

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF DENTON, TEXAS, AMENDING SUBCHAPTER 35.5 AND SUBCHAPTER 35.23 OF THE DENTON DEVELOPMENT CODE BY AMENDING EXISTING AND ADDING NEW LAND USE CATEGORIES AND DEFINITIONS RELATED TO MEDICAL SERVICE USES; PROVIDING FOR A PENALTY IN THE MAXIMUM AMOUNT OF \$2,000.00 FOR VIOLATIONS THEREOF; PROVIDING A SEVERABILITY CLAUSE, SAVINGS CLAUSE, AND AN EFFECTIVE DATE. (DCA17-0008)

WHEREAS, pursuant to Ordinance No. 2002-040, the City Council of the City of Denton, Texas adopted the Denton Development Code (the “DDC”); and

WHEREAS, the City desires to amend Subchapter 35.5 *Zoning* and Subchapter 35.23 *Definitions* of the DDC in order to clarify the definitions, applicable land use categories, and permitted zoning districts for a variety of medical services uses that exist in the City; and

WHEREAS, after noticed published in accordance with local and state law, a public hearing was held on August 9, 2017 before the Planning and Zoning Commission concerning the proposed amendments and the commission recommended approval [5-0] of the amendments to the Denton Development Code; and

WHEREAS, on September 29, 2017 the City Council likewise conducted a public hearing in accordance with local and state law and the City Council hereby finds that the subject amendments to Subchapter 35.5 and Subchapter 35.23 of the DDC are consistent with the City’s comprehensive plan, and federal, state, and local law are in best interests of the citizens of the City of Denton; NOW, THEREFORE,

THE COUNCIL OF THE CITY OF DENTON HEREBY ORDAINS:

SECTION 1. The findings and recitations contained in the preamble of this ordinance are incorporated herein by reference and found to be true.

SECTION 2. The amendments to Subchapter 35.5, Zoning of the DDC, as presented in **Exhibit “A”**, are hereby adopted as shown.

SECTION 3. The amendments to Subchapter 35.23, Definitions of the DDC, as presented in **Exhibit “B”**, are hereby adopted as shown.

SECTION 4. Any person, firm, partnership or corporation violating any provision of this ordinance shall, upon conviction, be deemed guilty of a misdemeanor and shall be punished by fine in a sum not exceeding \$2,000.00 for each offense. Each day that a provision of this ordinance is violated shall constitute a separate and distinct offense.

SECTION 5. If any provision of this ordinance or the application thereof to any person or circumstance is held invalid by any court, such invalidity shall not affect the validity of the provisions or applications, and to this end the provisions of this ordinance are severable.

SECTION 6. That an offense committed before the effective date of this ordinance is governed by prior law and the provisions of the Denton Code of Ordinances, as amended, in effect when the offense was committed and the former law is continued in effect for this purpose.

SECTION 7. In compliance with Section 2.09(c) of the Denton Charter, this ordinance shall become effective fourteen (14) days from the date of its passage, and the City Secretary is hereby directed to cause the caption of this ordinance to be published twice in the Denton Record-Chronicle, a daily newspaper published in the City of Denton, Texas, within ten (10) days of the date of its passage.

PASSED AND APPROVED this the ____ day of _____, 2017.

CHRIS WATTS, MAYOR

ATTEST:
JENNIFER WALTERS, CITY SECRETARY

BY: _____

APPROVED AS TO LEGAL FORM:
AARON LEAL, INTERIM CITY ATTORNEY

BY: _____

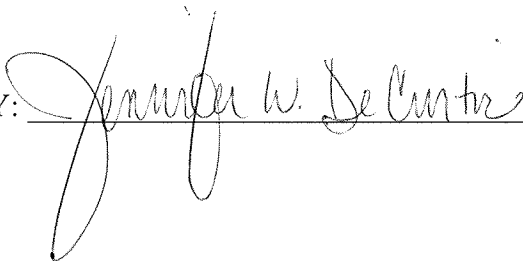


EXHIBIT A

Subchapter 5 - Zoning Districts and Limitations

35.5.1. - Rural Districts.

35.5.1.1. Purpose.

The purpose of a Rural District is to maintain an area of rural use within the City of Denton. Application of this district will ensure that the farming, forest, environmental and scenic values of these areas are protected from incompatible development that may result in a degradation of their values. Land Use categories within a Rural District include:

RD-5	Rural Residential
RC	Rural Commercial

35.5.1.2. Permitted Uses.

The following uses and their accessory uses are permitted as contained in the use table below:

Residential Land Use Categories	RD-5	RC
Accessory Dwelling Units	P	P
Agriculture	P	P
Attached Single-family Dwellings	N	N
Community Homes For the Disabled	P	P
Dormitory	N	N
Duplexes	N	N
Dwellings Above Businesses	N	P
Fraternity or Sorority House	N	N
Group Homes	SUP	SUP

Livestock	L(7)	L(7)
Live/Work Units	P	P
Manufactured Housing Developments	P	P
Multi-Family Dwellings	N	SUP
Residential Land Use Categories	RD-5	RC
Single-family Dwellings	P	P
P = Permitted, N = Not permitted, SUP = Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

Commercial Land Use Categories	RD-5	RC
Administrative or Research Facilities	SUP	L(15)
Auto and RV Sales	N	N
Bar	N	L(11)
Bed and Breakfast	L(10)	P
Broadcasting of Production Studio	SUP	P
Commercial Land Use Categories	RD-5	RC
Commercial Parking Lots	N	N
Drive-through Facility	N	N
Equestrian Facilities	P	P

Home Occupation	P	P
Hotels	N	N
Indoor Recreation	N	N
Laundry Facilities	N	N
Major Event Entertainment	N	SUP
Medical Office	N	L(15)
Motels	N	N
Movie Theaters	N	N
Outdoor Recreation	P	P
Private Club	N	L(11)
Professional Services and Offices	N	L(15)
Quick Vehicle Servicing	N	N
Restaurant	N	L(11)
Retail Sales and Service	N	N
Sale of Products Grown on Site	P	P
Sexually Oriented Business	N	SUP/ L(32)
Temporary Uses	L(38)	L(38)
Vehicle Repair	N	P
P = Permitted, N = Not permitted, SUP = Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

Industrial Land Use Categories	RD-5	RC
Bakeries	N	L(21)
Compressor Stations	N	N
Construction Materials Sales	N	N
Craft Alcohol Production	N	SUP
Distribution Center/Warehouse, General	N	N
Feed Lots	SUP	N
Food Processing	N	N
Gas Wells	L(27)	L(27)
Heavy Manufacturing	N	N
Junk Yards and Auto Wrecking	N	N
Kennels	L(14)	L(14)
Light Manufacturing	N	SUP/L(24)
Manufacture of Non-odoriferous Foods	N	N
Printing/Publishing	N	N
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N
Self-service Storage	N	N
Veterinary Clinics	P	P
Warehouse, Retail	N	N

Wholesale Nurseries	P	P
Wholesale Sales	N	N
Wrecker Services and Impound Lots	N	N
P = Permitted, N = Not permitted, SUP = Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

Institutional Land Use Categories	RD-5	RC
Adult or Child Day Care	P	P
Basic Utilities	P	P
Business/Trade School	N	N
Cemeteries	N	N
Churches	P	P
Colleges	N	N
Community Service	N	P
Conference/Convention Centers	N	N
Elderly Housing	N	N
Electric Substations and Switch Stations	P	P
High School	N	N
Hospital Services	N	N

Kindergarten, Elementary School	P	P
Medical Clinic	N	N
Middle School	N	N
Mortuaries	N	N
Parks and Open Space	P	P
Semi-public, Halls, Clubs, and Lodges	N	P
WECS (Building-mounted)	L(42)	L(42)
WECS (Free-standing Monopole Support Structure)	L(41)	L(41)
P = Permitted, N = Not permitted, SUP=Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

35.5.1.3. General Regulations.

General regulations within the Rural District are as follows:

Subdivision of less than ten (10) acres, and all lots that are adjacent to the perimeter of a subdivision:

General Regulations	RD-5	RC
Minimum lot area	5 acres	2 acres
Minimum lot width	200 feet	100 feet
Minimum lot depth	250 feet	200 feet
Minimum front yard	50 feet	50 feet
Minimum side yard	10 feet	10 feet

Minimum side yard adjacent to street	50 feet	50 feet
Minimum rear yard	10 feet, plus 1 foot for each foot of building height over 20 feet	

The following limits apply to subdivision of more than ten (10) acres in lieu of minimum lot size and dimension requirements:

General Regulations	RD-5	RC
Maximum density, dwelling units per acre	0.2	0.5
Minimum building separation	30 feet	30 feet

The following limits apply to all buildings:

General Regulations	RD-5	RC
Maximum lot coverage except for agricultural buildings	15%	35%
Minimum landscaped area	75%	65%
Maximum building height	65 feet	65 feet
Maximum WECS height	75 feet	75 feet
Maximum FAR except for single-family uses	None	0.25
Minimum yard when a use other than single-family abuts a residential zone	None	10 feet, plus 1 foot for each foot of building height

35.5.2. - Neighborhood/Residential.

