

ZONING ORDINANCE AND COMPREHENSIVE PLAN

The City of Cooper
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Mayor

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ORDINANCE

AN ORDINANCE CREATING A PLANNING AND ZONING COMMISSION FOR THE CITY OF COOPER, TEXAS: PRESCRIBING NUMBER OF MEMBERS, TERMS OF OFFICE, THEIR POWERS AND DUTIES; PROVIDING FOR ISSUANCE OF BUILDING PERMITS, PROVIDING A PENALTY FOR VIOLATION; REPEALING ALL ORDINANCES IN CONFLICT THEREWITH:

BE IT ORDAINED BY THE CITY COUNCIL OF COOPER, TEXAS,

SECTION I.

That the City Council of the City of Cooper by the authority vested in them in accordance with Texas Revised Statutes Articles 1011A-1011J, there is hereby created and established a Planning and Zoning Commission for the City of Cooper, Texas. The commission shall be comprised of five places; one member shall occupy each place, and shall be appointed by the City Council. The terms for the original commissioners for places One (1), Three (3), and Five (5) shall be until March 1, 1991, and the terms for places Two (2) and Four (4) shall be until March 1, 1989. Upon the expiration of the respective terms of office for said members, they or their successors, shall be appointed thereafter for a term of four years. Should a vacancy occur in the middle of a term the Mayor shall appoint a replacement to finish out the remainder of the term subject to approval of the City Council. Each member shall subscribe to the official statutory oath as a member of the Planning and Zoning Commission and shall serve without compensation. The Mayor, City Engineer, City Attorney and City Building inspector shall be ex officio members of this commission and shall serve in advisory capacity and cooperate with the commission. All necessary employees and services deemed necessary shall be furnished by the City Mayor on instructions from the City Council.

SECTION II.

The Planning and Zoning Commission shall elect a President, Vice-President and Secretary from its membership and shall make it's own rules, regulations, and by-laws for it's own government. It shall conform as nearly as possible with those regulations governing the City Council and same shall be approved by such council. Such by-laws shall include, among other provisions:

All regular and special meetings must be open to the public.

Records of its proceeding to be open for inspection by the public.

For holding of a public hearing and hearings on its recommendations.

Report to the governing body and to the public from time to time and provide a written report of the year's progress and plan for next proceeding by March 1st of each year.

SECTION III.

The Planning and Zoning Commission shall have the power and it shall be its duty to make and recommend a master plan as a whole or in part for the future development and re-development of the City of Cooper, and its environs, and shall have the power and it shall be their duty to prepare a comprehensive plan and ordinance for zoning the City of Cooper in accordance with State Statutes. The commission shall perform such other duties as may be prescribed by ordinances or state law or authorized by the City Council. The commission shall also serve as the authority for all cases under Texas Revised Civil Statutes Article 974a in regard to review and approval of any subdivisions.

SECTION IV.

The City Council of Cooper, Texas shall be the final reviewing body in so far as decisions of the City Planning and Zoning Commission are concerned.

SECTION V.

All ordinances or parts of ordinances in conflict herewith are expressly concerned.

SECTION VI.

Any person in violation of the provisions set out in Section IV herein shall be subject to a fine of not less than Five (\$5.00) Dollars and not more than Two Hundred (\$200.00) Dollars, for each and every day or a fraction of a day during which this ordinance, or any part thereof, shall be violated, shall be deemed a separate offense and may be punished as a separate offense.

SECTION VII.

If any section, sentence, clause or phrase of this Ordinance is declared void or invalid by any court of competent jurisdiction, such decision shall be deemed to apply to that section, sentence, clause or phrase and shall not affect the validity of the remaining portion of this ordinance or any other portion or provision thereof other than that which is invalid.

Read before the council on the following dates:

1st reading _____

2nd reading _____

3rd reading _____

Passed and approved this the _____ day of _____, 1999.

Richard C. Huie, Mayor

Margaret Eudy, City Secretary

PREAMBLE

The Planning and Zoning Commission of the City of Cooper, Texas has been created and established by Ordinance No. 020287, adopted by the City Council of Cooper, Texas, on February 9, 1987, which complies with the Texas State Law, Vernon's Civil Statutes Articles 1001A-1011J.

It is the responsibility of the Planning and Zoning Commission to; 1) Guide the creation and maintenance of the Comprehensive Plan of the City; 2) To make planning, implementation, and development policy recommendations to the City Council concerning the City; 3) To review and approve all subdivision plats in the City and its extraterritorial jurisdiction; 4) To review and recommend action regarding all applications for zoning; 5) Review subdivision and community facilities policies texts as they may be needed.

"This Planning and Zoning Commission shall adopt its own rules, regulations, and by-laws for its Government, which shall conform, as nearly as possible, with those governing the City Council and which shall be subject to approval by the City Council."

These Rules and Regulations will become the Governing Rules for the Operation of the Planning and Zoning Commission, upon ratification by the City Council, however, any conflict herein with ordinances as adopted by the City Council of Cooper, or with State Statute will make the conflicting rule or regulation void and the regulation of the ordinance or State Law will be guiding authority.

PZ - Organization

PZ I - 1 - Members and Appointment Thereof

The Planning and Zoning Commission shall be composed of five members appointed by the City Council subject to confirmation by the City Council. Each member shall be a resident and qualified voter of the City and shall serve for a term of four years.

PZ I - 2 - Compensation, Removal, and Vacancies

Members of the Planning and Zoning Commission shall serve without compensation and may be removed by the City Council for cause. Absence for three consecutive meetings, or 25% of all regular meetings in any twelve month period shall constitute justification for immediate removal. All vacancies on the Planning and Zoning commission shall be filled by the Mayor subject to the approval of the City Council, for the un-expired term as provided for in the original ordinance.

PZ I - 3 - Terms of Office

The Members of the Planning and Zoning Commission shall serve for a four year term which will run from March 1 of the year appointed for four consecutive years unless the appointment has been made to fill a vacancy for an unexpired term. Each year at the regular meeting following March 1 the Planning and Zoning Commission shall have an organizational session and a President and Vice-President will be elected from its membership.

PZ II Responsibilities for Planning

PZ II - 1 - Comprehensive Plan

After creating a Comprehensive Plan for the City of Cooper, it shall be the duty of the Planning and Zoning commission to review the plan annually to determine compliance of its subdivision actions and zoning recommendations and to recommend any necessary changes both in maps or text to the City Council. If necessary, the Commission shall undertake a thorough update of the major elements of the plan.

PZ II - 2 - Research and Development

It shall be the duty of the Planning and Zoning Commission to serve as research and development body for the City Council and as such, the Council may refer issued to the Commission for its review and recommendations having to do with the general development of the City.

PZ III Zoning

PZ III - 1 - Request for Change

Any citizen wishing to request a change in the existing zoning ordinance and/or map shall submit such a request to the Planning and Zoning Commission on forms adopted by the Commission and to be filed at the City Hall. The request will then be placed on the next available agenda.

PZ III - 2 - Policy on Land Use and zoning Changes

The following are specific policies intended to focus on zoning problems which may confront Cooper in administration of its Zoning Ordinance:

Reservation of Industrial Areas: One of the important functions of the Zoning Ordinance is the reservation of adequate area for future industrial use. The development and use of industrial land usually proceeds at a slower rate than does development on residential land, and often there is pressure to use industrial land for residential purposes. The conversion of industrial land to residential use should be discouraged and where change becomes necessary, such alterations of the Land Use pattern should be on a broad area basis and not the spotting of a few acres of residential development in an otherwise homogeneous industrial section.

1. Preservation of Residential Neighborhoods: Every effort shall be made to prevent the intrusion of nonresidential uses, which would be incompatible with residential uses, into residential neighborhoods. Schools, churches, similar community facilities and sell-spaced shopping centers are considered compatible with residential neighborhoods and should be located on the edges, and along thoroughfare intersections, while used car lots, manufacturing processes, storage and repair of heavy machinery and similar uses should be discouraged adjacent to residential areas. The areas which are considered to be predominately residential in character are placed in one of the residential zones on the Cooper Zoning District Map and it is recommended that the integrity of the basic land use arrangement be protected as the Community completes its development. Where adjustment in the pattern becomes appropriate, care should be taken to respect the logical barriers of each neighborhood so as not to reduce the population potential of any neighborhood area below that which would be reasonable to maintain school attendance and other public facilities.
2. Changes in the Zoning and Land Use Pattern: It is anticipated that from time to time, conditions will arise which will justify some modification of the zoning and land use patterns proposed for Cooper. Unforeseen conditions can arise or changes in the economic pattern of the Community may occur which will justify alterations in the Zoning District Map. It therefore must be anticipated that requests for amendment should receive careful consideration including inspection of the premises and the general vicinity by the staff and members of the Planning and Zoning Commission. Each request should be analyzed on the basic reasonableness of the proposal.

To provide a general guide to act on requested amendments to the Zoning Ordinance, a check list of questions is suggested for review by the members of the Commission.

COMPREHENSIVENESS:

1. Is the change contrary to the established land-use pattern?
2. Would the change create an isolated district unrelated to similar districts, i.e., is this "spot zoning"?
3. Would the change alter the population density pattern and thereby increase the demand placed upon public facilities (schools, sewers, streets) beyond their ability to function?
4. Are present district boundaries illogically drawn in relation to existing condition?

5. Are existing district boundaries drawn in accordance with acceptable zoning practice and techniques so as to assure equity in terms of district application?
6. Would the proposed change be contrary to the land use relationships, requirements and stated goals or expressed objectives of the general plans for Cooper?

CHANGED CONDITIONS:

1. Have the land-use conditions in the immediate vicinity been subject to change?
2. Has development of the area been contrary to existing regulations?

PUBLIC WELFARE:

1. Will the change adversely influence living conditions in the neighborhood?
2. Will the change create or excessively increase traffic congestion?
3. Will the change in any other way adversely affect the neighborhood environment?
4. Will the change seriously reduce the light and air to adjacent areas?
5. Will the change adversely affect property values in adjacent areas?
6. Will the change be a deterrent to the improvement or development of adjacent property in accord with existing regulations?
7. Will the change constitute a grant of a special privilege to an individual as contrasted to the general welfare?

REASONABLENESS:

1. Are there substantial reasons why the property cannot be used in accord with existing zoning?
2. Is the extent of the change requested out of scale with the needs of the neighborhood or the City?
3. Is it impossible to find adequate sites for the proposed use in districts permitting such use?

4. Has development of the area been contrary to existing regulations?

PZ III - 2 - Zoning Change Criteria

The individual change requests shall be reviewed in the following criteria to determine compliance with the criteria. The judgement of the Commission shall be gauged by the criteria, not controlled by them. It is the duty of each member of the Commission to determine the appropriateness of each amendment.

