

ARTICLE 1.0 DEFINITIONS

Certain words used in this Ordinance are defined for the purpose thereof as follows:

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

Accessory building, is a subordinate building, attached or detached, and used for a purpose customarily incidental to the main building, not involving the conduct of a business, and which is located on the same lot or tract as the main use. Such as, but not limited to, a private garage or carport for automobile or boat storage, tool house, greenhouse, home workshop, children's playhouse, barn, or storage building.

Adult care center, is a facility that provides care of six (6) or more persons over 18 years of who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.

Agricultural building, is a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged; nor shall it be a place used by the public.

Airplane hanger, private, is an accessory structure (attached or detached) situated on the same lot, tract or parcel of land with the main building, for the storage only of airplanes and for the private use of the occupants of the premise on which it is located.

Alley, is a right-of-way which extends only secondary means of access to adjacent property.

Also, a minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.

Alternative financial services. A check cashing business, payday advance or loan business, money transfer business, car title loan business or pawn shop.

Apartment. A room or suite of rooms in an apartment house arranged, designed or occupied as the residence by a single-family, individual or group of individuals.

Arcade. An establishment in which there are located six or more skill or pleasure machines used for compensation.

Area of the lot. The area of the lot shall be the net area of the lot and shall not include portions of streets or alleys.

Assembly uses (nonprofit). A building or structure for the gathering together of persons for purposes of civic, social or religious functions which are classified as nonprofit organizations.

Automobile. A street-legal, four-wheeled, self-propelled vehicle designed for passenger transportation and commonly propelled by an internal combustion engine.

Auto/boat sales/leasing, new. Retail sales or leasing of new automobiles, light load vehicles or boats.

Auto/boat sales, used. Retail sales or offering for sale of used automobiles, light load vehicles or boats.

Auto/boat/RV storage. The storage on a lot or tract of operable motor vehicles for the purpose of holding such vehicles for sale, distribution or storage.

Auto/boat repair, major. A building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats and similar components that may require overnight outdoor storage of vehicles awaiting or under repair, if screened in compliance with all applicable regulations.

Auto/boat repair, minor. A daytime retail operation wherein the sale, installation, and/or inspection of tires, batteries, brakes and other related minor parts or accessories is carried on; specifically intended to exclude major automotive repair and overnight outdoor storage of vehicles awaiting or under repair.

Bank, savings and loan or credit union. 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 and that is typically licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. This includes businesses' activities listed under SIC Codes 60 and 61, but excludes pawnshops, check cashing businesses, payday advance/loan businesses and car title loan businesses.

Basement. A story below the first story as defined under "story" counted as a story for height regulations if subdivided and used for dwelling purposes other than by a janitor or watchman employed on the premises.

Bed and breakfast inn. An owner-occupied private home which offers lodging for paying guests not to exceed one week in duration, and which serves breakfast to these guests and which contains one or more guest bedrooms.

Block. An area enclosed by streets and occupied by or intended for buildings, or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side.

Boardinghouse or rooming house. A building other than a hotel where lodging and/or meals for three or more persons are provided for compensation.

Body art studio. An establishment whose services include tattooing and/or body piercing. Tattooing shall mean the placing of designs, letters, figures, symbols or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. Body piercing shall mean the creation of an opening in an individual's body, other than ear piercing, to insert jewelry or other decoration.

Breeze-way, is an unenclosed passage connecting two buildings or portions of a building.

Building, is a structure for the support or shelter of any use or occupancy.

Building Line or setback line, is the minimum distance a building may be erected from a street, alley or lot line.

Building official. The building inspector or administrative official charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Business. Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.

Carport. A structure open on a minimum of three sides designed or used to shelter the owner's vehicle, not to exceed 24 feet on its longest dimension.

Car title loan business. An establishment that makes small consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. The loan terms are often for 30 days and failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes state or federally chartered banks, savings and loan associations or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.

Car wash. Structure used to wash motorcycles, automobiles, boats and light load vehicles.

Cellar. That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.