35.5.2.1. Purpose.

The purpose of the Neighborhood Residential land use is to preserve and protect existing neighborhoods and to ensure that any new development is compatible with existing land uses, patterns, and design standards. Land Use categories within the Neighborhood Residential areas include:

NR-1	Neighborhood Residential 1
NR-2	Neighborhood Residential 2
NR-3	Neighborhood Residential 3
NR-4	Neighborhood Residential 4
NR-6	Neighborhood Residential 6
NRMU-12	Neighborhood Residential Mixed Use 12
NRMU	Neighborhood Residential Mixed Use

35.5.2.2. Permitted Uses.

The following uses and their accessory uses are permitted within the Neighborhood Residential districts:

Residential Land Use Categories	NR-1	NR-2	NR-3	NR-4	NR-6	NRMU-12	NRMU
Accessory Dwelling Units	SUP L(1)	SUP L(1)	SUP L(1)	SUP L(1)	SUP L(1)	L(1)	N
Agriculture	P	P	P	P	P	P	P
Attached Single-family Dwellings	N	N	SUP	SUP	P	P	L(40)
Community Homes For the Disabled	P	P	P	P	P	P	P
Dormitory	N	N	N	N	N	SUP	SUP
Duplexes	N	N	N	L(3)	P	P	N

Dwellings Above Businesses	N	N	N	N	N	P	P
Fraternity or Sorority House	N	N	N	N	N	SUP	SUP
Group Homes	N	N	N	N	N	SUP	SUP
Livestock	L(7)	L(7)	L(7)	L(7)	L(7)	L(7)	L(7)
Live/Work Units	N	N	N	N	L(16)	P	P
Manufactured Housing Developments	N	SUP	N	N	SUP	N	N
Multi-Family Dwellings	N	N	N	N	N	L(4)	SUP L(4)
Single-family Dwellings	P	P	P	P	P	P	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8							

Commercial Land Use Categories	NR-1	NR-2	NR-3	NR-4	NR-6	NRMU-12	NRMU
Administrative or Research Facilities	N	N	N	N	N	N	L(14)
Auto and RV Sales	N	N	N	N	N	N	N
Bar	N	N	N	N	N	N	L(11)
Bed and Breakfast	N	N	N	N	N	L(10)	P
Broadcasting of Production Studio	N	N	N	N	N	N	L(14)
Commercial Parking Lots	N	N	N	N	N	N	N
Drive-through Facility	N	N	N	N	N	N	SUP
Equestrian Facilities	SUP	SUP	N	N	N	N	N

Home Occupation	P	P	P	P	P	P	P
Hotels	N	N	N	N	N	N	P
Indoor Recreation	N	N	N	N	N	N	N
Laundry Facilities	N	N	N	N	N	P	P
Major Event Entertainment	N	N	N	N	N	N	N
Medical Office	N	N	N	N	N	L(14)	L(17)
Motels	N	N	N	N	N	N	N
Movie Theaters	N	N	N	N	N	N	N
Outdoor Recreation	P	P	P	P	P	SUP	SUP
Private Club	N	N	N	N	N	N	L(11)
Professional Services and Offices	N	N	N	N	N	L(14)	L(17)
Quick Vehicle Servicing	N	N	N	N	N	N	SUP
Restaurant	N	N	N	N	N	N	L(11)
Retail Sales and Service	N	N	N	N	N	L(15)	L(17)
Sale of Products Grown on Site	N	N	N	N	N	N	N
Sexually Oriented Business	N	N	N	N	N	N	N
Temporary Uses	L(38)	L(38)	L(38)	L(38)	L(38)	L(38)	L(38)
Vehicle Repair	N	N	N	N	N	N	N

P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8

Industrial Land Use Categories	NR-1	NR-2	NR-3	NR-4	NR-6	NRMU-12	NRMU
Bakeries	N	N	N	N	N	N	L(21)
Compressor Stations	N	N	N	N	N	N	N
Construction Materials Sales	N	N	N	N	N	N	N
Craft Alcohol Production	N	N	N	N	N	N	SUP
Distribution Center/Warehouse, General	N	N	N	N	N	N	N
Feed Lots	N	N	N	N	N	N	N
Food Processing	N	N	N	N	N	N	N
Gas Wells	L(27)	L(27)	L(27)	L(27)	L(27)	L(27)	L(27)
Heavy Manufacturing	N	N	N	N	N	N	N
Junk Yards and Auto Wrecking	N	N	N	N	N	N	N
Kennels	L(37)	L(37)	N	N	N	N	N
Light Manufacturing	N	N	N	N	N	N	N
Manufacture of Non-odoriferous Foods	N	N	N	N	N	N	N
Printing/Publishing	N	N	N	N	N	N	N
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N	N	N	N	N	N
Self-service Storage	N	N	N	N	N	N	N
Veterinary Clinics	L(14)	L(14)	N	N	N	N	P
Warehouse, Retail	N	N	N	N	N	N	N

Wholesale Nurseries	N	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N	N
Wrecker Services and Impound Lots	N	N	N	N	N	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8							

Institutional Land Use Categories	NR-1	NR-2	NR-3	NR-4	NR-6	NRMU-12	NRMU
Adult or Child Day Care	SUP	SUP	SUP	SUP	SUP	P	P
Basic Utilities	L(25)	L(25)	L(25)	L(25)	L(25)	L(25)	L(25)
Business/Trade School	N	N	N	N	N	N	L(14)
Cemeteries	N	N	N	N	N	N	N
Churches	P	P	P	P	P	P	P
Colleges	N	N	N	N	N	N	N
Community Service	N	N	N	N	N	P	P
Conference/Convention Center	N	N	N	N	N	N	N
Elderly Housing	N	N	N	N	SUP	L(13)	P
Electric Substations and Switch Stations	L(43)	L(43)	L(43)	L(43)	L(43)	L(43)	L(43)
High School	N	N	N	N	N	N	SUP
Hospital Services	N	N	N	N	N	N	N
Kindergarten, Elementary School	SUP	SUP	SUP	SUP	SUP	P	P

Medical Clinic	N	N	N	N	N	N	SUP
Middle School	N	N	N	N	N	P	P
Mortuaries	N	N	N	N	N	N	N
Parks and Open Space	P	P	P	P	P	P	P
Semi-public, Halls, Clubs, and Lodges	SUP	SUP	SUP	SUP	SUP	L(15)	P
WECS (Building-mounted)	L(42)	SUP	SUP	SUP	SUP	SUP	SUP
WECS (Free-standing Monopole Support Structure)	L(41)	SUP	SUP	SUP	SUP	SUP	SUP
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8							

35.5.2.3. General Regulations.

General regulations of the Residential Neighborhood land use zone are contained in the table below:

The following limits apply to subdivision of two (2) acres or less:

General Regulations	NR-1	NR-2	NR-3	NR-4	NR-6	NRMU-12	NRMU
Minimum lot area (square feet)	32,000	16,000	10,000	7,000	6,000	3,500	2,500
Minimum lot width	80 feet	80 feet	60 feet	50 feet	50 feet	30 feet	20 feet
Minimum lot depth	100 feet	100 feet	80 feet	80 feet	80 feet	80 feet	50 feet
Minimum front yard setback	20 feet	20 feet	15 feet L(2)	20 feet L(2)	10 feet	10 feet	None

Maximum WECS height	55 feet	55 feet	55 feet	55 feet	55 feet	55 feet	75 feet
Minimum yard when abutting a single-family use or district	10 feet plus 1 foot for each foot of building height above 20 feet	10 feet plus 1 foot for each foot of building height above 20 feet	10 feet plus 1 foot for each foot of building height above 20 feet	10 feet plus 1 foot for each foot of building height above 20 feet	10 feet plus 1 foot for each foot of building height above 20 feet	15 feet plus 1 foot for each foot of building height above 20 feet	20 feet plus 1 foot for each foot of building height above 20 feet

35.5.2.4. Mixed Use Residential Protection Overlay.

Where necessary to address the concerns of owners of existing adjacent residential uses that a proposed non-residential or multi-family mixed use allowed by this Subchapter is incompatible, the applicant may consent to the imposition of increased setback, landscaping, screening or buffer requirements along the borders of such existing residential uses, or to the imposition of additional use or performance-based restrictions upon the proposed use. Such additional modifications or restrictions shall, upon approval, amend the underlying zoning classification and use designation to add these supplemental requirements. The Mixed Use Residential Protection Overlay may be established through the Zoning Amendment Procedure, either as a separate zoning case, or in conjunction with an amendment of the underlying mixed use zoning classification.

35.5.3. - Downtown University Core.

35.5.3.1. Purpose.

The purpose of the Downtown University Core District is to encourage mixed use developments within specified commercial areas of the district. This district is a pedestrian friendly district. Land Use categories within this district include:

DR-1	Downtown Residential 1
DR-2	Downtown Residential 2
DC-N	Downtown Commercial Neighborhood
DC-G	Downtown Commercial General

35.5.3.2. Permitted Uses.

The following uses are permitted within the Downtown University Core District:

Residential Land Use Categories	DR-1	DR-2	DC-N	DC-G
Accessory Dwelling Units	P	P	N	N
Agriculture	P	P	P	P
Attached Single-family Dwellings	N	P	P	P
Community Homes For the Disabled	P	P	P	P
Dormitory	SUP	P	P	P
Duplexes	P	P	P	N
Dwellings Above Businesses	N	P	P	P
Fraternity or Sorority House	SUP	P	P	P
Group Homes	N	N	N	SUP
Livestock	L(7)	L(7)	L(7)	L(7)
Live/Work Units	P	P	P	P
Manufactured Housing Developments	N	N	N	N
Multi-Family Dwellings	N	L(5)	L(5)	L(5)
Single-family Dwellings	P	P	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

Commercial Land Use Categories	DR-1	DR-2	DC-N	DC-G
Administrative or Research Facilities	N	SUP	L(14)	P

Auto and RV Sales	N	N	N	L(20)
Bar	N	N	L(11)	P
Bed and Breakfast	L(8)	L(9)	P	P
Broadcasting of Production Studio	N	SUP	P	P
Commercial Parking Lots	N	N	L(28)	L(28)
Drive-through Facility	N	N	N	SUP
Equestrian Facilities	N	N	N	N
Home Occupation	P	P	P	P
Hotels	N	N	N	P
Indoor Recreation	N	N	N	P
Laundry Facilities	N	P	P	P
Major Event Entertainment	N	N	N	SUP
Medical Office	N	L(15)	L(17)	P
Motels	N	N	N	N
Movie Theaters	N	N	SUP	SUP
Outdoor Recreation	N	N	N	N
Private Club	N	N	L(11)	P
Professional Services and Offices	N	L(15)	L(17)	P
Quick Vehicle Servicing	N	N	N	SUP
Restaurant	N	N	L(11)	P

