

**Zoning Ordinance of the  
City of Hooks**  
(Revised September 17, 2007)

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An Ordinance of the City Council of the City of Hooks, Texas, commonly called the Zoning Ordinance of said City, establishing and providing for Zoning Regulations; creating use districts in accordance with a Comprehensive Plan; regulating within such use districts the height of buildings and structures, size of yards, courts and open spaces, height, bulk and use of buildings and land therein; providing for specific use permits therein; specifying the minimum requirements for off-street parking of vehicles therein; regulating the density of dwellings and other structures herein; regulating business and advertising signs; adopting a Zoning District Map and making it a part of this Ordinance together with all symbols, markings and tables appearing on said map or in this Ordinance; creating a Board of Adjustment and defining and setting forth its power and duties; providing for non-conforming uses therein and a method for discontinuance thereof; defining certain words and phrases; providing a method for amending this Ordinance and containing a Savings Clause; making it unlawful to violate any of the provisions of this Ordinance and providing for a fine of any sum not exceeding \$200.00 for any such violation and providing that each day and every day that such provisions are violated shall constitute separate and distinct offenses; providing for the rights of such property owners; authorizing publication of the descriptive caption and penalty clause of this Ordinance; providing for an effective date.

WHEREAS, under the laws of the State of Texas authority is conferred upon the City of Hooks to establish districts or zones within the City for the purpose of regulating the use of the land and controlling the density of population to the end that congestion upon the public streets may be lessened, the public health, safety, and convenience and general welfare promoted; and

WHEREAS, the Planning and Zoning Commission has recommended the boundaries of districts and appropriate regulations to be enforced therein, and public hearings, as required by law, have been held thereon; and,

WHEREAS, the passage, promulgation and enforcement of the provisions hereinafter contained are deemed necessary for the promotion of health, safety, morals and general welfare of the inhabitants of the City; NOW THEREFORE,

Be it ordained by the City Council of the City of Hooks, Texas:



### 1-1-1 ENACTING CLAUSE

That this ordinance of the City of Hooks, Texas, shall be known as the Zoning Ordinance, and that it supersedes all previous zoning ordinances of the City of Hooks.

### 1-1-2 PURPOSE

The Zoning Districts and Regulations as herein established have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals and general welfare of the City. They have been designed to regulate and restrict the height, number of stories and size of buildings and other structures; the percentage of the lot that may be occupied; the size of the yards, courts and other open spaces; the density of population and the location and use of building, structures and land for business, residence and other purposes, and to lessen congestion in streets, to secure safety from fire, panic and other dangers; to provide adequate light, air, and prevent the overcrowding of land; to facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements; and with a view of conserving the value of buildings and encouraging the most appropriate use of land through the City.

### 1-1-3 ZONING DISTRICT ESTABLISHED

The City of Hooks, Texas, is hereby divided into eleven (11) Zoning Districts. The use, height and area regulations as set out herein are uniform within each district. The eleven districts established herein shall be know as:

<b>Abbreviated Designation</b>	<b>Zoning District Name</b>
A	<i>Agricultural District</i> – A district for agricultural uses, as well as limited residential, commercial and public uses.
R-1	<i>One-Family Dwelling District</i> – A district for single family site built residences, on lots of at least 11,000 square feet.
R-2	<i>One or Two-Family Dwelling District</i> – A district for single family site built residences or multi-family residences not exceeding two (2) units per dwelling, on lots of at least 7,200 square feet.
MF	<i>Multiple-Family Dwelling District</i> – A district for multi-family residences exceeding two units per dwelling.
MH1	<i>Manufactured Housing District 1</i> – A district for single family manufactured homes, with at least 1,000 square feet of living area containing Manufactured Homes, HUD-Code, Age Limited Homes.
MH2	<i>Manufactured Housing District -2</i> – A district defined as single family manufactured homes HUD-Code with at least 1000 square feet of living area.

<b>Abbreviated Designation</b>	<b>Zoning District Name</b>
NS	<i>Neighborhood Service</i> – A district for low intensity commercial uses, not involving extended hours of operation, high noise levels, or high traffic volumes.
C	<i>Commercial District</i> – A district for high intensity commercial uses.
I-1	<i>Light Industrial District</i> – A district allowing light industrial uses not involving significant levels of noise, smoke, or obnoxious odors.
I-2	<i>Heavy Industrial District</i> – A district for heavy industrial uses which may involve high levels of noise, smoke and obnoxious odors.
PD	<i>Planned Development District</i> – A district allowing for a variety of residential uses, commercial, public and industrial when approved by the City as part of an overall development plan pursuant to Section 1-1-11 herein.
	A single family site built dwelling may be constructed in any district except I-1 or I-2.

(Amended by Ord. No. \_\_\_\_\_ 09/17/07)

#### **1-1-4 ZONING DISTRICT MAP**

- A. The boundaries of the Zoning Districts set out herein are delineated upon the Zoning District Map of the City of Hooks, said map being a part of this ordinance as fully as if the same were set forth herein in detail.
- B. Three original, official and identical copies of the Zoning District Maps are hereby adopted, each bearing the signature of the Mayor and the attestation of the City secretary and shall be filed and maintained as follows:
  - (1) One copy shall be filed for permanent record in the office of the City Secretary and shall be designated as “Exhibit A”. This copy shall not be changed in any manner.
  - (2) One copy shall be filed in the office of the Building Official and shall be designated as “Exhibit B”. The Building Official shall maintain this copy up to date by posting thereon all subsequent changes and amendments for use in issuing Building Permits, Certificates of Compliance and Occupancy and enforcing the Zoning Ordinance.
  - (3) One copy shall be filed with the Planning and Zoning Commission and shall be designated as “Exhibit C”. The Building Official shall maintain this copy up to date by posting thereon all subsequent changes and amendments.

- (4) Reproductions for information purposes only may from time to time be made of the official Zoning District Map (Exhibit A).

## **1-1-5 ZONING DISTRICT BOUNDARIES**

- A. The District boundary lines shown on the Zoning District maps are usually along streets, alleys, property lines or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the official zoning maps the following rules shall apply:
  - (1) Boundaries indicated as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
  - (2) Boundaries indicated, as approximately following platted lot lines shall be construed as following such lot lines.
  - (3) Boundaries indicated, as approximately following city limits shall be construed as following city limits.
  - (4) Boundaries indicated as approximately following the centerlines of streams, drainage ways or draws shall be construed to follow such centerlines.
  - (5) Boundaries indicated as parallel to or extensions of features indicated in 1-1-5-A, (1) through (5) above shall be so construed.
  - (6) Whenever any street, alley or other public way is vacated by official action of the City Council or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.
- B. 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 Subsection 1-1-5-A, (1) through (6), the property shall be considered as Classified A, Agricultural District temporarily in the same manner as provided for newly annexed territory and the issuance of a Building Permit and the determination of permanent zoning shall be in accordance with the provisions provided in 1-1-6 for temporarily zoned areas.

## **1-1-6 TEMPORARY ZONING – ANNEXED TERRITORY**

- A. All territory hereafter annexed to the City of Hooks shall be temporarily classified in the A, Agricultural District, until permanent zoning is established by the City Council of the City of Hooks. The procedure for establishing permanent zoning on annexed territory shall conform to the procedure established by law for the adoption of the original zoning regulations.
- B. In an area temporarily classified as A, Agricultural District:
- (1) No person shall erect, construct or add to any building or structure or cause the same to be done in any newly annexed territory to the City of Hooks without first applying for and obtaining a Building Permit therefore from the Building Official or the City Council as may be required herein;
  - (2) No permit for the construction of a building or use of land shall be issued by the Building Official other than a permit which will allow the construction of a building permitted in the A, Agricultural District, unless and until such territory has been classified in a zoning district other than the A, Agricultural District, by the City Council in the manner provided by law except that a Building Permit may be issued in accordance with the provisions of 1-1-6-B (3).
  - (3) An application for a permit for any other use than that specified in 1-1-6-B (2) above shall be made to the Building Official of the City of Hooks, and by him referred to the Planning and Zoning Commission for consideration and recommendation to the City Council. The Planning and Zoning Commission in making its recommendations of the Planning and Zoning Commission may by majority vote authorize the issuance of a Building Permit or Use Permit or may disapprove the application.

## **1-1-7 COMPLIANCE REQUIRED**

All land, buildings, structures or appurtenances thereon located within the City of Hooks, Texas, which are hereafter occupied, used, erected, altered, removed, placed, demolished or converted shall be used, erected, altered, removed, placed and demolished in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located as hereinafter provided, 1-1-8 Use of Land and Building.

## 1-1-8 USE OF LAND AND BUILDINGS

Land and buildings in each of the following classified 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 schedule of uses:

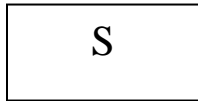
### A. LEGEND FOR INTERPRETING SCHEDULE OF USE



Designates use permitted in district indicated.



