – Permits must be obtained for all signs. Electrical signs also require an electrical permit.

### **3-1400 – FLOODPLAIN REGULATIONS**

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

3-1401 – The areas of special flood hazard identified by the Federal Insurance Administration by the flood insurance rate maps and flood hazard boundary-floodway maps and any revisions thereto are adopted by reference.

3-1402 – New construction or substantial improvement of any residential structure shall have the lowest floor, elevated to or above the base flood elevation.

3-1403 – New construction or substantial improvement of any commercial or industrial structure shall either have the lowest floor, elevated to the level of the base flood elevation, or, together with attendant utilities, be flood-proofed so that below the base flood level the structure, is watertight with walls substantially impermeable to the passage of water.

3-1404 – Use of floodplain requires obtaining the necessary permit from the Sabine River Authority, and drainage planning.

### **3-1500 – TRASH AND GARBAGE COLLECTION**

3-1501 – All districts will be required to show that trash and garbage collection will be available to the subdivision.

### **3-1600 – MANUFACTURED HOUSING UNITS, MOBILE HOMES AND MODULAR HOMES**

#### **3-1601 – SKIRTING**

Manufactured Housing Units, Mobile Homes and Modular Homes shall be skirted with permanent non-rotting material approved by the Texas Manufactured Housing Commission within six (6) months of installation.

**ARTICLE 4 – SPECIAL DISTRICT REGULATIONS****4-100 – PLANNED DEVELOPMENT DISTRICT**

4-101 – Standards required by the base zoning shall apply in a Planned Development District, except that the following regulations and standards may be varied in adoption of the Planned Development.

1. Front, Side, and Rear Setbacks
2. Maximum Height
3. Maximum Lot Coverage
4. Floor Area Ratio
5. Off-Street Parking Requirements
6. Number of Dwelling Units per Acre.
7. Accessory Building Regulations

**4-200 – REDEVELOPMENT DISTRICT**

4-201 – In areas where existing development has deteriorated substantially and does not meet reasonable standards of health, safety and general welfare, or in areas where existing streets and utilities do not meet current standards of development for proposed new land use, the Lake Tawakoni Planning Commission may recommend to the County Commissioners' Court to authorize the creation of Re-development Districts.

4-202 – The Lake Tawakoni Planning Commission is designated by the Hunt County Commissioners' Court as an Urban Renewal Agency in accordance with Subchapter C of the Texas Urban Renewal Project (V.A.T.C.S., Sec. 374.02) in addition to the duties of the Lake Tawakoni Planning Commission as defined in V.A.T.C.S., Art. 1581 i-2.

## **ARTICLE 5 – SITE PLAN REVIEW**

### **5-100 – PURPOSE**

This section establishes a site plan review process for proposed development. The purpose of the review is to ensure efficient and safe land development, harmonious use of land, compliance with appropriate design standards, safe and efficient vehicular circulation, parking, and adequate water supply drainage and storm water management, sanitary facilities, and other utilities and services compatible with the Lake Planning Area.

### **5-200 – APPLICABILITY**

The site plan review process shall apply to each proposed development. No building permit shall be issued for any development unless a site plan is first submitted to and approved by the Lake Tawakoni Planning Commission. No certificate of occupancy shall be issued unless, all construction and development conform to the plan as approved by the Lake Tawakoni Planning Commission.

### **5-300 – SITE PLAN DETAILS**

The site plan shall contain sufficient information relative to site design considerations, including but not limited to the following:

1. Location of proposed building(s) and structures
2. On and off-site circulation
3. Parking
4. Grading/Drainage Plan
5. Landscaping
6. Placement of utilities
7. Screening
8. Engineering for streets and utilities

Provisions of the above items shall conform to the principles and standards of this ordinance. To ensure the submission of adequate site plan information, the Lake Tawakoni Planning Commission is hereby permitted to maintain and distribute a list of specific requirements for site plan review applications. Upon periodic review, the Lake Tawakoni Planning Commission shall have the authority to update such requirements for site plan details.