RESIDENTIAL

1. Change shall be consistent with the character of the neighborhood.
2. No expansion of uses that are in conflict with the plan is to be encouraged.
3. Higher density uses shall be located on collector and thoroughfare level streets. (i.e., duplex and single family attached along collectors and apartments along thoroughfares).
4. All facilities shall be in conformance with the design standards. Upgrades shall be made as required.
5. Changes shall be in conformance with the general land use plan element of the comprehensive plan. Criteria for changes:
 - a. Comprehensiveness
 - b. Changed Conditions
 - c. Public Welfare
 - d. Reasonableness

RETAIL/COMMERCIAL

1. Retail shall be located at the edges of neighborhoods so as to provide services for the neighborhood.
2. Commercial shall be at locations that have general City wide access such as at intersections of major thoroughfares and the loop or interstate.
3. Neither zone shall be extended along major streets in a manner that will create access problems and decrease capacity of the street.
4. Areas of more restrictive zoning districts shall be screened from the negative effects of the less restrictive uses.
5. All cases shall be reviewed in a manner so as to require the most restrictive district be applied to give protection to the adjacent uses.

6. All facilities shall be in conformance with the design standards. Upgrades shall be made as required.
7. Changes shall be in conformance with the general land use plan element of the comprehensive plan. Criteria for changes:
 - a. Comprehensiveness
 - b. Changed Conditions
 - c. Public Welfare
 - d. Reasonableness

INDUSTRIAL

1. All industrial proposals shall be reviewed in conformance with the zoning performance standards.
2. Proposed zoning shall be encouraged in larger amounts of land so as to allow for more complete industrial park type developments.
3. Areas of more restrictive zoning districts shall be screened from the negative effects of the less restrictive uses.
4. All cases shall be reviewed in a manner so as to require the most restrictive district be applied to give protection to the adjacent uses.
5. All facilities shall be in conformance with the design standards. Upgrades shall be made as required.
6. Changes shall be in conformance with the general land use plan element of the comprehensive plan. Criteria for changes:
 - a. Comprehensiveness
 - b. Changed Conditions
 - c. Public Welfare
 - d. Reasonableness

PZ III - 3 - Re-application for Re-zoning

If a re-zoning request has been denied, the area involved shall not be considered again for the same zoning district by the Planning and Zoning Commission within six months from any final action of the City Council or any subsequent appeal, whichever is later.

PZ IV - (Reserved for expansion)

PZ V - (Reserved for expansion)

PZ VI - General

PZ VI - 1 - Conflict of Interest

Any member of the Planning and Zoning Commission who has a direct conflict of interest shall disqualify himself. This means a direct or indirect financial gain through any change or approval, but shall not mean any interest such as living in the same neighborhood or being associated through membership in a particular group. Any member shall disqualify himself for any reason that creates a conflict of interest.

PZ VI - 2 - Conduct

Any unethical conduct by any member of the Planning and Zoning Commission or the Ex-Officio administrative members of the staff shall be reported immediately to the Mayor.

PZ - VI - 3 - Amendments

These Rules and Regulations as formulated by the Planning and Zoning Commission may be amended by the Planning and Zoning Commission, with the approval of the City Council, at any regular meeting where a quorum is present.

PZ VI - 4 - Review of Decisions

In accordance with the ordinance establishing the Planning and Zoning Commission, the City Council of Cooper shall be the final reviewing body in so far as the zoning recommendations of the Planning and Zoning Commission are concerned, and after denial of approval to the City Council.

PZ VI - 5 - Fees

The fee for the activities under the jurisdiction of the Planning and Zoning Commission shall be determined by the Fee Schedule approved by City Council.

PZ VI - 6 - Meeting Date and Times

The Planning and Zoning Commission shall normally meet on the third Monday of each month in the council chambers of the City Council of Cooper, Texas. The Planning and Zoning Commission shall normally meet at 6:00 p.m. in a work session proceeding the regular meeting to discuss those topics deemed appropriate by the majority of the Commission. The regular meeting shall normally be held at 7:00 p.m. If it is determined at any regular meeting that no requested agenda items are scheduled for the following meeting, the Commission may, with a voting majority, decide to cancel the following meeting as deemed appropriate. The Planning and Zoning Commission shall not meet on nationally recognized holidays and may, with a voting majority, decide to reschedule the meeting date as deemed necessary.

PZ VI - 7- Approval Procedure Policy

All agenda items approved by the Planning and Zoning Commission shall be placed upon the agenda of the next regularly scheduled meeting of the City Council. This policy will be followed unless an applicant requests a delay in the approval procedure or in such cases where further revisions or modifications are required by the commission prior to Council consideration.

APPENDIX A

1987 COMPREHENSIVE ZONING ORDINANCE

CITY OF COOPER, TEXAS

ORDINANCE NO. 02-02-87

AN ORDINANCE TO REGULATE THE LOCATION AND USE OF BUILDINGS, STRUCTURES, AND LAND FOR TRADE INDUSTRY, RESIDENCE, AND OTHER SPECIFIED USES; TO REGULATE AND LIMIT THE HEIGHT AND BULK OF BUILDINGS HEREFTER ERECTED AND ALTERED; TO REGULATE AND DETERMINE THE SIZE OF YARDS, COURTS, AND OTHER OPEN SPACES; TO REGULATE AND LIMIT THE DENSITY OF POPULATION; FOR SAID PURPOSE TO DIVIDE THE CITY INTO DISTRICTS; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; PRESCRIBING PENALTIES FOR THE VIOLATION OF ITS PROVISIONS AND PROVIDING FOR ITS ENFORCEMENT; CONTAINING A SAVINGS CLAUSE AND PROVIDING FOR INTERPRETATION, PURPOSE AND CONFLICT.

WHEREAS, by the provisions of Chapter 283, General Laws, passed by the regular session of the Fortieth Legislature of the State of Texas in the year of 1927, authority is conferred upon the City of Cooper, Texas, to establish districts or zones within its corporate limits for the purpose of better regulating the use of land and controlling the density of population to the end that congestion upon the public streets may be lessened, the public health, safety, convenience, and general welfare promoted; and

WHEREAS, the City Council has authorized the publication of this ordinance and has called a public hearing to be held at the regular session of the Council on 01-12-87, 01-26-87, and 02-09-87; and

WHEREAS, the City Planning and Zoning Commission, created under the provisions of the general laws of the State of Texas and by order pursuant to the provisions of an ordinance of the City of Cooper, Texas, duly adopted has recommended boundaries of districts and appropriate regulations to be enforced therein and a public hearing will be held at which all owners of property affected will be given ample opportunity, after public notice by advertisement, to file their protests or criticisms, if any, and official notice is hereby given for such public hearing discussions of said Ordinance, on April 4th and April 11th, 1988 at 7:00 o'clock p.m. at the Council Chambers of the City Hall in Cooper, Texas;

WHEREAS, the passage, promulgation and enforcement of the provisions hereinafter contained are deemed to be necessary for the promotion of the health, safety, morals, and general welfare of the community, to carry out the governmental powers delegated to and possessed by the City of Cooper, Texas for securing the objects herein before expressed;

NOW, THEREFORE BE IT ORDAINED BY THE CITY OF COOPER, TEXAS.

ARTICLE I

ENACTING CLAUSE

1.100 That Ordinance Number 02-02-87 of the Zoning Ordinance of the City of Cooper, Texas, adopted on February 9, 1987, respectively, together with all amendments thereto is amended in its entirety to be known as the Comprehensive Zoning Ordinance and to read as follows:

1.200 Purpose

The Zoning Regulations and Districts 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 lessen the congestion in the streets; to secure safety from fire, panic, and other dangers; to provide adequate light and air, to prevent the overcrowding of land; to avoid undue concentration of the population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things, for the character of the district and its particular suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with a Comprehensive Plan.

ARTICLE 2

DEFINITIONS

- 2.100 For the purpose of this Ordinance, certain words and terms as used herein, are defined as follows:
- 2.200 Words used in the present tense include the future; Words in the Singular number include the plural; Words in the plural number include the singular; the word "building" includes the word "structure", the words "shall" and "must" are mandatory and not directory; and the term "used for" includes the meaning "designed for" and "intended for".
1. Accessory building or use. A subordinate building, a portion of the main building, or a use customarily incident to and located on the lot occupied by the main building or use of the property.
 2. Alley. A public way which affords only a secondary means of access to abutting property.
 3. Apartment. A room or suite of rooms within a apartment house arranged, intended, designed for, or used as the place of residence of a single family or group of individuals lining together as a single family or group of individuals.
 4. Apartment Hotel. An apartment house which furnishes for the use of its tenants services ordinarily furnished by hotels, but the privileges of which are not primarily available to the public.
 5. Apartment House. A building arranged, intended, designed for, or occupied by more than two families.
 6. Area of Lot. The area of the "lot" shall be the net area of the lot and shall not include portions of streets or alleys.
 7. Basement. A story one-half or more of which is located below the average ground level. A basement will not be included as a story for purposes of height measurements.
 8. Block. A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the building official shall determine the outline of the block.

9. Boardinghouse or Lodging house. A building other than a hotel, occupied as a single housekeeping unit, where lodging or means are provided for five or more persons for compensation, pursuant to previous arrangements, but not for the public or transients.
10. Building. Any structure built for the support, shelter and enclosure of persons, animals, chattels, or moveable property of any kind.
11. Curb level. The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest. Where no curb has been established the Building Official shall authorize and approve the establishment of such curb or its equivalent,
12. Depth of lot. The mean horizontal distance between the front and rear lot lines.
13. Dwelling. A building arranged, intended, designed for, or occupied by not more than two families.
14. Dwelling, Multiple. A building or portion thereof designed for or occupied as a home of three or more families or households living independently of each other, including apartment houses, tenements, and apartment hotels.
15. Family. Any number of individuals living together as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, hotel, fraternity or sorority house.
16. Front Yard Depth. The minimum horizontal distance from the front line of the building to the front street line of the lot.
17. Garage, Private. Any accessory building or portion thereof in which privately owned motor vehicles are stored by occupants on the premises.
18. Garage, Public. Any building or premises used for the storage, care or repair of motor vehicles, which is operated for commercial purposes.
19. Garage, Storage. Any building or portion thereof, other than a private garage, providing storage for motor vehicles with facilities for washing, but no other services.
20. Height of Buildings. The vertical distance measured from the highest of the following three levels:
 1. From the street curb level.

2. From the established or mean street garage in case the curb has not been constructed.
3. From the average finished ground level adjoining the building where it sets back from the street line; to the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to foot, and to the mean height level of the top of the main plate and highest ridge for other roofs.
21. Height of Court or Yard. The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.
22. Hotel. A building occupied or used as more or less as a temporary abiding place for individuals or groups of individuals who are lodged, with or without meals, and in which there are more than twelve sleeping rooms, and no provisions for cooking in individual rooms.
23. Lot. A parcel of land occupied or to be occupied by a building and its accessory buildings, and including such spaces as are required under this ordinance, and having its principal frontage upon a public street or place.
24. Lot, Corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Building Official.
25. Lot, Interior. A lot whose side lines do not abut upon any street.
26. Lot, Through. An interior lot having frontage on two streets.
27. Lot Lines. The lines bounding a lot as defined herein.
28. Nonconforming Use, Building or Yard. One that does not, by reason of design or use, conform to the regulation of the district in which it is situated.
29. Place. An open, unoccupied space other than a street alley permanently established or dedicated as the principal means of access to property abutting thereon.
30. Rear Line. The boundary line which is opposite and most distant from the front street line, except that in the case of uncertainty the Building Official shall determine the real line.
31. Rear Yard. An open space, unoccupied (except as herein after provided) between the rear lot line and the rear line of the principal building and the side lot lines.