Retail Sales and Service	N	L(15)	L(17)	P
Sale of Products Grown on Site	N	N	N	N
Sexually Oriented Business	N	N	N	N
Temporary Uses	L(38)	L(38)	L(38)	L(38)
Vehicle Repair	N	N	N	SUP
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

Industrial Land Use Categories	DR-1	DR-2	DC-N	DC-G
Bakeries	N	N	L(21)	P
Compressor Stations	N	N	N	N
Construction Materials Sales	N	N	N	N
Craft Alcohol Production	N	N	SUP	L(12)
Distribution Center/Warehouse, General	N	N	N	N
Feed Lots	N	N	N	N
Food Processing	N	N	N	N
Gas Wells	L(27)	L(27)	L(27)	L(27)
Heavy Manufacturing	N	N	N	N
Junk Yards and Auto Wrecking	N	N	N	N
Kennels	N	N	N	N

Light Manufacturing	N	N	N	N
Manufacture of Non-odoriferous Foods	N	N	N	N
Printing/Publishing	N	N	N	P
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N	N	N
Self-service Storage	N	N	N	N
Veterinary Clinics	N	SUP	L(26)	P
Warehouse, Retail	N	N	N	N
Wholesale Nurseries	N	N	N	SUP/ L(36)
Wholesale Sales	N	N	N	SUP/ L(36)
Wrecker Services and Impound Lots	N	N	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

Institutional Land Use Categories	DR-1	DR-2	DC-N	DC-G
Adult or Child Day Care	P	P	P	P
Basic Utilities	SUP	SUP	SUP	SUP
Business/Trade School	N	N	L(26)	P
Cemeteries	N	N	N	N
Churches	P	P	P	P

Colleges	N	N	SUP	P
Community Service	N	N	P	P
Conference/Convention Centers	N	N	SUP	P
Elderly Housing	N	N	L(13)	P
Electric Substations and Switch Stations	L(43)	L(43)	L(43)	L(43)
High School	N	N	N	N
Hospital Services	N	N	P	P
Kindergarten, Elementary School	P	P	P	N
Medical Clinic	N	N	P	P
Middle School	N	P	P	N
Mortuaries	N	N	P	P
Parks and Open Space	P	P	P	P
Semi-public, Halls, Clubs, and Lodges	P	P	P	P
WECS (Building-mounted)	SUP	SUP	SUP	SUP
WECS (Free-standing Monopole Support Structure)	SUP	SUP	SUP	SUP
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

35.5.3.3. General Regulations.

General regulations of the Downtown University Core District are as follows:

General Regulations	DR-1	DR-2	DC-N	DC-G
Minimum lot area (square feet)	4,000	4,000	2,500	None
Minimum lot width	50 feet	40 feet	20 feet	None
Minimum lot depth	80 feet	80 feet	50 feet	None
Minimum front yard setback	10 feet	10 feet	None	None
Minimum side yard	6 feet	6 feet	None	None
Minimum side yard adjacent to a street	10 feet	10 feet	None	None
Minimum rear yard	10 feet	10 feet	None	None
Minimum yard abutting a single-family use or district	10 feet plus 1 foot for each foot of building height over 30 feet	10 feet plus 1 foot for each foot of building height over 30 feet	15 feet plus 1 foot for each foot of building height over 30 feet	20 feet plus 1 foot for each foot of building height over 30 feet
Minimum residential unit size	700 SF	500 SF	500 SF	500 SF
Maximum FAR	0.50	0.75	1.5	3.0
Maximum density, dwelling units per acre	8	30	72	150
Maximum lot coverage	60%	75%	80%	85%
Minimum landscaped area	40%	25%	20%	15%

Maximum building height	40 feet	45 feet	100 feet/ L(33)	100 feet/ L(33)
Maximum WECS height	55 feet	55 feet	110 feet/L(33)	110 feet/ L(33)

35.5.4. - Community Mixed Use Centers.

35.5.4.1. Purpose.

The purpose of the Community Mixed Use Centers is to provide the necessary shopping, services, recreation, employment and institutional facilities that are required and supported by the surrounding community. Land Use categories within the Community Mixed Use Centers include:

CM-G	Community Mixed Use General
CM-E	Community Mixed Use Employment

35.5.4.2. Permitted Uses.

The following uses are permitted within Community Mixed Use Centers:

Residential Land Use Categories	CM-G	CM-E
Accessory Dwelling Units	N	N
Agriculture	P	P
Attached Single-family Dwellings	N	N
Community Homes For the Disabled	P	P
Dormitory	N	N
Duplexes	N	N
Dwellings Above Businesses	P	N

Fraternity or Sorority House	N	N
Group Homes	N	N
Livestock	L(7)	L(7)
Live/Work Units	P	N
Manufactured Housing Developments	N	N
Multi-Family Dwellings	L(6) & L(4)	L(6) & L(4)
Single-family Dwellings	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Commercial Land Use Categories	CM-G	CM-E
Administrative or Research Facilities	P	P
Auto and RV Sales	P	P
Bar	P	L(14)
Bed and Breakfast	P	N
Broadcasting of Production Studio	P	P
Commercial Parking Lots	P	P
Drive-through Facility	P	P
Equestrian Facilities	N	N
Home Occupation	N	N

Hotels	P	P
Indoor Recreation	P	P
Laundry Facilities	P	P
Major Event Entertainment	SUP	N
Medical Office	P	P
Motels	P	P
Movie Theaters	SUP	N
Outdoor Recreation	P	N
Private Club	P	L(14)
Professional Services and Offices	P	P
Quick Vehicle Servicing	P	P
Restaurant	P	L(14)
Retail Sales and Service	P	L(14)
Sale of Products Grown on Site	N	N
Sexually Oriented Business	N	N
Temporary Uses	L(38)	L(38)
Vehicle Repair	P	P
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Industrial Land Use Categories	CM-G	CM-E
Bakeries	P	L(25)
Compressor Stations	N	N
Construction Materials Sales	N	N
Craft Alcohol Production	L(12)	L(12)
Distribution Center/Warehouse, General	N	N
Feed Lots	N	N
Food Processing	N	N
Gas Wells	L(27)	L(27)
Heavy Manufacturing	N	N
Junk Yards and Auto Wrecking	N	N
Kennels	N	N
Light Manufacturing	N	N
Manufacture of Non-odoriferous Foods	N	L(25)
Printing/Publishing	P	L(25)
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N
Self-service Storage	N	N
Veterinary Clinics	P	P
Wholesale Nurseries	N	N
Warehouse, Retail	N	N

Wholesale Sales	N	N
Wrecker Services and Impound Lots	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Institutional Land Use Categories	CM-G	CM-E
Adult or Child Day Care	P	N
Basic Utilities	SUP	SUP
Business/Trade School	P	P
Cemeteries	N	N
Churches	P	P
Colleges	P	P
Community Service	P	P
Conference/Convention Centers	P	P
Elderly Housing	N	N
Electric Substations and Switch Stations	L(43)	L(43)
High School	P	P
Hospital Services	N	N
Kindergarten, Elementary School	P	P
Medical Clinic	P	P

Middle School	P	P
Mortuaries	P	P
Parks and Open Space	P	P
Semi-public, Halls, Clubs, and Lodges	P	P
WECS (Building-mounted)	SUP	SUP
WECS (Free-standing Monopole Support Structure)	SUP	SUP
P = Permitted, N = not permitted, SUP = Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

35.5.4.3. General Regulations.

General regulations of the Community Mixed Use Centers are in the table below:

General Regulations	CM-G	CM-E
Minimum lot area (square feet)	2,500	2,500
Minimum lot width	50 feet	50 feet
Minimum lot depth	50 feet	50 feet
Minimum front yard setback	None	10 feet
Minimum side yard	None	None
Minimum side yard adjacent to a street	None	10 feet
Minimum yard abutting a residential use or district	20 feet	20 feet, plus 1 foot for each foot of building height above 30 feet

Maximum FAR	1.5	0.75
Minimum residential unit size	500 SF	None
Maximum lot coverage	80%	85%
Minimum landscaped area	20%	15%
Maximum building height	65 feet	65 feet
Maximum WECS height	75 feet	75 feet

35.5.5. - Regional Mixed Use Centers.

35.5.5.1. Purpose.

The purpose of Regional Mixed Use Centers is to create centers of activity including shopping, services, recreation, employment and institutional facilities supported by and serving an entire region. Land Use categories within Regional Mixed Use Centers include:

RCR-1	Regional Center Residential 1
RCR-2	Regional Center Residential 2
RCC-N	Regional Center Commercial Neighborhood
RCC-D	Regional Center Commercial Downtown

35.5.5.2. Permitted Uses.

The following uses are permitted within Regional Mixed Use Centers:

Residential Land Use Categories	RCR-1	RCR-2	RCC-N	RCC-D
Accessory Dwelling Units	N	N	N	N

Agriculture	P	P	P	P
Attached Single-family Dwellings	P	P	P	P
Community Homes For the Disabled	P	P	P	P
Dormitory	N	N	N	N
Duplexes	N	N	N	N
Dwellings Above Businesses	P	P	P	P
Fraternity or Sorority House	N	N	N	N
Group Homes	SUP	SUP	SUP	SUP
Livestock	L(7)	L(7)	L(7)	L(7)
Live/Work Units	P	P	P	P
Manufactured Housing Developments	N	N	N	N
Multi-Family Dwellings	L(4)	L(4)	L(6) & L(4)	L(6) & L(4)
Single-family Dwellings	N	N	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

Commercial Land Use Categories	RCR-1	RCR-2	RCC-N	RCC-D
Administrative or Research Facilities	SUP	SUP	L(14)	P
Auto and RV Sales	N	N	N	P
Bar	L(11)	L(11)	P	P