### **5-400 – SUPPLEMENTAL REQUIREMENTS**

The Lake Tawakoni Planning Commission may require other information and data for specific site plans. This data may include but is not limited to geologic information, water yields, flood data, environmental information, traffic analysis, road capabilities, market information, economic data for the proposed development, hours of operation, elevations and perspective drawings, lighting, and similar information.

Conditional approval of a site plan may establish conditions for construction based on such information.

**5-500 – STANDARDS FOR SITE PLAN REVIEW**

The following criteria have been set forth as a guide for evaluating the adequacy of the proposed development in the Lake Planning Area. The Lake Tawakoni Planning Commission shall review the site plan for compliance with all applicable ordinances and the Comprehensive Land Use Plan; for harmony with surrounding uses and the overall plan for development of the Lake Planning Area; for the promotion of the health safety, order, efficiency and economy of the Lake Planning Area; and for the maintenance of property values, the general welfare, the enjoyment and recreational use of the citizens of the County of Hunt and the State of Texas

Based upon its review, the Lake Tawakoni Planning Commission may approve, conditionally approve, request modifications or deny approval of the site plan based on evaluation of the site plan details with respect to:

1. The site plan's compliance with all provisions of the Zoning Ordinance and other ordinances of the County of Hunt.
2. The environmental impact of the development relating to the preservation of existing natural resources on the site and the impact on the natural resources to the surrounding properties, subdivisions and neighborhoods.
3. The relationship of the development to adjacent uses in terms of harmonious design, setbacks, maintenance of property values and negative impacts.
4. The provision of a safe and efficient vehicular circulation system.
5. The design and location of off-street parking.
6. The sufficient width and suitable grade and location of streets designed to accommodate prospective traffic and to provide access for fire-fighting and emergency equipment to buildings.
7. The use of landscaping and screening:
  - A. To provide adequate buffers from adjacent properties when necessary.
  - B. To complement the design and location of buildings and be integrated into the overall site design.
8. Exterior lighting to ensure safe movement and for security purposes, which shall be arranged so as to minimize glare and reflection on adjacent properties and Public Roadways.
9. The location, size and configuration of open space areas to ensure that such areas are suitable for intended recreation and conservation uses.
10. Protection and conservation of soils from erosion by wind or water or from excavation or grading.

11. Protection and conservation of water courses and areas subject to flooding.
12. The adequacy of water, drainage, sewage facilities, garbage disposal and other utilities necessary for essential services to residents and occupants.

5-501 – The decision of the Lake Tawakoni Planning Commission to approve or deny a site plan shall be made in the form of a recommendation to the County Commissioners' Court by the Lake Tawakoni Planning Commission.

#### **5-600 – EFFECT OF SITE PLAN RECOMMENDATION FOR APPROVAL**

5-601 – If the development of a lot with an approved site plan has not commenced with two years of the date of final approval of the site plan, the site plan shall be deemed to have expired, and a review and re-approval of the approved site plan by the Lake Tawakoni Planning Commission shall be required before a building permit may be issued. Said review and approval shall be evaluated according to the standards of Section 5-500, taking into account all changes to applicable ordinances which have occurred subsequent to the prior approval of the site plan.

5-602 – It is recognized that the final architectural and engineering design may necessitate minor changes in the approved site plan. In such case, the Lake Tawakoni Planning Commission or its representative shall have the authority to approve minor modifications of an approved site plan, provided that such modifications do not materially change the circulation and building location on the site.

**ARTICLE 6 – PROCEDURES AND ADMINISTRATION****6-100 – PROCEDURAL STEPS OF ZONING APPLICATIONS AND AMENDMENTS**

6-101 – The Lake Tawakoni Planning Commission may from time to time recommend to the County Commissioners' Court an amendment, supplement or change by ordinance of the boundaries of the district or the regulations herein established as provided by the law of the State of Texas. Fees will be established for the administrative costs.