32. Rear Yard Depth. The minimum horizontal distance from the rear line of the principal building to the rear lot line.
33. Side Yard. Any open space unoccupied (except as hereinafter provided between the main buildings and the adjacent side line of the lot, and extending through from the front yard to the rear yard.
34. Side Line. Any lot boundary line not a front or rear on an alley or place, or a side street line.
35. Story. That portion of a building included between the surface of any floor and the surface of the floor next to it, then the space between the surface of such floor and the ceiling next above it.
36. Story, Half. That portion of a building having an average height of not more than eight feet and which covers a floor area of not more than 75% of the area of the floor next below.
37. Street. A public thoroughfare or place which affords principle means of access to property abutting thereon.
38. Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.
39. Tourist Cabin or Trailer Camps. A tract or parcel of land upon which two or more tourist cabins are located, or where temporary accommodations are provided for two or more automotive trailers, tents, or house cars, open to the public either free or for a fee.
40. Beauty Shop. A building or portion of a building used for the purpose of styling, washing, cutting or caring for hair.
41. Private Club. See Article 20.400

ARTICLE 3

ZONING DISTRICTS ESTABLISHED

- 3.100 THE CITY OF COOPER, TEXAS, IS HEREBY DIVIDED INTO TEN (10) ZONING DISTRICTS. THE USE, HEIGHT, AND AREA REGULATIONS AS SET OUT HEREIN ARE UNIFORM IN EACH DISTRICT. THE TEN (10) DISTRICTS ESTABLISHED HEREIN SHALL BE KNOWN AS:

Abbreviated Designation

Zoning District Name

UD	Undeveloped District
R-1	Single Family Dwelling District
R-2	Two Family Dwelling District
R-3	Multiple Family Dwelling District
SFA	Single Family Attached
LC	Light Commercial
HC	Heavy Commercial
LI	Light Industrial
HI	Heavy Industrial
LZ	Special Lake Zone

3.200 The boundaries of the aforementioned districts are delineated upon the map attached hereto, designated as the "Zoning District Map", and which map, together with all notations, references and information thereon, is hereby adopted and made a part of this ordinance as though the same were fully copied herein.

3.300 Original, official, and identical copies of the Zoning District Map are hereby adopted bearing the signature of the Mayor and the attestations of the Planning and Zoning Secretary and shall be filed and maintained as follows:

1. One copy shall be filed with the Planning and Zoning Secretary and retained as the original record and shall not be changed in any manner.
2. One copy shall be filed with the City Secretary and shall be maintained by posting thereon all changes and subsequent amendments no more than 90 days after their enactment for the use of the City Planning and Zoning Commission.
3. One copy shall be filed with the Building Official and shall be maintained posting thereon all changes and subsequent amendments no more than 90 days after their enactment for observation in issuing building permits and certificates of occupancy.
4. Such other sectional maps for interpretation purposes as should be approved by resolution by the City Council.

5. Reproductions for information purposes may, from time to time, be made of the Official Zoning District Map.

3.400 THE DISTRICT BOUNDARY LINES SHOWN ON THE ZONING DISTRICT MAP 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 MAP, THE FOLLOWING RULES SHALL APPLY.

3.401 Boundaries indicated as approximately following the center lines of right-of-ways of streets or alleys shall be construed to follow such center lines or right-of-way lines.

3.402 Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines so as to eliminate a zoning division on any platted lot.

3.403 Boundaries indicated as approximately following the City limits shall be construed as following the City limits.

3.404 Boundaries indicated as following the center lines of streams or rivers or the shoreline of lakes or ponds shall be construed as following such center lines or shorelines as the case may be.

3.405 Boundaries indicated as parallel to or extensions of features indicated in 3.401 through 3.404 above, or as delineated in whatever manner shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the map.

3.406 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 center line of such vacated street, alley, or way and all area so involved shall then and henceforth be subject to all regulations of the extended districts.

3.407 Where physical features of the ground are at variance with information shown on the official Zoning District Map or when there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections 3.401 through 3.406 above, the property shall be considered as classified in the "UD", Undeveloped 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 Sections 3.500 through 3.502 for the temporarily zoned areas.

3.500 ALL TERRITORY HEREINAFTER ANNEXED TO THE CITY OF COOPER SHALL BE TEMPORARILY CLASSIFIED AS "UD" UNDEVELOPED DISTRICT, UNTIL PERMANENT ZONING IS ESTABLISHED BY THE CITY COUNCIL OF THE CITY OF COOPER. THE CITY PLANNING AND ZONING COMMISSION SHALL STUDY ANY PROPERTY, WITH REGARD TO CURRENT OR PROPOSED USE WHEN CONSIDERING ANNEXATION OF LAND INTO THE CITY LIMITS. THE PROCEDURE ESTABLISHED BY LAW FOR THE ADOPTION OF ORIGINAL ZONING REGULATIONS.

3.501 In an area being considered for annexation, the City Council and City Planning and Zoning Commission may hold public hearings on annexation and permanent zoning simultaneously, and the City Council may approve the permanent zoning of a newly annexed area at the time of final action or annexation.

3.502 In an area temporarily classified as "UD", Undeveloped District:

1. No person shall erect, construct, or proceed or continue with the erection or construction of any building or structure or cause the same to be done in any newly annexed territory to the City of Cooper without first applying for and obtaining a Building Permit or Certificate of Occupancy from the Building Official.
2. No permit for 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 "UD", Undeveloped District, unless and until such territory has been classified in a zoning district other than the "UD", Undeveloped District, by the City Council in the manner prescribed by law.

ARTICLE 4

RESTRICTIONS

4.100 OTHER THAN AS HEREIN AFTER PROVIDED, NO BUILDING NOR STRUCTURE SHALL BE ERECTED, NOR STRUCTURALLY ALTERED, NOR SHALL ANY BUILDING, STRUCTURE NOR LAND BE USED FOR ANY PURPOSES OTHER THAN THAT PERMITTED IN THE DISTRICT IN WHICH THE SAME IS LOCATED.

4.200 CLASSIFICATION OF NEW AND UNLISTED USES

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 Cooper, In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land shall be made as follows:

4.201 The building official may refer the question concerning any new or unlisted use to the City 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 and nature thereof, enclosed or open storage, anticipated employment, transportation requirements, the amount of noise, odor, fumes, dust, toxic material and vibration likely to be generated and the general requirements for public utilities such as water and sanitary sewer.

4.202 The City 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.

4.203 The City 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 ordinance approve the recommendation of the Commission or make such determinations concerning the classification of such use as is determined appropriate.

ARTICLE 5

UD, UNDEVELOPED DISTRICT

5.100 There exists within and on the fringes of the City of Cooper, land which is presently undeveloped and to which all urban services are not yet available and such land should be appropriately contained in an undeveloped district until needed for urban purposes in conformity with the orderly growth of the City. The UD, Undeveloped District, is created to provide an appropriate zoning for those lands expected to remain in undeveloped use for several years. The uses permitted in the UD, Undeveloped District, include normal farming, ranching and gardening activities except for any form of animal husbandry that may be specifically prohibited by ordinance. It is anticipated that all of the UD, Undeveloped District, will be changed to urban use and other zoning categories as the area within the corporate limits becomes fully developed. No platting or subdivision of land into multiple lots or parcels for development will be permitted in the UD, Undeveloped District, unless simultaneous request for permanent zoning accompanies such request. Newly annexed territory is temporarily zoned as UD, Undeveloped District, unless the City Council, at the time of annexation, designates other zoning categories for such areas as provided for by law.

5.200 In the UD, Undeveloped District, no building nor structure nor land shall be used, and not building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

1. Single-Family Detached Dwellings.

2. Accessory used customarily incidental to the permitted uses set forth herein and including all service and utility uses.

5.300 Area Regulations - refer to Article 21.

5.400 Height Regulations - refer to Article 22.

ARTICLE 6 (Reserved for Expansion)

ARTICLE 7 R-1

SINGLE FAMILY DWELLING DISTRICT 6,000

7.100 The R-1, Single Family Dwelling District 6,000, provides for standards which are generally in accord with those of the existing lots platted and developed in the City. The R-1 District may be the most extensively used residential classification in the City and will be appropriate for a substantial portion of the future residential development.

7.200 In the R-1, Single Family Dwelling District 6,000, not building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

1. One-Family residences.
2. Schools, churches, public museums and public libraries.
3. Parks and playgrounds not used for athletic contests.
4. Recreational community centers not including swimming pools.
5. Truck gardens, orchards, nurseries provided no sales offices are maintained on the premises.
6. Public administrative building, fire station, and police substations.
7. Water pump stations and sewage lift stations.
8. Residential accessory buildings, including private garages, servants quarters, wash houses for storing gardening, farming, and yard maintaining tools and equipment.
9. The term "accessory use" shall include customary home occupations engaged in by the occupants of the building provided that said accessory use shall never be permitted as a primary use, but only as a secondary use when necessary to the

enjoyment of the premises for any of the uses permitted by this section and actually made of the premises, but not otherwise.

7.201 Neither billboards, sign boards, nameplates, or advertising signs of any character shall be permitted in R-1 District except the following:

1. Nameplates not exceeding one square foot in area listing the name and occupation of the occupant of the premises.
2. Bulletin boards and signs for churches, schools, and other institutions not exceeding eighteen (18) square feet in area and provided the same shall not be set behind the building line.
3. Unilluminated signs not exceeding eight (8) square feet in area pertaining to the sale or rental of the property on which the same are located.
4. During the construction of a building one unilluminated sign naming the contractors or architects shall be permitted provided such sign shall not be more than eight (8) square feet in area and shall not be set behind the building line and further provided that such signs shall be removed immediately upon completion of the building.
5. There shall be permitted, as an accessory use, a news or refreshment stand in connection with the operation of any public park, playground, or community building.
6. Temporary real estate sales offices may be located on the property being sold, but only during the period of the sale of such property or addition and in no event to exceed a period of two (2) years without special permit from the board of adjustment.

7.300 Uses which are enumerated in the following Districts and Sections will also be permitted in the R-1 District in accordance with Section 7.200:

1. To be added at a future time.

7.400 Area regulations - refer to Article 21.

7.500 Height regulations - refer to Article 22.

ARTICLE 8 R-2

TWO FAMILY DWELLING DISTRICT

8.100 Limited areas of two-family dwellings exist in the City, and the demand appears to be increasing as the district is used as a buffer between higher and lower density dwelling units.

To provide a standard appropriate for the existing two-family dwellings and to encourage further development of two-family dwellings in the City, the R-2, Multiple Family Dwelling District is provided.

8.200 In the R-2, Two Family Dwelling District, no building nor structure nor land shall be used, and no building nor structure shall be thereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

1. Duplex housing. The term "duplex" is defined as follows: A building designed and/or used exclusively for residential purposes and containing a maximum of two (2) dwelling units separated by a common party wall or otherwise structurally attached.

8.300 Uses which are enumerated in the following Districts and Sections will also be permitted in the R-2 District in accordance with Section 7.200:

1. R-1 District, Section 7.200

8.400 Area Regulations - refer to Article 21.

8.500 Height Regulations - refer to Article 22.

ARTICLE 9 SF-A

SINGLE-FAMILY ATTACHED DWELLING DISTRICT

9.100 It is anticipated that a demand for single-family attached dwellings will occur in the City from time to time. The SF-A, Single-Family Attached District, is created in most cases, by map amendment where development interest arises and some intermixture of single-family attached, single-family detached and medium density dwellings are considered desirable. There is an increasing interest and demand for medium density housing in the City. The trend for this type housing commonly referred to a "townhouses", "Garden Homes", and "Zero-lot-line", will continue to grow as the City increases in size and population.

