

## Article 7. Definitions

### 7.1 WORD USAGE

Certain words in this zoning ordinance are defined as follows:

- A. Words used in the present tense include the future words;
- B. Words in the singular number include the plural number and words in the plural number include the singular number;
- C. The word "building" includes the word "structure;"
- D. The word "lot" includes the words "plot" or "tract;"
- E. The word "shall" is mandatory and not discretionary.

### 7.2 DEFINITIONS OF WORDS, TERMS, AND PHRASES

All words and their definitions as defined in this Article are applicable throughout the entire zoning ordinance, except as provided for in any amending ordinance, and any reference to words and definitions in any part of this zoning ordinance shall be defined by this Article if needed to be defined otherwise than by their plain and ordinary meaning. Definitions for specific uses are listed in Section 7.3.

*Accessory Building* - A separate building or structure from the main building, used for purposes incidental to the main use of the premises.

*Accessory Building (Attached)* - An accessory building that is either physically attached to the main building or that by its location on the lot is required to meet the same setbacks as the main structure.

*Accessory Building (Detached)* - An accessory building that is located entirely in the rear half of the lot; and located entirely in the rear yard; and is separated from the main building.

*Accessory Use* - A use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

*Alley* - A public space or thoroughfare which affords only secondary means of access to abutting property by motorized vehicle, typically located on the side or rear of a lot.

*Atmosphere* - The air that envelops or surrounds the earth. Where air contaminants are emitted into a building not designed specifically as air pollution control equipment, such emission into the building shall be considered emission into the atmosphere.

*Atmospheric Pollution* - The discharging from stacks, open storage, chimneys, exhausts, vents, ducts, openings, or open fires of such air contaminants as visible emissions, sulfur dioxide, particulate matter, hydrocarbons, fumes or similar material or gases.

*Background Noise* - Noise from all sources other than that under specific consideration including traffic operating on public thoroughfares.

*Block* - An area surrounded by streets, highways, railroad rights-of-way, public walks, parks, green strips, rural lands, rivers, lakes, streams, or other bodies of water, drainage channels, or a combination of any of the foregoing. If used as a term of measurement, "block" shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

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

*Building Line* - A line parallel or approximately parallel to the street line at a specified distance away making the minimum distance from the street line that a building may be erected.

*Building Official* - The City Employee appointed by the City Manager to serve as the City's Chief Building Official or other person charged with the enforcement of the City's zoning and construction ordinances and regulations.

*Cellar* - A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

*Certificate of Occupancy and Compliance* - An official certificate issued by the City through the enforcing official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

*City Council* - The City Council of the City of Farmers Branch, Texas.

*City Manager* - The City Manager of the City of Farmers Branch, Texas.

*Code of Ordinances* - The Code of Ordinances of the City of Farmers Branch, as amended or recodified.

*Combustion* - The rapid exothermic reaction of any material with oxygen.

*Commission* - The City of Farmers Branch Planning and Zoning Commission.

*Comprehensive Plan* - Long term plan and any subsequent amendments thereto.

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

*Coverage* - The area of a lot or tract covered by the roof or first floor of a building, but not including the first two feet of the area of any roof eaves extending from the walls of a building.

*District* - An area of the City with boundaries established by the City Council to which regulations governing the area, height, and use of the land and buildings within said area have been established in accordance with this zoning ordinance and applicable state law.

*Director* - The person appointed by the City Manager to be employed as City's Community Services Director or such person designated by the Community Services Director.

*Emission* - The act of passing into the atmosphere an air contaminant or a gas stream which contains or may contain an air contaminant or the material so passed into the atmosphere.

*Emission Points* - The location (place in horizontal plane and vertical elevation) at which an emission enters the atmosphere.

*Exhaust Gas Volume* - The total volume of gas emitted from an emission point.

*Family* - Any number of individuals living together as a single housekeeping unit in which not more than two individuals are unrelated by blood, marriage or adoption when residing in multi-family zoning districts, or high density residential areas, or in a one-family dwelling containing one or two bedrooms; or not more than three individuals unrelated by blood, marriage or adoption when residing in a one-family dwelling containing three or more bedrooms. Foster children shall be considered as a related member of the family.

*Frequency* - The number of oscillations per second in a sound wave.

*Full-time domestic service worker* - An adult that performs domestic duties on a full-time basis for the owner/occupant of the main building at the premises. Domestic duties may include, but are not limited to cooking, household cleaning, laundry, lawn maintenance and child care for the owner/occupant's children.

*Gas* - Any fluid, either combustible or noncombustible, which is produced in a natural state from the earth and which maintains a gaseous or rarefied state at standard temperature and pressure conditions and/or the gaseous components or vapors occurring in or derived from petroleum or natural gas.