6-102 – Any person or corporation having a proprietary interest in any property may initiate proceedings to consider a change in zoning on such property, or the Lake Tawakoni Planning Commission may, on its own motion, initiate proceedings to consider a change in zoning on any property. Any person or corporation may petition the Lake Tawakoni Planning Commission for a change or amendment of the provisions of this ordinance, or the Lake Tawakoni Planning Commission may on its own motion, or, on request from the County Commissioners' Court, institute a study and propose changes and amendments in the public interest.

6-103 – Each application for zoning or for an amendment or change to the existing provisions of this zoning ordinance shall be made in writing on a form provided and shall be filed with the Lake Tawakoni Planning Commission or its representative, and shall be accompanied by payment of the appropriate fee to be charged by Hunt County for administering the zoning application.

6-104 – Upon receipt of a complete written application for zoning or for a change or an amendment to an existing provision of this zoning ordinance, the Lake Tawakoni Planning Commission will set a date for a public hearing before the Lake Tawakoni Planning Commission. In no case shall the public hearing be held within 10 days after the date of filing the written application.

Prior to the issuance of the notice of the public hearing, the applicant may, by written notice, withdraw the application or request rescheduling of the public hearing to a later regular meeting of the Lake Tawakoni Planning Commission. Once public notice is given, the applicant may withdraw the application or reschedule the public hearing only with the approval of the Lake Tawakoni Planning Commission. The Commission may reject a request to withdraw a zoning application or to reschedule the public hearing and conduct the public hearing as notified and take action as appropriate within the context of the public notice provided.

6-106 – Notice of a public hearing will be given as required in Article 1581 i-2, Section 7 V.A.T.C.S. Before the 10th day before the hearing date, written notice of each public hearing before the Lake Tawakoni Planning Commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved county tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the county, properly addressed with postage paid, in the United States Mail.

6-107 – The Lake Tawakoni Planning Commission shall hold a public hearing on any application for any amendments or change prior to making its recommendation and report to the County Commissioners' Court. The Lake Tawakoni Planning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.

6-108 – Following the public hearing, the Lake Tawakoni Planning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole, or in part, the application. The Lake Tawakoni Planning commission may table for study a zoning case for up to 90 days.

6-109 – When an application is denied by the Lake Tawakoni Planning Commission, the Commission should offer reasons to the applicant for such denial.

When the Lake Tawakoni Planning Commission denies a zoning application, it may deny said application with or without prejudice. If it shall deny the application and fail to clearly state the same is being denied without prejudice, then it shall be deemed that said application is denied without prejudice against refiling. If an application is denied with prejudice, no application may be filed for all or a part of the subject tract of land for a period of two years from the date of denial by the Lake Tawakoni Planning Commission. If it is determined by the Commission that circumstances have changed substantially, then the two year waiting period may be waived.

6-110 – After a public hearing before the Lake Tawakoni Planning Commission, the County Clerk and the Commissioners' Court shall be notified by report of any action taken by the Lake Tawakoni Planning Commission on the application, and, if the application is approved, including denials in part, by the Lake Tawakoni Planning commission. The County Clerk shall automatically schedule a public hearing regarding the application to be held before the County Commissioners court, giving notice as required by the general laws of the State of Texas.

6-111 – A public hearing shall be held by the County Commissioners' Court before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the County of Hunt stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.

6-112 – Any pending zoning application shall automatically expire if no action of any kind has been taken on it for a period of one year.

**ARTICLE 7 – SUBDIVISION REGULATIONS****7-100 – INTRODUCTION**

The Owner or Owners of any tract of land situated in the Lake Planning Area and outside the boundaries of any incorporated town or city in the Lake Planning Area, and who may hereafter divide the same into two or more parts, for the purpose of sale or building improvements, must comply with these regulations.

These regulations provide minimum standards by which land may be subdivided and developed for the benefit of the citizens of Hunt County

The decision by the Lake Tawakoni Planning Commission to approve or deny a plat shall be final and binding, unless an appeal of said decision is made to the Hunt County Commissioners' Court.

**7-200 – DEFINITIONS**

**COUNTY ROAD** – A public road or street which has been accepted by the County, through proscription or dedication for maintenance purposes, or a road or street that was constructed and maintained by the County. The terms street and road are used interchangeably.