9.200 In the SF-A, Single-Family Attached Dwelling District, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:

1. Single-Family attached dwellings.
 2. Zero-lot-line dwellings.
- 9.300 Uses which are enumerated in the following Districts and Sections will also be permitted in the SF-A District in accordance with Section 9.200:
1. R-1 District, Section 7.200.
 2. R-2 District, Section 8.200.
- 9.400 Area regulations – refer to Article 21.
- 9.500 Height regulations – refer to Article 22.

ARTICLE 10 R-3

MULTIPLE-FAMILY DWELLING DISTRICT

- 10.100 Several areas of two story apartment dwellings exist in the City, and it is anticipated that apartment dwellings will become a significant part of the City's housing inventory in the future. New multiple-family areas will be added by amendment to the map as the need arises. The R-3, Multiple-Family Dwelling District, establishes standards appropriate for multiple-family dwellings up to three stories in height.
- 10.200 In the R-3, Multiple-Family Dwelling District, no building nor structure nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered which is to be used for other than one or more of the following uses:
- a. Multiple dwellings and apartment houses.
 - b. Social clubs, fraternities, sororities and lodges, except those whose chief activities are services ordinarily carried on as a business.
 - c. Hospitals, sanitariums, and clinics, except those for alcoholic, narcotic, insane and feeble-minded patients.
 - d. Institutions of a philanthropic nature except penal or correctional institutions.
 - e. Accessory buildings and uses originally incidental to the above uses if located on the same building site with the primary business, and not involving a business other than the primary business.

- f. Accessory buildings and uses customarily incident to any to any of the above uses, when located on the same lot and not involving the conduct of a business other than private and storage garages; however, no such accessory building nor use shall be located less than ten (10) feet from any other street line.

10.300 Uses which are enumerated in the following districts and Sections will also be permitted in the R-3 District in accordance with Section 10.200:

- a. R-1 District, Section 7.200.
- b. R-2 District, Section 8.200.
- c. SFA District, Section 9.200.

10.400 Area Regulations – refer to Article 21.

10.500 Height Regulations – refer to Article 22.

ARTICLE 11 (Reserved for Expansion)

ARTICLE 12 (Reserved for Expansion)

ARTICLE 13 (Reserved for Expansion)

ARTICLE 14 LC

LIGHT COMMERCIAL DISTRICT

14.100 The LC, Light Commercial District, is hereby established to accommodate nearly all commercial and retailing uses to be found in the City. The LC District will include automobile sales and building material sales yards. The LC District will be generally located adjacent to major intersections or along highways where sufficient vehicular access is provided. LC Districts will be discouraged from locations adjacent or in close proximity to residential districts.

14.200 In the LC, Light Commercial District, no building, structure, nor land shall be used and no building, nor structure shall be hereafter erected, nor used for other than one or more of the following uses:

- a. Automobile painting and upholstery only.
- b. Barbershops, beauty parlors, and shoe repair shops.
- c. Retail bakeries.

- d. Billboards, advertising signs, electric shops and electric sign manufacturers.
- e. Bookbinding, envelope and stationary manufacturing, newspaper and job printing, publishing, electrotyping, engraving, and blue printing.
- f. Bus terminals and taxi stands.
- g. Banks and business offices.
- h. Retail dry cleaners and laundries.
- i. Filling stations, parking lots, public garages without body repair, tire shops, and used car lots.
- j. Florist, artificial flower manufacturing and millinery.
- k. Ice stations for storage and retail sales only, and frozen food lockers and quick freeze establishments where no animals are slaughtered on the premises.
- l. Lumber yards and mortuaries.
- m. Mattress renovation and upholstery manufacture and repair shops.
- n. Photographing and radio studios and shops.
- o. Optical good manufacture, wholesale office, and sample rooms.
- p. Plumbing service shops.
- q. Shops, stores, and other retail businesses which do not produce offensive noises, odors, smoke, or gases.
- r. Restaurant, cafes, cafeterias, drive-ins, and tourist courts.
- s. Shops for custom work or for making articles for retail sale on the premises.
- t. Theaters, open air theaters, miniature golf courses.
- u. Accessory buildings and uses ordinarily incidental to any of the businesses permitted above.

14.300 Uses which are enumerated in the following Districts and Sections will be permitted in the LC District in accordance with Section 14.200.

- a. R-1 District, Section 7.200.
- b. R-2 District, Section 8.200.
- c. SFA District, Section 9.200.
- d. R-3 District, Section 10.200.

14.400 Area Regulations – refer to Article 21.

14.500 Height Regulations – refer to Article 22.

ARTICLE 15 HC

HEAVY COMMERCIAL DISTRICT

15.100 To accommodate all heavy and other general commercial activities, the HC, Heavy Commercial District is hereby established. The HC District shall be related to highways, some major thoroughfares and railroad locations. Great care is required in locating the HC District, in close proximity to residential areas because of the heavier nature of the uses and the vehicular traffic which they tend to generate.

15.200 In the HC, Heavy Commercial District, no building, structure nor land shall be used, and not building, no structure shall be hereafter erected, nor structurally altered that is to be used for other than one or more of the following uses:

- a. Artificial limb manufacture.
- b. Automobile body work, automobile repair garages, whole sale and retail automobile parts, and motorcycle and motor scooter repair shops.
- c. Bakeries and candy factories.
- d. Bowling alleys, skating rinks, dance halls, and shooting galleries.
- e. Commercial laundry.
- f. Clothing and shoe manufacture.
- g. Creameries, wholesale.
- h. Dry goods, wholesale and storage.

- i. Reed and seed wholesale stores and wholesale grocery stores.
- j. Hauling, storage, and warehouses for express, baggage and household goods.
- k. Secondhand furniture stores.
- l. Any retail business or use not listed in the previous retail or commercial districts which does not produce offensive noises, vibrations, odors, smoke, or gas.

15.300 Uses which are enumerated in the following Districts and Sections will be permitted in the HC District in accordance with Section 15.200:

- a. R-1 District, Section 7.200.
- b. R-2 District, Section 8.200.
- c. SFA District, Section 9.200.
- d. R-3 District, Section 10.200.
- e. L-C District, Section 14.200.

15.400 Area Regulations – refer to Article 21.

15.500 Height Regulations – refer to Article 22.

ARTICLE 16 LI

LIGHT INDUSTRIAL DISTRICT

16.100 Industrial development, particularly of the distribution and light processing nature, represents a type of economic development appropriate for the diversification of the employment base of the City of Cooper. The range of industry which may be classified as light industrial is rapidly expanding as a result of developments in modern technology. To take full advantage of new industrial potential for clean compatible types of industry, performance standards are specified concerning noise, smoke, and particulate matter, other air contaminants, hazardous materials, fire and explosive hazard, glare, and vibration. Any industrial or commercial use generally meeting the specified standards may locate in the LI, Light Industrial District.

16.200 In the LI, Light Industrial District, no building, structure nor land shall be used, and no building, nor structure shall be hereafter erected, not structurally altered that is to be used for other than one or more of the following uses:

- a. Artificial flavor and drug manufacturing.

- b. Blacksmithing, welding, electroplating, galvanizing, sheet metal shops, and machine shops.
- c. Bottling works with dock face on private property.
- d. Broom factories, furniture and office equipment factories, trunk factories, cooperages, woodwork and cabinet making shops, and paint shops.
- e. Building materials and machinery supply and storage, including sand, gravel, tile, and cement.
- f. Canning factories, cheese factories, food processing, wholesale ice cream and milk plants and poultry processing.
- g. Chicken hatcheries and small animal hospitals.
- h. Coal, coke, and wood yards.
- i. Cold storage plants, ice plants with ice storage, and water distilling plants.
- j. Commercial amusement parks, riding academies, and livery stables.
- k. Dyeing, of fabric or other material on a commercial basis.
- l. Heavy trucks and dirt moving equipment, storage and repair.
- m. Light agricultural implement manufacture.
- n. Motor freight terminals and transfer and baggage establishments.
- o. Stone cutting and monument works.
- p. Tire retreading and recapping plants.
- q. Trade schools, mechanical and agricultural.
- r. Factories of any similar character provided they do not produce any offensive or noxious odors, dust, smoke, or gases.

16.300 Uses which are enumerated in the following Districts and Sections will be permitted in the LI District in accordance with Section 16.200:

- a. LC District, Section 14.200.

- b. HC District, Section 15.200.

16.400 Area Regulations – refer to Article 21.

16.500 Height Regulations – refer to Article 22.

ARTICLE 17 HI

HEAVY INDUSTRIAL DISTRICT

17.100 While little industry of the heavy classification exists in the City, provision is made for such uses in the HI, Heavy Industrial District. Performance Standards applicable to heavier types of industrial use and more liberal in technical requirements are the bases of the Heavy Industrial District classification. Housing is generally excluded from the HI District to prevent unregulated encroachment of residential development into industrial areas where the transportation, school, park, and other residentially oriented improvement requirements could be costly and unsatisfactorily conflict with industrial development.

17.200 In the HI, heavy Industrial District, no building, structure, nor land shall be used, and no building nor structure shall be hereafter erected, nor structurally altered that is to be used for other than one or more of the following uses:

- a. Automobile wrecking yards.
- b. Broiler and laying houses for more than 500 fowls.
- c. Cereal mills, feed mills, flour mills, and grain elevators.
- d. Gasoline, butane, propane, and kerosene wholesale storage.
- e. Lumber mills, and rock wood manufacturers.
- f. Railway passenger depots, freight depots, roundhouses, shops, and yards.
- g. Soap, fertilizer, and detergent manufacture.
- h. Textile manufacture.
- i. Creosoting plants, tar roofing factories, and water proofing plants.
- j. Disinfectant factories, dye factories, and ink factories.
- k. Glue factories, slaughterhouses, stockyards, and rendering plants.

- l. Junk yards and sewage treatment plants.
- m. Petroleum tank farms.
- n. Other factories and processing plants which omit unpleasant odors and/or gases, but are not so offensive as to be public nuisances.

17.300 Uses which are enumerated in the following Districts and Sections will be permitted in the HI District in accordance with Section 17.200:

- a. LC District, Section 14.200.
- b. HC District, Section 15.200.
- c. LI District, Section 16.200.

17.400 Area Regulations – refer to Article 21.

17.500 Height Regulations – refer to Article 22.

ARTICLE 18 (Reserved for Mobile Home Overlay District)

ARTICLE 19 (Reserved for Flood Plain Overlay District)

ARTICLE 20

SPECIAL USES

20.100 Any of the following uses may be located in a district or zone by special permission of the Board of Adjustment after public hearing and recommendation by the City Planning and Zoning Commission. Such uses may be granted with a time limitation and unless otherwise provided by the Board, must comply with the height and area regulation of the district in which they may be located.