*Gas Compressor* - Means any machinery or equipment needed to adjust the pressure of gas being extracted from the earth or transported through a pipeline. All Gas Compressor stations shall be completely enclosed and substantially soundproofed.

*Gas Well* - Any well drilled, to be drilled, or used for the intended or actual production of natural gas.

*Guest/Servants Quarters* - An accessory building designed and used for the temporary housing of immediate family members, personal guests or the housing of a full-time domestic service worker.

*Immediate Family Member* - A member of the occupant's family in the first degree of consanguinity. (i.e. spouse, child (including adopted), and parent)

*Landscaping*- Landscaping shall consist of any of the following or combination thereof: material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, or trees; and non-living structural material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls, or fences but excluding paving.

*Living Unit* - The room or rooms occupied by a person and must include cooking facilities.

*Lot* - An undivided parcel or tract of land having its principal frontage upon a public street or officially approved placed and designated as a distinct tract.

*Lot Lines* - The lines bounding a lot.

*Lot of Record* - A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Dallas County, or a parcel of land, the deed for which was recorded in the office of the County Clerk of Dallas County prior to February 24, 1969.

*Main Building* - The building or buildings on a lot which are occupied by the primary use.

*Occupancy* - The use or intended use of the land or buildings by proprietors, or tenants.

*Octave Band* - A term denoting all the frequencies between any given frequency and double that frequency.

*Octave Band Filter* - An electrical frequency analyzer designed according to the standards formulated by the formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

*Off-Street Parking* - A location not within any public street, highway, or alley designed and intended for the parking of motor vehicles.

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

*Operation* - Any physical action resulting in a change in the location, form or physical properties of a material, or any chemical action resulting in a change in the chemical composition or chemical or physical properties of a material. The following are given as examples, without limitation of the generality of the foregoing: heat transfer, calcination, double decomposition fermentation, pyrolysis, electrolysis, combustion material handling, evaporation mixing, absorption, filtration, fluidization, screening, crushing, grinding, demolishing, shoveling, bagging, etc.

*Particulate Matter* - Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions when released into the atmosphere.

*Person* - Any person, firm, associations, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner or any state or local governmental agency or public district or any officer or employee thereof. It includes the owner, lessor, lessee, tenant, licensee, manager and operator, or any of such, of any emission point or any source operation which may constitute a source of atmospheric pollution related thereto, or any interest in such emission point or operation source.

*Ppm (vol)* - Parts per million by volume.

*Private Garage* - An accessory building housing vehicles owned and used by occupants of the main buildings; if occupied by vehicles of others, it is a storage space.

*Radio, Television or Microwave Towers* - Structures supporting antennas for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. In any event the use as a Microwave, radio, or television tower in a given zone is still subject to the height, setback and other requirements, etc., as per the zoning district requirement in which the tower is located.

*Railroad Team Track* - A siding for spotting and unloading or loading box cars or other railroad cars and which area is connected to a public street by a drive for access.

*Railroad Track and Right-Of-Way* - The area located within the boundaries of an easement or fee simple tract of land owned by a private or public entity that operates or has the right to operate trains on tracks located or that may be located within said area, but not including railroad stations, sidings, railroad team tracks, loading facilities docks, yards or maintenance areas.

*Rear Half of the Lot* - The portion of a lot located behind a line connecting the midpoints on the two opposite side lot lines of any lot, tract, or plot.

*Re-Drill* – The re-completion of an existing well by deepening or sidetrack operations extending more than 150 feet from the existing well bore.

*Shrubs*- Self-supporting, woody, evergreen species as normally will grow in Dallas County.

*Sign* shall have the same meaning as set forth in Section 6-30 of the Code of Ordinances.

*Story* – The height between the successive floors of a building or from the top floor to the roof. A half story (0.5) shall not exceed 50% of habitable floor area of the story directly beneath it.

*Street* - Any thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for public use.

*Street Line* - A dividing line between a lot, tract or parcel of land and a contiguous street, the right-of-way line.

*Structural Alterations* - Any change in the supporting member of a building, such as a bearing wall, column, beams or girders.

*Structure* - (same as Building).

*Thoroughfare* - (same as Street).

*Top Plate* - The top of the top structural support on which the rafters and/or joists rest.

*Tower* - means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers or monopole towers, for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television. The term includes telephonic, radio, data, and television transmission towers, microwave towers, telephone towers and the like.

*Well* – Any single hole or bore to any horizon, formation, or strata, for the purpose of producing gas, liquid hydrocarbon, brine water or sulfur water, or for use as an injection well for secondary recover, disposal or production of gas, or other hydrocarbons from the earth.