Designates use prohibited in district indicated.



Designates use may be approved as Specific Use Permit, 1-1-13. Number ( ) occurring after type use refer to Definitions and Explanatory notes 1-1-10 (Definitions begin on page \_\_\_\_).

### B. PRIMARY RESIDENTIAL USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
One Family Detached Dwelling (57)											
Townhomes (88)											
Two Family Dwelling (94)											
Multiple Family Dwelling (52)											
Community Unit Development (27)	S	S	S								
Boarding or Rooming House (18)	S	S	S								
Bed and Breakfast Inn (17)	S	S	S								
Hotel or Motel (43)	S										
Mfg, Homes Park (50), also RV Park (69)											
Manufactured Home (49a)											
Manufactured Home Age-Limited (49b)											
Assisted Living Center (9)	S	S	S			S		S			S

C. ACCESSORY AND INCIDENTAL USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Accessory Building (1)											
Farm Accessory Building (36)								S			
Home Occupation (42)											
Off-Street Parking Incidental to Main Use (55)											
Stable (Private) (81)											
Swimming Pool (Private) 81											
Temporary Field Office or Construction Office (86)											

D. UTILITY AND SERVICE USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Electrical Substation		S	S	S	S	S	S				
Electrical Transmission Use											
Fire Station											
Gas Lines and Regulating Station											
Local Utility Line (48)											
Public Building Shop or Yard of Local State or Federal Agency (64)	S	S	S	S	S	S	S				
Radio, Television, or Microwave Tower (65)	S	S	S	S	S	S	S	S	S	S	S
Radio or Television Transmitting Station	S										
Sewage Pumping Station											
Sewage Treatment Plant	S										
Telephone Exchange, Switching Relay or Transmitting Station (85)											
Utility Shops or Storage Yards or Buildings (Private) (73)	S							S			
Water Standpipe or Elevated Water Storage											
Water Reservoir, Well or Pumping Station											
Water Treatment Plant	S										

E. RECREATIONAL AND ENTERTAINMENT USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Amusement, Commercial (Outdoor) (4)	S							S	S		
Amusement, Commercial (Indoor) (3)	S										
Country Club (Private) with Golf Course (30)		S	S	S	S	S	S				
Day Camp for Children (32)											
Park or Playground (Public) (60)											
Play Field or Stadium (Public) (62)											
Rodeo Grounds	S							S	S		

## F. EDUCATIONAL AND INSTITUTIONAL USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Cemetery or Mausoleum (210)	S	S	S	S	S	S	S	S	S		S
Church or Rectory (22)											
Fairgrounds or Exhibition Area (35)	S										
Community Center (Public) (26)											
Kindergarten or Day Care Center (46)							S				
Historical, Religious, Charitable or Philanthropic Nature	S	S	S	S	S	S	S				
Library (Public)		S	S	S	S						
School, Business or Trade (71)											
School, Business or Parochial (72)											

## G. TRANSPORTATION RELATED USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Airport, Landing Field (2)	S							S	S		
Motor Freight Terminal (92)											
Parking Lot Truck (91)								S			

## H. AUTOMOBILE SERVICES USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Auto Glass Muffler or Seat Cover Shop											
Auto Parts and Accessory Sales (Indoors) (11)											
Auto Parts and Accessory Sales (Outdoor Display) (12)											
Auto Painting or Body Rebuilding Shop											
Automobile Repair Garage (13), (82)											
Gasoline or Fuel Service Station (14)											
New or Used Auto Sales Outdoor Lot											
Motorcycle Sales and Repair											
Steam Cleaning of Vehicles or Machinery											
Trailer, Cargo Sales or Rental (89), (90)											
Tire Retreading or Capping (87)											
Wrecking or Auto Salvage Yard (95)											S

I. RETAIL AND RELATED SERVICE USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Antique Shop (6)											
Cleaning Shop or Laundry (Limited Area) (24)											
Laundromat (23)											
Clinic, Medical or Dental (25)											
Custom Personal Service Shop (31)											
Florist Shop (38)											
Food and Beverage Sales Store (39)											
Furniture or Appliance Store (40)											
Garden Shop and Plant Sales (41)	S										
Handcraft and Art Objects Sales											
Hardware Store or Hobby Shop											
Offices, General Business or Professional (54)											
Pawn Shop (61)											
Repair of Appliances, TX, Radio and Similar Equipment (44)											
Restaurant or Cafeteria (Not Drive-In Type) (67)											
Private Club (63)								S	S		S
Restaurant or Eating Establishment (Drive-In Service) (66)											
Retail Shop, Apparel, Gift Accessory and Similarities (68)											
Tool Rental											
Variety Store or Other Retail Outlet Store											
Veterinarian Office Only (No Animal Hospital) (94)											

J. SIGN AND IDENTIFICATION USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Name Plate (53)											
Real Estate Sales (80)											
Construction Sign (76)											
Development Sign (77)											
Institutional Sign (79)											
Apartment Name Sign (75)											
General Business Sign (78)											
Advertising Sign (74)	S										



### K. AGRICULTURAL TYPE USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Farm or Ranch (37)											
Animal Pound (Public or Private)								S			
Animal Clinic or Hospital (No Outside Pens)											
Animal Clinic, Hospital or Kennel (45)											
Greenhouse or Plant Nursery											

### L. COMMERCIAL TYPE USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Bakery Wholesale											
Building Material Sales											
Cabinet and Upholstery Shop											
Cleaning, Drying or Laundry Plant (24)											
Clothing or Similar Light Manufacturing Process (47)											
Contractors Storage or Equipment Yard											
Heavy Machinery Sales, Storage or Repair											
Lithographic or Print Shop											
Maintenance and Repair Service for Buildings											
Milk Depot, Dairy or Ice Cream Plant											
Open Storage of Furniture, Appliances or Machinery, Etc. (58)											
Outdoor Sales (59)								S	S		S
Paint Shop											
Petroleum Products, Storage and Wholesale											
Plumbing Shop											
Storage Warehouse (83)											
Welding or Machine Shop											

M. INDUSTRIAL USES

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	I-2	PD
Light Manufacturing Processes (47)											
Asphalt Paving Batching Plant										S	
Concrete Products Manufacture										S	
Concrete Batching Plant										S	
Sand, Gravel, Stone or Petroleum Extraction (70)										S	
Any Manufacturing, Industrial or Storage Process Not Prohibited by Law Except Those Specifically Prohibited as Specific Uses, 1-1-13 (7)										S	S

**1-1-9 CLASSIFICATION OF NEW AND UNLISTED USES**

A. It is recognized that new types of land use will develop and forms of land use not anticipated may seek to locate in the City of Hooks. 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 Building Official shall refer the question concerning any new or unlisted use to the Planning and Zoning 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 or nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.
- (2) The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use should be permitted.
- (3) The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall by resolution approve the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate.

## 1-1-10 DEFINITIONS AND EXPLANATIONS NOTED IN USE REGULATIONS

- A. ***The following definitions and explanatory notes supplement, restrict and define the meaning and intent of the use regulations as set forth in the Use Schedule 1-1-8, A through M inclusive.***

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

1. *Accessory Building* – A building for use subordinate and incidental to the principal building(s) and use(s) located on the same lot. Accessory buildings shall include, but not be limited to, parking garages, farm structures, garages for automobile storage, carports, tool houses, greenhouses, home workshops, children's playhouses, storage houses or garden shelters.
2. *Airport, Landing Field* – A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.
3. *Amusement, Commercial (Indoors)* – An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to a bowling alley, billiard parlor, or skating rink.
4. *Amusement, Commercial (Outdoors)* – Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range, and miniature golf course.
5. *An Outdoor 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.
6. *Antique Shop* – An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furniture and decorations which have value and significance as a result of age, design or sentiment.

7. *Any manufacturing, industrial servicing or storage process not prohibited by law except the following uses – Which may be located in the PD District upon approval by the City Council as Specific Use Permits in accordance with the procedure established in Section 1-1-13 for approving such permits.*
  - a. Animal slaughtering or chicken killing
  - b. Acid manufacture
  - c. Ammonia manufacture
  - d. Carbon black manufacture
  - e. Cement, lime, gypsum or plaster of Paris manufacture
  - f. Chlorine manufacture
  - g. Cotton Gin or Compress
  - h. Explosives storage or manufacture
  - i. Glue and fertilizer manufacture
  - j. Petroleum and petroleum products refining and manufacture
  - k. Petroleum tank farm
  - l. Petrochemical plant
  - m. Rendering plant
  - n. Tanning, curing, treating or storage of skins or hides
  - o. Wrecking Yard or Salvage Yard
  - p. Any use which due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor or vibration or danger of explosion or fire is presently or in the future determined a hazard and subject to special control.
  