**COLLECTOR STREET** – A street or road that provides for traffic movement between residential or local streets and an arterial road and provides access to abutting land.

**EASEMENT** – A grant by the property owner to the public, a corporation or persons, of the use of a strip of land for specific purposes.

**FINAL PLAT** – A map of a land subdivision prepared in a form suitable for filing or record with the necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas and dimensions of all lines and other dimensions of land in accordance with the zoning ordinance and subdivision requirements of Hunt County.

**FLOODPLAIN** – That area subject to inundation by a flood having a given percentage of probability of occurrence, in any given year based on existing conditions of development within the watershed area, as determined by or approved by the Lake Tawakoni Planning Commission.

**FLOODWAY** – The channel and adjacent areas of water course within which no obstructions to flow would be allowed so that the 100 year flood may pass without cumulatively increasing the 100 year flood plain elevation more than one (1) foot. The floodway limits are to be defined based on standard engineering practices or as determined by the Federal Emergency Management Agency and Federal Insurance Administration.

**LOT LINES** – The property lines of any given tract or parcel of land which circumscribe the area divided by any plat of record in the plat records of Hunt County, Texas, or, in the absence of such a plat, the lot lines shall mean those property lines circumscribing the lot independently isolated on the official plat on file in the Hunt County Clerk's Office.

**PRELIMINARY PLAT** – A map of a proposed land tract showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed subdivision of land.

**PRIVATE SEWAGE FACILITY** – All systems and methods used for the disposal of sewage, other than organized disposal systems operated under a valid permit issued by the Texas Water Development Board.

**PUBLIC STREET** – Any area, parcel or strip of land (road) which provides vehicular access, to adjacent property or land whether designated as a street, highway, freeway, thoroughfare, avenue, land boulevard, road, place, drive, or however otherwise designated, and which is either dedicated or granted for public purposes or acquired for public use by prescription.

**RE-SUBDIVIDING** – The division of an existing subdivision, together with any changes of lot size therein, or the relocation of any street lines or lot lines.

**ROADWAY** – That portion of any street or road so designated for vehicular traffic.

**SUBDIVIDER OR DEVELOPER** – Any person, partnership, firm, association corporation (combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participated in the performing of any act toward the subdivisions of land within the intent, scope and purview of these regulations.

**SUBDIVISIONS** – The division of any tract or parcel of land into two or more parts for the purpose of laying out any subdivision or for laying out suburban lots, rental lots or building lots and streets, alleys, or parks or other portions intended for public use or the use of purchasers, owners, renters, lessees of lots fronting thereon or adjacent thereto.

**WATER SUPPLY** – The designated public water supply for any subdivision.

### **7-300 – PRELIMINARY PLAT**

The developer shall prepare a preliminary plat and submit eight (8) prints of a preliminary plat of any proposed subdivision to the Lake Tawakoni Planning Commission, at least thirty (30) days before the meeting of the Lake Tawakoni Planning Commission, at which approval is being requested. The Preliminary Plat shall remain valid for one year from the date of approval, after which, it will be automatically void. The Lake Tawakoni Planning Commission may recommend to the County Commissioners' Court the approval of an extension for as much as eighteen months if requested to do so by the developer. The preliminary plat shall show or be accompanied by the following information:

#### **7-301 – Subdivision Name.**

The proposed name of the subdivision which shall not conflict with the name of any other subdivision in the County and the names of adjacent subdivisions;

**7-302 – Subdivision Owners Name**

The names, addresses, and telephone numbers of the Owner and/or Owners of the proposed subdivision and the name, address and telephone number of the engineer or surveyor responsible for the preparation of the preliminary plat;

**7-303 – Boundary Lines**

The location of boundary lines and their relation to an original corner of the original survey, together with a vicinity map-

**7-304 – Lot and Street Layout**

The locations and width of existing and proposed streets, roads, lots (accurate dimensions and estimated acreage) and alleys, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The plans shall show the outline of adjacent properties for a distance of at least one hundred (100) feet and how the streets, alleys or highways in the proposed subdivision may connect with adjacent land or with adjacent subdivisions which are of record. The acreage of the proposed subdivision shall be indicated on the plat.