Certificate of occupancy or compliance. An official certificate issued by the town through the enforcing official which indicated conformance with or approved conditional waiver from the zoning regulations and authorized legal use of the premises for which it is issued.

Check cashing business. An establishment that 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, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, 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, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business. This definition excludes a state or federally chartered bank, savings and loan association or credit union, pawnshop, grocery store or gas station, so long as the gas station does not handle more than 100 such transactions within any calendar month.

Child care center, is a facility that provides care of seven (7) or more persons under 18 years of age who are not related by blood, marriage, or adoption to the owner or operator of the facility. The persons being cared for under this use may not use the facility as a residence.

Child care center, incidental. A place designed solely for the care of children belonging to employees and/or patrons of the primary use. The center shall be completely contained within the primary use and shall not constitute more than 15 percent of the main use. The operating hours of the center shall be the same as the primary use and shall not include overnight lodging, medical treatment, counseling or rehabilitation services. This use may be subject to regulation by the Texas Department of Family and Protective Services.

Civic/convention/community center. A building dedicated to social, civic or recreational activities, serving the town or a neighborhood and owned and operated by the town, or by a nonprofit organization dedicated to promoting the health, safety, morals or general welfare of the town.

Cleaning and pressing (small shop and pickup). A custom cleaning shop not exceeding 5,000 square feet of floor area or a pickup station.

Clinic. Offices for one or more physicians, surgeons or dentists engaged in treating the sick or injured, but not including rooms for the lodging of patients.

College, university, trade or private boarding school. An institution established for educational purposes and offering a curriculum similar to the public schools or an accredited college or university, but excluding trade and commercial schools.

Commercial amusement (indoor). An amusement operation housed in an acoustically treated building.

Commercial amusement (outdoor). Such as golf driving range, pitch and putt course, archery, miniature golf and similar outdoor activities but not including go-cart racing, drag strips, auto racing or motorcycle racing.

Convenience store. A retail establishment providing for the sale of food items, nonprescription drugs, small household items and gifts. Gasoline and diesel fuel may also be offered for sale. Maximum size of the establishment will be no more than 6,000 square feet, not including storage areas and administrative offices.

Contractor's shop. A facility for the contractor's office and the storage and maintenance of contractor's supplies and operational equipment.

Council, shall mean the City Council of the City of Hackberry.

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, is the percentage of lot area covered by a roof, floor, or other structure.

Custom personal service, Shop, such as tailor, shoe repair, barbershop, beauty shop, health studio, spa/salon or travel consultant

Customary home occupation, is an occupation customarily carried on in the home by a member of the occupant's family, without structural alterations in the building or in any of its rooms, without the installation or outside storage of any machinery, equipment or materials other than the customary to normal household operations, without the employment of persons not residing in the home, without the use of a sign to advertise the occupation, without offering a commodity for sale on the premises, which does not cause the generation of additional traffic in the street, and which does not create obnoxious conditions to neighboring properties such as noise, odor light, or smoke.

Decibel. A unit of measurement of sound pressure.

Depth of lot. The mean horizontal distance between the front and rear lot lines.

Depth of rear yard. The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line except as modified in the text of any section in this chapter.

Discount, grocery, variety or department store. A retail store offering a wide variety of merchandise in departments and exceeding 6,000 square feet in floor area.

District. A section of the town for which the regulations governing the area, height, or use of buildings are uniform for each type and class of structure.

Drive approach, is the portion of the driveway extending from the right-of-way line, or private street easement line, to the main travel surface of the road.

Driveway, is a vehicle travel way connecting the parking spaces on a lot, or tract of land, to the right-of-way or private street.

Dwelling, multifamily. A building or portion thereof arranged, intended or designated for occupancy by three or more families, including apartment houses, row of houses, tenements and apartment hotels.

Dwelling, one-family. A detached building arranged, intended or designed for occupancy by one family.

Dwelling, two-family. A detached building arranged, intended or designed for occupancy by two families.

Dwelling unit. A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters of a family and including facilities for food preparation and sleeping.