8. *Art Gallery or Museum – An institution for the collection, display and distribution of objects of art or science, and which is sponsored by a public or quasi-public agency and which facility is open to the general public.*

9. *Assisted Living Center* – An assisted living center is a residential complex containing duplex or multiplex residential units, and support facilities, intended for the long term care of elderly and handicapped persons. An assisted living center houses more than six residents and two supervisory personnel.
10. *Auto Leasing and Renting* – Storage, leasing or renting of automobiles, motorcycles, and light load vehicles.
11. *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.
12. *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, trailers, or recreation vehicles.
13. *Automobile Repair Garage* – An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.
14. *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 Automobile Service Uses. Vehicles, which are inoperative or are being repaired, may not remain parked outside an Automobile Service Station for a period greater than seven days.
15. *Bakery & Confectioners Works (Retail)* – A place for preparing, cooking, baking, and selling of products on the premises.
16. *Bakery & Confectioners Works (Wholesale)* – A place for preparing, cooking, or baking of products intended for off premise distribution.
17. *Bed and Breakfast* – An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive days; however, shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guests only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.
18. *Boarding House or Rooming House* – A residence structure other than a hotel where lodging and/or meals for four or more persons are provided for compensation.

19. *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.
20. *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.
21. *Cemetery* – Property used for the interring of the dead.
22. *Church or Rectory* – A building for regular assembly religious worship which is used primarily for such purpose and those accessory activities which are customarily associated herewith, and the place of residence for minister, priest, nuns or rabbis on the premises.
23. *Cleaning Laundromat* – A facility where patrons wash, dry, or dry clean clothing and other fabrics in machines operated by the patron.
24. *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.
25. *Clinic* – A group of offices for one or more physicians, surgeons, or dentists to treat sick or injured outpatients who do not remain overnight.
26. *Community Center (Public)* – A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.
27. *Community Unit Development* – An area of three (3) acres or more of unsubdivided land or the frontage on one side street between two intersecting streets planned as a single integral residential development which may contain variable types of housing with yard setback and open space standards differing from the district in which it is located.
28. *Contract Construction* – Establishments engaged in providing services including but not limited to plumbing, heating, and air conditioning on a fee or contract basis.
29. *Contractor's Shop and Storage Yard* – A building, part of a building, or land area for the construction or storage of materials, tools, products, and vehicles.
30. *Country Club (Private)* – A land area and buildings which 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.

31. *Custom Personal Service Shop* – Establishments primarily engaged in providing services generally involved in the care of the person or his apparel including but not limited to barber and beauty shops, dry-cleaning and laundry pick-up stations, and reducing salons/health clubs.
32. *Day Camp* – A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.
33. *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.
34. *Dry Cleaning Plant* – An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents.
35. *Exhibition Area* – An area or space either outside or within a building for the display of topic-specific goods or information.
36. *Farm Accessory Building* – a structure, other than a dwelling, on a farm as herein defined, for the housing, protection or storage of the usual farm equipment, animals and crops.
37. *Farm, Ranch, Garden, or Orchard* – An area of five (5) acres or more which is used for growing of 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 used for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance of law.
38. *Florist Shop* – An establishment for the display and retail sale of flowers, small plants and accessories.
39. *Food Store* – A business establishment that displays and sells consumable goods that are not to be eaten on the premises.
40. *Furniture, Home Furnishing, 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.
41. *Garden Center* – A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting.

42. *Home Occupations* – 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 equipment other than that customarily found in a household 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, where the use is carried on in the main structure only. A home occupation shall specifically exclude the operation of a repair garage, plumbing shop or similar activity.
43. *Hotel or Motel* –A building or group of buildings designed and occupied as a temporary abiding place of individuals. To be classified as a hotel or motel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, use and upkeep of furniture.
44. *Household Appliance Service and Repair* –The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners and hairdryers.
45. *Kennels* –An establishment with outdoor pens in which more than six dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.
46. *Kindergarten or Day Care Center* – A facility providing care, training, education, custody, treatment or supervision for seven or more children for less than 24 hours per day. The term “day care center” shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school.
47. *Light Manufacturing Processes* –Processes which do not emit detectable dust, odor, smoke, gas or fumes beyond the property line of the lot or tract upon which the use is located and which do not generate noise or vibration at the boundary of the I-I District which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas and including, but not limited to such uses as:
- a. Woodworking mill with dust and noise control
  - b. Textile manufacture with dust and odor control
  - c. Plastic projects manufactured with dust and fume control



- d. Paint, oil, shellac and lacquer manufacture when hoods and fume destructors are used in the cooking process.
  - e. Grain process with hoods, dust and odor controls.
  - f. Electroplating or battery making with acid, fume and odor controls.
  - g. Manufacturing or industrial operations of any type.
48. *Local Utility Line* –Utility Distribution/Transmission Lines – Facilities, which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines and metering stations.
49. *Manufactured Home Park* – A manufactured home park is a residential area which rents or leases space on which a manufactured home is located. Manufactured home park must meet the City of Hooks Manufactured Home Ordinance, and shall not include mobile homes or trailers. Manufactured Home Parks will be located in Commercial, Light Industrial, or Planned Development Districts.
- 49A. *Manufactured Home, HUD-Code* – A structure constructed on or after June 15, 1976 according to the rules of the U. S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. [The term does not include a recreational vehicle. The term does not include a mobile home as defined below (51).] (Amended by Ord. \_\_\_\_\_ 09/17/07)
- 49B. *Manufactured Home, HUD-Code Age-Limited* – A structure constructed on or after June 15, 1976 according to the rules of the U. S. Department of Housing and Urban Development, transportable in one or more sections, which in the traveling mode is 8 body feet or more in width, or 40 body feet in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed as a dwelling with or without permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle. The term does not include a mobile home as defined below (51). No manufactured home HUD-Code shall be allowed if such manufactured home HUD-Code is more than seven (7) years of age from the date of its manufacture. For the purpose of calculating compliance with this requirement, the year of manufacture shall be counted as the first year of the seven (7) year age limit. (Amended by Ord. No. \_\_\_\_\_ 09/17/07)

50. *Mobile Home* – A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode is 8 feet or more in body width and 40 feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes plumbing, heating, air conditioning and electrical system.
51. *Multiple Family Dwelling (Apartment)* – 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 place or residence by three or more families living in independent dwelling units.
52. *Name Plate* – An accessory sign showing only the name and address of the owner or occupant of the premises on which it is erected or placed.
53. *Office, Professional, General Administrative* – A room or group of rooms used of the provision of executive, management, or administrative services. Typical uses include administrative offices, and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.
54. *Off-Street Parking Incidental to Main Use* – Off street parking spaces provided in accordance with the requirements specified by this Ordinance and located on the lot or tract occupied by the main use or within three hundred (300) feet of such lot or tract and located within the same zoning district as the main use or in an adjacent parking district.
55. *One-Family Dwelling (Attached)* – A dwelling which is joined to another dwelling at one or more points by a part 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.
56. *One-Family Dwelling (Detached)* – A dwelling designed and constructed on-site for occupancy by one family and which is located on a lot or separate building tract, having no physical connection to a building located on any other lot or tract.
57. *Open Storage* – The keeping, outside a building, of any goods, material, merchandise, or equipment on a lot or tract for more than twenty-four hours.
58. *Outside Sales* – Retail sales not contained within a permanent structure, not including garage sales, and sales incidental to businesses operating out of permanent structures.

59. *Park or Playground (Public)* – An open recreation facility or park owned and operated by a public agency for the general public including a baseball field, golf course, football field or stadium.
60. *Pawn Shop* – An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker).
61. *Play Field or Stadium (Public)* – An athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course, football field, or stadium.
62. *Private Club* – A club where alcoholic beverages are stored, possessed and mixed on club premises and served for on premises consumption only to members of the club and their families and guests, by the drink or in sealed, unsealed or broken containers of any legal size.
63. *Public Building, Shop or Yard of Local, State or Federal Government* – Facilities such as office buildings, maintenance yards or shop required by branches of Local, State, or Federal Government for service to an area such as Highway Department yard or City Service Center.
64. *Radio, Television, or Microwave Communications, Amateur* – The transmission, retransmission, or reception of radio, electromagnetic, or microwave signals (includes microwave reflectors/antennas).
- Antenna* – The arrangement of wires or metal rods used in transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals (includes microwave reflectors/antennas).
- Antenna Support Structure* – Any tower, mast, pole, tripod, box frame, or other structure utilized for the purpose of transmission, retransmission, and/or reception of electromagnetic, radio, television, or microwave signals.
65. *Restaurant (Drive-In Type)* – An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.
66. *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.
67. *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.

