

LAKE RAY ROBERTS LAND USE ORDINANCE

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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 Ray Roberts in Denton County, Texas, including the right to regulate the height, 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.

1-200 – 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, recreation, 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, recreation, 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 and commercial 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

Pursuant to the exercise of their local authority granted by the State of Texas by the enactment in Texas Local Government Code Chapter 231, the voters of Texas have elected to require the establishment of a Zoning Ordinance as stipulated in Article I.

The Denton County Commissioners' Court hereby adopts, and may from time to time amend this zoning ordinance, based upon recommendations of the Lake Ray Roberts 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.

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.

This ordinance shall govern any and all buildings, structures, and land located within the area bounded by the shoreline of Lake Ray Roberts at its take line elevation of 645 feet mean sea level (645 MSL) and a line 5000 feet from and following along said take line except any land lying within the corporate limits of any municipality.

1-400 – Compliance

1-401 – Compliance Required

All land, buildings, structures or appurtenances thereon located within the project boundary, as defined by state law, of Lake Ray Roberts, Denton County, which are hereafter occupied, used, erected, altered, removed, demolished 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 as hereinafter provided.

1-402 - Development Permits

A Development Permit shall be applied for and issued by the Denton County Planning Department prior to the erection, alteration, or conversion of any building or land provided such construction or change is to be made in complete conformity to the provisions of this Ordinance.

A record of all Permits shall be kept on file in the office of the Denton County Planning Department, 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 Ray Roberts 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 2-700 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 2-700 and as herein specified shall apply to all lots within the several districts respectively unless otherwise specified in the ordinance.

1-503 – Height

The height regulations set forth in Section 2-700 and as herein specified shall apply to all buildings and structures within the several districts respectively unless otherwise specified in the ordinance.

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 2-700, except where an existing building at the effective date of this ordinance may have a greater percentage of a lot covered than herein prescribed.

1-600 – 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 "building" includes the word "structure"; the word "shall" or the word "must" is mandatory and not discretionary. Appeals as to the meaning of terms herein defined shall be determined by the Planning and Zoning Commission. Terms not herein defined shall have the meaning assigned to them in the "Uniform Building Code." Terms not defined herein or in the UBC shall have the meaning customarily assigned to them.

Accessory Building or Use - A building or use that is primarily non-residential and is subordinate to and incidental to the principal building(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, garden shelter and barns.

Accessory Dwelling Unit - A building which is arranged, occupied, or intended to be occupied as living quarters and including facilities for food preparation, sleeping, and sanitation. An accessory dwelling shall be subordinate to and incidental to the principal dwelling and is located on the same lot.

Administrator - The administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance as directed by the Lake Ray Roberts Planning Commission.

Agriculture -

- (1) the cultivation of the soil to produce crops;
- (2) horticulture, floriculture, or viticulture;
- (3) forestry;
- (4) the raising or keeping of livestock or poultry; or
- (5) aquaculture or fish farming.

"Horticulture" is the cultivation of fruits, vegetables, flowers, herbs or other plants.

"Floriculture" is the cultivation and management of ornamental and flowering plants.

"Viticulture" is the cultivation of grapes.

"Aquaculture" or "fish farming" is the business of producing and selling cultured species raised in private facilities.

"Cultured species" means aquatic animals raised under conditions where at least a portion of their life cycle is controlled by an aquaculturist.

"Aquaculturist" or "fish farmer" means any person engaged in aquaculture or fish farming.

"Private facility" means a pond, tank, cage or other structure capable of holding cultured species in confinement wholly within or on private land or water or within or on permitted public land or water.

Airport - A place with a paved runway 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.

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

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 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.

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 Special 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 Ray Roberts 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 3-1200 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.

Commission - Shall mean the Denton County Lake Ray Roberts Planning Commission.

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 Ray Roberts Planning Commission for the best use of the land in the Lake Ray Roberts 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. A temporary plant shall be allowed with a Special Use Permit and a two year time limit. Each Special Use Permit shall be renewable for a 12 month period of time not to exceed one additional year.

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 Denton County, 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.

Dangerous Wild Animals - As defined by Denton County Court Order 01-0737, a wild animal means a lion, tiger, ocelot, cougar, leopard, cheetah, jaguar, bobcat, lynx, serval, caracal, hyena, bear, coyote, jackal, baboon, chimpanzee, orangutan, gorilla, lesser panda, binturong, wolf, ape, elephant, rhinoceros or any hybrid of an animal listed in this definition, or dangerous wild animal as defined under Texas Local Government Code Chapter 240.

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 less than 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 Ray Roberts 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 Special 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 within the third degree of consanguinity or affinity, 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," 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, garden

produce, food service, 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 Denton 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 square footage of 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 Special 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.

Garage (Private) – An accessory building primarily for the storage of motor vehicles.

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

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.

Greenhouse/Plant Nursery – A place where plants are grown for sale or resale.

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 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 of Building - The vertical distance of a building measured from the highest of the following three levels:

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

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.

Kennel Indoor/Outdoor - A place where dogs are bred, trained, boarded, and/or sold.

Lake Ray Roberts Planning Area - The area designated in Texas Local Government Code § 231.102 as 5,000 feet within the project boundary line, defined as the 645 feet elevation line.

Landing Field - An area improved for the take off and landing of aircraft.

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

Light Fabrication/Assembly Process - Including the manufactures of clothing, jewelry, trimming, decorations and any similar item not involving the generation of noise, odor, vibration, dust, or hazard.

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

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

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 distance from the street line to the rear line.

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 twenty feet.

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

Lot Line, Front - The boundary between a lot and the street on which it fronts.