Easement, means an interest in land owned by another that entitles its holder to a specific limited use of said land and that has been recorded in the office of the County Clerk of Denton County, Texas.

Eave, is the lowest border of a roof, including any overhang.

Efficiency apartment. An apartment having a combination living and bedroom, (no separate bedroom).

Emergency Vehicle, is defined as police, ambulance, fire, EMS, 24 hour emergency service wreckers, and Words and terms not expressly defined above are to be construed, for purposes of this zoning ordinance, in accordance to their customary usage in the practice of municipal planning and engineering.

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

Farmers' market. An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers and honey for sale. This definition does include the sale of meat, fish, poultry, eggs, refrigerated dairy products, or home canned or packaged items when the proper health rules and regulations are followed and/or health permit obtained. Farmers' market is governed by section 106-33.5 of the Little Elm Code of Ordinances.

Floor area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, carports or garages.

Floor area ratio (FAR). An indicated ratio between the number of square feet of total floor area in the main building on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

Florist. An establishment selling plants and flowers without outside display.

Fraternal organization, lodge or civic club. An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus or a labor union.

Frequency. The number of times per second a vibration or sound wave oscillates.

Front yard. An open, unoccupied space on a lot facing a street between a building and a street line. If no building exists a front yard is an open unoccupied commercial purposes.

Garage, private. An accessory building for storage only of motor vehicles not operated for *Family*. One or more persons who are related by blood, adoption or marriage, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit cost-sharing basis.

Garage, public. A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

Golf course, tennis club, polo club or country club (private). An area of 20 acres or more containing a golf course, polo facilities, tennis facilities and/or a clubhouse and available only to private specific membership; such a club may contain adjunct facilities such as private club, dining room, swimming pool, retail sales, and similar recreational or service facilities.

Grade.

- (1) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street.
- (2) For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street.
- (3) For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.
- (4) Any wall approximately parallel to and not more than five feet from a street line is to be considered as adjoining the street.
- (5) Where no sidewalk has been constructed, the building inspector shall establish such sidewalk level or its equivalent for the purpose of these regulations.

Greenhouse or nursery for retail plant sales. Involving the outside display of plants offered for sale when such display is behind the front yard line established in the district in which the nursery or greenhouse is located.

Gross floor area. The gross floor space of an apartment house shall be measured by taking the outside dimension of the apartment building at each floor level, excluding, however, the floor area of basements or attics not used for residential purposes.

Group home. An adult and/or child caring facility licensed by the state, designed to provide resident services to individuals who are physically handicapped, mentally ill, mentally retarded, or developmentally disabled, in which no more than eight such individuals reside with one or more resident counselors or other staff persons. For the purposes of this section, mental illness and developmental disability shall not include illegal use of or addiction to a controlled substance or other criminal behavior.

Heavy load vehicles. A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor trailers, buses and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

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 main street grade in case the curb has not been constructed;
- (3) From the average finished ground level adjoining the building if it sets back from the street line.

To the level of the highest point of the roof beams of flat roofs or roofs inclining not more than one inch to the foot, or to the mean height level of the top of the main plates and highest ridge for other roofs.

Height of yard or court. The vertical distance from the lowest level of such yard or court to the highest of any boundary wall.

Hobby is an accessory use carried on by the occupant of the premise in a shop, studio or other work room, purely for personal enjoyment, amusement or recreation; provided, that the articles produced or constructed are not sold on the premise, and provided such use will not be obnoxious or offensive by reason of vibration, noise, odor, dust, smoke or fumes.

Home occupancy load, for the purposes of this chapter, the definition of "Home Occupancy Load" shall be added as shown below:

A structure or dwelling unit is overcrowded if the following standards are not met:

- (1) Floor space per person. Each structure or dwelling unit shall contain at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet of additional habitable floor space for each additional occupant.

(2)Sleeping space per person. In each structure or dwelling unit of two or more rooms, each room occupied for sleeping purposes shall contain at least 36 square feet of floor space for one occupant and shall contain an additional 27 square feet of floor space for each additional occupant.