- a. Amusement parks, athletic fields, race tracks, carnivals, and fair grounds.
- b. Golf driving range, commercial.
- c. Hospitals for the insane and feeble-minded.
- d. Hotels and motels.
- e. Penal and correctional institutions.
- f. Radio towers.
- g. Refuse dumps.
- h. Sand and gravel and clay-pits.
- i. Sewage refuse or garbage disposal plants.
- j. Skeet clubs and target ranges.
- k. Buildings or the use of premises for public utility purposes or public service corporations.
- l. Motels, apartment hotels, and mobile trailer parks.

20.200 SPECIFIC USE PERMIT – PRIVATE BEVERAGE CLUB

20.300 Article 20.200 is hereby created within the Zoning ordinance of the City of Cooper, Texas, to provide for the issuance of a specific use permit for a private beverage club. Such use shall be permitted only in Districts HC, LI, and HI. It is the purpose of this permit to promote facilities within the City of leisurely dining with availability of alcoholic beverages to accompany meals.

20.400 For the purposes of this ordinance, a "private club" shall be defined as follows; A club, room, or suite of rooms or a building available to a restricted membership composed of an association of persons, whether incorporated or unincorporated, the purpose of any such association being for the promotion of some common object, and whose members must be passed upon and elected as individuals by a committee or board made of members of such club, said association being licensed or permitted by the Alcoholic Beverage Commission of the State of Texas; and as further defined in Article 666 of Vernon's Annotated Penal Code of the State of Texas, as presently written or as the same may be amended or rewritten from time to time hereafter. No such use shall be made of any such club room, or suite of rooms, or building whether such use be primary or accessory to a primary use, unless and until the City Council of said City has authorized the issuance of a specific use permit therefor, as provided for in this ordinance.

20.500 The private beverage clubs shall be permitted to operate as a secondary use only in a:

1. General restaurant;
2. Restaurant in an office complex;
3. Motel;
4. Hotel;
5. Country club; or
6. Nationally recognized private social/fraternal organization.

20.600 When operated in a restaurant in an office complex said complex shall contain a minimum of forty thousand (40,000) square feet of gross floor area, and the club shall be in a general restaurant in the complex.

20.700 A private beverage club shall not be permitted in a drive-in, fast food, or take-out restaurant, a snack shop, a confectionery shop or a cafeteria.

20.800 Private beverage clubs shall not be permitted within three hundred (300) feet of any church, hospital, public school, parochial school, or first class residential zoning district. The three hundred (300) foot distance shall be measured and defined by applicable state laws.

20.900 A private beverage club shall not be permitted in conjunction with a nonconforming use, as defined in the Zoning Ordinance.

20.901 There shall be no signs advertising the sale of alcoholic beverages outside buildings and not over one foot by two feet inside buildings.

20.902 The private beverage club shall comply with all City, county, state, and federal laws.

20.903 All persons consuming an alcoholic beverage in a club shall be a member of the club or a guest of a member.

20.904 Any bar or lounge room shall be designed such that patrons can only enter from an area within the primary use: i.e., lobby, waiting area, dining room, etc. Emergency exits direct to the outside are permitted.

20.905 A private beverage club which is a part of a general restaurant (including a restaurant in an office complex), shall comply with the following additional regulations and standards:

1. At least fifty (50) percent of the gross combined receipts of the restaurant-private club shall be derived from the sale of food. The operator shall submit a quarterly report of sales within twenty (20) days of the end of the quarter of the business year for review by City council;
2. The permitted premises shall contain, within a public area designated for dining, a minimum of fifty (50) dining seats, allowing a minimum of sixteen (16) square feet of dining area, exclusive of kitchen and storage area, per dining chair;
3. A restaurant shall have no publicly visible bar, but a service bar facility shall be allowed, only to the extent necessary to prepare alcoholic beverages for service to the restaurant patrons, in conjunction with the food service and to a bona fide waiting area.
4. The owner and/or operator shall be prohibited from offering for sale, or selling, drinks at a price reduced from the customary price charged by the restaurant facility holding a permit. (The purpose of the provision is to prohibit "happy hours" and similar promotional activities).

20.906 A private club, as defined herein, existing at the time of the adoption of this ordinance may be continued, except as hereinafter provided, although such use is not permitted according to the provisions hereof; provided, however, that any of the following occurrences shall require conformity with the provisions of this ordinance:

1. Failure to operate the premises as a "private club", as defined in this ordinance, for a period of thirty days (30) days.
2. Transfer of the license or permit of the Alcoholic Beverage Commission of the State of Texas;

3. Revocation of the license or permit by the Alcohol Beverage Commission of the State of Texas, for no less than thirty (30) days.

20.907 Specific use permit fees. The City Secretary is authorized to collect the following annual license fee for each specific use permit approved by the City Council to be issued, to wit: The sum of fifty dollars (\$50.00) for each specific use permit issued and like sum for each renewal thereof.

20.908 Procedure for obtaining specific use permit: Any party desiring to obtain a specific use permit under the terms of this article shall make written application to the City Secretary, who shall furnish appropriate forms for this purpose. Said application shall contain the following:

1. Name of applicant and address;
2. Age of applicant;
3. Telephone number;
4. Number of years resident at address above;
5. Whether applicant has ever operated a private club before;
6. If so, where, when, for how long, and reason for leaving;
7. Police record (other than traffic violations), if any;
8. Three (3) creditable references who can attest to applicants past record, good character, and reputation;
9. Location of proposed private beverage club;
10. Any other pertinent remarks by applicant.

20.909 The permit fee shall be paid at the time of making application and a copy of the receipt of payment of said fee will be attached thereto. The application shall be acted upon at the next regularly scheduled council meeting and, if approved, the City Secretary will be authorized to issue said specific use permit.

20.910 Term of specific use permit and renewal: The specific use permit shall be in effect for a period of one (1) year from the date of issuance and shall be subject to renewal annually thereafter, in the discretion of the City Council. The standards as enumerated above shall likewise be applicable to any renewal application. The fact that said renewal license application already holds a current valid specific use permit shall not entitle applicant to an

automatic renewal. The City Council alone shall have the power to approve any applications for renewal, in its discretion. If so approved by said commission, the City Secretary shall be authorized to issue said renewal specific use permit.

- 20.999 Procedure for transferring specific use permit: Any party desiring to transfer his specific use permit to another party or who desires to change the locations of his private club shall make application to the City Secretary, listing the new proposed location or transfer of ownership, and such matter will be placed upon the agenda of the next regularly scheduled meeting of the City Council to be passed upon. A fee of ten dollars (\$10.00) to help defray bookkeeping and investigation expense shall be paid to the City Secretary for each transfer of location or ownership or a private club so approved by the City Council.

ARTICLE 21

AREA REGULATIONS

- 21.100 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.

21.200 LOT AREA

The minimum residential lot area for the various districts 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 single-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 herein:

- 21.201 IN THE FOLLOWING ZONING DISTRICTS, THE MINIMUM LOT AREA FOR EACH RESIDENTIAL DWELLING UNIT SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

DISTRICT/MINIMUM LOT AREA

UD, UNDEVELOPED - One (1) acre
R1 - Four thousand (4,000) square feet
R2 - Four thousand (4,000) square feet
R3 - Multi-Family-Maximum twenty-seven (27) units per acre
SFA - Four thousand (4,000) square feet

21.201 All residential use shall comply with the minimum lot area requirements for the district in which it is enumerated.

21.300 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 for a single-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.

21.301 IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM LOT WIDTH FOR RESIDENTIAL USES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

DISTRICT/MINIMUM LOT WIDTH

UD	150 feet
R1	50 feet
R2	50 feet
R3	100 feet
SFA	50 feet

21.302 All residential uses shall comply with the minimum lot width requirements for the district in which it is enumerated.

21.303 The width of the lot as specified in 21.301 shall be measured at the specified setback or front building line.

21.400 LOT DEPTH

The minimum depth for the various districts 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 for a single-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:

21.401 IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM REQUIRED LOT DEPTH FOR RESIDENTIAL USES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

DISTRICT/MINIMUM LOT DEPTHS

UD	200 feet
R1	80 feet
R2	80 feet
R3	100 feet
SFA	80 feet

21.402 All residential uses shall comply with the minimum lot depth requirement for the district in which it is enumerated.

21.500 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 HEREIN:

21.501 IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM REQUIRED LOT DEPTH FOR RESIDENTIAL USES SHALL BE IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

DISTRICT/MINIMUM FRONT YARD

UD	25 feet
R1	25 feet
R2	25 feet
*R3	25 feet
SFA	25 feet
*LC	25 feet
*HC	25 feet
*LI	25 feet
*HI	25 feet

*In these districts a 25 foot minimum front yard set back shall be required except in those cases which will require front parking; in such cases the minimum set back shall be 40 feet.

21.502 All residential uses shall comply with the minimum front yard requirements for the district in which it is enumerated.

21.510 SPECIAL FRONT YARD REGULATIONS

1. In all districts except the "UD", Undeveloped District, where the frontage on one side of the street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage from one intersecting street to the other.
2. 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.
3. 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. Eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet.
4. 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.
5. If buildings along the frontage of any street between two intersecting streets in any residential district have observed an average setback which is greater or lesser in dimension than the minimum front yard or setback established for the district in which the street frontage is located, then the average setback of all buildings fronting upon such street between two intersecting streets shall establish the minimum front yard requirement. All vacant lots shall be assumed to have a minimum front yard specified for the district in computing the average front yard. These provisions shall not be interpreted as requiring a setback or front yard greater than fifty (50) feet nor shall they be interpreted as requiring any building to be observed by any building on a contiguous lot. These provisions shall be superseded on any lot where a minimum building line has been established by a plat or ordinance and the front yard or setback provisions of such plat or ordinance shall be observed.
6. Gasoline service station pump island may not be located nearer than eighteen (18) 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.

21.600 SIDE YARD

21.601 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 EITHER SIDE OF SUCH BUILDING THAN HEREIN REQUIRED.

21.602 The minimum required side yard for single-family detached and two-family dwelling may be varied, but in no case shall a side yard be less than the minimum dimension set forth in the following schedule:

<u>DISTRICT</u>	<u>MINIMUM REQUIRED SIDE YARD ON EACH SIDE OF LOT</u>
UD	Six (6) feet from property line
R1	Six (6) feet from property line
R2	Six (6) feet from property line
SFA	Six (6) feet from property line

21.603 FOR MINIMUM REQUIRED SIDE YARD - R-3 MULTIPLE-FAMILY RESIDENTIAL USE SEE 21.606 (2) and (3).

21.604 NO MINIMUM SIDE YARD SHALL BE REQUIRED IN THE LC, HC, LI, OR HI DISTRICTS FOR NONRESIDENTIAL USES EXCEPT AS PROVIDED IN 21.606 (6).

21.605 Institutional uses such as schools or churches, located in residential districts, shall provide a minimum side yard of twenty-five (25) feet on either side of the main building.

21.606 SPECIAL SIDE YARD REGULATIONS

1. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projections of window sills, belt courses, cornices, and other architectural features projection not to exceed twelve (12) inches into the required side yard, and roof eaves projection not to exceed thirty-six (36) inches into the required side yard.
2. 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 side lot line except than 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.