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 Denton County Clerk.

Lot, Through - A residential lot other than a corner lot abutting more than one street, and having access to more than one street.

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, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

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

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 constructed on or before June 14, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, which is built on a permanent chassis and is designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical system.

Manufactured Home Park - An area of not less than 5 acres or more than 25 acres approved for occupancy by manufactured homes and accessory structures related thereto.

Manufactured Home Subdivision - A tract of land subdivided into lots which are designed as permanent sites for manufactured or re-locatable 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.

Motor Home - A portable, temporary dwelling to be used for travel, recreation, and vacation constructed as an integral part of a self-propelled vehicle.

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.

Nursing Home - A home where ill or elderly people are provided with lodging and meals with or without nursing care.

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.

Parking Space - Compact = 8'x 16' Standard = 9'x 18'

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 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.

Permit - A written permit issued by the Denton County Planning Department under the provisions of the Denton County Lake Ray Roberts Planning Commission.

Plan - Shall mean a general concept plan, development plan, or detailed plan.

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

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

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

Recreational Vehicle Park - A unified development under private ownership designed primarily for transient service not to exceed 180 days, on which travel trailers, pickup campers, pop-up tents, and self-propelled motorized vehicles are parked or situated and used for the purpose of supplying to the public a parking space for such vehicles meeting all the requirements of this ordinance.

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 Denton County Subdivision Rules and regulations and the Denton County Lake Ray Roberts Land Use Ordinance and subject to approval by the Denton County Lake Ray Roberts Planning Commission and filed in the plat records of Denton 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 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.

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

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

Stable/Animal Shelter (Private) - An accessory building for quartering horses or other livestock (not household pets) owned by the occupants of the premises and not kept for hire or sale, and the site contains a minimum area of one (1) acre for each animal quartered.

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

Take Line - The 645 foot elevation line around Lake Ray Roberts as defined and specified in Texas Local Government Code § 231.102. All property between this line and the lake is controlled by the United States Army Corps of Engineers.

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 Ray Roberts Planning Area is divided into the following zoning districts

Designation (Abbreviated) District Name	Minimum Lot Size
Agricultural (AG)	10 acres
Residential Estate District (R-5)	5 acres
Residential Estate Medium Density District (R-4)	4 acres
Residential Single Family Low Density District (R-3)	3 acres
Residential Single Family Medium Density (R-2)	2 acres
Residential Single Family High Density (R-1)	1 acre
Planned Development (PD)	1 acre
Commercial/Recreational(R/C)	1 acre

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 Ray Roberts 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 maintained by the Lake Ray Roberts 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 Ray Roberts Planning Commission.

2-204 – This ordinance shall govern any and all buildings, structures, and land located within the area bounded by the shoreline of Lake Ray Roberts at its take line elevation of 645 feet mean sea level (645 MSL) and a line 5000 feet from and following along said take line except any land lying within the corporate limits of any municipality.

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 "AG", Agricultural District.

2-300 – Special Use Permits

2-301 – The Denton County Commissioners Court of Denton County, after public hearing and proper notice to all parties affected and after recommendations by the Denton County Lake Ray Roberts Planning Commission may authorize the issuance of Special Use Permits for the uses indicated by "S" in Section 2-400.

2-302 – The purpose and intent of a Special 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 Special Use Permit application.

2-303 – The Lake Ray Roberts Planning Commission in considering and determining its recommendations to the Commissioners' Court on any request for a Special 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 Special 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 Special 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: (2-402).

2-402 – Schedule of Permitted Uses

The following symbols are applicable to the interpretation of the Permitted Uses Chart. (2-402).

LEGEND DESCRIPTION

- “X” -Indicates Use permitted in district indicated
- “Empty” -Indicates use prohibited in district indicated
- “S” -Indicates use may be approved with a Special Use Permit

LAND USE	AG	R1	R2	R3	R4	R5	R/C	PD
ACCESSORY BUILDING/USE	X	X	X	X	X	X	X	X
ACCESSORY DWELLING UNITS	S	S	S	S	S	S		
AIRPORT/LANDING FIELD	S						S	S
ANTIQUE SHOP							X	S
APARTMENT								S
ART GALLERY							X	S
ARTIST STUDIO							X	S
ATHLETIC CLUB/FITNESS CENTER							X	S
AUTO LEASING/RENTING							X	S
AUTO PARKING LOT/GARAGE/STORAGE							X	S
AUTO REPAIR SHOP/GARAGE							X	S
AUTO PARTS SALES							X	S
AUTO SERVICE STATION							X	S
BAIT SHOP							X	S
BAKERY							X	S
BANK/SAVINGS & LOAN/CREDIT UNION							X	S
BED & BREAKFAST							X	S
BEAUTY SHOP/BARBER SHOP							X	S
BOARDING/ROOMING HOUSE							X	S
BOAT STORAGE							X	S
BOAT/TRAILER REPAIR							X	S
BOWLING ALLEY							X	S
CABINET/UPHOLSTERING SHOP							X	S
CARETAKERS'/GUARDS RESIDENCE							X	S
CAR WASH							X	S