68. *RV Park* – A tract of land used to accommodate portable dwelling units (“recreational vehicles”).
69. *Sand, Gravel, Stone or Petroleum Extraction* – The process of extracting sand, gravel, stone or petroleum from the earth.
70. *School, Business or Trade* – A business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school.
71. *School, Public or Parochial* – A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum general equivalent to public elementary or secondary school.
72. *Shops, Office, and Storage Area, Public or Private Utility* – The pole yard, maintenance yard, or administrative office of public or private utilities.
73. *Sign, Advertising (Poster Panel, Painted Bulletins or Other Advertising Devices)* – A sign which is usually a primary use of land and which promotes and advertises commodities or services not limited to being offered on the premises on which such signs are located.
74. *Sign, Apartment Name* – An accessory sign for the identification of an apartment building or complex of apartment buildings.
75. *Sign, Construction* – A temporary accessory sign for the identification of an apartment building or complex of apartment buildings.
76. *Sign, Development* – A temporary accessory sign related to the promotion of new developments and located on the premises involved in the development.
77. *Sign, General Business* – An accessory sign or graphic device which advertises only commodities or service offered on the premises where such signs are located and where such sign is not of the billboard, poster panel or painted bulletin type but is a sign designed specifically for the location.
78. *Sign, Institutional* – An accessory sign for the identity of a school, church, hospital, or similar public or quasi-public institution.
79. *Sign, Real Estate* – A temporary accessory sign pertaining to the sale or rental of property and advertising property only for use for which it is legally zoned.
80. *Small Engine Repair Shop* – Shop for lawnmowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

81. *Stable (Private)* – An accessory building for quartering horses when the stable building is set back from all adjacent property lines at least one hundred (100) feet and when the site contains a minimum area of one (1) acre for each animal quartered.
82. *Storage or Wholesale Warehouse* – A building used primarily for the storage of goods and materials.
83. *Swimming Pool (Private)* – A swimming pool constructed for the exclusive use of the residents of a one-family, two-family, or multiple-family dwelling and located and fenced in accordance with the regulations of the City of Hooks. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.
84. *Telephone Line and Exchange* – A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication.
85. *Temporary Field Office* – A building or structure of either permanent or temporary construction, used in connection with a development or construction project for display purposes or for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project.
86. *Tire Retreading and Capping* – The process by which tires are treated with a new tread.
87. *Town Home* – Attached residential dwelling units in structures having two to eight units per structure.
88. *Trailer Cargo Sales or Rental* – A lot or area for the storage of trailers designed to be towed behind passenger cars for the transport of cargo. Such trailers offered or displayed in the “C” District shall not exceed twenty (20) feet in overall length.
89. *Trailer Rental* – The display and offering for rent of trailers designed to be towed by light load vehicles.
90. *Travel Trailer* – A travel trailer is a portable residential unit designed to be towed behind a passenger or light load vehicle. A travel trailer is not a manufactured home or a mobile home as defined herein.
91. *Truck Parking Lot* – Area for parking heavy load vehicles.

92. *Truck Terminal* – An area and building where cargo is stored and where trucks including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.
93. *Two-Family Dwelling* – A single structure designed and constructed with two living units under a single roof for occupancy by two families.
94. *Veterinarian Clinic* – An establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment.
95. *Wrecking, Junk or Auto Salvage Yard* – A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.

## **B. TERMINOLOGY**

Certain words in this Ordinance not heretofore defined are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural number and words in the plural number include the singular number; the word “building” includes the word “structure”; the word “lot” includes the words “plot” or “tract”; the word “shall” is mandatory and not discretionary.

1. *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.
2. *Area of Lot* – The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.
3. *Basement* – A building story which is partly underground. When having at least one-half of its height above the average basement level of the building line, a basement shall be counted as a story in computing building height.
4. *Block* – An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.
5. *Board* – Zoning Board of Adjustment as provided for in 1-1-24.
6. *Building Line* – A line parallel or approximately parallel to the street line at a specific distance there from making the minimum distance from the street line that a building may be erected.

7. *Building Ends* – Those sides of a building having the least dimension as compared to the front or rear of a building. As used herein for the building spacing regulations for multiple-family dwelling, a building end shall be interpreted as being the most narrow side of a building
8. *Building Official* – The building inspector or other person designated as the one responsible for the administration and enforcement of the Zoning and Building Codes of the City of Hooks.
9. *Carport or Cover* – A structure open on a minimum of three sides designed or used to shelter vehicles, persons, animals, or other personal property.
10. *Car Wash* – Structure used to wash motorcycles, automobiles, and light load vehicles.
11. *City Council* – The governing body of the City of Hooks, Texas.
12. *Certificate of Occupancy and Compliance* – An official certificate issued by the City through the enforcing official as specified in 1-1-25 which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.
13. *City Secretary* – Chief administrative staff person of the City of Hooks, Texas.
14. *Clinic* – A group of offices for one or more physicians, surgeons, or dentists, to treat sick or injured outpatients who do not remain overnight.
15. *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.
16. *Coverage* – The percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of two (2) feet from the walls of a building shall be excluded from coverage computations.
17. *District* – A section of the City of Hooks for which the regulations governing the area, height or use of the land and buildings are uniform.
18. *Flood Plain* – An area of land subject to inundation by a 100-year frequency flood, as shown on the flood plain map of the City of Hooks.
19. *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 breezeway.

20. *Floor Area Ratio (FAR)* – The floor area of a main building or buildings on a lot divided by the lot area.
21. *Height* – The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) to the deck line of mansard roofs or (3) to the height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevators bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.
22. *Lot* – Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance and having its principal frontage upon a public street or officially approved place.
23. *Lot Area* – The net horizontal area of the lot excluding portions of streets and alleys, and easements for streets and alleys.
24. *Lot Corner* – A lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.
25. *Lot Coverage* – The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.
26. *Lot Depth* – The horizontal distance measured perpendicularly between two points on the front lot line and two points on the rear lot line which creates an area that meets the zoning district's minimum width and depth requirements. Lot depth shall not include easements, which impair the use of the lot surface as a yard.
27. *Lot, Flag, or Panhandle* – A lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than twelve feet.
28. *Lot Interior* – A lot other than a corner lot.
29. *Lot Lines* – The lines bounding a lot as defined herein.
30. *Lot of Record* – A lot, which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Bowie County.



31. *Lot, Through* – A residential lot other than a corner lot abutting more than one street, and having access to more than one street.
32. *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.
33. *Occupancy* – The use or intended use of the land or buildings by proprietors, or tenants.
34. *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.
35. *Parking Space* – An enclosed or unenclosed all weather surfaced area of not less than one hundred eighty (180) square feet (measuring approximately 9 feet by 20 feet) not on a public street or alley, together with an all weather surfaced driveway connecting the area with a street or alley. Any parking adjacent to a public street wherein the maneuvering is done on the public street shall not be classified as off street parking in computing the parking area requirements for any use.
36. *Planning and Zoning Commission* – The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning and other functions as delegated to it by the City Council.
37. *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 City of Hooks and subject to approval by the Planning and Zoning Commission and filed in the plat records of Hooks and Bowie County.
38. *Plot* – A single unit or parcel of land or a parcel of land that can be identified and referenced to a recorded plat or map.
39. *Story* – The height between the successive floors of a building or from the top floor to the roof. For the purpose of computing building height pursuant to this ordinance, the average height for a story shall be defined as 12'6".
40. *Street Line* – A boundary line between a lot, tract, or parcel of land and a contiguous street right-of-way. A street line is the same as a front property line or right-of-way.
41. *Structural Alterations* – Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.

42. *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.
43. *Yard, Front* – An open, unoccupied space on a lot facing a street extending across the front of a lot between the side lot lines and from the main building to the front lot or street line with the minimum horizontal distance between the street line and the main building line as specified for the district in which it is located. (See Appendix Illustrations 3 and 5)
44. *Yard, Rear* – An open, unoccupied space, 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 and having a depth between the building and the rear lot line as specified in the district in which the lot is situated. (See Appendix Illustration 3)
45. *Yard, Side* – A open, unoccupied space or spaces on one side or two sides of a main building and on the same lot with the building, situated between the building and a side line of the lot and extending through from the front yard to the rear yard. Any lot line, not the rear line or a front line, shall be deemed a sideline. (See Appendix Illustration 3 and 4)
46. *Variance* – An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstance peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

**1-1-11 PD, PLANNED DEVELOPMENT DISTRICT USES PERMITTED**

- A. The City Council of the City of Hooks, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of the following types of Planned Development Districts:
  1. Shopping Center on tracts of three (3) acres or more
  2. Housing Development on tracts of three (3) acres or more or a Community Unit Development.
  3. Industrial Parks or Districts on tracts of ten (10) acres or more
  4. Medical Center and Hospital

5. Manufactured Home Parks or Trailer Camps
  6. Civic Center and Community Center
  7. Office Center
  8. Recreation Center
  9. A combination of any of the developments listed in (1) through (3)
  10. Transition Districts as an extension of an existing district whereby the provision of off street parking, screen walls, open space and landscaping would create a protective transition between a lesser and a more restrictive district.
- B. In establishing a Planned Development District in accordance with this section, the City Council shall require a comprehensive site plan of the development. Such site plan shall be approved and filed as part of the Ordinance prior to the issuance of any Building Permit in a Planned Development District. Such required plan and ordinance shall set forth the requirements for ingress and egress to the property, public or private streets or drives, with adequate right-of-way to conform to the Subdivision Ordinance of the City of Hooks, sidewalks, utilities, drainage, parking space, height of building, maximum lot coverage, yards and open spaces, screening walls or fences and other development and protective requirements considered necessary to create a reasonable transition to and protection of the adjacent property.
- C. Every Planned Development District approved under the provisions of this Ordinance shall be considered as an amendment of the Ordinance as applicable to the property involved. In approving the Planned Development District, the City Council may impose conditions relative to the standard of development and such conditions shall be complied with before a Certificate of Occupancy is issued for the use of the land or any structure which is part of the Planned Development District and such conditions shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.
- D. All Planned Development Districts approved in accordance with the provisions of this Ordinance in its original form or by subsequent amendments thereto shall be referenced on the Zoning District Map and a list of such Planned Development Districts together with the category of uses permitted therein shall be maintained in the Appendix of this Ordinance.