Bed and Breakfast	L(8)	L(9)	L(9)	P
Broadcasting of Production Studio	SUP	SUP	P	P
Commercial Parking Lots	N	N	P	P
Drive-through Facility	N	N	P	P
Equestrian Facilities	N	N	N	N
Hotels	N	N	P	P
Home Occupation	P	P	P	P
Indoor Recreation	N	N	P	P
Laundry Facilities	P	P	P	P
Major Event Entertainment	N	N	SUP	SUP
Medical Office	L(15)	L(14)	L(14)	P
Motels	N	N	P	N
Movie Theaters	SUP	SUP	P	P
Outdoor Recreation	SUP	SUP	N	N
Private Club	L(11)	L(11)	P	P
Professional Services and Offices	L(15)	L(14)	P	P
Quick Vehicle Servicing	N	N	P	P
Restaurant	L(11)	L(11)	P	P
Retail Sales and Service	L(17)	L(17)	L(13)	P
Sale of Products Grown on Site	N	N	N	N

Sexually Oriented Business	N	N	N	N
Temporary Uses	L(38)	L(38)	L(38)	L(38)
Vehicle Repair	N	N	N	P
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

Industrial Land Use Categories	RCR-1	RCR-2	RCC-N	RCC-D
Bakeries	N	N	L(21)	P
Compressor Stations	N	N	N	N
Construction Materials Sales	N	N	N	N
Craft Alcohol Production	N	N	SUP	L(12)
Distribution Center/Warehouse, General	N	N	N	N
Feed Lots	N	N	N	N
Food Processing	N	N	N	N
Gas Wells	L(27)	L(27)	L(27)	L(27)
Heavy Manufacturing	N	N	N	N
Junk Yards and Auto Wrecking	N	N	N	N
Kennels	N	N	N	N
Light Manufacturing	N	N	N	L(23)
Manufacture of Non-odoriferous Foods	N	N	N	N

Printing/Publishing	N	N	N	N
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N	N	N
Self-service Storage	N	N	N	N
Veterinary Clinics	SUP	SUP	L(14)	P
Warehouse, Retail	N	N	L(13)	L(13)
Wholesale Nurseries	N	N	N	N
Wholesale Sales	N	N	N	N
Wrecker Services and Impound Lots	N	N	N	N
P= Permitted, N=Not permitted, SUP= Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8				

Institutional Land Use Categories	RCR-1	RCR-2	RCC-N	RCC-D
Adult or Child Day Care	P	P	P	P
Basic Utilities	SUP	SUP	SUP	SUP
Business/Trade School	N	N	L(14)	P
Cemeteries	N	N	N	N
Churches	P	P	P	P
Colleges	N	N	P	P
Community Service	P	P	P	P
Conference/Convention Centers	N	N	P	P

Elderly Housing	P	P	P	P
Electric Substations and Switch Stations	L(43)	L(43)	L(43)	L(43)
High School	SUP	SUP	P	P
Hospital Services	N	N	P	P
Kindergarten, Elementary School	P	P	P	N
Medical Clinic	SUP	SUP	P	P
Middle School	P	P	P	P
Mortuaries	N	N	P	P
Parks and Open Space	P	P	P	P
Semi-public, Halls, Clubs, and Lodges	P	P	P	P
WECS (Building-mounted)	SUP	SUP	SUP	SUP
WECS (Free-standing Monopole Support Structure)	SUP	SUP	SUP	SUP
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8				

35.5.5.3. General Regulations.

General regulations of the Regional Mixed Use Centers are contained in the table below:

General Regulations	RCR-1	RCR-2	RCC-N	RCC-D
Minimum lot area (square feet)	None	None	None	None
Minimum lot width	50 feet	20 feet	20 feet	None

Minimum lot depth	80 feet	60 feet	50 feet	None
Minimum front yard setback	10 feet	10 feet	10 feet	None
Minimum side yard	6 feet	6 feet	6 feet	None
Minimum side yard adjacent to a street	10 feet	10 feet	6 feet	None
Minimum rear yard	10 feet plus 1 foot for each foot of building height above 30 feet	10 feet plus 1 foot for each foot of building height above 30 feet	None	None
Minimum yard abutting a single-family use or district	30 feet plus 1 foot for each foot of building height above 30 feet	30 feet plus 1 foot for each foot of building height above 30 feet	30 feet plus 1 foot for each foot of building height above 30 feet	30 feet plus 1 foot for each foot of building height above 30 feet
Minimum residential unit size	600 SF	500 SF	500 SF	500 SF
Maximum FAR	0.50	0.75	1.5	3.0
Maximum Density, dwelling units per acre	30	40	80	100
Maximum Lot Coverage	55%	75%	85%	90%
Minimum Landscaped Area	45%	25%	15%	10%
Maximum building height	40 feet	50 feet	65 feet	100 feet
Maximum WECS height	55 feet	60 feet	75 feet	110 feet

35.5.6. - Employment Centers.

35.5.6.1. Purpose.

The purpose of the Employment Centers is to provide locations for a variety of workplaces and complimentary uses. Land Use categories within Employment Centers include:

EC-C	Employment Center Commercial
EC-I	Employment Center Industrial

35.5.6.2. Permitted Uses.

The following uses and their accessory uses are permitted within the Employment Centers:

Residential Land Use Categories	EC-C	EC-I
Accessory Dwelling Units	N	N
Agriculture	P	P
Attached Single-family Dwellings	N	N
Community Homes For the Disabled	N	N
Dormitory	N	N
Duplexes	N	N
Dwellings Above Businesses	N	N
Fraternity or Sorority House	N	N
Group Homes	N	N
Livestock	L(7)	L(7)
Live/Work Units	N	N

Manufactured Housing Developments	N	N
Multi-Family Dwellings	N	N
Single-family Dwellings	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Commercial Land Use Categories	EC-C	EC-I
Administrative or Research Facilities	P	P
Auto and RV Sales	P	P
Bar	P	P
Bed and Breakfast	N	N
Broadcasting of Production Studio	P	P
Commercial Parking Lots	P	P
Drive-through Facility	P	P
Equestrian Facilities	N	N
Home Occupation	N	N
Hotels	P	P
Indoor Recreation	P	P
Laundry Facilities	P	P
Major Event Entertainment	P	P

Medical Office	P	P
Motels	P	N
Movie Theaters	N	N
Outdoor Recreation	P	N
Private Club	P	P
Professional Services and Offices	P	P
Quick Vehicle Servicing	P	P
Restaurant	P	P
Retail Sales and Service	P	L(18)
Sale of Products Grown on Site	N	N
Sexually Oriented Business	N	N
Temporary Uses	L(38)	L(38)
Vehicle Repair	P	P
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Industrial Land Use Categories	EC-C	EC-I
Bakeries	P	P
Compressor Stations	N	N
Construction Materials Sales	N	P

Craft Alcohol Production	P	P
Distribution Center/Warehouse, General	N	L(34)
Feed Lots	N	N
Food Processing	N	N
Gas Wells	L(27)	L(27)
Heavy Manufacturing	N	N
Junk Yards and Auto Wrecking	N	N
Kennels	P	P
Light Manufacturing	P	P
Manufacture of Non-odoriferous Foods	P	P
Printing/Publishing	P	P
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	N
Self-service Storage	P	P
Veterinary Clinics	P	P
Warehouse, Retail	L(34)	L(34)
Wholesale Nurseries	N	L(32)
Wholesale Sales	P	P
Wrecker Services and Impound Lots	SUP L(29)	SUP L(29)
P=Permitted, N=Not permitted, SUP= Specific Use Permit Required, L(X) = Limited as defined in Section 35.5.8		

Institutional Land Use Categories	EC-C	EC-I
Adult or Child Day Care	P	P
Basic Utilities	P	P
Business/Trade School	P	P
Cemeteries	N	N
Churches	P	P
Colleges	P	P
Community Service	P	P
Conference/Convention Centers	P	SUP
Elderly Housing	P	N
Electric Substations and Switch Stations	P	P
High School	N	N
Hospital Services	P	N
Kindergarten, Elementary School	N	N
Medical Clinic	P	N
Middle School	N	N
Mortuaries	P	P
Parks and Open Space	P	P
Semi-public, Halls, Clubs, and Lodges	P	P
WECS (Building-mounted)	SUP	SUP

WECS (Free-standing Monopole Support Structure)	SUP	SUP
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

35.5.6.3. General Regulations.

General regulations of the Employment Center are as follows:

General Regulations	EC-C	EC-I
Minimum lot area (square feet)	2,900	2,500
Minimum lot width	20 feet	50 feet
Minimum lot depth	50 feet	50 feet
Minimum front yard setback	None	10 feet
Minimum side yard	None	None
Minimum side yard adjacent to a street	None	10 feet
Minimum yard abutting a single-family use or district	30 feet, plus 1 foot for each foot of building height above 30 feet	30 feet, plus 1 foot for each foot of building height above 30 feet
Maximum FAR	1.50	0.75
Maximum lot coverage	80%	85%
Minimum landscaped area	20%	15%
Maximum building height	100 feet	65 feet
Maximum WECS height	110 feet	75 feet

35.5.7. - Industrial Centers.