3. On a corner lot, a side yard adjacent to a street entering a multiple-family dwelling development 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 overhand such side yard not to exceed four (4) feet.
4. 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 City Planning and Zoning Commission containing a side yard of ten (10) feet or more, the building line provisions on that plat shall be observed. On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the required side yard for the respective districts as specified in 21.602 through 21.605.
5. 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 three hundred (300) 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. Zero lot line homes are permitted but are required to have all minimum side yard in remaining side yard as required on the approved plat.
6. No side yard is specified for nonresidential use in the LC, HC, LI, or HI Districts except where a Commercial, Retail, or Industrial or other nonresidential use abuts upon a district boundary line dividing such districts from a residential district in which event a minimum side yard of ten (10) feet shall be provided on the side adjacent to such residential district.

21.700 REAR YARD

NO BUILDING OR STRUCTURE FOR RESIDENTIAL USE SHALL HEREAFTER BE LOCATED, ERECTED OR ALTERED TO HAVE A REAR YARD SMALLER THAN HEREIN REQUIRED.

1. In the UD, R1, R2, R3, SFA, no main residential building not exceeding three (3) stories in height, may be constructed nearer than ten (10) feet to the rear property line and the main residential structure 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 midpoint of one side lot line with the midpoint of the opposite side lot line.
2. In the LC, HC, LI, or HI Districts, no rear yard is specified for nonresidential uses except where retail, commercial, or industrial uses back upon a common district line, whether 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 as permitted in Section 21.810 through 21.813, and the ordinary projections of window sills, belt courses, cornices, and roof overhangs and other architectural features projection not to exceed four (4) feet into the required rear yard.

21.710 LOT COVERAGE

THE MAXIMUM PERCENTAGE OF LOT AREA AS OUTLINED IN 21.201 WHICH MAY HEREAFTER BE COVERED BY THE MAIN BUILDING AND ALL ACCESSORY BUILDINGS SHALL NOT EXCEED THE FOLLOWING SCHEDULE:

<u>DISTRICT</u>	<u>MAXIMUM LOT COVERAGE MAIN BUILDING</u>	<u>MAXIMUM LOT COVERAGE MAIN BUILDING AND ALL ACCESSORY BUILDINGS</u>
R2	40%	50%

21.800 SPECIAL AREA AND ACCESSORY BUILDING REGULATIONS

21.801 COURT STANDARDS

THE MINIMUM DIMENSION AND AREA OF OUTER OR INNER COURTS PROVIDED IN MULTIPLE-FAMILY BUILDINGS SHALL BE IN ACCORDANCE WITH THE FOLLOWING PROVISIONS.

1. For multiple-family buildings, any outer court which is used for access of light or air and which has doors or windows or which may be used for emergency access purposes shall have a minimum width equal to the depth of the court up to twenty (20) feet, but the width of any such outer court need not to exceed twenty (20) feet even though the depth of the court may exceed such dimension.
2. For multiple-family structures, any inner court which is used for access or light or air or which has doors or windows or which may be used for emergency access purposes shall have minimum dimensions in the length and in the width of its base equal to the height of the roof or eave at the top of the wall enclosing such court but neither the width nor the length of the base of such inner court need exceed twenty-five (25) feet even though the height of the enclosing walls may exceed such dimension.

21.810 ACCESSORY BUILDING AND STRUCTURE REGULATIONS

AREA REGULATIONS FOR ACCESSORY BUILDINGS OR ACCESSORY STRUCTURES IN RESIDENTIAL AND APARTMENT DISTRICTS

21.811 FRONT YARD

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

21.812 SIDE YARD

There shall be a side yard for any accessory buildings or structures located in a residential area of not less than three (3) feet as measured from any side lot line, alley line or easement line, except that adjacent to a side street, the accessory building side yard shall never be less than ten (10) feet and any garage or carport entered from the side and opening directly thereto shall provide a side yard of not less than twenty (20) feet.

21.813 REAR YARD

1. There shall be a side yard for accessory buildings or structures of not less than three (3) feet measured from any lot line, alley line, or easement 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 midpoint of one side lot line with the midpoint of the opposite side lot line. Detached carports, garages, or other detached accessory buildings located within the rear portion of the lot as heretofore described shall not be located closer than ten (10) feet to the main building or nearer than three (3) feet to any side lot line.
2. Where a garage or carport is designed and constructed to be entered from an alley or side street, such garage or carport shall be set back from the side street or alley a minimum distance of twenty (20) feet or shall be arranged to permit the parking of one (1) vehicle in front of such garage or carport clear of the street or alley right-of-way to facilitate access without interference with the use of the street or alley by other vehicles or persons.

ARTICLE 22 (Reserve for future expansion Height Regulations)

ARTICLE 23

NONCONFORMING USES

- 23.100 The lawful use of land existing at the time of the adoption of this ordinance may be continued, except as hereinafter provided, although such use does not conform to the provisions hereof, provided, however, that if such nonconforming use be discontinued that any future use of said premises shall be in conformity with the provisions of this ordinance.
- 23.200 The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform to the provisions hereof. And such use may be extended throughout the building, provided that no structural alteration except those required by law or ordinance are made therein. If no structural alterations are made, a nonconforming use of a building may be changed to any use permitted in the same district as that which the use existing at the time of the adoption of this ordinance is permitted, according to the provisions of this ordinance. Whenever a use district shall be hereafter changed any then existing nonconforming use in such changed district may be conducted or changed to a use permitted in the same use district as that in which the existing use is permitted, provided all other regulations governing the new use are complied with. Whenever a nonconforming use of a building has been changed to a more restricted use or a conforming one, such use shall not thereafter be changed to a less restricted use.
- 23.400 In residential districts any nonconforming use not conducted within a building shall be discontinued within two years from the effective date of this Ordinance.
- 23.500 All signs and bill boards not conforming with this Ordinance shall be removed within a period of two years from the effective date of this Ordinance.
- 23.600 From the effective date of this Ordinance forward, a single-family detached home will be permitted as a legal nonconforming use in all districts. This shall include any existing home, expansion thereof, or new construction in conformance with all building codes for the City of Cooper.

ARTICLE 24

BOARD OF ADJUSTMENT

- 24.100 A Board of Adjustment is hereby created. The word "Board" when used in this ordinance shall be construed to mean the Board of Adjustment.
- 24.200 The Board of Adjustment shall consist of five members appointed by the City Council with the same terms as for members of the City Council. Any vacancies shall be immediately filled for the unexpired term by appointment by the City Council. The Board shall elect its own chairman who shall serve for a period of one year or until this successor is elected. Meetings of the Board shall be held at the call of the chairman or at such other times as the Board may determine. All meetings shall be open to the public. The Board shall adopt its own rules of procedure and keep a record of its proceedings showing the action of the Board and the vote upon each question considered.
- 24.300 Appeals to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the municipality, affected by any decision of the Building Official concerning the enforcement of the provisions of this Ordinance. Such appeals shall be taken within such time as provided by the rules of the Board by filing with the Building Official and with the Board, a notice of appeal specifying the grounds thereof. The Building Official shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.
- 24.400 The Board shall fix a reasonable time for the hearing of appeal, give the public notice 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. The notice shall be given at least ten (10) days prior to the date set for the hearing. The notice of same shall also be placed in a publication of general circulation in the City of Cooper at least fifteen (15) days prior to the date set for the hearing. At the hearing any party may appear in person or by attorney or agent.
- 24.500 The Board shall have the following powers:
1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision and determination made by the Building Official in the enforcement of this Ordinance.
 2. To hear and decide special exceptions to the terms of this Ordinance upon which said Board is required to pass.
 3. To authorize in special cases such variance from the terms of this Ordinance as will not be contrary to the public interest where owing to special conditions a literal

enforcement of the provisions of this Ordinance will result in unnecessary hardship, and in such a manner that the spirit and purpose of this Ordinance will be observed.

4. To grant a permit for the temporary building for commerce, or industry in a residential district which is incidental to the residential development. Said permit to be issued by the Board not to exceed two years.
5. To grant a permit for the extension of a use, height, or area regulation into an adjoining district for a distance of not more than 25 feet where the boundary line of the district divides a lot in single ownership at the time of the adoption of this Ordinance.
6. To grant a permit for the reconstruction within twelve (12) months of a building permitted in a district restricted against its use which building has been destroyed by fire or other calamity to an extent of not more than seventy-five percent (75%) of its reasonable value.
7. To grant a permit for the alteration or enlargement of an existing building located in a district restricted against its use where such alteration or enlargement is necessarily incident of a use existing at the time of the adoption of this Ordinance, provided further that in no case shall any such enlargement be more than fifty (50) feet from the existing structure at the time of the passage of this Ordinance.
8. It shall have all other powers and duties as are provided for such Board of Adjustment in the State Zoning Enabling Act under which this Ordinance is authorized.

24.600 The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination by the Building Official, or to effect any variation in this Ordinance.

ARTICLE 25

VEHICLE PARKING REGULATIONS AND OFF STREET LOADING REQUIREMENTS

25.100 EXCEPT AT 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 THERE SHALL BE PROVIDED ON THE LOT OR TRACT OR ON AN IMMEDIATELY CONTIGUOUS LOT OR TRACT, OR ON A LOT OR TRACT WITHIN 150 FEET OF SUCH BUILDING OR STRUCTURE, VEHICLE PARKING IN THE FOLLOWING RATIO OF VEHICLE SPACES FOR THE USES SPECIFIED IN THE DESIGNATED DISTRICTS, EXCEPT THAT AN ESTABLISHED USE LAWFULLY EXISTING AT THE EFFECTIVE DATE

OF THIS ORDINANCE NEED NOT PROVIDE VEHICLE PARKING AS THEREINAFTER SET FORTH PROVIDED SUCH USE IS NOT EXPANDED AND THAT NO EXISTING VEHICLE PARKING IN CONNECTION WITH SAID USES AT THE EFFECTIVE DATE OF THIS ORDINANCE MAY BE REDUCED BELOW THE MINIMUM NUMBER OF SPACES AS HEREINAFTER REQUIRED.

25.101 IN THE FOLLOWING ZONING DISTRICTS THE MINIMUM OFFSTREET PARKING SPACES FOR RESIDENTIAL USES SHALL BE:

- | | | |
|----|------------------------------|--|
| 1. | UD, Undeveloped | Two (2) spaces for each dwelling unit. |
| 2. | R-1, Single-Family Dwelling | Two (2) spaces for each dwelling unit. |
| 3. | R-2, Two-Family | Two (2) spaces for each dwelling unit. |
| 4. | R-3, Multiple Family | Two (2) spaces for each dwelling unit. |
| 5. | SFA (Single Family attached) | Two (2) spaces for each dwelling unit. |

25.102 PARKING SPACE SCHEDULE NON-RESIDENTIAL USES APPLICABLE TO ALL DISTRICTS (WHERE FRACTIONAL PARKING SPACES RESULT FROM THE COMPUTATION OF REQUIREMENTS, THE REQUIREMENT SHALL BE CONSTRUED TO BE THAT THE FRACTIONAL SPACE WILL BE TREATED AS ANOTHER FULL PARKING SPACE REQUIRED). THE FOLLOWING PARKING SPACE SCHEDULE SHALL NOT APPLY TO LC, LIGHT COMMERCIAL DISTRICT.