## **1-1-12 FLOOD PLAINS**

To provide for the appropriate use of land which has a history of inundation or is determined to be subject to flood hazard, and to promote the general welfare and provide protection from

flooding portions of certain districts are shown on the Zoning District Map as Zone A Flood Hazard Areas, and are subject to the City of Hooks Flood Ordinance.

### **1-1-13      SPECIFIC USE PERMITS**

The City Council of the City of Hooks, Texas, after Public Hearing and proper notice to all parties affected and after recommendation by the Planning and Zoning Commission may authorize the issuance of Specific Use Permits for the uses indicated by “S” in the Use Schedule 1-18B through M and as listed in 1-1-10.

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

### **1-1-14      AREA REGULATIONS**

Except as hereinafter provided, no building or structure or part thereof shall be erected, altered or converted for any use permitted in the district in which it is located unless it is in conformity with all the minimum regulations herein specified for lot area, lot width, lot depth, lot coverage and front, side and rear yards.

#### **A.      LOT AREA**

The minimum residential lot area for the various district shall be in accordance with the following schedule except that a lot having less area 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 below the minimum requirements set forth therein:

1.      In the following zoning districts the minimum lot area for each residential dwelling unit shall be in accordance with the following schedule:

**SCHEDULE MINIMUM LOT AREAS PER FAMILY UNIT IN SQUARE FEET**

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	PD
One Family Dwelling (Detached)	2 Ac	11000	7200			7200	7200	7200	7200	6000
Townhomes	-	-	-			2500	2500	2500	2500	2500
Two Family Dwelling	-	-	7200			3000	3000	3000	3000	3000
Multiple Family Dwelling - One to Three Stories	-	-	-			1500	1500	1500	1500	1500
Multiple Family Dwelling - Over Three Stories	-	-	-			900	900	900	900	900
Manufactured Home			7200	7200	7200	7200	7200	7200		

Note: (-) Indicates area not applicable  
(Amended by Ord. No. \_\_\_\_\_ 09/17/07)

**B. LOT WIDTH**

The minimum lot width for lots in the various districts used for residential purposes shall be in accordance with the following schedule, except that a lot having less width than herein required which was an official “lot of record” prior to the adoption of this Ordinance may be used as a one family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in width below the minimum set forth herein:

1. In the following Zoning Districts the minimum lot width for residential uses shall be in accordance with the following schedule:

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	PD
One Family Dwelling (Detached)	150'	80'	60'			60'	60'	50'		60'
Townhomes	-	-	-			50'	50'	50'		50'
Two Family Dwelling	-	-	-			50'	50'	50'		50'
Multiple Family Dwelling	-	-	-			60'	60'	60'	60'	60'
Manufactured Home			60'	60'	60'	60'	60'	60'		

Note: Minimum lot width shown in feet. (-) Indicates width not applicable.  
(Amended by Ord. No. \_\_\_\_\_ 09/17/07)

2. The width of the lot as specified in 1-1-14 B 1 shall be measured at the specified set back or front building line, but in no case shall the lot width at the front street line be less than forty (40) feet.

See Appendix Illustration 1 for method of measuring lot width.

**C. LOT DEPTH**

The minimum lot depth for lots in the various districts used for residential purposes shall be in accordance with the following schedule, except that a lot having less depth than herein required which was an official “lot of record” prior to the adoption of this Ordinance may be used as a one family dwelling and no lot existing at the time of passage of this Ordinance shall be reduced in depth below the minimum set forth herein:

- 1. In the following Zoning Districts the minimum lot depth for residential uses shall be in accordance with the following schedule:

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	PD
Minimum Depth of Lot for One Family Dwelling (Detached) and Two Family Dwelling Uses	150'	100'	90'			100'		100'	-	100'
Townhomes	-	-	-			100'		100'	-	100'
Minimum Depth of Lot for One Family (Attached) Dwellings	-	-	-			100'		100'	-	100'
Multiple Family Dwelling	-	-	-			120'		120'	120'	120'
Manufactured Home			90'	90'	90'	90'	90'	90'		90'

Note: Minimum lot depth shown in feet. (-) Indicates depth not applicable  
 (Amended by Ord. No. \_\_\_\_\_ 09/17/07)

See Appendix Illustration 1 for method of measuring lot depth.

**D. FRONT YARD**

In the following Zoning Districts the minimum required front yard shall be in accordance with the following schedule and no building, structure or use shall hereinafter be located, erected, or altered so as to have a smaller front yard than hereinafter required, and no front yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth in the following schedule:

Type Use	A	R-1	R-2	MH-1	MH-2	MF	NS	C	I-1	PD
Min. Front Yard Except as Hereinafter Provided	35'	25'	25'			15' See 1f	10'	10'	See 2i	See 2g
Townhomes	-	-	-			20'	20'	20'	-	20'
Multiple Family Dwelling	-	-	-			60'	60'	60'	60'	60'
Manufactured Home			25'	25'	25'	25'	25'	25'		

Note: Minimum front yard specified in feet.  
 (Amended by Ord. No. \_\_\_\_\_ 09/17/07)

1. SPECIAL FRONT YARD REGULATIONS

- a. Where the frontage on one side of the street 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 from one intersecting street to the other. (See Appendix Illustration 7).

- b. Where a building line has been established by plat or Ordinance and such line requires a front yard setback greater or lesser in depth than is prescribed by this Ordinance for the district in which the building line is located, the required front yard shall comply with the building line established by such ordinance or plat, but in all cases, a building line established by plat or ordinance shall recognize any established front yard existing in the block or on the periphery of the tract in which the land is located.
- c. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions may project into the required front yard for a distance not to exceed four (4) feet. Where no front yard is required, all stairs, eaves, roofs and similar building extensions shall be located behind the front street right-of-way line or property line (See Appendix Illustration 5) and off street parking facilities shall be equipped with stops or guards to prevent parked vehicles from being stored nearer than ten (10) feet to any curb and all such parking shall be behind the property line.
- d. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by ordinance in which event only one required front yard need be observed. (See Appendix Illustration 6).
- e. 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 such street frontage is located, 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 any building to observe a front yard of more than ten (10) feet greater than the front setback observed by any building on a continuous lot. (See Appendix Illustration 8).
- f. In the MF District, a minimum front yard of fifteen (15) feet shall be required, provided, however, that in no case shall the distance as measured from the centerline of the street on which a building fronts to the face of the building be less than one half ( $\frac{1}{2}$ ) the height of the building, and in no case need such distance exceed fifty (50) feet regardless of the height of the building. (See Appendix Illustration 11).

- g. In the PD District the following minimum front yards shall be provided:

*Commercial or Retail Development* – Thirty-Five (35) feet except drive-in service buildings and gasoline service station pump islands may not be located nearer than sixteen (16) feet to the front property line.

*Housing Development* – Fifteen (15) feet or as specified in amending Ordinance.

*Industrial Development* – None.

*Office, Medical or other Development* – Twenty (20) feet or as specified in amending Ordinance.

- h. Gasoline service station pump islands may not be located nearer than sixteen (16) feet to the front property line and the outer edge of the canopy shall not be nearer than ten (10) feet to the front property line.
- i. In the I-1 or I-2 Districts no front yard is required except that no structure may be erected nearer than thirty (30) feet to the centerline of any street on which such structure fronts.

**E. SIDE YARD**

In the following Zoning Districts the minimum required side yard shall be in accordance with the following schedule and no building, structure or use shall hereafter be located so as to have a smaller side yard on each side of such building than herein required, and no side yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth herein:

SCHEDULE OF MINIMUM SIDE YARDS

Type Use	A	R-1	R-2	MH	MF	NS	C	I-1	I-2	PD
Min. Required Side Yard One Family Two Family Dwellings in Feet (Detached)	20'	10% of width of lot 5' Min.	10% of width of lot 5' Min.		10% of width of lot 5' Min.		10% of width of lot 5' Min.	-		10% of width of lot 5' Min.
Minimum Required Side Yard Manufactured Homes			5'	5'		5'	5'			
Min. Required Side Yard One for Multiple Family Dwelling in Feet	-	For Multiple Dwellings, See Special Side Yard Regulations								
Min. Required Side Yard One Family (Attached) Dwelling	-	-	-		For One Family Attached Dwelling, See Special Side Yard Regulations					-

Note: (-) Indicates side yard not applicable.