(3)Special provisions. Children under 12 months of age shall not be considered occupants, and children under 12 years of age shall be considered as ½ of one occupant for purposes of Subparagraphs (1) and (2).

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care either at public (charity) or private expense.

HUD-Code manufactured home. A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections which, in the traveling mode, is eight body feet or more in width, 40 body feet or more in length, or, when erected on-site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. § 3282.8(9) by the State of Texas.

Incidental retail or service uses. In an office district such uses include barbershop or beauty shop, smoke shop, candy counter, or restaurant, pharmacy or other incidental activity secondary to the primary office occupancy.

Industrialized housing. A residential structure that is designed for the occupancy of one or more families; constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and designed to be used as a permanent residential structure when the module or modular component is transported to the permanent site and erected or installed on a permanent foundation system. Industrialized housing includes the structure's plumbing, heating, air conditioning, and electrical systems. Industrialized housing does not include a residential structure that exceeds three stories or 49 feet in height; housing constructed of a sectional or panelized system that does not use a modular component; or a ready-built home constructed in a manner in which the entire living area is contained in a single unit or section at a temporary location for the purpose of selling and moving the home to another location.

Institution, is a building or buildings occupied by a non-profit organization or corporation, or any non profit establishment for such use.

Institutions of religious or philanthropic nature. Building and ground residences for special groups operated by a bona fide religious or philanthropic organization and including the YMCA, YWCA, Masonic Homes, and similar groups.

Junk. The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane tires, and other manufactured goods that are so weak, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

Kennel. Any lot or premises on which four or more dogs, cats or other domestic animals at least four months of age are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

Kindergarten is a school for more than six (6) children of pre-school age in which constructive endeavors, object lessons or helpful games are prominent features of the curriculum.

Laundry and cleaning, self-service. To be of similar size as customarily found in the home and of the customer self-service type and not a commercial laundry or cleaning plant.

Legal nonconforming use, building or yard. A use, building or yard existing legally at the time of the passage of this chapter which does not by reason of design, use or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this chapter which does not conform to regulations of the district in which it is situated shall be considered an illegal nonconforming use.

Light load vehicles. A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 11,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles, campers and other similar vehicles, but not including automobiles and motorcycles.

Living unit. The room occupied by a family and must include cooking facilities.

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

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 inspector.

Lot, reverse corner. A corner lot abutting upon two intersecting streets where the rear lot line of one lot is also the side lot line of an adjoining lot.

Lot coverage. The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

Lot depth. The mean horizontal distance from the front street line to the rear line.

Lot, Flag, is a lot having access to a street by means of a parcel or portion of land having a greater depth than its frontage, and having a width less than the minimum required lot width.

Lot, interior. A lot whose side lines do not abut upon any street.

Lot lines. The lines bounding a lot as defined herein.

Lot line, front. The boundary between a lot and the street on which it fronts.

Lot line, rear. The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the building inspector shall determine the rear line.

Lot line, side. Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on an alley or place or side street line.

Lot of record. A lot which has been recorded in the office of the county clerk.

Lot, through. An interior lot having frontage on two streets.

Lot width. The horizontal distance between side lines, measured at the front building line, as established by the minimum front yard requirement of this chapter.

Main building. The building on a lot which is occupied by the primary use.

Main use, means those use defined in Article 4.2 for which a property may legally be used.

Manufactured or mobile home display and sales. The offering for sale, storage, or display of trailers, HUD-Code manufactured homes or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis. Such use may be permitted with the approval of the town council in the MH Mobile Home District to permit sale of mobile homes or HUD-Code manufactured homes owned by the mobile home park owner or operator for placement in the mobile home park.

Mini-warehouse/self storage. A building containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Mobile home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on-site is 320 feet or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems.

Mobile home park or trailer park. An area of not less than ten acres nor more than 25 acres approved for occupancy by HUD-Code manufactured homes, mobile homes and accessory structures related thereto and designed and operated in accordance with standards herein set forth or as set forth in any other ordinance of the town relating to the location, use, construction, operation, or maintenance of mobile home parks, HUD-Code manufactured homes or mobile home dwellings.