LAND USE	AG	R1	R2	R3	R4	R5	R/C	PD
CEMETERY	X						X	X
CHURCH/RECTORY	X	X	X	X	X	X	X	X
CLEANING PLANT/SHOP (SMALL)							X	S
COMMERCIAL AMUSEMENT/ARCADE							X	S
COMMERCIAL STABLE	S						X	S
COMMUNITY/CIVIC CENTER	X	X	X	X	X	X	X	S
CONCRETE/ASPHALT BATCHING PLANT	S						X	S
CONSTRUCTION YARD	S						X	S
CONTRACTORS SHOP/YARD	S						X	S
COUNTRY CLUB/PRIVATE							X	S
DAY CARE CENTER	S	S	S	S	S	S	X	S
FARM OR RANCH	X	S	S	S	S	S	S	S
FARMER'S MARKET	X						X	S
FEED STORE	X						X	S
FIRE STATION/PUBLIC SAFETY BUILDING	X	X	X	X	X	X	X	X
FLEA MARKET	S						X	S
FRATERNAL/CIVIC ORGANIZATION							X	S
GOLF COURSE							X	S
GREENHOUSE/PLANT NURSERY- COMMERCIAL	X					S	X	S
GYMNASTIC/DANCE STUDIO							X	S
HANDICRAFT SHOP							X	S
HOME OCCUPATION	S	S	S	S	S	S		S
HOSPITAL							X	S
HOTEL/MOTEL							X	S
HOUSEHOLD CARE FACILITY	S	S	S	S	S	S	X	S
HOUSEHOLD CARE INSTITUTION	S	S	S	S	S	S	X	S
JUNK/SALVAGE YARD							X	
KENNEL	X						X	
LIVESTOCK BARN/AUCTION/SALES	X						X	
MANUFACTURED HOME (NEW)	X	X	X	X	X	X	X	X
MANUFACTURED HOME (USED)	S							S
MOBILE HOME	S							S
MUSEUM							X	S
MEDICAL CLINIC							X	S
MULTI-FAMILY DWELLING								S
NIGHT CLUB/TAVERN/DANCE HALL							X	S
PHARMACY							X	S
PHOTOGRAPHY STUDIO							X	S
PLAYGROUND/PARK	X	X	X	X	X	X	X	S

LAND USE	AG	R1	R2	R3	R4	R5	R/C	PD
PRIVATE STABLE	X	S	S	S	S	S		S
PUBLIC OR DENOMINATIONAL SCHOOL	X	X	X	X	X	X	X	X
PUBLIC UTILITY FACILITIES	S	S	S	S	S	S	S	S
RADIO/T.V./CELL TOWER	S	S	S	S	S	S	S	S
RECREATIONAL VEHICLE PARK							X	
REHABILITATION CARE FACILITY	S	S	S	S	S	S	X	S
REHABILITATION CARE INSTITUTION	S	S	S	S	S	S	X	S
RESTAURANT/CAFETERIA							X	S
RETAIL STORES AND SHOPS							X	S
RODEO GROUNDS/FAIRGROUNDS	S					S	X	S
SELF SERVICE LAUNDROMAT							X	S
SINGLE FAMILY DWELLING-ATTACHED								X
SINGLE FAMILY DWELLING-DETACHED	X	X	X	X	X	X	X	X
SKATING RINK							X	S
SWIMMING POOL-COMMERCIAL							X	S
SWIMMING POOL- PRIVATE	X	X	X	X	X	X	X	
TEMPORARY VENDOR	S						S	S
TENNIS CLUB							X	S
THEATER							X	S
VETERINARY CLINIC	S					S	X	S
WEDDING/EVENT VENUE						S	X	
WILDLIFE SANCTUARY	X		S	S	S	X		

2-403 – 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 Ray Roberts 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 Ray Roberts 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 Ray Roberts 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 Ray Roberts 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 Ray Roberts Planning Commission and recommendation to the County Commissioners' Court by the Lake Ray Roberts Planning Commission, and consideration for adoption by the Denton County Commissioners' Court.

2-500 – Prohibited Uses

2-501 – All uses not specifically prohibited may be permitted 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 3-1100.

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.

2-504 - The keeping of any Dangerous Wild Animals, except as allowed by Denton County Court Order 98-0130, is prohibited in the Lake Ray Roberts Land Use District unless granted a Special Use Permit.

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, 1987, 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 there under, 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 Ray Roberts Planning Commission may require for immediate preservation of the adjoining property prior to the ultimate removal of the nonconforming use. The Lake Ray Roberts 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 but 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 – AG – AGRICULTURAL

A. PURPOSE

The (AG) 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 (AG) districts will be changed to other zoning classifications as the Lake Planning Area proceeds toward full development. Accessory dwelling units are permitted for use by family members, guests, and/or permanent or transient employees only. The keeping of any Dangerous Wild Animals are prohibited, except as allowed by Denton County Court Order 01-0737, and must be granted a Special Use Permit.

B. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area –Ten (10) acres
2. Minimum Lot Width -300 feet
3. Minimum Front Yard -35 feet
4. Minimum Side Yard -20 feet
Minimum side yard at corner – 35 feet
5. Minimum Rear Yard -35 feet
6. Maximum Building Height- 35 feet
7. Parking Requirements
-2 off-street parking spaces per dwelling unit

2-702 – R-5 – RESIDENTIAL ESTATE DISTRICT

A. PURPOSE

The “R-5” 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, guests, and/or permanent or transient employees only.

B. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area – Five (5) acres
2. Minimum Lot Width -200 feet
4. Minimum Front Yard -35 feet
5. Minimum Side Yard -20 feet
Minimum side yard at corner – 35 feet
6. Minimum Rear Yard -35 feet
7. Maximum Building Height -35 feet
8. Maximum lot coverage – 20 percent
9. Parking Requirements -2 parking spaces per dwelling unit.