**F. MINIMUM DWELLING SIZE**

The minimum floor area of any single family dwelling which shall include manufactured homes, manufactured home age-limited, modular or industrialized housing, and site-built homes shall be 1,000 square feet of heated living area exclusive of garages, breezeways and porches. (Amended by Ord. No. \_\_\_\_\_ 09/17/07)

**1. SPECIAL SIDE YARD REGULATIONS**

- a. Every part of a required side yard shall be open and unobstructed by any building except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices and other architectural features projecting not to exceed twelve (12) inches into the required side yard, and a roof eave or canopy projecting not to exceed twenty-four (24) inches into the required side yard.
- b. Multiple family dwellings shall provide a minimum side yard of fifteen (15) feet between any building wall containing openings for windows, light and air and any side lot line except that any such building face or wall not exceeding thirty-five (35) feet in width may provide a minimum side yard of ten (10) feet. Where a building wall contains no openings for windows, light or air, a minimum side yard of ten (10) feet shall be provided between such wall and the side lot line (See Appendix Illustration 9).
- c. On a corner lot, a side yard adjacent to a street for a multiple family dwelling not exceeding three (3) stories in height shall not be less than fifteen (15) feet and no balcony or porch or any portion of the building may extend into such required side yard except that a roof may overhang such side yard not to exceed four (4) feet.
- d. 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 building line shown on a plat approved by the Planning and Zoning Commission containing a side yard of ten (10) feet or more, the building line provisions on that plat shall be observed.
- e. A one family attached dwelling shall provide a minimum required side yard adjacent to a side street of ten (10) feet and no complex of attached one family dwellings shall exceed two hundred (200) feet in length. A minimum required side yard of five (5) feet shall be provided at the end of each one family attached dwelling complex so that the end of any two adjacent building complexes shall be at least ten (10) feet apart. (See Appendix Illustration 12).

- f. No side yard is specified for non-residential use in the C, or I Districts except where a commercial, retail or industrial or other non-residential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum five (5) foot side yard shall be provided on the side adjacent to such residential district.
- g. The minimum side yard requirements in a Planned Development District shall be established on the site plan or in the amending Ordinance in accordance with 1-1-11.

## **G. REAR YARD**

No building or structure shall hereafter be located, erected or altered to have a rear yard smaller than herein required and no rear yard existing at the time of passage of this ordinance shall be reduced below the minimum set forth below:

- 1. In the A, R-1, R-2, MF, MH, NS, C, I-1 or PD Districts, no main residential building may be constructed nearer than five (5) feet to the rear property line. The main residential building and all accessory buildings shall never cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining mid point on one side lot line with the mid point of the opposite side lot line. (See Appendix Illustration 3). (For Accessory Building Standards, see 1-1-15).
- 2. In the C, I-1, or I-2 Districts, no rear yard is specified for non-residential uses except where retail, commercial or industrial uses back upon a common district line, where separated by an alley or not, dividing the district from any of the residential districts listed herein, a minimum rear yard of ten (10) feet shall be provided.
- 3. Every part of a required rear yard shall be open and unobstructed to the sky from a point thirty (30) inches above the general ground level of the graded lot, except for accessory buildings, landscaping, fences and similar appurtenances and the ordinary projections of window sills, belt courses, cornices and roof overhangs and other architectural features projecting not to exceed four (4) feet into the required rear yard.
- 4. The minimum rear yard in a PD, Planned Development District shall be established on the site plan or by the amending Ordinance in accordance with 1-1-11.

**H.. LOT COVERAGE AND FLOOR AREA RATIO**

The maximum percentage of any lot area which may hereafter be covered by the main building and all accessory buildings and the maximum ratio of the floor area to the total area of the lot or tract on which a building is located shall not exceed the following schedule, except where an existing building at the effective date of this Ordinance may have a greater percentage of a lot covered or a higher floor area ratio than herein prescribed, such building shall be considered a conforming use:

1. In the following Zoning Districts the maximum building lot coverage and floor ratio shall be in accordance with the following schedule:

**A. SCHEDULE MAXIMUM BUILDING LOT COVERAGE – RESIDENTIAL DISTRICTS.**

	<b>A</b>	<b>R-1</b>	<b>R-2</b>	<b>MH</b>	<b>MF</b>	<b>NS</b>	<b>PD</b>
Max. Percent of Lot Area Which May Be Covered by Building	15	35	35	35	40	-	40
Townhomes	-	-	-	-	40	-	40

**B. SCHEDULE MAXIMUM COVERAGE AND FLOOR AREA RATIO – NON-RESIDENTIAL.**

	<b>C</b>	<b>I-1</b>
Max. Percent of Lot Area Which May be Covered by Building in Residential Use	-	-
Max. Percent of Lot Area Which May be Covered by Building Non-Residential Use	-	-
Max. Floor Area – Lot Area Ratio	2:1	1:1

Note: (-) Indicates Coverage or Floor Area Ratio not applicable

**1-1-15 SPECIAL AREA AND ACCESSORY BUILDING REGULATIONS**

**A. ACCESSORY BUILDING REGULATIONS**

Area regulations for accessory building in residential and apartment districts.

**1. FRONT YARD**

Attached accessory buildings shall have a front yard not less than the main building. Detached accessory buildings shall be located in the area defined as the rear yard.

2. SIDE YARD

There shall be a side yard not less than three (3) feet from any side lot line, alley line or easement line, except that adjacent to a side street the side yard shall never be less than ten (10) feet. Where a firewall is provided, no side yard need be provided on one side of a lot only for accessory buildings located in the rear one half (½) of the lot. (See Appendix 3).

3. REAR YARD

There shall be a rear yard not less than three (3) feet from any lot line, alley line or easement line, except that if no alley exists the rear yard shall not be less than five (5) feet as measured from the rear lot line. In residential districts, the main building and all accessory buildings shall not cover more than fifty (50) percent of that portion of the lot lying to the rear of a line erected joining the mid point of one side lot line with the mid point of the opposite side lot line. Carport, garages or other detached accessory buildings located within the rear portion of the lot as heretofore described shall not be located nearer than three (3) feet to any side lot line except where a fire wall has been provided which meets the requirements of the Building and Fire Codes of the City of Hooks, no rear yard for accessory buildings shall be required. (See Appendix Illustration 3).

4. Any garage constructed in a residential or apartment district detached or as an integral part of the main structure shall be set back not less than twenty (20) feet from any street or alley line on which it faces or from which it has access.

5. In the R-1 Single Family Dwelling, no Accessory building shall exceed a single story in height.

**B. SPECIAL AREA ACCESSORY USE REGULATIONS**

1. *Tennis Courts:* It is the purpose of these provisions to recognize a Tennis Court as a potential attractive nuisance and to promote the safety and enjoyment of property rights by established rules and regulations governing the location and improvement of Tennis Courts whether privately, publicly or commercially owned or operated.

a. *Permits and Approvals:* No Tennis Courts shall be constructed or used until a building permit and a certificate of occupancy have been issued therefore.

b. *Requirements:* A Tennis Court may be constructed and operated when:

(1) The court is not located in any required front or side yard abutting a street;

- (2) The court is located behind the front yard or front building line and shall be no closer than three feet from the property line;
- (3) A wall or fence with minimum of 6' and maximum 10' in height completely encloses either the court area or the surrounding yard area.
- (4) All lighting of the court is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed that direct rays from the lights shall not be visible from adjacent properties.

2. *Swimming Pools:* It is the purpose of these provisions to recognize an outdoor swimming pool as a potential attractive nuisance and to promote the safety and enjoyment of property rights by established rules and regulations governing the location and improvement of swimming pools whether privately, publicly or commercially owned or operated.

a. *Permits and Approvals:* No swimming pool shall be constructed or used until a building permit and a certificate of occupancy have been issued therefore. No building permit and no final certificate of occupancy shall be issued unless the proposed sanitary facilities and water supply comply with applicable local and state health department regulations.

b. *Requirements:* A swimming pool may be constructed and operated when:

- (1) The pool is not located in any required front or side yard abutting a street;
- (2) The pool is located behind the front yard or front building line and shall be no closer than three feet from the property line;
- (3) A wall or fence, not less than six feet (6') in height, with self-enclosing and self-latching gates at all entrances, completely encloses either the pool area or the surrounding yard area;
- (4) All lighting of the pool is shielded or directed to face away from adjoining residence. If lights are not individually shielded they shall be so placed, or the enclosing wall or fence shall be so designed that direct rays from the lights shall not be visible from adjacent properties.