*Yard* - An open space other than a court, on the lot in which a building is situated and which is not obstructed from a point 40 inches above the general ground level of the graded lot to the sky, except as provided for roof overhang and similar architectural features and plant material.

*Zoning District Map* - The official certified map upon which the boundaries of the various zoning districts within the City are drawn and which is an integral part of the zoning ordinance as provided in Section 2.2.

### 7.3 DEFINITIONS OF USES

The following definitions define the meaning and intent of uses as set forth in the Use Table. Definitions for words, terms, and phrases are listed in Section 7.2.

*Accessory Building or Structure* – A building or structure, attached or detached and on the same lot as the main structure.

*Adult Arcade* – Any place to which the public is permitted or invited where coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of “specified sexual activities” or “specified anatomical areas.”

*Adult Bookstore or Adult Video Store* – A commercial establishment that as one of its principal business purposes openly advertises or displays or offers for sale or rental for any form of consideration any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations that depict or describe “specified sexual activities” or “specified anatomical areas”; or Instruments, devices, or paraphernalia that are designed for use in connection with “specified sexual activities”.

*Adult Cabaret* – A commercial establishment that regularly features the offering to customers of live entertainment that is intended to provide sexual stimulation or sexual gratification to such customers and; is distinguished by or characterized by an emphasis on matter depicting, simulating, describing, or relating to “specified anatomical areas” or “specified sexual activities.”

*Adult Day Care Center* - An establishment that provides counseling, recreation or food or any combination of these services on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the establishment. Clients of an adult day care center shall not require institutionalization in a hospital, nursing or convalescent home, or similar specialized facility. Such establishment shall not accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others. An adult day care center shall be licensed by either the Texas Department of Health or the Texas Department of Human Services and operated in a manner consistent with such standards as may be promulgated by the Texas Department of Health, the Texas Department of Human Services and the City of Farmers Branch under its zoning and police power.

*Adult Motel* – A hotel, motel or similar commercial establishment that offers a sleeping room for rent for a period of time that is less than ten hours; or offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas”; and has a sign visible from the public right-of-way that advertises the availability of this type of photographic reproductions; or allows a tenant or occupant of a sleeping room to subrent the room for a period of time hat is less than ten hours.

*Adult Motion Picture Theater* – A commercial establishment where for any form of consideration, films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown that are characterized by the depiction or description of “specified sexual activities.”

*Adult Theater* – A theater, concert hall, auditorium, or similar commercial establishment that regularly features persons in a state of nudity or live performances that are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities.”

*Airport, Landing Field or Heliport* – A landing facility for fixed and rotary wing aircraft including terminal, fueling, repair, and storage facilities and subject to approval by the City of Farmers Branch.

*Amusement, Commercial (indoors)* – An amusement enterprise wholly enclosed in a building offering entertainment of games of skill, including, but not limited to, bowling, billiards, bingo, combative fighting, arcades with more than five coin operated devices, and similar uses that generate higher noise levels or parking requirements than general retail establishments.

*Amusement, Commercial (outdoors)* – Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge where any portion of the activity takes place in the open including, but not limited to a golf driving range, archery range, baseball or softball batting cages, and miniature golf course.

*Antique Shop* - An establishment offering for sale, within a building, articles such as glass, china, furniture or similar furnishings and decorations which have value and significance as a result of age, design and sentiment.

*Art Gallery* – An establishment engaged in the sale, loan and/or display of works of art including, but not limited to, books, paintings, sculptures, and other similar media.

*Bakery (Retail)* – An establishment primarily engaged in the retail sale of baked or sugar based products.

*Bakery (Wholesale)* – A bakery in which there is permitted the production and/or wholesaling of baked goods, but where over the counter or other retail dispensing of baked goods shall be prohibited.

*Bank or Financial Institution* – An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds excluding pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.

*Bar, Tavern, Lounge* – An establishment primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.

*Bar/holding area* – An area for serving and/or consumption of beer, wine, or mixed beverages, indicated on the approved floor plan of a qualifying restaurant holding a Specific Use Permit for serving beer, wine, or mixed beverages, not to exceed 20% of the floor area of the qualifying restaurant.

*Beauty Salon* (see Retail, Personal Services) – A commercial establishment wherein cosmetology is offered or practiced on a regular basis for compensation.

*Beer and Wine Package Sales Establishment* – An establishment engaged in the selling of beer and/or wine to the general public for off-site personal or household consumption and rendering services incidental to the sale of such goods.