C. SPECIAL DISTRICT REQUIREMENTS

Animal Restrictions in the R-5, Estate Development District:

1. Number - No more than one large animal specifically either of the following , one(1) cow, one(1) horse, two(2) sheep, two(2) goats, or two(2) swine can be maintained per acre of pasture area.
2. Type - Dangerous Wild Animals are expressly prohibited.
3. Accessory Buildings - Accessory buildings in the R-5 District, excepting garages, must be located behind the main dwelling in the rear yard.
4. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the rear line of the main dwelling.

2-703 – R-4 – RESIDENTIAL ESTATE MEDIUM DENSITY DISTRICT

A. PURPOSE

The R-4 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. Special Use Permits for Accessory dwelling units are permitted for use by family members, guests, and/or permanent or transient employees only.

B. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - 4 acres
2. Minimum Lot Width -175 feet
3. Minimum Front Yard -35 feet,
5. Minimum Side Yard -20 feet
Corner Lot -25 feet on street side
6. Minimum Rear Yard -35 feet
7. Maximum Height - 35 feet
8. Maximum Coverage – 20 percent
9. Parking Requirements -2 off-street parking spaces per dwelling unit.

C. SPECIAL DISTRICT REQUIREMENTS

1. No more than one large animal specifically either of the following , one(1) cow, one(1)horse, two(2) sheep, two(2) goats, or two(2) swine can be maintained per acre of pasture area.
2. Dangerous wild animals are expressly prohibited.
3. Accessory Buildings - No temporary buildings, mobile homes or travel trailers may be used for on-site dwelling purposes.
4. Accessory buildings in the R-4 District, excepting garages, must be located behind the

main dwelling in the rear yard.

5. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the rear line of the main dwelling.

2-704 – R-3 – RESIDENTIAL SINGLE FAMILY LOW DENSITY DISTRICT

A. PURPOSE

The "R-3" District is intended to provide for single-family development in a semi-rural setting without provisions for ranching or related activities. Special Use Permits for Accessory dwelling units are permitted for use by family members or guests only.

B. AREA, YARD AND BULK REQUIREMENTS

1. Minimum Lot Area – 3 acres
2. Minimum Lot Width -150 feet
3. Minimum Front Yard -35 feet,
4. Minimum Side Yard -15 feet
-Minimum side yard at corner – 20 feet
5. Minimum Rear Yard -35 feet
6. Maximum Height – 35 feet
7. Maximum Coverage – 20 percent
8. Parking Requirements
-2 off-street parking spaces per dwelling unit.

C. SPECIAL DISTRICT REQUIREMENTS

1. Animal Restrictions - No more than one large animal specifically either of the following one(1) cow, one(1) horse, two (2) sheep, two(2) goats, or two(2) swine can be maintained per acre of pasture area.
2. Dangerous wild animals are expressly prohibited.
3. Accessory Buildings - No temporary buildings, mobile homes or travel trailers may be used for on-site dwelling purposes.
4. Accessory buildings in the R-3 District, excepting garages, must be located behind the main dwelling in the rear yard.
5. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the rear line of the main dwelling.

2-705 – R-2 – RESIDENTIAL SINGLE FAMILY MEDIUM DENSITY DISTRICT

A. PURPOSE

The "R-2" 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. Special Use Permits for Accessory dwelling units are permitted for use by family members or guests only.

B. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - 2 acres
2. Minimum Lot Width -125 feet
3. Minimum Lot Depth -100 feet
4. Minimum Front Yard -30 feet,
5. Minimum Side Yard -15 feet
Minimum side yard at corner – 20 feet
6. Minimum Rear Yard -30 feet

7. Maximum Height – 35 feet
8. Maximum Coverage – 20 percent
9. Parking Requirements -2 off-street parking spaces per dwelling unit

C. SPECIAL DISTRICT REQUIREMENTS

1. Animal Restrictions – No more than one large animal specifically either of the following one(1) cow, one(1) horse, two (2) sheep, two(2) goats, or two(2) swine can be maintained per acre of pasture area.
2. Dangerous Wild Animals are expressly prohibited.
3. Accessory Buildings - No temporary buildings, mobile homes or travel trailers may be used for on-site dwelling purposes.
4. Accessory buildings in the R-2 District, excepting garages, must be located behind the main dwelling in the rear yard.
5. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the rear line of the main dwelling.

2-706 – R-1 – RESIDENTIAL SINGLE FAMILY HIGH DENSITY DISTRICT

A. PURPOSE

The “R-1” District is intended to provide for areas of single-family development on moderate size lots, protected from excessive noise, illumination, odors, visual clutter, and other objectionable influences to family living.

B. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area - 1 acre
2. Minimum Lot Width -100 feet
3. Minimum Front Yard -35 feet,
4. Minimum Side Yard -15 feet
-Minimum side yard at corner - 20 feet
5. Minimum Rear Yard -25 feet
6. Maximum Height – 35 feet
7. Maximum Coverage – 20 percent
8. Parking Requirements
-2 off-street parking spaces per dwelling unit

C. SPECIAL DISTRICT REQUIREMENTS

1. Animal Restrictions - No large animals, specifically cattle, horses, sheep, goats, swine, fowl and exotic animals may be kept unless granted a Special Use Permit. This restriction is not intended to include youth actively participating in an organized youth development program.
2. Accessory Buildings - No temporary buildings, mobile homes or travel trailers may be used for on-site dwelling purposes.
3. Accessory buildings in the R-1 District, excepting garages, must be located behind the main dwelling in the rear yard.
4. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the rear line of the main dwelling.
5. Travel Trailers and Recreational Vehicle Storage - Travel Trailers and Recreational Vehicles shall be stored on the property behind the rear line of the main dwelling

2-708 – R/C – RECREATIONAL/COMMERCIAL

A. PURPOSE

The "R/C" 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, "R/C " districts include most automobile related sales and service uses, other contracting services, and storage and warehousing uses.