35.5.7.1. Purpose.

The purpose of Industrial Centers is to provide locations for a variety of work processes and employment such as manufacturing, warehousing and distributing, indoor and outdoor storage, and a wide range of commercial and industrial operations. Land Use categories within Industrial Centers include:

IC-E	Industrial Center Employment
IC-G	Industrial Center General

35.5.7.2. Permitted Uses.

The following uses are permitted within Industrial Centers:

Residential Land Use Categories	IC-E	IC-G
Accessory Dwelling Units	N	N
Agriculture	P	P
Attached Single-family Dwellings	N	N
Community Homes For the Disabled	N	N
Dormitory	N	N
Duplexes	N	N
Dwellings Above Businesses	N	N
Fraternity or Sorority House	N	N
Group Homes	N	N
Livestock	L(7)	L(7)

Live/Work Units	N	N
Manufactured Housing Developments	N	N
Multi-Family Dwellings	N	N
Single-family Dwellings	N	N
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Commercial Land Use Categories	IC-E	IC-G
Administrative or Research Facilities	P	P
Auto and RV Sales	P	P
Bar	L(14)	L(22)
Bed and Breakfast	N	N
Broadcasting of Production Studio	P	P
Commercial Parking Lots	P	P
Drive-through Facility	L(14)	L(14)
Equestrian Facilities	N	N
Home Occupation	N	N
Hotels	P	N
Indoor Recreation	P	N
Laundry Facilities	P	P

Major Event Entertainment	P	N
Medical Office	P	P
Motels	P	N
Movie Theaters	N	N
Outdoor Recreation	N	N
Private Club	L(14)	L(22)
Professional Services and Offices	P	P
Quick Vehicle Servicing	P	P
Restaurant	L(14)	L(22)
Retail Sales and Service	L(18)	L(18)
Sale of Products Grown on Site	N	N
Sexually Oriented Business	N	SUP/ L(32)
Temporary Uses	L(38)	L(38)
Vehicle Repair	P	P
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Industrial Land Use Categories	IC-E	IC-G
Bakeries	L(25)	P
Compressor Stations	SUP	SUP

Construction Materials Sales	P	P
Craft Alcohol Production	P	P
Distribution Center/Warehouse, General	P	P
Feed Lots	N	N
Food Processing	N	P
Gas Wells	L(27)	L(27)
Heavy Manufacturing	N	SUP
Junk Yards and Auto Wrecking	N	SUP
Kennels	N	N
Light Manufacturing	P	P
Manufacture of Non-odoriferous Foods	L(25)	P
Printing/Publishing	L(25)	L(25)
Sanitary Landfills, Commercial Incinerators, Transfer Stations	N	SUP
Self-service Storage	P	P
Veterinary Clinics	N	N
Warehouse, Retail	SUP	SUP
Wholesale Nurseries	P	P
Wholesale Sales	P	P
Wrecker Services and Impound Lots	L(29)	L(29)
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

Institutional Land Use Categories	IC-E	IC-G
Adult or Child Day Care	L(19)	N
Basic Utilities	P	P
Business/Trade School	P	P
Cemeteries	N	N
Churches	P	P
Colleges	P	N
Community Service	P	P
Conference/Convention Centers	SUP	N
Elderly Housing	N	N
Electric Substations and Switch Stations	P	P
High School	N	N
Hospital Services	N	N
Kindergarten, Elementary School	N	N
Medical Clinic	P	N
Middle School	N	N
Mortuaries	P	N
Parks and Open Space	P	P
Semi-public, Halls, Clubs, and Lodges	P	P

WECS (Building-mounted)	SUP	SUP
WECS (Free-standing Monopole Support Structure)	SUP	SUP
P=Permitted, N=Not permitted, SUP=Specific Use Permit Required, L(X)=Limited as defined in Section 35.5.8		

35.5.7.3. General Regulations.

General regulations of the Industrial Centers are contained in the table below:

General Regulations	IC-E	IC-G
Minimum lot area (square feet)	2,500	5,000
Minimum lot width	50 feet	50 feet
Minimum lot depth	50 feet	50 feet
Minimum front yard setback	10 feet	10 feet
Minimum side yard	6 feet	6 feet
Minimum side yard adjacent to a street	10 feet	10 feet
Minimum yard when abutting a residential use or district	30 feet, plus 1 foot for each foot of building height above 30 feet	30 feet, plus 1 foot for each foot of building height above 30 feet
Maximum FAR	0.75	2.0
Maximum lot coverage	80%	90%
Minimum landscaped area	20%	10%
Maximum building height	100 feet	140 feet
Maximum WECS height	110 feet	150 feet

EXHIBIT B

Subchapter 23 - Definitions

35.23.1. - General.

For the purpose of this Chapter, certain words and terms shall be defined and interpreted as follows. Interpretations of meaning shall be made by the Director of Planning and Development based on the provisions of Section 35.1.4. Appeals of staff interpretations of this Chapter shall be heard as a Board of Adjustment Procedure.

35.23.2. - Definitions and Terms.

Acceleration/Deceleration Lane. One or more paved traffic lanes traversing the frontage of a property for the purpose of allowing traffic to accelerate or decelerate outside of higher speed traffic lanes.

Accepted for Filing. The status of an application following submission and acceptance as complete by the Director of all application materials, documents, and fees, and required signatures required by this Chapter.

Access Ramp. A route to provide entry for vehicles and machinery into a drainage system.

Access Road. A route parallel to and at the top of the bank or channel to allow maintenance access of channels from the top.

Accessory Building or Structure. A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; freestanding greenhouses; swimming pools and pool houses; tennis courts; satellite dish antennas; freestanding workshops; gazebos; radio and/or TV antenna structures not attached to the principal structure; paved areas other than driveways and walkways; and perimeter fencing and/or walls.

Accessory Use. A use incidental or secondary to the principal use of a lot, building or structure and located on the same lot as the principal use.

Acreage, Net. The gross acreage of a parcel excluding any floodway.

Acreage, Gross. The acreage included within the boundary line of a particular property, including all property legally held by the owner, unless said property has dedicated right-of-way previous to development to the City, county, state or federal entity.

Addition. Lots, tracts or parcels of land lying within the corporate boundaries of the City which is intended for the purpose of development.

Administrative or Research Facilities. A facility used for the management of an enterprise or research and development activities such as improving technologies, developing products and scientific research.

Adult Arcade. Any place to which the public is permitted or invited wherein 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 (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Bookstore/Adult Video Store.

- A. A commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:
 - 1. Books, magazines, periodicals or other printed matter, or photo-graphs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; or
 - 2. Instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities."
- B. For the purpose of this definition, a commercial establishment shall be considered to have as "one of its principal business purposes" the sale or rental of the materials described in (A) above, if:
 - 1. The establishment makes use of a sign visible from any public street, whether located on or off the property of the establishment, advertising the availability at the establishment of any materials described in (A);
 - 2. The establishment devotes more than thirty (30) percent of its total floor area which is open to the public to the display of items for sale or rental that are materials described in (A);
 - 3. More than thirty (30) percent of the total number of items displayed for sale or rental by the establishment are materials described in (A); or
 - 4. The establishment regularly maintains on the property for sale or rental materials described in (A) whose total retail value is more than fifty (50) percent of the total retail value of all materials kept on the premises for sale or rental.

Adult Cabaret. A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- A. Persons who appear in a state of nudity; or
- B. Live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas"; or
- C. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Motel. A hotel, motel, or similar commercial establishment which:

- A. 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 which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
- B. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
- C. Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) 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 which are distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

Adult Theater. A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on "specified sexual activities" or the exposure of "specified anatomical areas."

Agricultural Activity. Land used exclusively as a bonafide agricultural operation by the owner or tenant. The use of land for agricultural purposes including farming, horticulture, animal and poultry husbandry, and the necessary accessory uses, provided that the operation of the accessory use is clearly incidental to the agricultural activity. An accessory use shall include incidental sales by the producer of products raised on the farm.

Airspace Obstruction. Any structure, tree, land mass, or use of land which penetrates a transitional, horizontal, or conical surface of an airport, airport approach, or airport overlay as defined by this Chapter and/or regulations of the Federal Aviation Administration.

Alley. A public way which affords a secondary means of access to abutting property and which is not intended for general travel or circulation.

Ambulatory Surgical Center (ASC): See the See the Texas Administrative Code, Title 25, Part 1, Chapter 135, Subchapter A, Rule 135.2 Definitions, as amended. See also Medical Clinics.

Antenna, Directional. Any antenna which incorporates a reflective surface that is designed to transmit or receive microwave signals from terrestrial or orbitally based uses.

Apartment, Studio or Efficiency. One (1) room which is designed or intended for occupancy by, or which is occupied by, one (1) family doing its cooking therein or by one or more related persons doing their or their own cooking therein. For zoning purposes, a studio or efficiency apartment shall be regarded as a dwelling unit and a structure containing three (3) or more such apartments shall be regarded as a multiple dwelling.

Arcade. Any commercial building in which there are more than three (3) amusement game machines on the premises which are available to the public. An arcade may contain commercial recreational machines or games other than amusement game machines. Arcades are restricted in use between the hours of 10:00 a.m. and 10:00 p.m. Sunday through Thursday and 10:00 a.m. and 12:00 p.m. Friday through Saturday and are further restricted from serving alcoholic beverages, except in the case where the use is primarily for adults and all minors are accompanied by an adult.

Architectural Element. Authentic architectural projections and details.

Architectural Projection. Eaves, decorative extensions, bay windows having no floor space, or other portions of a structure having no living space nor key structural value.

Assisted Living Facility. An establishment that:

- A. Furnishes, in one or more facilities, food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; and
- B. Provides personal care services.

Attached Single-family. See "Dwelling, Single-family Attached."

Automobile and RV Sales. A structure and/or lot dedicated to the retail sale of new or used motor vehicles.

Automotive Wrecking and Salvage Yard. A business that stores three (3) or more wrecked vehicles outdoors for the purpose of selling the vehicles whole; or dismantling or otherwise wrecking the vehicles to remove parts for sale or for use in an automotive repair or rebuilding business.

Backhaul Provider. The owner of a wire network (i.e. the cable, electric, or telephone company) utilized in connecting the various cell sites to telephone switching offices, long distance providers or the public switched telephone network.

Bakery. A place for baking or selling baked goods.

Bar: An establishment whose primary activity is the sale of alcoholic beverages for on-premise consumption.

Base Density. The density allowed in the parent zoning district per gross acre.

Base Flood. A flood having a one (1) percent chance of being equaled or exceeded in any given year based on a fully developed watershed. Also known as the one hundred (100) year flood.

Basement. A building story partially or completely underground. A basement shall be counted as a story in computing building height where any portion of a basement has more than one-half (½) of its height above grade.

Basic Utilities. Infrastructure services and the structures necessary to provide those services including electricity, natural gas, telephone, telecommunications, water, or sewer.

Bed and Breakfast Facilities. A detached dwelling in which rooms are rented and meals may be served to transient guests on an overnight basis.

Bedroom. Any room other than a living room, family room, dining room, kitchen, bathroom, closets, or utility room, for the purpose of this Code, shall be considered a bedroom. Dens, studies, etc. with or without closets and similar areas, which may be used as bedrooms shall be counted as bedrooms for the purposes of this Chapter.