*Benevolence Storage and Distribution* – Center operated by a eleemosynary corporation, where no food preparation is allowed, where there is no charge for the food or other goods, where no housing or shelter is allowed.

*Boarding House or Rooming House* – A building, other than a hotel, where lodging and/or meals for three or more persons are provided for compensation.

*Bottling Plant* – Manufacturing establishments producing or processing beverages for human consumption and certain related products in glass, plastic or metal containers.

*Brewery* – An industrial use that brews wines, ales, beers, meads and/or similar beverages on site. On-premise consumption of beverages is allowed on a case-by-case basis in accordance with applicable provisions of the Texas Alcoholic Beverage Code.

*Brew Pub* – A business owned and/or operated by the holder of a Brewpub License issued to the holder pursuant to Chapter 74 of the Texas Alcoholic Beverage Code.

*Car Title Loan Business* – A credit access business as defined in Texas Finance Code sec. 393.601(2), as amended, that makes motor vehicle title loans to consumers pursuant to Chapter 393, Subchapter G of the Texas Finance Code, as amended.

*Car Wash* – A business engaged in the washing and/or cleaning of vehicles, primarily automobile and passenger trucks (less than 8,000 pounds gross vehicle weight).

*Catering Services* – A business that prepares, supplies, and/or serves food consumed at a location other than the location where the substantial portion of the food preparation occurs.

*Catering Vehicle (Cold Truck)* – A mobile food establishment which conveys food from an approved commissary or servicing area; and from which only approved, prepackaged foods in individual servings are sold or conveyed in such a manner that no direct food contact results.

*Cemetery or Mausoleum* – Land used or dedicated to the burial of the dead and dedicated for cemetery purposes but excluding crematories.

*Check Cashing Business* – An establishment that (1) provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, or where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time; or (2) where the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as service that is incidental to its main purpose or business, provided such retailer does not



cash more than 100 checks in any calendar month. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop or supermarket.

*Commercial Parking Lot* - An outdoor area devoted exclusively to the parking or storage of vehicles for a fee, but does not include storage of vehicles for sale or lease.

*Commissary* – A catering establishment, restaurant, or any other place in which food containers, or supplies are kept, handled, prepared, packaged or stored.

*Community Center (Public)* – A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the City’s residents and others.

*Community Center (Private)* – A building and grounds owned and operated by an individual or non-governmental entity used by members of a group or organization for social, cultural, or recreational purposes.

*Community Garden* – A lot or portion of a lot that is temporarily used for the production of vegetables, fruits, herbs and plant materials that may have public or charitable funding.

*Country Club* – An area of 25 acres or more containing a golf course and clubhouse which is available to a specific recorded membership. Such a club may include as adjunct facilities, a dining room, private club, swimming pool, cabanas, tennis courts and similar service and recreational facilities for the members.

*Crematorium* – A location containing properly installed, certified apparatus intended for use in the act of cremation.

*Day Camp* – A facility arranged and conducted for the instruction and organized outdoor recreation of children on a daytime basis.

*Driving School* – A school where people are taught to drive vehicles.

*Dry Cleaning or Laundry Pick-Up Station* – An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry without the maintenance or operation of any laundry or dry cleaning equipment or machinery on the premises.

*Dry Cleaners (Full Service)* – An establishment or business that provides full laundry services to the general public.

*Eleemosynary Corporation* – A private corporation formed and operating pursuant to the Texas Non-Profit Corporation Laws (Texas Business Organizations Code ch. 22, as amended), and which is qualified as a tax exempt organization under Section 501(c)(3) of the Internal Revenue Code.

*Enclosed Vehicle Storage Facility* – A building or structure devoted exclusively to the parking or storage of vehicles for a fee, but does not include storage of vehicles for sale or lease.

*Escort Agency* – A person or business association that furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

*Farms, Ranch Garden or Orchard* – An area of five acres or more which is used for

growing of usual farm products, vegetables, fruits, trees, and grain and for the raising of the usual farm poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

*Farmers Market* – A a temporary establishment used by farmers and other individual vendors primarily for retail sale of food and homemade products that meet all applicable federal, state, and local laws regulating the preparation and sale of such products.

*Feed Store* – An establishment engaged in retail sale of supplies directly related to the day to day activities of agricultural production.

*Food Processing* – Manufacturing establishments producing or processing foods for human consumption and certain related products.

*Fraternal Organization, Lodge or Civic Club* – A society or association organized for the pursuit of some common objective by working together in a brotherly union. These organizations are not automatically a private club, but may also be a private club.