B. AREA, YARD, AND BULK REQUIREMENTS

1. Minimum Lot Area –One (1) acre
2. Minimum Lot Width –One Hundred (100) feet
3. Minimum Structure Set back on sides and front:
 - Front - Twenty-five (25) feet
 - Sides - Twenty-five (25) feet
4. Where subject property abuts any residential districts
 - Front - Fifty (50) feet
 - Sides - Fifty (50) feet
5. Maximum Height -2 stories; 35 feet maximum
6. Maximum Lot coverage - Sixty (60) percent
7. Maximum Floor Area Ratio -Twenty-five (25) percent

C. PARKING REQUIREMENTS – See Schedule, Sec. 3-1006

D. LOADING DOCKS

Must be designed to provide unimpeded traffic flow at all times.

E. OPEN STORAGE - See Section 3-800

F. 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.

ARTICLE 3 – SUPPLEMENTARY REGULATIONS

3-100 – Principal Permitted Uses and Special 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.

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

Operation of day care facilities requires inspection and approval by the Denton County Fire Marshall and issuance of a Certificate of Occupancy for day care.

Day Care Centers are a permitted use by right if operated by an organized church and within the building complex of said church.

Day Care Centers located within any residential 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 Ray Roberts 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 a one-family or two-family dwelling.

3-102 – The keeping of any Dangerous Wild Animals is prohibited, except as allowed by Denton County Commissioners Court Order 01-0737, and, only by Special Use Permit in any land use classification.

3-103 – Private Clubs

1. Private clubs shall be restricted to the R/C district, 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,

3. 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 Ray Roberts Planning Commission finds that issuance of the Special use permit would not be detrimental or injurious to the public health, safety or general welfare, or otherwise offensive to the neighborhood.
4. All Special 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 applicant for review by the Lake Ray Roberts Planning Commission.
5. 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.
6. The applicant must comply with the provisions of the Texas Alcoholic Beverage Code and receive a private club permit from the State of Texas within six months from the date of issuance, of the Special Use Permit.

3-104 – Adult Bookstores, Sale of Pornographic Material

Adult bookstores and the sale of pornographic material are prohibited in the Lake Ray Roberts Planning Area.

3-106 – HOMEOWNERS’ ASSOCIATIONS

Plats in any district 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, and shall be reviewed by the Denton County Public Works Engineering and Planning Departments and approved by the Denton County Commissioners Court. The plats shall be subject to Denton County Subdivision Rules and Regulations. No such instrument shall be acceptable until approved by the District 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 maybe 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 and Denton County Ordinances

This ordinance incorporates and adopts the following codes and rules and regulations by reference, herein, which have been filed with the Denton County Clerk for permanent record and inspection.

Denton County Subdivision Rules and Regulations

Denton County Rules & Regulations for Private Sewage Facilities

Denton County Regulations for Flood Plain Management

National Fire Protection Association 101 Life Safety Code, 2003 Edition

Dangerous Wild Animal Denton County Commissioners Court Order #01-0737

Texas General Construction Permit

Any ordinances or regulations of each municipality which is included in the Lake Ray Roberts Land Use District boundaries

The latest revision of each of the above codes will be automatically adopted when released by the Code Authority and the Denton County Commissioners Court.

3-200 – Accessory Building Regulations

3-201 – In a residential district a detached accessory building 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

3-400 – 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.

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.

3-405 – In residential developments, 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.

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 – 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.

3-506– 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 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.

3-700 – 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 35 feet, except that this requirement may be altered or waived if the Lake Ray Roberts 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.

3-805 – Storage of Vehicles – Storing a junked vehicle or a recreational vehicle is prohibited in the front yard of all property zoned AG, R-1, R-2, R-3, R-4 and R-5. Storing and or parking of a junked vehicle is prohibited in the side yard of all property zoned AG, R-1, R-2, R-3, R-4 and R-5 unless the vehicle is completely enclosed within a building in a lawful manner where it is not visible from the street or other private property or the vehicle is in an outdoor storage area maintained in such a manner that they do not constitute a health hazard and are screened from ordinary public view by means of a fence, rapidly growing hedge, trees, shrubbery or other appropriate means. Storing and parking of a junked vehicle is prohibited in the rear yard of all property zoned AG, R-1, R-2, R-3, R-4 and R-5 unless the vehicle is not visible from ordinary public view.

Storing of motor vehicles, junked vehicles or recreational vehicles is prohibited in the front and side yards of all property zoned R/C and PD unless stored or parked in a lawful manner on private property in connection with a business of a licensed vehicle dealer or junkyard. Storing of a motor vehicle, junked vehicle, or recreational vehicle is prohibited in the rear yard of all property zoned R/C & P/D districts unless the vehicle is not visible from ordinary public view or is screened from ordinary public view by means of a fence, rapidly growing hedge, trees, shrubbery or other appropriate means.

Definitions –

Motor Vehicle means a motor driven or propelled vehicle as defined under as defined under Texas Transportation Code § 541.210(11) and required to be registered under Texas Transportation Code Chapter 501, including a motor boat, outboard motor or vessel subject to registration under Texas Parks and Wildlife Code Chapter 31. Farm implements and equipment are excluded from this definition.

Junk Motor Vehicle means: (1) inoperable and (2) does not have affixed to it an unexpired license plate or a valid vehicle safety inspection sticker and (3) is wrecked, dismantled, partially dismantled, or discarded; or (4) remains inoperable for a continuous period of more than forty-five (45) days.

Recreational Vehicle means a motor vehicle or trailer designed for human habitation. The term does not include manufactured housing.