Block. The land surrounded by streets and other right-of-way other than an alley, or land which is designated as a block on any recorded subdivision map.

Board of Adjustment/Board. The Board of Adjustment of the City of Denton, Texas.

Boarding or Roominghouse. A dwelling in which meals and lodging or just lodging are furnished for compensation to more than four (4) but fewer than twenty (20) persons. Provision for meals may be made, provided cooking is done in a central kitchen and not in individual rooms or suites.

Broadcasting or Production Studios. A structure designed for making and transmitting programs for radio or television or for the production/editing of films, videos, commercials, etc.

Buffer. A strip of land that includes landscaping, fencing, walls, vegetated earthen berm, or any combination thereof.

Buildable Area. The portion of a lot remaining and available for construction of a structure or related facilities after required yards and buffers have been provided. Buildable area cannot contain any setback areas, easements, and similar building restrictions, and cannot contain any land that is identified as floodplain areas, or environmentally sensitive areas, except as otherwise provided in this Chapter.

Building. Any permanent structure designed, used, or intended to be used for human occupancy or use or to support the human occupancy or use of land, including manufactured homes.

Building Envelope. An area within the property boundaries of a lot or space within which a permitted structure can be placed.

Building Line. A line established beyond which no part of a building shall project, except as otherwise provided in this Chapter.

Building Permit. A document signed by the Building Official or their authorized representative as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, repair, remodeling, rehabilitation, alteration, conversion, demolition, moving, installment, or portion of a structure or building, which acknowledges that such use or building complies with the provisions of this Chapter or an authorized variance or Specific Use Permit there from.

Building, Principle. A building in which the primary use of the lot on which the building is located is conducted.

Business or Trade School. A secondary school offering instruction in a professional, vocational, or technical field.

Business Sign. An identification sign containing the name of the business or other accessory information located on the same premises.

Caliper. A horticultural method of measuring the diameter of nursery stock grown for the purpose of planting in another location. For trees less than four (4) inches in diameter, the measurement is taken at six (6) inches above ground level. For trees four (4) inches in diameter and up to and including twelve (12) inches in diameter, the caliper measurement is taken twelve (12) inches above ground level. For trees greater than twelve (12) inches in diameter, the trunk is measured at breast height (DBH).

Caretaker Quarters. A dwelling unit which houses an individual or family who is employed by the primary user of the property to guard and protect the property and structure(s) from fire, vandalism, theft, etc. Such structure is not to be used for dwelling purposes other than as a caretaker unit.

Carport. A partially enclosed structure used for the housing of motor vehicles, the property of, and for use only by the occupants of the lot upon which such structure is located. For purposes of zoning, a carport attached to a principal structure shall be regarded as part of that principal structure and not as an accessory structure. A detached carport shall be classified as an accessory structure.

Central Business District. The area described as such by the map contained within Appendix B of the Site Design Criteria Manual.

Certificate of Occupancy. Certificate issued by the Building Official for the use of a building, structure or land, when it is determined by the Building Official that the building, structure or proposed land use complies with the provisions of all applicable Codes of the City of Denton.

Channel. An open conduit in which water flows with a free surface.

Charter School. A school established by a contract with the State Board of Education (SBOE) or the Board of Trustees of an independent school district, licensed by the state and meeting the state requirements for primary, secondary, or higher education.

Child-Care Facility. A facility licensed, certified, or registered by the State of Texas to provide assessment, care, training, education, custody, treatment, or supervision for a child who is not related by blood, marriage, or adoption to the owner or operator of the facility, for all or part of the twenty-four (24)-hour day, whether or not the facility is operated for profit or charges for the services it offers. The following are child-care facilities:

- A. "Child-care institution" means a child-care facility that provides care for more than twelve (12) children for twenty-four (24) hours a day, including facilities known as children's homes, halfway houses, residential treatment centers, emergency shelters, and therapeutic camps.
- B. "Foster group home" means a child-care facility that provides care for seven (7) to twelve (12) children for twenty-four (24) hours a day.
- C. "Foster home" means a child-care facility that provides care for not more than six (6) children for twenty-four (24) hours a day.
- D. "Day-care center" means a child-care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.
- E. "Group day-care home" means a child-care facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age for less than twenty-four (24) hours a day.

- F. "Family home" means a home that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Christmas Tree and Pumpkin Sales. Christmas tree and pumpkin sales include the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands and pumpkins. Permits for temporary Christmas tree and pumpkin sales are limited to the non-residential districts.

Church. A structure used by a religious organization or congregation for regular organized religious activities. A church use may also include accessory or subordinate uses and structures associated with its religious mission, such as: rectories, convents, meeting halls, offices for administration of the institution, schools, educational facilities, dormitories for students, parsonages, dwelling units for religious organization personnel, recreational facilities, day care facilities, arenas or production studios, or any combination of such optional uses, provided that:

1. This definition shall not apply to any such accessory or subordinate uses, unless they are secondary to an active, primary church use located on the same premises, regardless of whether such uses are owned, operated, managed, supported, or endorsed by, or otherwise affiliated with, any religious organization, mission or belief, and regardless of whether any religious message, teachings, customs, celebrations, ceremonies, rituals, rites, worship or content are provided in conjunction with such uses; and
2. Any and all such accessory or subordinate uses having a residential component, such as rectories, convents, parsonages, dormitories and dwelling units, shall be located within an accessory structure, secondary to the main church use. The primary structure may not be used for any such residential use.

City. The City of Denton, Denton County, Texas, and its extraterritorial jurisdiction.

City Council. The City Council of the City of Denton, Texas.

City Engineer. The individual holding the office of City Engineer of the City of Denton, Texas, who shall actively maintain licensure in good standing as a professional engineer under the laws of the State of Texas. Those duties assigned by this chapter to the City Engineer which relate to the development review process may be reassigned by the City Manager, in whole or in part, to one or more licensed professional engineers, as needed to adjust workflow or to provide specific expertise.

City Facility. A public service or facility provided, owned and controlled by the City.

Clear Cutting. The removal of all of the trees or a significant majority of the trees within an area.

Clearing. An intentional act to cut down or damage a tree and/or understory vegetation, to the extent that the tree and/or understory vegetation will decline or die. Clearing includes, but is not limited to, herbicide or similar chemical treatment of trees and/or understory vegetation, physical removal, damage from soil compaction, or damage due to grading.

Clearing and Grading, Limits of. The boundaries of that area of land identified in the clearing and grading plan, site plan or landscape plan subject to soil disturbance, clearing of trees and other vegetation in conjunction with a proposed development or land use.

Cluster Subdivision/Development. A grouping of individual building lots or sites in close proximity, each of which or the majority of which has less land than required for isolated individual lots, with the additional areas being devoted to open space, conservation area, recreation space, parking spaces and access facilities, in addition to required yards.

Clustering. The concentrating of units or floor area ratio in the buildable area(s).

College or University. An institution of higher learning providing facilities for teaching and research and authorized to grant academic degrees.

Commercial Incinerator. Establishments primarily engaged in the collection and disposal of refuse by processing or destruction for profit. Examples would be furnaces or similar devices for the burning to ash of trash or bodies.

Commercial Parking Lots. An area devoted to the standing, maneuvering, and circulation of motor vehicles in commercial areas.

Commission. The Planning and Zoning Commission of the City of Denton, Texas.

Committee. The Development Review Committee (DRC).

Common Access Route/Internal Street. Private drive allowing principal means of access to individual HUD-Code Manufactured Home Park lots or auxiliary buildings.

Community Center. A building used as a place of meeting, recreation, or social activity and not operated for profit and which neither alcoholic beverages or meals are normally dispensed or consumed, and typically for use by the residents of a particular development or the community.

Community Home for Disabled Persons. A community-based residential home containing not more than six (6) disabled persons with two (2) supervisory personnel which meets the requirements of the Community Homes for the Disabled Persons Location Act, Tex. Hum. Res. Code Chapter 123.001, et seq. (Vernon 1990), as amended.

Community Service. A structure or group of structures for a community's governmental, social, educational, and/or recreational activities. Community Service facilities include federal, state, county, and local government activities.

Comprehensive Plan. The Denton Plan, the Comprehensive Plan of the City of Denton, Texas as adopted by the City Council. The Comprehensive Plan shall consist of a Land Use Plan, a Mobility Plan, a Water System Plan, a Sanitary Sewer Plan, a Storm Drainage Plan, a Parks and Recreation Plan, and such other plans as may be adopted by the City.

Condominium. A type of ownership of attached or detached dwelling units, offices, or other space within a structure, as defined by the provision of Title 7, Chapter 82 Uniform Condominium Act of the Texas Property Code in which each unit is independently owned and financed by the occupant but in which all lands are commonly owned.

Conduit. Any open or closed device for conveying flowing water.

Conference/Convention Centers. A facility with a capacity of greater than 1,000 seats used for conferences, conventions, seminars, or similar functions.

Conservation Easement. A nonpossessory interest held by a governmental body empowered to hold an interest in real property under the laws of this state or the United States; other qualified entity, pursuant to Section 170(h) of the Internal Revenue Code, as amended; or a charitable corporation, charitable association, or charitable trust in real property that imposes limitations or affirmative obligations designed to:

- A. Retain or protect natural, scenic, or open-space values of real property or assure its availability for agricultural, forest, recreational, or open-space use;
- B. Protect natural resources;
- C. Maintain or enhance air or water quality; or
- D. Preserve the historical, architectural, archeological, or cultural aspects of real property.

Construction Materials Sales. A business involved in the sale of structure supplies and services including lumber, plywood, drywall, siding, windows, molding, cabinets, insulation, etc.

Conveyance Plat. An Interim Plat recording the subdivision of property or defining a remainder of property created by the approval of a Final Plat for sole purpose of conveying land and not for development for a portion of property, where approval of final development plans is not sought.

Copy Center. A facility for the custom reproduction of written or graphic materials for individuals of businesses. Typical processes include, but are not limited to, photocopying, small offset printing, blueprint, and facsimile sending and receiving.

Corner Lot. See "Lot, Corner."