1. Bank, Savings and Loan or similar financial establishment – One (1) space for each three hundred (300) square feet of total floor area.
2. Bowling Alley – Six (6) spaces for each lane.
3. Clinics or Doctor's Offices – One (1) space for each two hundred (200) square feet of total floor area.
4. Churches – One (1) space for each four (4) seats in the main sanctuary.
5. Commercial Amusement – Ten (10) spaces plus one (1) space for each one hundred (100) square feet of total floor area over one thousand (1,000) square feet.
6. Convalescent Homer Hospital (Chronic Care), or Home for the Aged – One (1) space for each six (6) beds.
7. Gasoline Service Station – Minimum of six (6) spaces.

8. Golf Course – Minimum of thirty (30) spaces.
9. High School College or University – One (1) space for each classroom, laboratory, or instruction area plus one (1) space for each three (3) students accommodated in the institution.
10. Hospital (Acute Care) – One (1) space for each two (2) beds.
11. Hotel or Motel – One (1) space for each room, unit, or guest accommodation plus specified requirements for restaurants and related facilities.
12. Institutions of a Philanthropic Nature – Ten (10) spaces plus one (1) space for each employee.
13. Library or museum – Ten (10) spaces plus one (1) space for each three hundred (300) square feet of total floor area.
14. 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 total floor area, whichever is greater.
15. Offices, general – One (1) space for each two hundred (200) square feet of total floor area.
16. Recreational, private, or commercial area or building (other than listed) – One (1) space for each four (4) persons to be normally accommodated in the establishment.
17. Restaurant or Cafeteria – One (1) space for every three (3) seats under maximum seating arrangement.
18. Retail or Personal Service – One (1) space for each two hundred (200) square feet of total floor area. Furniture stores and appliance stores – One (1) space for each five hundred (500) square feet of total floor area.
19. Schools, Elementary, or Junior High – One (1) space for each classroom plus one (1) space for each four seats in any auditorium, gymnasium or other place of assembly.
20. Storage or Warehousing – One (1) space for each two (2) employees or one (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater.
21. Theaters, meeting rooms, and places of public assembly – One (1) space for each three (3) seats.

22. Shopping Center or Mall – A shopping center or mall is a structure built or converted to provide three (3) or more individual spaces (for rent, for lease, or for sale) that is intended for a non-residential use. One (1) space for each three hundred (300) square feet of total floor area. If two (2) or less, then the parking requirements of 25.102 (1) through 25.102 (24) would apply to the individual use per business space.
23. Motor Vehicle Service Repair or Garage – Four (4) spaces per service bay.
24. Beauty and Barber Shops – One (1) space for each one hundred (100) square feet of total floor area.

25.200 SPECIAL OFF-STREET PARKING REQUIREMENTS

1. In the R-1 and R-2 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 exceeding one (1) ton capacity.
2. In the R-1 and R-2 Districts, a boat, or recreational vehicle may be parked or stored on the residential premises of the owner provided that such boat or recreational vehicle is at least ten (10) feet from any curb line and not in the required front or side yard.
3. Floor area of structures devoted to off-street parking of vehicles shall be excluded in the computing of off street parking requirements.
4. Private access drives to parking lots to serve non-residential uses shall not be through residential districts.

25.300 PARKING REQUIREMENTS FOR NEW OR UNLISTE USES

1. Where questions arise concerning the minimum off-street parking requirements for any use not specifically listed, the requirements may be interpreted as those of a similar use.
2. Where a determination of the minimum parking requirements cannot be readily ascertained for new or unlisted uses according to 24.102 or where uncertainty exists, the minimum off-street parking requirements shall be established by the same process as provided in 4.200 for classifying new and unlisted uses.

25.400 OFF-STREET LOADING REGULATIONS

EXCEPT IN THE CITY SQUARE AREA, ALL RETAIL, COMMERCIAL, INDUSTRIAL, AND SERVICE STRUCTURES SHALL PROVIDE AND MAINTAIN OFF-STREET FACILITIES FOR RECEIVING AND LOADING MERCHANDISE, SUPPLIES, AND MATERIALS WITHIN A BUILDING OR ON THE LOT OR TRACT, SUCH OFF-STREET LOADING SPACE MAY BE ADJACENT TO A PUBLIC ALLEY OR PRIVATE SERVICE DRIVE OR MAY CONSIST OF A TRUCK BERTH WITHIN THE STRUCTURE. SUCH OFF-STREET LOADING SPACE OR TRUCK BERTH SHALL CONSIST OF A MINIMUM AREA OF TEN (10) BY FORTY-FIVE (45) FEET AND SUCH SPACES OR BERTHS SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING SCHEDULE:

<u>SQUARE FEET OF GROSS FLOOR AREA IN STRUCTURE</u>	<u>MINIMUM REQUIRED SPACES OR BERTHS</u>
0 to 5,000	None
5,000 to 15,000	1
15,000 to 40,000	2
40,000 to 65,000	3
65,000 to 100,000	4

Note: The existence of a twenty (20) foot alley adjacent to the property shall be the equivalent of one berth.

ARTICLE 26

PERMITS

26.100 No permit for the erection, alteration, construction, reconstruction, use or maintenance of any building, or the use of any premises shall be issued by the Building Official unless there shall first be filed in this office by the applicant therefore a plan in duplicate, drawn to scale, correctly showing the location and actual dimensions of the lot to be occupied, the dimensions and location on the lot of the building to be erected, constructed, reconstructed, altered, used or maintained with measurements of the building, together with a true statement, in writing, signed by the applicant showing the use for which such building or premises is arranged, intended, or designed, and the locations and dimensions of all accessory buildings or structures and no permit shall be issued by said Building Official unless such plan shall show in all details that such building or structure is to be erected, constructed, reconstructed, used or maintained, and such premises are to be used in conformity with all the provisions of this Ordinance. A record of such applications and plans shall be kept in the office of the Building Official. Failure of any applicant or his agent, servants or employees to erect, construct, reconstruct, alter, use or maintain any building

structure or premises in conformance with such plans on which such permit is issued, when such failure constitutes a violation of any provisions of this Ordinance, shall render such permit void, and the City Building Official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant, or his agents, servants or employees and all work upon such building, structures, or premises shall be changed so as to comply with such plans and permits.

- 26.200 No person, firm, or corporation shall construct, place or maintain or cause to be constructed, placed, or maintain any type or kind of fence or screen, including one made up of shrubbery, bushes, or trees, without having first procured from the City of Cooper a written fence permit. Before issuing any such permit, the City shall approve the plan for the construction of same and be satisfied that said fence or screen and its location will not constitute a violation of any of the ordinances of said City, including but not limited to building lines, side yard lines, and traffic hazards nor a menace to persons or to the property of others.

ARTICLE 27

CERTIFICATE OF OCCUPANCY AND COMPLIANCE

- 27.100 No building hereafter erected, converted or structurally altered shall be used, occupied or changed in use and no land may be used until a Certificate of Occupancy and Compliance shall have been issued by the Building Official of the City of Cooper stating that the building or proposed use of land or building complies with the provisions of this Ordinance and other building laws of the City of Cooper.
- 27.101 A certificate of Occupancy and Compliance shall be applied for coincident with the application for a Building Permit and will be issued within ten (10) days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Ordinance. An Occupancy Permit shall be considered evidence of the legal existence of a nonconforming use as contrasted to an illegal use and violation of this Ordinance.
- 27.102 A Certificate of Occupancy and Compliance shall state that the building or proposed use of a building or land complies with all the building ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Official and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land or building affected.
- 27.103 Whenever a change of occupancy from one nonconforming use to another nonconforming use is proposed, an application for a Certificate of Occupancy shall be made to the Building Official.

ARTICLE 28

AMENDMENTS

28.100 Any person or corporation having proprietary interest in any property may petition the City Council for a change or amendment to the provisions of this Ordinance, or the City Planning and Zoning commission may, on its own motions or on requests from the City Council, institute study and proposal for changes and amendments in the public interest.

28.101 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 governing body shall submit the same to the City Planning and Zoning Commission for its recommendation and report.
3. The City Planning and Zoning Commission shall hold a public hearing on any application for any amendment or change. When any such amendment or change related to a change in classification or boundary or a zoning district, written notice of public hearing before the City Planning and Zoning Commission on the proposed amendment or change shall be sent to all owners of real property lying within two hundred (200) feet of the property on which the change is requested. Such notice shall be given not less than ten (10) days before the date set for hearing by posting such notice properly addressed and postage paid to each taxpayer as the ownership appears on the last approved City tax roll. Notice shall also be posted along with the agenda for all hearings and related meetings in accordance with the applicable Laws of the State of Texas. When any such amendment relates to a change of a zoning regulation or to the text of this Ordinance not affecting specific property, notice of the public hearing of the City Planning and Zoning Commission shall be given by publication in a newspaper of general circulation in the City of Cooper without the necessity of notifying property owners by mail. Such notice shall state the time and place of such hearing and the nature of the subject to be considered, which time shall not be earlier than ten (10) days from the date of publication.
4. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement, or change. Notice of such hearing shall be given by publication in a newspaper of general circulation in the City of Cooper stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.

5. Unless a proposed amendment, supplement, or change has been approved by the City 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 or land included in such a proposed change or of the lots or land immediately adjoining the same and extending two hundred (200) feet therefrom including Public Right-of-Way, such amendments shall not become effective except by a three-fourths (3/4's) vote of the City Council.

ARTICLE 29 – Reserved for future expansion

ARTICLE 30 LZ

LAKE ZONE

30.100 This zone is especially created for Big Creek Lake to utilize and preserve the lake to the fullest extent possible for the citizens of Cooper and surrounding areas. It is anticipated that a demand for single-family dwelling will develop. It is not anticipated that other demands will become significant in the foreseeable future.

30.110 All provisions of Article 7-R-1 apply unless provided for by this article.

30.200 CONSTRUCTION OF PIERS, DOCKS AND BOAT RAMPS

- a. Any fishing pier, dock, or ramp to be constructed on the shores of Big Creek Lake either for private or commercial use, shall first be approved by the City's Management and a Construction Permit issued therefor by the City. Plans and specifications governing the materials and construction details shall be submitted to the City for approval prior to issuance of the Construction Permit, and fees shall be paid prior to the onset of construction.
- b. All bents, pilings, joists, decking, and brace members utilized in the construction of piers or docks on any property owned or controlled by the City shall be of creosoted or penta-treated materials to inhibit decay.
- c. Pilings must be of creosoted or penta-treated timbers or like material, of at least six (6) inch diameter, driven, buried, or otherwise sunk to a minimum depth of three (3) feet into the bed of the lake.
- d. The use of other materials in the construction of piers and docks must be approved by the City.
- e. The construction of boat ramps will be permitted only in areas where the natural slope of the terrain toward the water is, or may be altered to be, equal to or less than seven (7) feet in one hundred (100), or seven percent (7%).

- f. All boat ramps must be paved, surfaced, completed, or constructed in such a manner as to inhibit erosion.
- g. All flotation-type docks must be constructed of the materials permitted herein and anchored permanently to the shore or bed of the Lake with steel cables of no less than three-fourth (3/4) inch diameter or chains of similar strength.
- h. Pier length shall not exceed thirty (30) feet by special permit. All piers shall have reflectors at end on both sides and every ten (10) feet on both sides; all piers twenty (20) feet and over shall have a serviceable light attached to the end of the pier to be turned on at all times between thirty (30) minutes after sunset and thirty (30) minutes before sunrise, and shall be of a power at least fifty (50) watts.
- i. A permit for construction of a private boat ramp may be obtained by making application at the City office and payment of a permit fee in accordance with the schedule of fees promulgated by the City, based on the width of the ramp at the normal water level. There will be no charge for a permit for construction of a boat ramp for use by the public at no charge. A sign must be erected adjacent to the boat ramp indicating that it may be used by the public at no charge.