3-806 Storage of Litter The storage of litter is prohibited in all Districts provided under this ordinance. This section does not apply to farmers in handling anything necessary to grow, handle, or care for livestock, or in erecting, operating and maintaining improvements necessary to handle, thresh, and prepare agricultural products or for conservation projects.

Litter means: (1) decayable waste from a public or private establishment, or residence, or restaurant, including animal and vegetable waste material from a market or storage facility handling or storing produce or other food products, or the handling, preparation, cooking, or consumption of food, but not including sewage, body wastes, or industrial by-products; or (2) non-decayable solid waste, except ashes, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, or similar materials; (3) non-combustible waste material, including glass, crockery, tin or aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures of 1800 degrees Fahrenheit or less, and (4) discarded or worn-out manufactured materials and machinery, including parts of motor vehicles, tires, aircraft, aircraft parts, farm implements, building or construction materials, appliances, and scrap metal.

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 Ray Roberts 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.

3-1000 – 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 spaces 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 Special 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 compact 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 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 – 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.

3-1101 – 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.

3-1102 – 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.

3-1200 – Signs

3-1201 – 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.

3-1202 – Signs in Commercial and Recreational 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 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.

3-1203 – Signs shall be engineered to withstand a wind load of thirty (30) pounds per square foot.

3-1204 - Off Premises Signs and Billboards.

3-1204-1 – 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.

3-1204-2 - 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 30 feet of any right-of-way.

3-1205 – 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.

3-1206 – The Lake Ray Roberts 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.

3-1207 – 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 non-conforming sign which has been damaged in excess of 50% of its replacement cost shall not be restored, except in conformance with this ordinance.

3-1300 – 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. All development in the district shall conform to the Denton County Regulations for Flood Plain Management.

3-1301 – 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.

3-1302 – New construction or substantial improvement of any residential structure shall have the lowest floor, elevated to or above the base flood elevation.

3-1303 – 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.

3-1304 – Use of floodplain requires obtaining the necessary permit from the Denton County Planning Department and drainage planning.

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
8. Open Space requirements
9. Identify land uses

4-200– Site Plan Review

4-201 – PURPOSE

This section establishes a site plan review process for proposed Planned 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.

4-202 – APPLICABILITY

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

4-203 – 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. Placement of utilities
6. Screening
7. Engineering for streets and utilities
8. Open Space requirements

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 Ray Roberts Planning Commission is hereby permitted to maintain and distribute a list of Special requirements for site

plan review applications. Upon periodic review, the Lake Ray Roberts Planning Commission shall have the authority to update such requirements for site plan details.

4-300 – Supplemental Requirements

The Lake Ray Roberts Planning Commission may require other information and data for Special 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, and 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.

4-400 – 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 Ray Roberts 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 Denton County and the State of Texas.

Based upon its review, the Lake Ray Roberts 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 Denton.
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.

4-401 – The decision of the Lake Ray Roberts 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 Ray Roberts Planning Commission.

4-500 – Effect of Site Plan Recommendation for Approval

4-501 – If the development of a lot with an approved site plan has not commenced with one year 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 Ray Roberts 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.

4-502 – It is recognized that the final architectural and engineering design may necessitate minor changes in the approved site plan. In such case, the Lake Ray Roberts 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 5 – Procedures and Administrations

5-100 – Procedural Steps of Zoning Applications and Amendments

5-101 – The Lake Ray Roberts Planning Commission may from time to time recommend to the Denton 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. All applications shall be accompanied by a fee as determined by the Denton County Commissioners Court. The amount shall be payable to Denton County and no part of said fee shall be refundable regardless of the action taken on the petition.

5-102 – 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 Ray Roberts 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 Ray Roberts Planning Commission for a change or amendment of the provisions of this ordinance, or the Lake Ray Roberts 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.

5-103 – Each application for zoning or for an amendment or change to the existing provisions of this zoning ordinance shall be made in writing and shall be filed with the Lake Ray Roberts Planning Commission or its representative, and shall be accompanied by payment of the appropriate fee to be charged by Denton County for administering the zoning application.

5-104 – 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 Ray Roberts Planning Commission will set a date for a public hearing before the Lake Ray Roberts 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, with draw the application or request rescheduling of the public hearing to a later regular meeting of the Lake Ray Roberts 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 Ray Roberts 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.

5-106 – Notice of a public hearing will be given as required before the 10th day before the hearing date, written notice of each public hearing before the Lake Ray Roberts 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. Any notice of a map amendment or other actions not affecting the entire lake area, shall be sent by Certified United States Mail, Return Receipt Requested.

5-107 – The Lake Ray Roberts 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 Ray Roberts Planning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.

5-108 – Following the public hearing, the Lake Ray Roberts Planning Commission may vote to approve, approve with amendments and conditions, table, or deny in whole, or in part, the application. The Lake Ray Roberts Planning commission may table for study a zoning case for up to 90 days.

5-109 – When an application is denied by the Lake Ray Roberts Planning Commission, the Commission should offer reasons to the applicant for such denial. When the Lake Ray Roberts 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 re-filing. 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 one year from the date of denial by the Lake Ray Roberts Planning Commission. If it is determined by the Commission that circumstances have changed substantially, then the one year waiting period may be waived.

5-110 – After a public hearing before the Lake Ray Roberts Planning Commission, the Denton County Commissioners Court shall be notified by report of any action taken by the Denton County Lake Ray Roberts Planning Commission on the application, and, if the application is approved, including denials in part, by the Lake Ray Roberts Planning commission. The Denton County Planning Department shall automatically schedule a public hearing regarding the application to be held before the Denton County Commissioners court, giving notice as required by the general laws of the State of Texas.