Cornice. A continuous, molded projection that crowns a wall or other construction, or divides it horizontally for compositional purposes.

Coverage, Lot or Site. Total area of all structures, paved driveways, or other soil disturbances that will not allow normal water infiltration. The coverage is expressed as a percentage of such area in relation to the total gross area of the lot or site. Landscaping shall not be deemed part of the lot or site coverage.

Craft Alcohol Production: A business that primarily manufactures alcoholic beverages for wholesale distribution, but may also include onsite consumption and/or retail sales.

Criteria Manual. A manual pertaining to the technical and design requirements of this Chapter.

Critical Root Zone (CRZ). The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line but not less than one (1) foot radius for each one (1) inch dbh.

dbh. Diameter at breast height (dbh) is the tree trunk diameter measured in inches at a height of four and one-half (4½) feet above existing ground level.

- A. For single-trunk trees, the width shall be measured at four and one-half (4½) feet above ground level.
- B. For multi-trunk trees, combine the diameter of largest stem or trunk with one-half (½) of the diameter of each additional stem or trunk, all measured at four and one-half (4½) feet above ground level.

Day Care, Adult. A facility providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24)-hour day. The facility provides services under an adult day-care program on a daily or regular basis but not overnight to four (4) or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

Decibel (dB). The physical unit commonly used to measure noise levels; the unit of level such as the sound pressure level.

Deed Restrictions/Private Covenants. Private stipulations usually pertaining to residential subdivisions which govern lot size, minimum floor area, uses permitted and, in some instances, architectural design. These may be stricter than provisions included in this Chapter.

Demolition Business. A business that demolishes structures, including houses and other buildings, in order to salvage building materials and that stores those materials before disposing of them.

Demolition. The dismantling, razing or neglect of all or any part of any structure.

Dense Evergreen Foliage. A large quantity of vegetation per unit of area that retains its leaves throughout the year and of such opacity as to block one's vision through it.

Density. The quantity of an item per unit area; for example, the number of dwelling units per gross area.

Density, Base. The maximum number of dwelling units per gross acreage or the maximum floor area permitted outright by a particular land-use classification.

Density, Gross. The total number of dwelling units divided by the total project area acreage, expressed as gross dwelling units per acre, or the calculation of which is otherwise defined by this Chapter.

Density, Net. The total number of dwelling units divided by the net project area acreage, expressed as net dwelling units per acre. In determining net density within the development boundaries, including: all land area associated with and accessory to the dwelling unit, including private and public streets, driveways, off-street parking, public and private recreational facilities, common open space, utility easements, and environmentally sensitive areas. Exclusions from net density calculations include: nonresidential structures and land uses, accessory dwelling units, the floodway and any waters of the U.S. and any other exclusions as identified by this Chapter.

Department. The Planning and Development Department of the City.

Detention. The storage of storm runoff for a controlled release during or immediately following the design storm. Regional detention refers to storage of storm runoff from an entire drainage area or basin.

Developed Floodplains. Any area defined as a floodplain within the FEMA one hundred (100) year floodplain. These areas have typically been channelized or the land within these areas has been graded, filled, or otherwise disturbed.

Developer. The legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, paving, drainage or utilities. Development activities include: subdivision of land; construction or alteration of structures, roads, parking, fences, pools, signs, temporary uses, utilities, and other facilities; installation of septic systems; grading; excavation, mining or drilling operations; deposit of refuse, debris, or fill materials; and clearing of natural vegetative cover (with the exception of agricultural activities as defined and as permitted). Routine repair and maintenance activities are exempted.

Development Unit. An approximate "subarea" within a specifically defined MPC boundary-containing singular or multiple designated land use and zoning classifications. Multiple classifications or mixed-use classifications may be permitted in the MPC District in conformance with The Denton Plan. A development unit in text or table format is the same area as referenced on a map but describes the area in more specific detail. The City Council may approve a particular definition of "subarea" or "development unit" for any individual MPC District.

Development Exaction. Any dedication of land or easements for, construction of, or monetary contribution toward construction of a public improvement required as a condition of Plat approval by the City.

Development Plan. Is a plan, organized, by development unit, demonstrating how the Standards Report will be implemented. The Development Plan will illustrate the proposal's relationship and conformity with adjacent land uses, Mobility systems and the provision of utilities and other public services.

Development Plan Map. A map at an appropriate scale included in an MPC zoning document that sets forth on the property all the proposed land uses in a zoning category format (e.g., NR-3, RCC, etc., or equivalent), identifies site access, connectivity, and general public improvements (such as parks, open space, trails, but not limited to these), a table showing all the land uses; including the total acreage of each proposed land use, the land use and acreage by parcel, and the total acreage of the project. The map shall also show boundaries reflecting the phasing plan.

Development Plat. A Plat reflecting new construction or the enlargement of any exterior dimension of any building, structure, or improvement on property previously Final Platted or not required to be platted.

Diameter Breast Height (DBH). The outside diameter of the trunk of a tree, measured four and one-half (4½) feet above ground level. If a tree splits into multiple trunks below the four and one-half (4½) feet level, DBH will be defined as the sum of each individual trunk measured at four and one-half (4½) feet above ground level, or the single trunk at its most narrow dimension, whichever is greater.

Directional Antenna. Any antenna which incorporates a reflective surface that is designed to transmit or receive microwave signals from terrestrial or orbitally bases uses.

Director of Planning and Development/Director. The person designed to receive and process plats, site plans, amendments to this Chapter, the zoning map, or the Comprehensive Plan.

Disabled Persons. Persons whose ability to care for himself, perform manual tasks, learn, work, walk, see, hear, speak or breathe is substantially limited because the person has:

A.	Orthopedic, visual, speech, or hearing impairments;	G.	Multiple sclerosis;
		H.	Cancer;
B.	Alzheimer's disease;	I.	Heart disease;
C.	Pre-senile dementia;	J.	Diabetes;
D.	Cerebral palsy;	K.	Mental retardation;
E.	Epilepsy;	L.	Autism; or
F.	Muscular dystrophy;	M.	Emotional illness

Disc Antenna. A device incorporating a reflective surface that is solid, open mesh, or bar configured and is the shape of a shallow dish, cone, horn, or cornucopia. Such devices may be used to transmit or receive radio or electromagnetic waves between terrestrially or orbitally based uses. This definition includes, but is not limited to, satellite earth stations and microwave antennas.

Distribution Center/Warehouse, General. A facility where goods or products that are manufactured or assembled off-site are received and stored in bulk, and are then distributed to customers.

District. An area, region, or section with a distinguishing character, or the regulations governing the height, area, use and design of the land and buildings.

Disturbed Area. An area of land subjected to erosion due to the removal of vegetative cover and/or earthmoving activities, including but not limited to filling.

Door. A hinged, sliding or folding barrier for providing access to a building, structure or room.

Door, False. A device that resembles a door, but does not provide access to a building, structure or room.

Dormitory: A dwelling unit designed to be occupied by at least fifty (50) students or residents of a school, college, university, or similar institution, with sleeping accommodations, common gathering rooms, and may include group cooking and dining facilities designed to service the entire residency of the dormitory.

Double Frontage Lot. See "Lot, Double Frontage."

Drainage Area/Basin. The land area upon which all rainfall that falls on that area is directed towards or flows to a given point or stream.

Drainage Facilities/Systems. Physical provisions to accommodate and regulate stormwater runoff to preclude excessive erosion and sedimentation and to control and regulate the rate of flow. Facilities/systems can include natural features and conduits, channels, ditches, swales, pipes, detention devices or other devices designed or intended to carry, direct, detain or otherwise control stormwater.

Drip Line. A vertical line run through the outermost portion of the canopy of a tree and extended to the ground.

Drive-Through Use. A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities are a type of site development that is usually found in conjunction with a quick vehicle servicing use or other retail sales and service use. Examples include, but are not limited to, drive-through windows, menu boards, gas pump islands, car wash facilities, and quick lube or quick oil change facilities.

Driving Surface. A paved access capable of supporting up to forty-four thousand (44,000) lbs. gross vehicle weight. Surface to be of minimum width as required by this Chapter. Width shall be increased on turns where necessary to ensure fire apparatus remain on a paved surface during travel.

Duplex. See "Dwelling, Duplex."

Dwelling/Dwelling Unit: A structure or portion thereof that provides living, sleeping, eating, cooking, and sanitation accommodations.

Dwelling, Accessory: A detached structure, other than a manufactured home, that contains a dwelling that is subordinate to a primary single-family detached dwelling. The accessory dwelling shall be on the same lot as the primary single-family dwelling (see definition of "Dwelling, Single-Family Detached"), and shall conform to the standards outlined in this Chapter. Accessory dwellings shall not be included in the density calculations for a lot or development.

Dwelling, Duplex: A structure that contains two (2) attached dwellings that are separated by a fire-rated wall.

Dwelling, 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 (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is four hundred (400) 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 the 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. Section 3282.8(g).

Dwelling, Mobile Home: A structure that was constructed before June 15, 1976, transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is four hundred (400) 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 the plumbing, heating, air conditioning and electrical systems.

Dwelling, Multi-Family: A structure that contains three (3) or more dwellings and any ancillary uses.

Dwelling, Single-Family Detached: An independent structure that is used for the purpose of one (1) dwelling only.

Dwelling, Single-Family Attached (aka Townhomes): A structure containing at least three (3), but not more than eight (8) attached dwellings, and complies with the following:

1. Has individual front and rear access on the ground floor of each dwelling;
2. Each dwelling shall be separated by fire-rated walls;
3. Each dwelling shall be serviced by an individual meter for each utilities;
4. Each dwelling shall have direct access to a street or alley; and
5. Each dwelling shall be located on its own individual platted lot and each lot must have frontage on a public or private street.

Dwelling Unit, Efficiency (aka Studio Unit): A dwelling unit that has only one (1) combined living and sleeping room, but may also have separate kitchen and sanitary facilities within the same unit.

Easement. A grant of the right to use a strip of land for specific purposes.