*Furniture Store* – A retail establishment where no less than 75% of the gross floor area is given to the sale display and storage of indoor household furnishings, including, but not limited to: chairs, sofas, tables, beds, mattresses, major household appliances, floor coverings, curtains and draperies, indoor window treatments, fireplace implements, and similar household merchandise. Specifically excluded are those retail establishments that primarily engage in the sale of consumer electronics, media products (i.e., music, video, software, etc.) and associated equipment.

*Golf Course (Commercial)* – A golf course constructed by a private individual or group and operated as a commercial enterprise other than a driving range, miniature golf or similar golf oriented commercial amusement.

*Gun (Firearm) Sales* – A person or entity engaged in the business of selling, transferring, or leasing; or advertising for sale, transfer, or lease, any firearm and/or ammunition, either directly or indirectly; and/or engaged in the retail sale of ammunition.

*Holder of a Mixed Beverage Permit* – Holder of a permit issued by the Texas Alcoholic Beverage Commission pursuant to Chapter 28 of the Texas Alcoholic Beverage Code.

*Home Occupation* – An activity conducted solely by a residing member of the occupant's family, in the main structure only and which does not: offer goods or services to a client(s) at the premises or; involve the employment or assemblage of assistants or other persons at the premises or; require structural alterations to the building or, involve the installation of machinery or equipment not customarily found at a residence or; involve any advertising or signage at the premises or; involve the dedication of greater than 20% of the building area to the storage or warehousing of any goods, equipment, materials, or other matter associated with the occupation at the premises or; cause the generation of additional traffic in the street or; cause additional parking at or around the premises or; cause the parking or storage of commercial vehicles at the premises or; create or emit any noise, odor, glare, or smoke outside of the main residence or; require additional utilities (other than telephone) to the premises. Exception: This definition is not intended to preclude the occasional visit

of a person to a premises due to a home occupation such as tutoring, piano lessons, or other similar non-disruptive home occupation.

*Home for Care of Alcoholic, Psychiatric or Narcotic Patients* – An institution offering resident treatment to alcoholic, narcotic or psychiatric patients.

*Hookah/Vapor Lounge* – A business establishment for which the configuration of the floor area is to facilitate on-site consumption of tobacco, cigarette, and nicotine-enriched solutions.

*Hospital (Acute Care)* – An institution where sick or injured patients are given medical or surgical treatment intended to restore them to health and active life and which is licensed by the State of Texas.

*Hospital (Chronic Care)* – An institution where those persons suffering from illness, injury, deformity, deficiency or age, are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

*Hotel* – A building or group of buildings whose primary function is to provide rooms for temporary lodging and where each room is gained from a completely enclosed area and which structure may contain a restaurant, conference room, fitness center, business center, gift shop, and other various personal services shops and provides customary hotel services such as linen, maid service, telephone, use and upkeep of furniture. Residence hotel, as defined, is included in this definition.

*Household Appliance Sales* – To include the sale and service of the following, but not necessarily limited to, radio, TV, refrigerators, etc.

*Knife Sharpening Shop* – A knife sharpening shop consists of picking up knives from restaurants, cafeterias, etc., bringing them back to the shop where they are sharpened and then delivered back to the restaurants, cafeterias, etc. A knife sharpening shop specifically excludes manufacturing, assembly, or retail sharpening.

*Light Fabrication and Assembly Processes* – Including the manufacture of jewelry, trimming decorations, and any similar item not involving the generation of noise, odor, vibration, dust or hazard.

*Live/Work Units* – Located in non-residential zoning districts, the live/work unit allows one or more living spaces within a building zoned and/or used for non-residential uses.

*Local Government Public Facilities* – Any use, facility or structure owned, operated or controlled by the City that provides a governmental function, activity, or service for public benefit and which is exempt from zoning district regulations.

*Local Utility Line* – The facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, electric power or telephone service.

*Massage Business* – Any place of business where manipulative massage or manipulated exercises are practiced upon the human body for consideration whether with or without the use of mechanical therapeutic or bathing devices, in a State of Texas licensed hospital by a duly licensed physician or chiropractor; by a duly licensed beautician or barber in a licensed beauty shop or barber shop; in an establishment where State of Texas registered

physical therapists treat only patients recommended by a licensed physician and operate under such physician's direction or any registered massage establishment under Chapter 455 of the Texas Occupations Code, as amended.

*Mobile food preparation vehicle (hot/food truck)* – A food establishment upon which food is cooked and packaged for service, sale or distribution from a truck, bus or trailer.

*Mortuary or Funeral Home* – An establishment providing services such as preparing the human dead for burial and arranging and managing funerals and may include limited caretaker facilities.

*Motel* – A building or group of buildings whose main function is to provide rooms for temporary lodging in which the rooms are directly accessible from an outdoor parking area and provides customary services such as linen, maid service, telephone, and upkeep of furniture.