## 1-1-16 HEIGHT REGULATIONS

**A. *No building or structure shall be located, erected or altered so as to exceed the height limit hereinafter specified for the district in which the building is located. In the following the maximum height of buildings by Zoning Districts and structures shall be:***

- |                                    |  |
|------------------------------------|--|
| 1. A, Agricultural District        | Three (3) stories.   |
| 2. R-1, Single Family Dwelling     | Two and one half (2½) stories.   |
| 3. R-2, One or Two-Family Dwelling | Two (2) stories.   |
| 4. MH, Manufactured Housing        | One story  |
| 5. MF, Multiple Family Dwelling    | To any legal limit except apartment buildings over three (3) stories require additional yards.   |
| 6. NS, Neighborhood Service        | One story  |
| 7. C, Commercial                   | Three (3) stories.   |
| 8. I-1, Light Industrial           | To any legal height not prohibited by other laws or ordinances   |
| 9. I-2, Heavy Industrial           | To any legal height not prohibited by other laws or ordinances   |
| 10. PD, Planned Development        | To any legal height provided that the total floor area does not exceed the total area and coverage of site by first floor does not exceed forty (40) percent of the total site area. |

## 1-1-17 VEHICLE PARKING REGULATIONS

Except as hereinafter provided, after the effective date of this ordinance no building or structure or part thereof shall be erected, altered, or converted for any use permitted in the district in which it is located unless there shall be provided on the lot or tract, or an immediately contiguous lot or tract or within 150 feet of such building or structure, vehicle parking in the following ratio of vehicle spaces for the uses specified. Existing vehicle parking in connection with said use at the effective date of this ordinance may be reduced below the minimum number of spaces as herein after required.

**A. IN THE FOLLOWING ZONING DISTRICT THE MINIMUM OFF-STREET PARKING SPACES FOR RESIDENTIAL USES SHALL BE:**

- |                                 |   |
|---------------------------------|---|
| 1. A, Agricultural District     | Two (2) spaces for each dwelling unit   |
| 2. R-1, Single Family Dwelling  | Two (2) spaces for each dwelling unit   |
| 3. R-2, Single Family Dwelling  | Two (2) spaces for each dwelling unit   |
| 4. NS, Neighborhood Service     | Two (2) spaces for each dwelling unit   |
| 5. MF, Multiple Family Dwelling | Two (2) spaces for each dwelling unit   |
| 6. MH, Manufactured Housing     | Two (2) spaces for each dwelling unit   |
| 7. C, Commercial                | Two (2) spaces for each dwelling unit in a one family residence and two (2) spaces for each unit in two family or apartment |
| 8. I-1, Light Industrial        | Two (2) spaces for each dwelling unit   |
| 9. I-2, Heavy Industrial        |   |
| 10. PD, Planned Development     | Two (2) spaces for each dwelling unit plus such additional requirements as may be specified by the amending ordinance       |

**B. PARKING SPACE SCHEDULE NON-RESIDENTIAL USES APPLICABLE TO ALL DISTRICTS**

1. *Clinics or Doctors' Offices* – One (1) space for each two hundred (200) square feet of floor area (minimum of five (5) spaces).
2. *Churches* – One (1) space for each three (3) seats in the main sanctuary.
3. *Commercial Outdoor Amusement* – Thirty (30) spaces plus one (1) space for each one hundred (100) square feet of floor area over two thousand (2,000) square feet.
4. *Gasoline Service Station* – Minimum of six (6) spaces.

5. *Hotel or Motel* – One (1) space for each room, unit or guest accommodation.
6. *Library* – Ten (10) spaces plus one (1) for each three hundred (300) square feet of floor area.
7. *Manufacturing, processing or repairing* – One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.
8. *Offices, general* – One (1) space for each three hundred (300) square feet of floor area (minimum five (5) spaces).
9. *Recreational, private or commercial area or building (other than listed)* – One (1) space for every four (4) persons to be normally accommodated in the establishment.
10. *Restaurant or Cafeteria* – One (1) space for every three (3) seats under maximum seating arrangement (minimum of five (5) spaces).
11. *Retail or personal service* – One (1) space for each two hundred (200) square feet of floor area (minimum of five (5) spaces).
12. *Storage or warehousing* – One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of floor area, whichever is greater.
13. *Theaters, meeting rooms and places of public assembly* – One (1) space for every three (3) seats.
14. *Bed and Breakfast Inn/Homestay* – Spaces as required in 1-1-17 A above, for the district in which located, plus one (1) space per rental room in the inn or Homestay.

**C. SPECIAL OFF-STREET PARKING REGULATIONS**

1. In computing the parking requirements for any building or development, the total parking requirements shall be the sum of the specific parking space requirements for each class of use included in the building for development.
2. In the R-1, R-2, MF, MH, and NS districts, no parking space, garage, or carport or other automobile storage space or structure shall be used for the storage of any truck, truck trailer or van except panel and pickup trucks not exceeding one (1) ton capacity.



3. Floor area of structure devoted to off street parking of vehicles shall be excluded in computing the off street parking requirements of any use.
4. No off street parking space shall be so located as to permit any part of a parked vehicle to extend across the property line. Physical barriers shall be installed on all off street parking areas to assure that the above dimensions are maintained.

**D. PARKING REQUIREMENTS FOR NEW OR UNLISTED USES**

1. Where questions arise concerning the minimum off street parking requirement for any use not specifically listed the requirements may be interpreted as those of a similar listed use.
2. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to D 1 or where uncertainty exists, the minimum off street parking requirements shall be established by the same process as provided in 1-1-9 for classifying new and unlisted use.

**1-1-18 SIGN REGULATIONS**

Signs shall be allowed in zoned areas within the following limits.

	<b>Maximum Size – Permanent Signs</b>	<b>Maximum Size – Temporary Signs</b>	<b>Lighted</b>	<b>Setback</b>
<b>R-1</b>	1 sq. ft.	5 sq. ft.	no	2 ft.
<b>R-2</b>	1 sq. ft.	5 sq. ft.	no	2 ft.
<b>MH</b>	1 sq. ft.	5 sq. ft.	no	2 ft.
<b>NS</b>	1 sq. ft.	5 sq. ft.	no	2 ft.
<b>C</b>		40 sq. ft.	yes	5 ft.

The number of signs is limited to the number of streets on which a residence has frontage. For business, public and industrial uses, the maximum is one freestanding sign per zoned lot, or one freestanding sign per 100 feet of street frontage. Zoned lots with multiple uses or multiple users shall provide for common or shared use of the sign.

In addition to the above setback requirements, signs must be located such that at every street intersection and entranceway, there is a clear view between heights of three feet and ten feet of all traffic lanes. No sign is hereafter permitted to be erected or installed in any zoned area which creates confusion, impairs vision or otherwise distracts drivers of automobiles using the public streets.

No signs shall be allowed in the public right-of-way except public signs placed by a governmental entity, or informational signs posted by a public utility concerning poles, lines, pipes or other facilities.

Non-conforming signs may continue in use until they are removed, destroyed or dilapidated as defined by appropriate City ordinance, whereupon they may only be replaced with a sign meeting the sign standards herein.

## **1-1-19 FENCE AND WALL REGULATIONS**

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 and design shall be observed:

### **A. HEIGHT OF FENCE OR WALL**

1. Any fence or wall erected on the property line and located to the rear of the minimum required front yard line as determined by the provisions of 1-1-14 D shall not exceed eight (8) feet in height above the adjacent grade.
2. Any fence or wall erected on the property line or located between the front property line and the minimum required front yard line as determined by the provisions of 1-1-14 D or within the minimum required front yard space shall not exceed four (4) feet in height above the adjacent grade.
3. 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, alley or drive intersection. At all street intersections clear vision shall be maintained across the lot for a distance of fifteen (15) feet back from the property corner along both streets.

### **B. SCREENING WALLS OR VISUAL BARRIERS**

1. Any screening wall or fence required under the provisions of 1-1-11, Planned Development District, shall be constructed of masonry or with a concrete or metal frame supporting a permanent type wall, the surface of which does not contain openings constituting more than forty (40) square inches in each one (1) square foot of wall or fence surface, and the surface of such wall or fence shall constitute a visual barrier. All wall or fence openings shall be equipped with gates equal in height or screening characteristics to the wall or fence.

## **1-1-20 CREATION OF BUILDING SITE**

A permit for the construction of a building or buildings upon any tract or plot shall not be issued until a building site, building tract or building lot has been created by compliance with one of the following conditions:

- A. The lot or tract is part of a plat or record, properly approved by the Planning and Zoning Commission and filed in the Plat Records of Hooks.
- B. The site plot or tract is all or part of a site plan officially approved by the City Council in a Planned Development District after recommendation by the Planning and Zoning Commission, which site plan provides all utility and drainage easements, alleys, streets and other public improvements necessary to meet the normal requirements for platting including the designation of building areas and such easements, alleys and streets have been required and properly dedicated and necessary public improvements provided.
- C. The plot, tract or lot faces upon a dedicated street and was separately owned prior to the effective date of this Ordinance or prior to the annexation to the City of Hooks, whichever is applicable, in which event a Building Permit for only one main building and accessory building may be issued on each such original separately owned parcel without first complying with 1-1-21 A or B.