Money transfer business. An establishment other than a bank or financial institution that engages in, or facilitates, the transmission of funds to or from a location outside the United States and its territories for a fee.

Motel or hotel. A building or group of buildings designed for and occupied as a temporary abiding place of individuals and providing six or more room units where customary hotel services such as linen, maid service, telephone and upkeep of furniture is furnished.

Motor vehicle. Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles and buses.

Motorcycle. A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and may have a sidecar attached. For purposes of this chapter, motorbikes, motor scooters, mopeds and similar vehicles are classified as motorcycles.

Multi-family residence. Any building or portion thereof, which is designed, built, rented, leased, or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or place of residence by three or more families living in independent dwelling units.

Non-Conforming structure, means a structure which does not conform to the regulations of this Ordinance but which was lawfully constructed under the regulations in force at the time of construction.

Non-Conforming use means a use that does not conform to the use regulations of this Ordinance but which was lawfully established under the regulations in force at the beginning of operation and has been in regular use since that time.

Nursing home. A home where elderly persons are provided with lodging, meals and nursing care.

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

Octave band. A portion of the audible sound spectrum. An octave band analyzer divides the audible sound spectrum into eight octave bands.

Odor threshold. The concentration of odorous matter in the atmosphere necessary to be perceptible to the olfactory nerve of a normal person. Determination of the odor threshold is prescribed by A.S.T.M.D. 1391-57, Standard Method for Measuring Odor in Atmosphere.

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 projection of cornices, eaves or porches.

Open storage, is the outside placement of an item, including all types of trailers, for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed. Open storage does not allow storage of semitrailers, truck-trailers or trailers with axles of which carry a load of 16,000 pounds or more each as defined in Section 621.001 of the Texas Transportation Code.

Park or playground. An open recreation facility or park owned and operated by a public agency such as the municipal park department or school board and available to the general public.

Parking space, means open space with a surface of four inches (4") reinforced concrete, or substitute approved by the City Engineer and the City Council, or garage space reserved exclusively for the parking of motor vehicles that has a minimum rectangular area of nine feet (9') in width and twenty-two feet.

Particulate matter. Finely divided solid or liquid matter, other than water, which is released into the atmosphere.

Pawn shop. A shop that lends money in exchange for valuable personal property as security deposited with it or pledged to it. This definition includes the sale of such securities after repossession and the sale of merchandise generally found in retail stores.

Payday advance or loan business. An establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debt 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.

Person, means any natural person, association of persons, partnership, corporation or society. The term "person" shall include both singular and plural and shall include both the feminine and masculine gender.

Pet shop. A retail establishment offering small animals, fish, or birds for sale as pets and where all such creatures are housed within the building.

Planning and zoning commission. The agency appointed by the town council as an advisory body to it and which is authorized to recommend changes in the zoning and other matters.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the town and subject to approval by the planning and zoning commission. Reference to a plat in this chapter means an official plat of record which has been approved by the planning and zoning commission and filed in the plat records of Denton County.

Premises. Land together with any buildings or structures occupying it.

Private franchised utility, other than listed. A nonpublic utility requiring special facilities in residential areas or on public property such as heating, cooling, or communications not customarily provided by the municipality or the normal franchised utilities. Railroad track and right-of-way, but not including railroad stations, sidings, team tracks, loading facilities, dock yards or maintenance areas.

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

Rear yard, is an open and unoccupied space on the same lot with a building, between the building and the property line extending across the rear of the lot.

Recreation center. A public facility for recreation.

Research and development center. Facilities for research, including laboratories, experimental equipment and operations involving compounding or testing of materials or equipment.

Residence. A building occupied as the abiding place of one or more persons in which the use and management of sleeping quarters, all appliances for cooking, ventilating, heating or lighting are under one control and which shall include single-family dwellings, which shall be the principal building on any lot in residential districts.