*Multiple-Family Dwelling (Apartments)* – Any building or portion of a building, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

*Museum* – A commercial or non-commercial establishment for preserving and exhibiting to the public artistic, historical, scientific, natural or man-made objects of interest. Such activity may include the sale of the objects collected and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events.

*Nude Model Studio* – Any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

*Nursing Home or Residence Home for Aged* – A facility established for profit or non-profit which provides nursing care and related medical services on a 24-hour per day basis to two or more individuals because of illness, disease, or physical or mental infirmity.

*One-Family Dwelling (attached)* – A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall and which is designed for occupancy by one family and is located on a separate lot, delineated by front, side and rear lot lines.

*One-Family Dwelling (detached)* – A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.

*Open Storage/Outside Storage* – The placement, keeping or storage of personal or business property, including, but not limited to, motor vehicles in an area outside an enclosed building.

*Park or Playground (Public)* – An open recreation facility or park owned and/or operated by a governmental entity and accessible for use by the general public.

*Parking Lot Structure, Commercial (Auto)* – An area or structure devoted to the parking or storage of automobiles for a fee. May include, in the case of a parking structure only, a facility for servicing of automobiles provided such facility is primarily an internal function

for use only by automobiles occupying the structure and creates no special problems of ingress and egress.

*Payday Advance/Loan Business* – An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

*Permanent Make-Up or Cosmetics* (See Retail, Personal Services) – Tattooing which is limited to the insertion of a pigment under the skin on a person's face (1) in the area of a person's eyes for the purpose of creating permanent eye shadow on the person's eyelids, eyebrows, or eyeliner; or (2) on or adjacent to a person's lips for the purpose of creating permanent lip color or lip liner

*Pharmacy* – A retail establishment in which the primary purpose is the sale of drugs, medical supplies and other aids to wellness and may also include the sale of foodstuffs, miscellaneous retail items and provide services, such as photography reproduction and/or in-house clinics.

*Playfield or Stadium (Public)* – An athletic field or stadium owned and operated by a governmental entity for the general public including a baseball field, golf course, football field or stadium.

*Pre-Packaged Food and Beverages* – Food items and beverages sold to a consumer in the original container and include, but are not limited to, soft drinks, bottled water, beer, wine, milk and juices.

*Pre-Packaged Retail Sales (Drive Through)* – A business whose primary activity is the retail sale of pre-packaged food and beverages, to the occupants of a motor vehicle for off-premise consumption, with a drive through facility, including a drive through building that allows the interior passage of motor vehicles or where vehicles may pull into the building, or any other means of conducting sales without requiring customers to exit their vehicle.

*Private Club* – An association of persons, whether incorporated or unincorporated under the laws of the State of Texas, that is the holder of a valid and subsisting private club permit issued by the Texas Alcoholic Beverage Commission and whose stated purpose is for the promotion of some common object and whose members must be passed upon by a committee made up of members of the club.

*Public Building, Shop or Yard of Local, State, Federal Government* – Facilities such as office buildings, maintenance yards or shops required by branches of Local, State or Federal Government for service to an area such as Highway Department Yard or City Service Center.

*Rectory, Convent or Monastery* – Dwelling units for the housing of religious organization personnel affiliated with the worship facility on the same platted lot.

*Recycling Plant* – A facility that is semi enclosed or enclosed to limit dust and particulates from escaping the property where clean products (non-putrescent) and materials are processed to reclaim useful components for future use. Must be TCEQ approved.

*Reflexology (Hand and Foot Massage)* – Massage limited to work on the hands and feet

that does not involve manipulating soft tissue, stroking, rubbing, tapping, stretching, bathing, scrubbing, or the use of oils or lotions or the touching of any other part of the body (e.g. cannot start rubbing the ankles as part of foot reflexology). The person performing reflexology must also not represent that he or she is a massage therapist or use any of the other protected terms without being licensed as a massage therapist.

*Residence Hotel (also called "extended stay hotel")* – A multi-dwelling unit extended stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term occupancy. Customary hotel services such as linen, maid service, telephone, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this zoning ordinance.

*Restaurant, with Drive-in Service* – Any eating establishment that either serves food to occupants of parked automobiles or offers facilities that would encourage patrons to eat in parked vehicles.

*Restaurant, Non Drive-in w/o Outside Sales Window* – A structure in which the principal use is the preparation, sale, and consumption of food and beverages and having no outside sales window and or drive-in service.

*Restaurant (Only in Section 2.6)* – Unless specifically delineated otherwise, the term "restaurant" shall mean a qualifying restaurant where the operator is the holder of a mixed beverage permit or a private club permit.