5-111 – A public hearing shall be held by the Denton 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 Denton stating the time and place of such hearing, which time shall not be earlier than 15 days from the date of publication.

5-112 – Any pending zoning application shall automatically expire if no action of any kind has been taken on it for a period of one year.

5-113 - In the interpretation and the application of the provisions of the Ordinance, the following regulations set forth below shall govern:

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

5-200-Administrative Official

The provisions of the Ordinance shall be administered and enforced by the Denton County Commissioners Court or their designated representative. Unless otherwise provided the Manager of the Denton County Planning Department shall be the representative.

A duly authorized County representative, upon reasonable notification to the owner or occupier of the subject property, shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises to ensure compliance with the Ordinance.

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

5-300-Planning and Zoning Commission Duties, Powers and Rules

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

1. Organization:
 - a. Three residents of the affected precincts who own land in the County and who are appointed by the County Judge.
 - b. One resident of each Commissioners precinct that is affected who is appointed by the County Commissioner for that precinct. If only one precinct is affected, the Commissioner shall appoint two; and
 - c. The mayor or his/her designee of each municipality for the territory or extraterritorial jurisdiction of which includes any part of the Lake Ray Roberts lake area in the County.
 - d. Except for the initial appointed members, the appointed members of a commission are appointed for terms of two (2) years expiring on February 1 of each odd-numbered year. The initial appointed members are appointed for terms expiring on February 1 of an odd-numbered year occurring after the date of their appointment.
 - e. The Planning and Zoning Commission annually shall elect a chairman and vice-chairman from its members. The Commissioners Court shall employ staff for the use of the Commission in performing its functions.
 - f. The Planning and Zoning Commission, after a finding that a member has failed to perform his or her duties, may recommend to the Commissioners Court the removal a member appointed under subparagraphs a. and b. above. Members appointed under subparagraphs a. and b. above, serve at the pleasure of the Commissioners Court and may be removed with or without cause by a majority vote of the Commissioners Court.
2. Meetings: Meetings of the Planning and Zoning Commission shall be public and held at the call of the Chairperson or Vice Chairperson.

3. Rules and Regulations: The Planning and Zoning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the office of the County Clerk and shall be a public record. The Commission may recommend to the Commissioners Court from time to time such additional rules and regulations as it may deem necessary to carry out the provisions of the Ordinance.
4. Authority and Responsibilities:
 - a. At the request of the Commissioners Court, the Planning and Zoning Commission shall, or on its own initiative may, conduct studies of the lake area over which it has jurisdiction and prepare reports to advise the Commissioners Court about the boundaries of the original Zoned Districts, other regulations for the lake area, and changes to those districts or regulations.
 - b. The Planning Commission shall consider and may grant or deny approval of any site plan required by the Ordinance.
 - c. The Planning Commission shall hold a public hearing and make a recommendation to the Commissioners Court, prior to any consideration by the Commissioners Court, on any of the following:
 - i. Any change or amendment to any of the provisions or regulations contained in the Ordinance;
 - ii. Any change or amendment to the zoning districts map, or any change in any zoning district boundary;
 - iii. Any request for a special use permit;
 - iv. Any variance request;
 - v. Any request for a Planned Development (PD).
 - d. The Planning Commission shall, either on its own initiative by direction of the Commissioners Court or at the request of any person having a proprietary interest in any property, schedule and hold a public hearing on any proposed:
 - i. change
 - ii. amendment
 - iii. variance
 - iv. special use permit

5-400-Amendments

The Commissioners Court may from time to time by resolution or on petition of an interested property owner or owners, amend, supplement, or change the boundaries of the districts or the regulations herein established. All such petitions shall be accompanied by a fee as determined

according to the schedule of fees herein. The amount shall be payable to the Denton County Treasurer and no part of said fee shall be refundable regardless of the action taken on the petition.

1. Submission to Planning Commission: Before taking any action on any proposed amendment, supplement, or change in the Ordinance, any member of the Commissioners Court shall submit the proposed revision to the Planning Commission for its review, recommendation, and report.
2. Public Hearing and Notice: Prior to making its report to the Commissioners Court, the Planning and Zoning Commission shall hold at least one (1) public hearing thereon. Written notice of all public hearings on proposed changes shall be sent to all owners of property, or to the person rendering the same for County taxes, located within less than two hundred (200) feet of subject property and mailed not less than ten (10) days before such hearing is held. Such notice may be serviced by using the last known address as shown on the last approved County tax roll, and depositing the notice, properly addressed and postage paid, in the United States mail.
3. Means of Notification: Any notice of amendments to the text of the Ordinance shall be sent by regular United States mail. Any notice of a map amendment or other actions **not** affecting the entire lake area, shall be sent by Certified United States mail, Return Receipt Requested.
4. Commission Report: The Commission, after the public hearing is closed, shall prepare its report on the requested change stating its findings, evaluation of the request and of the relationship of the request to the adopted County Ordinance, and its recommendation thereon. The Commission may defer its report for not more than ninety (90) days until it has had opportunity to consider other proposed changes which may have a direct bearing thereon. In making its determination, the commission shall consider the following factors:
 - a. Whether the uses permitted by the proposed change would be appropriate in the area concerned;
 - b. Whether adequate public facilities and other public services exist or can be provided to serve the needs of additional uses likely to be constructed as a result of such change, and the consequences of such change;
 - c. Whether the proposed change is in accord with any existing or proposed plans for transportation, drainage, open space, public water supply, and sanitary sewers to the area.
5. Commissioners Court Hearing: A public hearing shall be held by the Commissioners Court before adopting any proposed amendment, supplement, or change in the Ordinance. Notice of such hearing shall be given by publication one time in a newspaper of general circulation in the County, stating the time and place of such hearing, of which the time shall not be earlier than fifteen (15) days from the first date of publication.
6. Negative Recommendations; Written Protest: An amendment, supplement, or change shall not become effective except by favorable vote of four-fifths of all members of the Commissioners Court:
 - a. If the Commission recommends disapproval of the proposed change, or
 - b. If written protest is filed by owners of twenty (20) percent of the areas of land within two hundred (200) feet of all boundaries of the site. Protests signed by the property owners may be filed prior to, or at one of the public hearing conducted by either the