**7-305 – Drainage and Topography**

The preliminary plat must show the drainage plan, the physical features of the property including water courses, the 100 year flood plain boundaries and source of information, ravines, bridges, culverts, present structures, and other features of importance of lot and street layout, prepared by a Texas Registered Professional Engineer. Topography of the tract shall be shown on the preliminary plat by means of contours of two (2) foot intervals tied to United States Geological Survey (USGS); contours of lesser intervals may be required to better determine topography and drainage.

**7-306 – Land Use.**

Designation of the proposed uses of land within the subdivision as defined by the Zoning Ordinance.

**7-307 – Drawing Requirements**

Show the North Point, scale and date. The preliminary plat shall be drawn to a scale not exceeding one (1) inch equals two hundred feet. Preliminary plat shall be presented on standard size sheets of 17 1/2" x 23 3/4".

If the proposed subdivision is too large to be accommodated by a single standard sheet size, then two or more sheets may be used, with match lines clearly shown. If the original plat has been reduced for filing, then the reduction must be no more than 50% of the original size.

**7-308 – Utility Service**

The Owner(s) must submit a plan for providing utility service within the proposed subdivision and must show the same on the plat. The proposed water supply should be clearly indicated, including the name of the supplier, including location of fire hydrants, if any. All public water supplies shall be approved by the Texas Department of Health. The plan for sewage disposal should be clearly indicated. If it is the Owner's intent that each lot purchaser shall provide private sewage facilities to each lot owner's needs, then copies of percolation tests performed by a Registered Professional Engineer, Registered Sanitarian or a testing laboratory listed with the Commission shall be provided, together with a letter stating recommendations as to the type of septic system to be installed.

If private sewage facilities are to be used for sewage disposal, the location of each percolation test shall be noted on the plat and the area covered by that test shall be outlined clearly on the plat.

The proposed water and sewer service shall be approved by the Texas State Department of Health and shall be evidenced by the stamped approval on the plat by the Chief Sanitarian of the Hunt County Health Unit. The septic tank and all lateral lines must be outside the flood plain boundaries and no closer than fifty (50) feet of a public road or twenty (20) feet of property line. Effluent from septic tanks shall not be permitted to run onto adjoining property. No lateral for septic tank shall be closer than twenty (20) feet to a property line. A plan prepared by the person charged with performing the percolation tests on the subdivision site shall show areas not suitable for ordinary septic tank systems. Such areas shall require special systems approved by the County Health Officer.

**7-309 – Subdivision Within Extraterritorial Jurisdiction**

If the location of the subdivision is within the extraterritorial jurisdiction of any city or town within Hunt County in the Lake Planning Area, the preliminary plat shall be approved by the governing body of that jurisdiction prior to submission to the Lake Tawakoni Planning Commission. Even though the subdivision lies within the jurisdiction of both the Lake Tawakoni Planning Commission and the town or city, the more stringent regulations shall apply.

**7-310 – Approval Procedure**

~~If the Lake Tawakoni Planning Commission does not approve, disapprove, or ask for clarification of the preliminary plat within forty-five (45) days of the initial meeting for consideration of the plat, the plat shall be deemed approved and so endorsed by the Lake Tawakoni Planning Commission. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat for record. No grading of streets or construction is authorized in the subdivision before the final plat is tentatively approved by the Lake Tawakoni Planning Commission.~~

**7-400 – FINAL PLAT**

After the preliminary plat has been approved by the Lake Tawakoni Planning Commission, a final plat for recording shall be prepared and submitted to the Lake Tawakoni Planning Commission at least thirty (30) days prior to the Lake Tawakoni Planning Commission meeting at which recommendation is requested. The Final Plat shall remain valid for one year from the date of approval, after which it will be automatically void. The Lake Tawakoni Planning Commission may approve an extension for as much as eighteen months if requested to do so by the developer. The final plat shall show or be accompanied by the following information:

**7-401 – Drawing Requirements**

Two original plats shall be submitted for filing and recording. The recording plat shall be on a sheet size of 17 1/2" x 23 3/4". The recording plat shall be on mylar or other permanent type material. If the recording plat is a photographic reduction of a larger scale original, then the scale shall be shown in graphic form, however, the reduction shall be no more than 50%. All figures, letters and signatures shown must be plain, distinct, and of sufficient size as to be easily read, and must be of sufficient density to make a lasting and permanent record. Eight (8) prints of the recording plat shall be submitted to the Lake Tawakoni Planning Commission at the time the recording plat is submitted.