*Restaurant, Qualifying* – An existing or proposed eating establishment whose gross sale of food and non-alcoholic beverages shall constitute at least 50% of the establishment's combined gross sales of food, non-alcoholic and alcoholic beverages quarterly.

*Retail, General* – The selling of goods, wares, or merchandise, directly to the ultimate consumer or persons without a resale license.

*Retail, Personal Services* – An establishment whose primary activity is the provision of assistance of a personal nature, as opposed to the sale of products, and is mainly the act or any results of useful labor, which does not in itself produce a tangible commodity.

*Retail, Warehouse (Big-Box)* – A singular retail or wholesale user who occupies no less than 50,000 square feet of gross floor area.

*Retail Store Sales Consisting Primarily of Specialty and Novelty Items* – The term "Specialty and Novelty Items" is defined as:

1. Paraphernalia such as water pipes, bongs, carburetors, stones, cigarette rollers, syringes, small rubber hoses, roach clips, incense burners, specialty spoons, cocaine holders, and other types of paraphernalia that are readily usable instruments to assist in the use and consumption of illegal drugs.
2. Wearing apparel containing obscene pictures or words, such apparel being T-shirts, belt buckles, jewelry or any other wearing apparel.
3. Salves, ointments, jells, creams, jellies lotions and oils advertised as or designed as a sexual stimulus.
4. Magazines, books, records, cassettes, pictures, drawings and other similar material depicting and describing sexual conduct in a manner that is designed for adult use and consumption.

5. Incense.
6. The term “primarily” is defined as gross monthly sales of specialty and novelty items representing more than 50% of total sales.

*Residential Activity* – An activity, not-for-profit, conducted by a residing member of the occupant’s family in the main or accessory structures which does not: offer goods of services to a client(s), friend(s), or acquaintance(s) at the premises or; involve the employment or assemblage of assistants or other persons at the premises or; require structural alterations to a building or; involve the installation of machinery or equipment not customarily found at a residence or; involve the manufacturing, re-manufacturing or repair of vehicles, machinery or equipment (beyond incidental and occasional vehicle or other equipment maintenance provided all vehicles and/or equipment that is the property of a residing member of the occupant’s family and is associated with the residential use) or; involve any advertising or signage or; involve the storage or warehousing (greater than five percent of the building area) of any heavy equipment, cause the generation of additional traffic in the street or: cause additional parking at or around the premises or; cause the parking or storage of commercial vehicles or utility trailers at the premises for non-residential purposes or; create or emit any noise, odor, glare, or smoke outside of the main or accessory buildings or; require additional utilities (other than telephone) to the premises.

*Rooming House* – (See Boarding House).

*School, Business or Trade* – A business organized to operate for a profit and offering instruction and training in a service or art such as a secretarial school, barber college, beauty school, or commercial art school.

*School, College or University* – An academic institution of higher learning, accredited or recognized by the State and offering a program or series of programs of academic study.

*School, Denominational (or Day Care)* – An educational facility sponsored or operated by an organization established for religious purposes that has a curriculum for preschool; elementary or secondary education.

*School, Nursery, Kindergarten or Day Care* – An establishment where 7 or more children are housed for care or training during the day or portion of the day.

*School, Public* – A school under the sponsorship of a public agency or otherwise determined to be a public school under the Texas Education Code and having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

*Self Storage Facility* – Individualized storage units which are leased to the general public and are located within an encompassing, totally enclosed building structure; having common use of utilities, loading/unloading doors; personnel doors; and to which there is no access available to an individual storage unit except by common corridors within the encompassing building structure.

*Sexually Oriented Businesses* – An Adult Arcade, Adult Bookstore, Adult Video Store, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agency, Nude Model Studio, Sexual Encounter Center.

*Sexual Encounter Center* – A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration: physical contact in the form of wrestling or tumbling between persons of the opposite sex; or activities between, male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity.

*Shooting Range (Indoor)* – A structure used for archery and/or the discharging of firearms for the purposes of target practice or temporary competition.

*Snack and Sandwich Shop* – A non-drive-in restaurant without an outside sales window in which only sandwich and snack type foods are sold and within which there is no cooking or food preparation. That such snack and sandwich shops shall be operated only during normal business hours and on normal business days.

*Stable, Boarding* – A stable and related open pasture where horses are quartered for owners on a fee basis. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.

*Stable, Commercial* – An establishment where horses are kept and rented to the general public for riding. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.

*Stable, Private Club* – A paddock, stable and related riding and quartering facilities for horses owned by a specific number of recorded members and maintained for the exclusive use of such members and guests. No horses or other livestock shall be stabled or corralled within 100 feet of any bounding property line.