Restaurant or cafe. A building or portion of a building, not operated as a dining room in connection with a hotel or boardinghouse, where food is served for consumption in the building, and where provisions may be made for serving food on the premises outside the building.

Retail stores and shops. Offering all types of consumer goods for sale, but excluding the display and sale in the open outside a building, of new or used automobiles, heavy machinery, building materials, used appliances, furniture or salvage materials.

Retirement housing. A development providing dwelling units specifically designed for the needs of ambulatory retired persons. Incidental personal service and retail is allowed.

Reversed frontage, means a corner lot fronting the street which was originally platted as a side yard.

Right-of-Line, is a dividing line between a lot, tract, or parcel of land and the public right-of-way.

Right-of-Way means an area, publically owned, dedicated to public use for pedestrian and/or vehicular movement.

Room. A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities (22') in length.

Salvage yard, wrecking yard. Any lot upon which four or more motor vehicles of any kind which are incapable of being operated due to condition or a lack of license or have been placed for the purpose of obtaining parts for recycling or resale.

School, public (primary or secondary). A school under the sponsorship of a private agency or corporation other than a public or religious agency.

School, private or parochial. A school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including private or trade or commercial schools.

Seasonal sales. Temporary display and sale of either cut trees typically during the winter season or pumpkins and fall decorations typically during the fall.

Semitrailer, truck-tractor and trailer, have the same meaning as defined in Section 621.001 of the Texas Transportation Code – “the axles of which carry a load of 16,000 pounds or more each.”

Servant, is a person who spends more than 50% of their time working at the residence of, and performing duties for the family occupying the premises to which the servant’s house is an accessory building.

Servants quarters, is an accessory dwelling unit for a bona fide servant and their family.

Setback. The minimum horizontal distance between the front walls of any projection of the building, excluding steps and unenclosed porch and the street.

Side Yard, is an open and unoccupied space on the same lot with a building, between the building and the side property line extending through from the street or front property line to the rear property line. Any property line that is not a front line or a rear line shall be deemed a side line.

Sign, means any device, including its structure and component parts, which conveys commercial messages for visual communication or advertising that is used for the purpose of attracting attention of the public, but not including any lawful display of merchandise. Signs are governed by chapter 86 of the Code of Ordinances.

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

Smoke. The visible discharge of particulate matter from chimney, vent, exhaust, or combustion process.

Special exception. A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions if specific provision for special exception is made in this chapter.

Standard Masonry Construction, is the form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete block or tile, or other similar building materials, or combination of these materials, laid up unit by unit and set in mortar.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is a half-story when the main line of the eaves is not above the middle of the interior height of such story. The first story is the highest story having its interior floor surface not more than four feet above the curb level established or mean street grade or average ground level, as mentioned in "height of buildings" of this section. The standard height for a story is 11 feet, six inches.

Street. A thoroughfare which affords principal means of access to property abutting thereon.

Street line. The dividing line between the street and the abutting property.

Street, Private, is a private vehicular access way shared by and serving two or more lots, which is not dedicated to the public and is not publicly maintained. Private streets and alleys may be established only under the terms of the Subdivision Ordinance, should one be adopted. The term "Private Street" shall be inclusive of alleys and is also known as "Road, Private."

Street right-of-way, is a street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.

Structure, is that which is built or constructed, an edifice or building of any kind or any piece of work artificially built up composed of parts, joined together in some definite manner; excluding fences, retaining walls, sidewalks, driveways and curbs.

Structural alteration is any change in the supporting members of a building such as bearing walls, columns, beams or girders, or any change in the pitch or height of the roof.

Sub-divider, is an individual, firm, association, syndicate, co-partnership, or corporation dividing or proposing to divide land so as to effect a subdivision of here-under for himself, or for itself, or for another.

Subdivision, is the division of any lot, tract or parcel of land into two or more lots or sites for the planned purpose of sale or of building development, whether immediate or future. The term includes re-subdivision, but does not include the division of land for agricultural purposes into parcels or tracts of ten (10) acres or more and not involving any new streets, alleys or easement of access. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Thoroughfare. Same as street.