**7-402 – Subdivision Name**

The name of the subdivision, scale, date, and North point; names or numbers of streets, and lot, block and section numbers within the subdivision.

**7-403 – Subdivision Owner's Name**

The names, addresses and telephone numbers of the owner or owners of the proposed subdivision and the name, address and telephone number of the Surveyor responsible for the preparation of the final plat.

**7-404 – Boundary Lines**

The perimeter boundary of the subdivision shall be shown with bearings and distances, referenced to a corner of the original survey, along with the name together with a vicinity map of adjacent subdivisions, if any. The boundary line description of the tract being subdivided shall be close to an accuracy of one in ten thousand (1:10,000).

**7-405 – Utility Service**

The owner(s) must submit a plan for providing water and sewer service within the proposed subdivision.

**7-406 – Subdivision Layout Features**

Location of lots; streets, roads, public highway, utility easements; parks; 100 year flood plain boundaries and source of flood plain information; and other pertinent features, shall be shown with accurate dimensions in feet and decimals of feet and bearing, with length, radii and angle

of all curves, and with all other information necessary to duplicate the plat on the ground. Plan and profile drawings of streets, drawings and drainage calculations prepared by a Texas Registered Professional Engineer shall be submitted on separate plans. Plan and profile drawings shall be drawn at a scale of 1 inch - 40 feet horizontal and 1 inch - 4' vertical.

The location of building set-back lines on all streets, and drainage easements, and other public right-of-way or future right-of-way shall be shown.

#### 7-407 – Certification and Dedication by Owner

Certification by the Owner of his dedication of all street, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public by said Owner.

#### 7-408 – Certification by Registered Public Surveyor

Certification by a Registered Public Surveyor to the effect that the plat correctly represents a survey made by him, and that all the lot corners and boundary markers are correctly placed as shown thereon; the dimensions, bearings and other technical information needed for platting each lot shall be shown on the subdivision plat and shall be furnished to an accuracy of one in ten thousand (1:10,000).

#### 7-409 – Certification and Approval by City

Certification and approval of Final Plat signed by the appropriate representatives of any city having extraterritorial jurisdiction over the area in which the subdivision is located.

#### 7-410 – Restrictions of Subdivisions

A copy of the restrictions (Deed Restrictions) imposed within the subdivision by the Owner shall accompany the final plat. If sewage disposal is to be done by means of private sewage facilities, the restrictions shall indicate that a private sewage facility license shall be obtained from the Hunt County Health Department for each lot within the subdivision. The restrictions shall indicate that all driveway culverts shall be installed to generally accepted engineering practices. The restrictions shall stipulate the formation of a Neighborhood Association and all the rules applying to such organization. The restrictions shall indicate that no building occupancy shall be allowed until the final plat is filed and subdivision is accepted by the Hunt County Commissioners' Court.

#### 7-411 – Approval by the Lake Tawakoni Planning Commission

After examination of the final plat, the Lake Tawakoni Planning Commission shall recommend approval or disapproval of the final plat to the Hunt County Commissioners' Court. If the plat is recommended for disapproval, it shall be returned to the owner with reasons for the disapproval. If the plat is recommended for approval, the plat will be placed on the County Commissioners' agenda within thirty (30) days from the date of the Lake Tawakoni Planning Commission action.