*Supermarket* – Means a retail food market or combination retail food market and department store with more than 40,000 square feet of gross floor area.

*Swim or Tennis Club* – A private recreational club with restricted membership, usually of less area than a Country Club but including a clubhouse and a swimming pool, tennis courts and similar recreational facilities none of which are available to the general public.

*Tattoo Studio* – Any establishment, place of business, or location, other than a licensed medical facility, or an office or clinic of a person licensed by the Texas State Board of Medical Examiners, where adornment of any part of the human body or head, whether artistic, cosmetic or otherwise, is practiced through the use of needles, scalpels, or any other instrument, designed to touch, penetrate or puncture the skin for purposes of: inserting, attaching or suspending jewelry, decorations or other foreign objects; producing an indelible mark or figure on the human body or head by scarring skin or flesh; producing an indelible mark or figure on the human body or head by inserting a pigment under or upon the skin; or permanently changing the color or other appearance of the skin. This term shall not, however, include piercing an ear with a disposable, single-use stud or solid needle that is applied using a mechanical device to force the needle or stud through the ear.

*Telephone Exchange, Switching Relay and Transmitting Equipment* – but not including public business facilities, storage or repair facilities.

*Temporary Carnival or Circus* – An activity where one or more of the following take place: mechanized rides, games of chance, an exhibition of feats of physical skill and daring by either humans or animals, or the exhibition of animals for petting by patrons.



*Temporary Field or Construction Building* – A trailer, structure or shelter for temporary office use, subject to removal by order of the Director, used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary buildings and temporary building materials storage areas to be used for construction purposes may be permitted for a specific period of time in accordance with a permit issued by the Director for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Director.

*Temporary Outside Sales* – The placement of articles for sale by a business on a private sidewalk or in a private parking lot serving that business, which are representative of merchandise offered normally for sale inside the business, for temporary periods of time.

*Temporary Real Estate Office* – A model home or homes, which may include enclosed garages, for temporary real estate sales, used in conjunction with the development of a housing subdivision on which the model home is located. Temporary interior storage of materials representing options for potential homeowner is allowed during the sales period. Upon completion of a specific number or percentage of homes, such temporary office shall be converted for individual sale and retail sales will no longer be allowed. Such threshold to be determined by the Director.

*Truck Parking Lot* – Any area, used for the parking or storage of trucks or trailers larger than 3/4 ton in size.

*Tires and Wheel Accessories* – A retail establishment engaged in the sale and/or installation of tires and wheels for vehicles.

*Tobacco Store* – A business establishment which is dedicated to the display and retail sale of tobacco products such as cigars, pipe tobacco, cigarettes and electronic cigarettes. May also contain an accessory, lounge area.

*Two-Family Dwelling* – A single structure designed and constructed with two living units under a single roof for occupancy by two families.

*Vehicle* – Every device in, upon or by which any person or property is or may be transported or drawn or moved upon a street, highway, waterway or airway, and shall include any automobile, bus, truck, tractor, motor house, farm machinery, motorcycles, scooters, mopeds, all-terrain vehicles, boats, aircraft, recreational vehicles, golf carts, go-carts, trailers, fifth-wheel trailer, camper, camper shells, wheeled towing frames, semi-tractor trailers, truck beds mounted on chassis and mobile homes. This definition does not include non-motorized bicycles, small engine lawn mowers and devices of similar scale.

*Vehicle Parts and Accessory Sales (Indoor)* – A retail establishment devoted to sale of vehicle parts or accessories. No installation or service activities allowed within this business.

*Vehicle Maintenance* – Routine preventative maintenance services to vehicles, limited to such activities as the following; replacement of batteries; diagnostic services; lube services; filter changing; replacement of brakes; performing state inspections and making minor repairs to pass said inspection; glass repair; upholstery; paintless dent repairs; and minor installation of accessories such as car alarms, radios, window tinting, pin striping and similar accessories. All services shall be performed inside and outdoor storage is not

allowed.

*Vehicle Repair* – A general repair or reconditioning of a vehicle and its parts including; drivetrain, HVAC systems and electrical systems; alignment of brakes; paint and body shop; part repair or engine rebuild; undercoating; muffler and exhaust; custom shop. All services shall be performed inside with limited outdoor storage

*Worship Facility* – A place of worship and religious training that may also include one dwelling unit for the housing of religious organization personnel and other functions designated by the mission of the worship group.

*Wrecking or Auto Salvage Yard* – A yard or building where automobiles or machinery are stored, dismantled and/or offered for sale as whole units, as salvaged parts or as processed metal.