**1-1-21 PLATTING PROPERTY NOT PERMANENTLY ZONED**

- A. The Planning and Zoning Commission of the City of Hooks shall not approve any plat of any subdivision with the city limits of the City of Hooks until the area covered by the proposed plat shall have been permanently zoned by the City Council of the City of Hooks.
- B. The Planning and Zoning Commission of the City of Hooks shall not approve any plat of any subdivision within any area where a petition ordinance for annexation or a recommendation for annexation of the City of Hooks is pending before the City Council. A subdivision plat may be considered by the Planning and Zoning Commission after annexation has been approved by resolution of the City Council.
- C. In the event the Planning and Zoning Commission holds a hearing on proposed annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters of the City Council so that the City Council can, if desired, act on the matter of permanent zoning and annexation at the same time.

**1-1-22 NONCONFORMING USES AND STRUCTURES**

- A. Non conforming 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 the effective date of this ordinance, and has been operating since without discontinuance.

2. When on the effective date of this Ordinance, the use or structure was in existence with the provision of the prior Zoning Ordinance or which was a nonconforming use there under, and which use or structure does not now conform to the regulations herein prescribed for the district in which such use or structure is located.
  3. 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 at the time of annexation to the City of Hooks and has since been in regular and continuous use.
- B. Any nonconforming use of land or structures may be continued for definite periods of time subject to such regulations as the Board of Adjustment may require for immediate preservation of the adjoining property prior to the ultimate removal of the nonconforming use. The Planning and Zoning 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. 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.
- C. 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 this Ordinance. In the case of partial destruction of a nonconforming use not exceeding fifty (50) percent of its reasonable value, reconstruction will be permitted but the size or function of the nonconforming use cannot be expanded.
- D. No nonconforming use may be expanded or increased beyond the platted lot or tract upon which such nonconforming use is located nor may a nonconforming junk yard or mobile home park be expanded by covering more area than it did as of the effective date of this Ordinance except to provide off street parking or off street loading space upon approval of the Board of Adjustment.
- E. Whenever a nonconforming use is abandoned, all nonconforming rights shall cease and the use of the premises shall henceforth be in conformance to this Ordinance. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance. Any nonconforming use which is discontinued for, or which remains vacant for a period of six (6) months shall be considered to have been abandoned.
- F. A nonconforming mobile home may be replaced with a HUD Code manufactured home; a nonconforming HUD Code manufactured home may be replaced with another HUD Code manufactured home, provided said replacement manufactured home contains at least as much living area in square feet as the non-conforming manufactured home being replaced.

## **1-1-23 BOARD OF ADJUSTMENT**

### **A. ORGANIZATION**

The City Council of the City of Hooks is authorized herein to serve as the Board of Adjustment. All references in this ordinance to a Board of Adjustment shall mean the City Council of the City of Hooks.

### **B. APPEALS**

1. Appeals to the Board of Adjustment can be taken by any person aggrieved by an officer, department or board of the municipality affected by the decision of the Building Official. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the Building Official, by filing with the officer from whom the appeal is taken and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
2. An appeal shall stay all proceedings of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown.
3. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof by posting such notice in the mail addressed to all owners of real property located within two hundred (200) feet of the property on which the appeal is made and by publishing notice of such hearing in a newspaper of general circulation in the City of Hooks. Both the posted and published notice shall be given at least ten (10) days prior to the date set for the hearing. At the hearing, any party may appear in person or by attorney or by agent.

### **C. JURISDICTION**

When in its judgement, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards authorize the following special exceptions to the regulations herein established.

1. Permit the reconstruction, extension or enlargement of a building occupied by a nonconforming use of the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.
2. Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.
3. Require the discontinuance of nonconforming uses of land or structure under any plan whereby the full value of the structure and facilities can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Ordinance. All actions to discontinue a nonconforming use of land and structure shall be taken with due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated nonconforming use and the conservation and preservation of property. The Board shall, from time to time on its own motion or upon cause presented by interested property owners, inquire into the existence, continuation or maintenance of any nonconforming use within the City.

***D. ACTIONS OF THE BOARD***

1. In exercising its powers, the Board may, in conformity with the provisions of the Civil Statutes of Texas, as amended; revise or reform, wholly or partly, or may modify the order, requirement, decisions, or determination appealed from and make such order, requirement, decisions, or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken including the power to impose reasonable conditions to be complied with by the applicant.
2. The concurring vote of four (4) members of the Board shall be necessary to revise any order, requirement, decision or determination of any such Building Official, or to decide in favor of the applicant on any matter upon which it is required to pass under this Ordinance or to affect any variance in said Ordinance.
3. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

**1-1-24      CERTIFICATE OF OCCUPANCY AND COMPLIANCE FOR  
SPECIFIC USE PERMITS, PLANNED DEVELOPMENT AND  
NONCONFORMING USES**

- A. No building or land shall be used or occupied for any use or purpose for which a Specific Use Permit or Planned Development has been granted nor shall any nonconforming use be changed to another nonconforming use without first obtaining a Certificate of Occupancy and Compliance from the Building Official.
- B. A record shall be maintained by the Building Official of all Certificates of Occupancy by the Building Official and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building covered by a Specific Use Permit, Planned Development or Nonconforming Use.

**1-1-25      COMPLETION OF BUILDING UNDER CONSTRUCTION**

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance and which entire building shall be completed within one (1) year from the date of the passage of this Ordinance.

**1-1-26      AMENDMENTS**

- A. Any person or corporation having a proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance or the Planning and Zoning Commission may on its own motion or on request from the City Council institute study and proposal for changes and amendments in the public interest.
- B. PROCEDURE
  - 1. The City Council may from time to time amend, supplement, or change by Ordinance the boundaries of the districts or the regulations herein established as provided by the Statues of the State of Texas.
  - 2. Before taking action on any proposed amendment, supplement, or change, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. If P & Z recommends that an amendment be denied, City Council will not hear the request unless the applicant requests Council consideration in writing within ten days for P & Z's recommendation.
  - 3. The Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change prior to making its recommendation and report to the City Council. Written notice of all public hearings before the Planning and Zoning Commission on a proposed amendment or change shall be mailed to all owners of real property as the ownership appears on the last

approved City tax roll, lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given no less than ten (10) days before the date set for hearing. Notice of such hearing shall also be given by publication in the official publication of the City of Hooks, stating the time and place of such hearing, which time shall not be earlier than four (4) days from the date of publication. Notice of the Planning and Zoning Commission public hearing may be combined with the notice of the governing body's public hearing, if time permits.

4. The governing body shall hold a public hearing before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication in the official publication of the City of Hooks stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication. Governing body's hearing must be within 60 days of P & Z's recommendation.
5. Unless a proposed amendment, supplement or change has been approved by the Planning and Zoning Commission, or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty (20) percent or more of the area of the lots included in such a proposed change, or those immediately adjacent in the rear thereof extending two hundred (200) feet therefrom or of those directly opposite thereto extending two hundred (200) feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths vote of the governing body.
6. The applicant requesting a proposed amendment must submit a legal description for the property on which change is requested.
7. For each application seeking a change or amendment, there shall be a fee charged, to be collected from the applicant in accordance with the fee schedule on file in the City Secretary's office. Such application shall be made upon forms prescribed by the Planning and Zoning Commission and duly filed with the Building Official or City Secretary. ( Amended by Ord. No. \_\_\_\_\_ 08/19/03)

## **1-1-27 PENALTY FOR VIOLATIONS**

Any person violating any of the provisions of this Ordinance shall, upon a conviction, be fined any sum not exceeding two hundred dollars (\$200.00); and each day and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.



**1-1-28      PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES**

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time this Zoning Ordinance was adopted, shall be discharged or affected.

**1-1-29      VALIDITY**

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

**1-1-30      EFFECTIVE DATE**

This Ordinance shall be section \_\_\_\_\_ of the City Code of Hooks, Texas and become effective on 17th day of September, 2007.

Passed and approved the 17th day of September, 2007.

\_\_\_\_\_  
MICHAEL W. BABB, Mayor

ATTEST:  
\_\_\_\_\_  
City Secretary

- 1. Lot Width**
- 2. Lot Depth**
- 3. Yards**
- 4. Corner Lot**
- 5. Method of Measuring Front Yard**
- 6. Double Frontage Lots**
- 7. Front Yard Where Zoning Changes in a Block**
- 8. Interpretation Average Front Yard Where Yard Depth Varies**
- 9. Special Apartment Side Yard and Spacing Standards**
- 10. Floor Area Ratio**
- 11. Set Back Standards High Rise Apartment  
and Similar Structure**
- 12. Side Yard Standards Attached Single Family Dwellings**