**7-412 – Approval by Hunt County Commissioners' Court**

A space shall be provided for the approval of the County Judge acting in behalf of and for the Commissioners' Court of Hunt County, Texas. A subdivision may be recorded, and, in either case, that portion to be recorded shall be accompanied by a set of field notes describing that portion which is to be recorded. If the construction of the above mentioned items are satisfactory to the Commissioners' Court, then the Owner shall be notified that the plat is ready to be filed for record and the County Judge, acting in behalf of and for the Commissioners' Court, shall at the time sign the plat indicating their approval, upon compliance with Section 7-500. A copy of the recorded plat as filed by the County Clerk shall be returned to the Lake Tawakoni Planning Commission.

**7-500 – FILING OF A PLAT**

After examination of the final plat and approval by the Hunt County Commissioners' Court, and, prior to filing of the final plat, the owner shall provide appropriate financial security that assures the County that the roads will be constructed in conformance with these regulations. The financial security can be arranged by one of the following methods:

1. A construction bond may be filed by the owner payable to the County Judge in the amount of the cost of construction. The bonds must be surety bonds provided by a surety company, licensed to operate in the State of Texas; or,
2. The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit or other financial instrument satisfactory to the County Judge in the amount of the cost of construction

The estimated cost of construction for the required bonds or letters of credit shall be determined by using the latest regional Dodge Reports.

After acceptable financial security is filed with the County, the County Judge will sign the final plat and the owner can then file the final plat in the County Clerk's office. If the final plat has not been submitted for signature by the County Judge within six (6) months after approval by the Hunt County Commissioners' Court, the plat shall be deemed null and void, re-submittal shall be required, and current regulations will apply

**7-600 – ADDITION OR SUBDIVISION CONSTRUCTION**

Prior to authorizing construction, the Lake Tawakoni Planning Commission shall be given the following by the Owner:

- 7-601 – All necessary offsite easements or dedications required must be conveyed solely to the County of Hunt.
- 7-602 – A complete list of the Contractors, their representatives on the site, and telephone numbers where a responsible party may be reached at all times.
- 7-603 – Three (3) prints of the utility plan sheets, scale 1" = 100'.

**7-700 – ISSUANCE OF BUILDING PERMITS**

Building permits will not be authorized by the Lake Tawakoni Planning Commission until completion of all improvements within the development and acceptance by the County.

**7-800 – GENERAL ROAD AND STREET REQUIREMENTS**

General Specifications requirements pertaining to subdivisions within the Lake Planning area shall be as follows:

**7-801 – Existing roads**

When a proposed addition or subdivision of land abuts on either one side or both sides of an existing substandard road, street or highway, and said road, street, or highway being substandard according to the then existing current specifications, the Developer shall be required to improve the existing road, street or highway, to bring the same to Hunt County specifications or to replace it with a standard County street or road at no cost to the County.

**7-802 – Street Arrangement**

Unless otherwise recommended by the Lake Tawakoni Planning Commission for approval, provision must be made for the extension of existing dead-end streets within recorded adjacent subdivision.

Proposed streets must conform to existing topography as nearly as possible, in order that drainage maybe provided. Streets should, wherever possible, follow valleys or depressions so as to form a collection system for surface water.

All streets must be numbered and marked by the developer with permanent metal signs in accordance with Lake Tawakoni Planning Commission Road sign specifications. Street and road names and addresses must be approved by the Hunt County 911 Coordinator. Signs with road names shall be maintained by the Developer. Signs with county road numbers shall be maintained by the County

**7-803 – Street and Road Standards.**

All streets and roads must meet the specifications specified by the Hunt County Commissioners Court.

**7-900 – ACCEPTANCE PROCEDURE****7-901 – General**

All conditions of final plat approval must be met. All construction must be in accordance with approved plans and construction standards set forth herein.

**7-902 – Establishment of a Date of Completion of Construction**

At such time as the road construction is complete the developer shall notify the Lake Tawakoni Planning Commission in writing. The Lake Tawakoni Planning Commission or its representative shall then inspect the roads and improvements and give written notice of any deficiencies. To ascertain compliance with construction specifications, the Lake Tawakoni Planning Commission may require copies of test results performed by a testing laboratory listed by the Commission. Upon rectification of deficiencies and re-inspection, the Lake Tawakoni Planning Commission shall establish a date considered to be the state of completion of construction. The owner shall be responsible for maintenance until final acceptance of the roads by the County.