30.300 SANITATION

PREAMBLE

Big Creek Lake is a 4,890 acre-foot reservoir covering 520 surface acres located in Delta County. The dam is located on Big Creek Lake. The principal purpose of the reservoir is the source of a dependable and good quality raw water supply for Delta County. This use, along with recreational utilization, requires maintenance of an excellent water quality in Big Creek Lake. Among the potential sources of pollution which must be controlled in order to maintain high water quality in the reservoir is sewage from subdivisions, individual dwellings, parks, motels, restaurants, and other developments which exist or may exist in the future surrounding the reservoir. Sewage discharged into organized disposal systems is regulated by the Texas Water Quality Board; therefore, this regulation is concerned with control of sewage not discharged into organized disposal systems. This regulation and control is needed to protect the quality of the water of Big Creek Lake.

- A. Rules and Regulations established by the Texas Water Quality Board, the Texas State Department of Health, and Texas Parks and Wildlife Department, and all amendments thereto are hereby adopted and shall apply to Big Creek Lake insofar as they are applicable.

B. SEWAGE AND WASTE WATER SYSTEMS

Site Considerations and Permit Requirements

1. The builder and the City of Cooper regulatory agency shall determine the best location of the system. This on-site inspection must be made prior to the issuance of a septic system permit.
2. Before any construction is begun, a permit must be issued and a fee paid in accordance with the schedule of fees promulgated by the City.
3. A final inspection must be made by the City on each system before any back filing is commenced.
4. A percolation test shall be made on each site.
5. An annual inspection will be made by the City and fees must be paid in accordance with the fee schedule.
6. Minimum Safe Distances
 - a. Septic tank (plant) to structures or foundations5'
 - b. Soil absorption system to foundation.....15'
 - c. Septic tank (plant) to water wells.....50'
 - d. Soil absorption system to water wells.....150'
 - e. Either system to streams and ponds.....75'
 - f. Either system to 458 MSL elevation.....75'
 - g. Any system to property line.....75'
 - h. Each system shall be 462 MSL elevation or higher.

DESIGN AND CONSTRUCTION CONSIDERATIONS

- A. Only aeration (aerobic) systems will be allowed. A list of approved systems may be obtained at the City's office.
- B. Tank Sizes
 1. 2 Bedroom or less 800 gallons
 - 3 Bedroom..... 1000 gallons
 - Each additional Bedroom..... 250 gallons

C. Type Material

HOUSE TO SEPTIC

1. Cast Iron.
2. Vitrified Clay.
3. Approved types of plastic pipe.
4. Minimum diameter of four (4) inches.
5. Fall not less than 1/2 inch per foot.
6. Pipe joints shall be sealed to prevent leakage or entry of roots at the joints.
7. Automatic washers are to be discharged directly into aeration plant.

ABSORPTION FIELD - TRENCH TYPES

1. Minimum pipe diameter of four (4) inches.
2. Minimum trench depth shall be eighteen (18) inches and maximum of twenty-four (24) inches.
3. Minimum length of drain field lines shall be no less than one hundred seventy (170) feet but in most instances longer.
4. Drain field trenches shall have minimum of six (6) inches of gravel beneath and a two (2) inch coverage over the drain field pipe.
5. Cover with butcher paper to prevent soil intrusion from above.
6. Trench width - eighteen (18) inch minimum to thirty-six (36) inch maximum.
7. Minimum spacing between parallel trenches is five (5) feet.
8. All lines shall be laid level in the trenches.
9. When using SB2 pipe, gravel and butcher paper may be omitted.
10. Back fill with sand loam when clay exists.

ABSORPTION FIELD - PIT TYPES

1. Two (2) bedrooms or less - 500 square feet.
2. 100 additional square feet for each additional bedroom.
3. Lines shall be no closer than 3 feet from the sides of the absorption bed.
4. Lines shall be laid four (4) to five (5) feet apart.
5. Twelve (12) inches of sand in bottom.
6. Six (6) inch layer of 1 1/2 " to 2 1/4 " gravel in gravel bed.
7. Gravel cover 2" over pipe (same size gravel).
8. Butcher paper layer over all area.
9. Earthfill of sand loam free of rocks and "gumbo" clay, mounded to drain away from the bed.

10. Pit Depth – 3 to 4 feet.
11. When using SB2 pipe, gravel and butcher paper may be omitted.

OTHER CONSIDERATIONS

1. The septic tank (plant5) must be water tight, structurally sound, and durable.
2. All septic tanks (plants) shall have a removable plug to allow pumping, if necessary, without digging the top of the tank out.
3. After the effective date of these regulations, should any existing septic system that was installed prior to this date fail to operate properly in the opinion of the City, same must be replaced with an aeration type system as defined in this article.

CENTRALIZED COLLECTIONS AND DISPOSAL SYSTEMS

- a. The City will encourage the developers to install, when and where feasible, centralized sewer collection and disposal systems.
- b. All construction plans, specifications, and plant locations will be reviewed by the City and approval obtained, before a permit will be issued for construction.
- c. No effluent from any sewage system shall be emptied directly or indirectly into the waters of Big Creek Lake.
- d. All such systems shall conform to the design criteria for sewage systems of the Division of Wastewater Technology and Surveillance, Environmental Health Services, and Texas State Department of Health.
- e. The developer will be responsible for the service and maintenance of any central sewage collection and disposal system which such developer installs.

PENALTIES

Should any septic system or wastewater treatment plant fail to operate properly or be operated in a manner as to allow effluent to rise to the surface of the ground then the City of Cooper, in addition to all other rights and remedies it may have, shall have the authority to have water service to such lot disconnected or cut off and/or have the

septic tank pumped. The City shall be reimbursed by the owner thereof for any charges incurred.

SOLID WASTE DISPOSAL

- a. The disposal on City property of solid wastes, including garbage, rubbish, ashes, street cleanings, dead animals, abandoned automobiles, etc., is hereby prohibited.
- b. It will be the policy of the City to prosecute fully any person or persons disposing of solid wastes upon any property owned, leased, or otherwise controlled by the City.

30.400 SIZE OF LOTS (BIG CREEK LAKE)

Minimum Lot Sizes

- a. No residential lot or site shall contain an area smaller than one-half (1/2) acres unless there is an express waiver of this requirement by the District.
- b. Lot or site depth shall be sufficient to permit an adequate disposal drain field for septic tank use.

30.401 No mobile home, modular home, prefinished home, camper, or recreational vehicle shall be allowed within the Lake Zone.

30.402 Minimum size of development - No residential building shall contain less than 1,500 square feet of living area.

30.405 UTILITIES - All utilities are to be buried according to the Rules of the Southern Building Code.

30.406 UTILITIES - All propane or butane gas tanks are to be buried according to the rules promulgated by the Texas LP Gas Association.

30.500 FENCES, WALLS, TV ANTENNAS

- a. Retaining Walls - All retaining walls shall be constructed of penatreated timbers or concrete, or other materials approved by the City.
- b. Fences - Fence construction permits shall be considered on a case-by-case basis. The City shall consider the type of materials, location, and the like so as to minimize the interference with the view of the lake by other lot owners.

c. Satellite TV Antennas

1. A permit must be issued prior to the installation of satellite TV antennas.
2. The installation of satellite TV antennas or similar structure will not be allowed beyond the 458 MSL elevation or over the surface waters of Big Creek Lake.
3. Satellite TV antennas or similar structures shall be located in a manner so as not to obstruct any neighbor's view of the lake.
4. Lessees are encouraged to make the satellite receiver blend in with the environment as much as possible.

30.600 Reserve for Expansion

30.700 OTHER USES

There shall be no use of City owned property other than the following:

1. PUBLIC PARKS – reserved for future expansion.
2. LEASES – Leases to adjoining property owners must be approved by the City for the Property Owners use only. Lease price to be 25¢ per linear foot per lake front per year.

30.800 FIRE AND POLICE PROTECTION

1. It is understood that the Cooper Volunteer Fire Department will respond to any emergency situation. However, it is known that no fire hydrants are fixed to the lake zone at this time and none are in the City's plans. Any subdivider will be required to install fire hydrants according to the separate article for subdivisions. Any individual in the Lake Zone is encouraged to consider fire protection to their best interest before constructing any residence or building.
2. Police protection will be provided in all other zones in the City of Cooper, Texas.

ARTICLE 31 Reserved for future expansion

ARTICLE 32 Reserved for future expansion

ARTICLE 33 Reserved for future expansion

ARTICLE 34

ENFORCEMENT

34.100 It shall be the duty of the Building Official to enforce the provisions of this Ordinance and to institute any appropriate action or proceedings to restrain, correct or prevent the violation of the terms of this Ordinance.

34.200 Appeals from the action of the City Building Official may be made to the Board of Adjustment.

ARTICLE 35

PENALTY FOR VIOLATIONS

35.100 Any person violating or failing to comply with any of the provisions of this Ordinance shall be fined upon conviction not less than One Dollar (\$1.00) nor more than One Thousand (\$1,000) and each day any violation or non-compliance continues shall constitute a separate and distinct offense.

35.200 The penalty provided herein shall be cumulative of other remedies provided by State Laws and the power of injunction as provided in Texas Revised Civil Statutes, Article 100-h and as may be amended, may be exercised in enforcing this Ordinance whether or not there has been a criminal complaint filed.

ARTICLE 36

SAVINGS CLAUSE

- 36.100 It is hereby declared to be the intention of the City Council of the City of Cooper that the sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph, or section.
- 36.101 This Ordinance shall be in full force and effective from and after the date of its passage and publication of the descriptive caption as required by Article 1013 of the Statutes of the State of Texas.

ARTICLE 37

ADOPTION CLAUSE

- 37.100 This Ordinance, upon its adoption, shall hereby expressly replace any existing zoning Ordinance of the City of Cooper, respectively, together with all amendment thereto. All Ordinances and parts of Ordinances inconsistent with or in conflict with the provisions of this Ordinance shall be and are hereby expressly repealed unless otherwise noted herein. This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

ARTICLE 38

INTERPRETATION, PURPOSE AND CONFLICT

- 38.100 In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, or agreements, the provision of this Ordinance shall govern.

ARTICLE 39

PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATION UNDER EXISTING ORDINANCES

39.100 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. Otherwise, such uses shall remain non-conforming uses 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 the existing Zoning Ordinance was hereby amended, shall be discharged or affected by such amendment; but the prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or caused presently pending proceeded with in all respects as if such prior Ordinance has not been amended.

ARTICLE 40

EFFECTIVE DATE

40.100 This amended Ordinance shall become effective from and after the date of its approval and adoption as provided by law.

PASSED AND APPROVED this the _____ day of _____, 19____.

Richard C. Huie, Mayor

ATTEST:

Margaret Eudy, City Secretary

First Reading _____

Second Reading _____