Commission or the Commissioners Court. Written protests filed with the Commission shall be forwarded to the Commissioners Court with the Commission's recommendation of the request.

7. Limitation on Resubmission of Petition: No amendment, supplement, change, or repeal of any section of the Ordinance which has been legally rejected by both the Planning Commission and the Commissioners Court shall be again considered either by the Planning Commission or the Commissioners Court on an appeal or petition by an appellant or application before the expiration of one year from the date of the original action.

5-500-Special Exceptions/Variances

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

1. To hear and decide appeals from, and review any order, requirement, decision, or determination made by an administrative official charged with enforcement of the regulations established by this Chapter.
2. To authorize, upon appeal in specific cases, variances from the terms of the Ordinance where by reason of exceptional narrowness, shallowness, or slope of a specific piece of property at the time of the enactment of the Ordinance, or by reason of exceptional topographic conditions or other extraordinary and exceptional situations or conditions of such piece of property, the strict application of any regulation enacted herein would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the owner of such property, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this Chapter, provided that no variance shall authorize any use in a Zoning District other than a use specifically permitted in such Zoning District.
3. Notice of appeal of a decision or determination made by an official of the County must be delivered to the Planning Manager within thirty (30) days from the date of the written decision. Any extension of this time period shall be made of good cause and made at the sole discretion of the Planning and Zoning Commission.

5-600-Applications and Appeals Procedure

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

1. For applications for variances of the Ordinance, the Planning and Zoning Commission shall mail a written notice of said hearing at least ten (10) days prior to the hearing date to the applicant and to owners of property within two hundred (200) feet to the property in question. Failure to mail such notice to every property owner due to clerical omissions shall not affect the validity of any hearing or determination of the Planning and Zoning Commission.
2. For applications for variances of the Ordinance, the applicant shall be charged the appropriate fee as determined elsewhere in the Ordinance to cover the cost of advertising and processing.
3. Notice of appeal of any decision made by the Planning and Zoning Commission to the Commissioners Court must be postmarked no later than twenty (20) days after decision is made.

5-700-Development Permits

All applications for development permits shall comply with Denton County's Subdivision Rules and Regulations.

5-800-Certificate of Approval

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

1. Requirement: A certificate of approval shall be required for any of the following:
 - a. Occupancy and use of a building hereafter erected or structurally altered;
 - b. Change in use of an existing building to a use of different classification;
 - c. Occupancy and use of vacant land, except agricultural uses;
 - d. Any change in the use of a nonconforming use;
 - e. No such occupancy, use or change of use, shall take place until a certificate of approval therefore shall have been issued by the County.
2. Contents: Every certificate of approval shall state that the building or the proposed use of a building or land complies with all provision of law. A record of all certificates of approval shall be kept on file in the Planning Department and copies shall be available on request.
3. Revocation of Certificate of Approval: Issuance of the certificate of approval does not relieve an applicant of conformance to the Ordinance, conditions of approval, and all regulations of Denton County. If a violation of said codes is discovered after issuance of a certificate of approval, the same may be revoked by the County until the violation is corrected, or a citation may be issued as provided for in the Ordinance.

5-900-Filing Fees and Charges

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

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

Fees and charges shall be set by the County Commissioners, following review and recommendations by the Planning and Zoning Commission and the Planning Department.

5-1000-Enforcement

- (a) The county attorney or other prosecuting attorney representing the county in the district court is entitled to appropriate injunctive relief to prevent a violation or threatened violation of this ordinance from continuing or occurring.
- (b) If a section adopted under this ordinance defines an offense, the offense is a Class C misdemeanor. The offense shall be prosecuted in the same manner as an offense defined by state law.

5-1100-Conflict

Whenever the requirements of the Ordinance conflict with those contained in other ordinances, resolutions, or actions of the County, the most stringent restrictive provision shall govern.

5-1200-Severability

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

5-1300-EFFECTIVE DATE

The Ordinance shall become effective immediately upon its passage.

PASSED AND APPROVED BY THE COMMISSIONERS COURT FOR THE COUNTY OF DENTON, TEXAS

THIS THE 24 DAY OF February, 2009

Denton County Commissioners Court:

Mary Horn

LAKE RAY ROBERTS LAND USE ORDINANCE
SCHEDULE OF FEES

PETITION FOR ZONING AMENDMENT OR CHANGE	\$250.00
SPECIAL USE PERMITS	\$150.00
PLANNED DEVELOPMENT (per plan)	\$200.00
RECREATIONAL VEHICLE PARK PERMIT & RENEWAL	\$200.00
REQUEST FOR SPECIAL EXCEPTION, APPEAL, OR VARIENCE	\$200.00
CERTIFICATE OF APPROVAL	NO CHARGE
SIGN PERMIT	\$150.00
SIGN PERMIT RENEWAL	\$25.00
CERTIFICATE OF APPROVAL – REINSPECTION	\$50.00