**7-903 – Final Acceptance**

After completion of all items required in the plans and specifications, and correction of any deficiencies, the owner shall provide appropriate financial security in the amount of ten percent (110%) of the Contract amount guaranteeing workmanship and materials for a period of one year from the date of final acceptance by the County. The financial security can be arranged by one of the following methods:

1. A construction bond maybe filed by the owner payable to the County Judge in the amount of ten percent (10%) of the cost of construction of the streets and roads. The bonds must be surety bonds provided by a surety company, licensed to operate in the State of Texas; or,
2. The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit or other financial instrument satisfactory to the County Judge in the amount of ten percent (10%) of the cost of construction of the streets and roads. The Lake Tawakoni Planning Commission shall verify that all items have been completed, including the filing of the plat and all related easements and documents.

Twelve months after the date of completion of construction, the owner shall notify the Lake Tawakoni Planning Commission in writing. The Lake Tawakoni Planning Commission or its representative will inspect the road and improvements and notify the developer in writing of any deficiencies. Upon rectification of deficiencies and reinspection, the Lake Tawakoni Planning Commission will recommend to the Hunt County Commissioners' Court that the streets or roads be accepted into the Hunt County Road System.

Upon acceptance by the Hunt County Commissioners' Court, the construction bond, or other financial security, shall be released to the developer and the road accepted into the Hunt County Road System.

Acceptance of the roads and development shall mean that title to all improvements is vested in the County of Hunt, Texas.

**7-1000 - EXCEPTIONS**

A person desiring an exception to any requirements of the Subdivision Regulations shall file - a written statement with the Lake Tawakoni Planning Commission stating the nature of the exception and the reason the person desiring the exception feels it should be granted.

Exceptions could include, but are not limited to the following:

1. Division or development for agricultural purposes,
2. Testamentary division of land,
3. Division of land among family members,
4. The division of land resulting from the dissolution of a corporation or partnership.
5. Subdivision of land in more than ten (10) acre lots.

These requests will be considered only if:

1. No new access roads are required,
2. The actions are not taken for the purpose of circumventing the Lake Tawakoni Planning Area Subdivision Regulations,
3. No building improvements or changes in land use are to be made,
4. The steps outlined in this paragraph are followed.

The Lake Tawakoni Planning Commission shall review the request and reply to the applicant in writing within ten (10) days either granting or denying the request or informing the applicant that the request is to be considered at a regular meeting of the Lake Tawakoni Planning Commission within forty-five days (45) of submission of the request.

If the request is denied, the Lake Tawakoni Planning Commission shall include in its reply the reasons for the denial.

**ARTICLE 8 – ENFORCEMENT**

**8-100 – CIVIL PENALTIES**

Any person or corporation violating or threatening to violate any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding one thousand dollars (\$1,000); and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

The Lake Tawakoni Planning Commission may institute a suit in a Justice of Peace Court or The County Court of Law in Hunt County, where the violation occurs, through the County Attorney seeking injunctive relief and civil penalties against the person(s) committing or threatening to commit the violation.

**8-200 – CRIMINAL PENALTIES**

A violation of any provision of this Ordinance is a class C misdemeanor that shall be punishable by a fine set by the Court having jurisdiction. Each day that a violation occurs constitutes a separate offense.

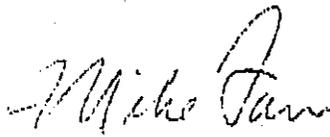
The Lake Tawakoni Planning Commission may institute the charge through the District Attorney in Hunt County in the appropriate Court.

**8-300 – SEVERABILITY**

If any section, paragraph, subdivision, clause, phase or provision of the Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

**8-400 – EFFECTIVE DATE**

This Ordinance shall become effective on the date duly passed and approved by the Commissioners' Court of the County of Hunt, Texas, this the 8th day of April, 1991.



County Judge

ATTEST:



County Clerk

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