Town council. The governing body of the Town of Little Elm, Texas.

Toxic and noxious matter. Any solid, liquid or gaseous matter which is present in sufficient quantities to endanger health, safety or comfort of persons in the vicinity or which may cause injury or damage to property.

Trade and commercial schools. Establishments, other than public or parochial schools, private, primary, or secondary schools or colleges, offering training or instruction in a trade, art or occupation.

Trailer, boat, is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which by design is used for the transporting of boats.

Trailer, construction, is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which by design may be used for:

- (a) A temporary office or storage building, or
- (b) The conveyance, storage or display of construction materials including, but not limited to, lumber, forms, pipe, wire, sand, rock, concrete, landscape materials or plants, or

- (c) The conveyance, storage or display of construction equipment such as, but not limited to, earth moving equipment, ditching machines, generators or tools.
- (d) Empty flatbed trailers, less than eighteen feet (18') in length with tow or less axles are not included within this definition.

Trailer, general purpose, is a vehicle without means of motivation, design to be handled, towed or pulled by a motor vehicle, which is eighteen feet (18') in length or less, has two or less axles, and is not being used as a construction trailer.

Trailer, horse or stock, is a vehicle without means of motivation, designed to be hauled, towed or pulled by a motor vehicle, which is designed for the transporting of livestock.

Trailer rental. The display and offering for rent of trailers designed to be towed by passenger cars or other prime movers.

Trailer, travel or recreation, is a vehicular portable structure built on a chassis designed to be hauled, towed or pulled by a motor vehicle and designed to be used for travel and recreational purposes.

Transit center/bus terminal. Passenger terminal or loading facilities for franchised private or publicly-owned transit system.

Truck, heavy equipment, RV, bus repair. An establishment providing major and minor automobile repair services to heavy load vehicles.

Two-family residence. A single structure designed and constructed with two living units under a single roof for occupancy by two families, and in which all common walls between living units have a minimum length of 20 feet.

Usable open space. An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, recreational facilities and decorative objects such as art work or fountains. Usable open space shall not include: Roof tops accessory buildings; except those portions of any building designed specifically for recreational purposes; parking areas, driveways turnaround areas, or the right-of-way of easement or public and private streets or alleys.

Variance. A modification or variation of the provisions of this chapter, as applied to a specific piece of property, as distinct from rezoning.

Vibration. A periodic displacement of the earth measured in inches.

Visibility clearance area is the portion of a corner lot (in all zoning districts) which is to be left open and unobstructed by fences, structures, shrubs, trees or other plant life.

- (a) This area is the portion of a corner lot within a triangular area formed by connecting together the point of intersection of the adjacent street curb lines (or, if there are not street curbs, what would be the normal street curb lines) and points on each of the street curb lines forty-five feet (45') from the intersection.
- (b) The area between two and one-half feet (2 ½') and eight feet (8') in height, measured from the grade of the street adjacent to the visibility triangle.
- (c) Shrubs in this area must be kept trimmed so as to be shorter than two and one-half feet (2 ½') tall and trees are to be kept trimmed as not to have any side branches below eight feet (8').

Wind-powered generator. A mechanical device that extracts kinetic energy from the wind and converts and/or stores it for practical use; includes turbines and all associated equipment and structures needed for wind energy.

Winery. An establishment operated by the holder of a winery permit which has been lawfully issued to the permittee for the premises by the Texas Alcoholic Beverage Commission (or any successor entity thereto) in accordance with V.T.C.A., Alcoholic Beverage Code Chapter 16.

Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided, in measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard, front. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear. A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side. A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.

Yard, size. A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.

Zoning District Map, is the official map upon which the zoning districts of the City are delineated.

Recreational Vehicle (RV) is defined as self-propelled living quarters equipped or used for sleeping and eating which may be moved from one location to another over a public street not including a camper mounted on a pickup truck or van designed to carry ten (10) or fewer passengers.