

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.