Easement, Access. An easement created for the purpose of providing vehicular, pedestrian, or bicycling access to or between properties.

Easement, Maintenance. An area of a parcel of land free of structures reserved to an adjacent parcel of land to allow access to repair and maintain a structure, facility, or conservation area located on the adjacent parcel.

Ecological Impact. A modification or change in the existing natural environment that could result in the disruption or loss of wildlife habitat, vegetation, air quality, soil and water quality, and resources, or an increase in ambient noise levels.

Ecosystem. An interacting system formed by a biotic community and its physical environment.

Effluent. Sewage water or other liquid, partially or completely treated or in its natural state, flowing out of any component of an individual sewage disposal system or flowing over the ground's surface or beneath the ground in groundwater.

Elderly Housing. A structure licensed by the Texas Department of Aging and Disability, eighty (80) percent of whose occupants are fifty-five (55) years of age and older, and that; meets the definition of one (1) of the three (3) uses listed below:

Elderly Housing, Assisted Living: Services in these establishments include assistance with daily activities, such as dressing, grooming, bathing, etc.

Elderly Housing, Congregate Care Facility: A facility for long-term residence generally for persons fifty-five (55) years of age or older, and which shall include, without limitation, common dining, social and recreational features, special safety and convenience features designed for the needs of the elderly, such as emergency call systems, grab bars and handrails, special door hardware, cabinets, appliances, passageways, and doorways designed to accommodate wheelchairs, and the provision of social services for residents which shall include at least two (2) of the following: meals services, transportation, housekeeping, linen, and organized social activities.

Elderly Housing, Life Care Housing and Services: A residential complex, which may contain multi-family dwellings, attached dwellings, single-family dwelling and other types of dwellings and structures designed for and principally occupied by senior citizens. Such facilities will include one of the following: A congregate meals program in a common dining area, assisted living housing, nursing home facilities, congregate care facilities, or medical facilities.

Elementary School. ¹⁰ A public, private or charter school established for grades 1 through 5 but may also include a kindergarten.

Endangered Species. A species of animal or plant is considered to be endangered when its prospects for survival and reproduction are in immediate jeopardy from one or more causes as defined in the Endangered Species Act.

End Stage Renal Disease Facility (Dialysis): see the Texas Administrative Code, Title 25, Part 1, Chapter 117, Subchapter A, Rule 117.2 Definitions, as amended. See also Medical Clinics.

Environment. The physical condition which exists within the area that will be affected by a proposed development, including: land, air, water, mineral, flora, fauna, noise, and objects of historic or aesthetic significance.

Environment, Natural. This environment is characterized by severe biophysical limitations, presence of some unique or natural or cultural features intolerant of intensive human use, or its value is retained only in its natural condition. Management objectives are oriented toward preserving unique features, restricting activities that may degrade the actual or potential value of this environment, and severely restricting development in hazardous areas.

Environmental Scientists. Professionals, which are required for the environmental analysis and plan required by this Chapter, with training or direct experience in areas such as: environmental planning, physical geography, environmental geography or hydrology, ecology, botany, soil sciences, or natural resources.

Environmentally sensitive area. An area identified on the official map for environmentally sensitive areas that contains Floodway, Developed Floodplain, Undeveloped Floodplain, Riparian Buffers, Water Related Habitat, or Upland Habitat.

Environmentally Sensitive Areas Map. The official map that identifies areas identified as environmentally sensitive areas.

EPA. Environmental Protection Agency.

Ephemeral Stream. Stream that has flowing water only during and shortly after precipitation events in a typical year. These streams are located above the water table year round. Runoff from rainfall, not groundwater, is the primary source of water for stream flow.

Equal Conveyance Principle. An area of the cross-section of a stream, in its existing condition, carrying a percentage of the stream flow, will continue to carry the same percentage of the stream flow after filling of the flood plain occurs, without any rise in the one hundred (100) year floodplain elevation.

Equestrian Facilities. A structure or area for horseback riding activities including boarding, training, lessons, and shows.

Erosion. The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice, or gravity, caused either by natural or human created conditions.

Escort. A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who, for consideration, agrees or offers to privately model lingerie or to privately perform a striptease for another person.

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

Estate Lot. A lot that is at least one (1) acre in size with the purpose of being developed with a single-family detached dwelling as the primary use.

Exaction Variance. A variance granted on the basis of a finding that the imposition of the regulations(s) exceeds any reasonable benefit to the property owner or is so excessive as to constitute confiscation of the tract to be platted.

Excavation. The mechanical or physical act to cut, dig, or scoop soil.

Extraction. To draw out or forth; hence to derive as if by drawing out; removal of physical matter in a solid, liquid, or gaseous state from its naturally occurring location; the initial step in use of a natural resource; examples include: petroleum and natural gas wells, shale and coal mines, gravel pits, and timber cutting.

Extractive Industry. A use involving on-site extraction of surface or sub-surface mineral products or natural resources. Typical uses may be quarries, borrow pits, sand and gravel operations, mining, and soil mining. Specifically excluded from this use is grading and removal of soil associated with an approved site plan or subdivision or excavation associated with, and for the improvement of, a bonafide agricultural use.

Extraterritorial Jurisdiction. The unincorporated area outside of and contiguous to the corporate boundaries of the City as defined and established in accordance with Chapter 42 of the Texas Local Government Code.

Fabricating. The process of assembling using standardized parts.

Façade. That portion of any exterior elevation on the building extending from grade to top of the parapet, wall, or eaves and the entire width of the building elevation.

Façade Articulation. A method or manner of jointing that makes the united parts clear, distinct, and precise in relation to each other. For example, when a brick clad section meets up with a glass curtain wall, a variation in plane is generally needed to avoid the façade appearing too flat.

Fair Grounds. An area of land use including, but not limited to: agricultural related office building, exhibition of livestock and farm products, animal shows and judging, carnivals, circuses, community meeting or recreational buildings and uses, concerts, food booths and stands, games, rides, rodeos, sales, auctions, and storage.

Family: One or more persons related by blood, marriage or legal adoption.

FAR. See Floor-Area-Ratio.

Farm Stand. An accessory use, building, or structure used for the retail sale of fresh fruits, vegetables, flowers, herbs, or plants, home-processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, and homemade crafts/art made on the site. No commercially packed handicrafts or commercially processed or packaged foodstuffs shall be sold at a farm stand.

Farmer's Market: The seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, crafts, and art, clothing and other goods, occurring in a pre-designated area, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.

Fast Food Restaurant. A restaurant serving food from an ordering counter or from a drive-through facility.

Feedlot. A lot, corral, yard, or other area in which livestock are confined, primarily for the purposes of feeding and growth prior to slaughter. The term shall not include areas which are used for raising crops or other vegetation or upon which livestock are allowed to graze, nor shall it allow the slaughter of said animals and livestock on premises.

Fees in Lieu of. Allowing, at the developer's option, the payment of the developer's share of the cost of constructing a required public improvement instead of requiring the actual construction at the time of Plat approval.

FEMA. Federal Emergency Management Agency.

Fence. A vertical device used as a boundary or means of providing protection, confinement or privacy.

Fence, perimeter. An enclosure used as a boundary or means of providing protection, confinement or privacy and is located along the limits of the developed area and is adjacent to an alley, or rights-of-way.

Field or Construction Office. A temporary modular building located at a construction site which serves only as an office until the given construction work is completed.

Filling. The depositing on land, whether submerged or not, of gravel, earth, or other natural materials in any combination.

Fire Code. The most recently adopted International Fire Code as published by the International Code Congress.

Fire Lane. A fire apparatus access roadway, on private property or within a public right-of-way, which provides unobstructed passage for the Fire Department apparatus responding to or engaged in emergency fire and rescue operations.

Flatwork. Any impervious area constructed at grade, such as driveways and walkways.

Flea Market. An outdoor market for selling secondhand articles or antiques.

Floodplain. An area identified by the Federal Emergency Management Agency as possibly being flood-prone, or below the immediate flood line (one hundred (100) year floodplain).

Flood Fringe. The area located within the floodplain and outside the floodway.

Flood Hazard Boundary Map (FHBM). An official map of a community, issued by the Federal Insurance Administration, where special flood hazard areas have been designated.

Flood Insurance Rate Map (FIRM). An official community map showing special flood hazard areas and the risk premium zones applicable to the community as issued by the Federal Insurance Administration.

Flood Insurance Study. The official Federal Insurance Administration report containing flood profiles, the water surface elevation of the base flood and the flood hazard boundary map.

Floodway. Area regulated by federal, state, or local requirements to provide for discharge for the base flow, so that the cumulative increase in water surface elevation is no more than a designated amount within the one hundred (100) year floodplain. A river, channel or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Normally, the floodway will include the stream channel and that portion of the adjacent land areas required to pass the base flood (one hundred (100) year flood) discharge without cumulatively increasing the water surface elevation at any point more than one (1) foot above that of the prefloodway condition, including those designated on the flood insurance rate map.

Floor Area. The floor area is the gross horizontal area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios and open porches. Same as Gross Leasable Floor Space.

Floor Area Ratio (FAR). The ratio which is the result of dividing the total floor area of a structure by the area of the lot on which it is located. For example, a structure with a floor area of twenty thousand (20,000) square feet, located on a lot of forty thousand (40,000) square feet has a floor area ratio (FAR) of five tenths (0.5).

Food Processing Facilities. Industrial operations in which raw food is made suitable for consumption, cooking or storage. Such facilities include commercial slaughterhouses for poultry, livestock, or other animals, hog farms, and egg farms.

Footprint. The horizontal area as seen in a site plan, measured from outside of all exterior walls and supporting columns. It includes residences, garages, covered carports, accessory structures, all other structural uses both primary and accessory to that district, but not trellises, patios, and areas of porch, deck, and balcony less than thirty (30) inches from finished grade.

Fraternity: A local or national organization organized for the purpose of sharing social, cultural, scholarly, or religious interests, where involvement requires regular meetings and formal written membership requirements.

Fraternity or Sorority House: A dwelling unit in which members of a fraternity or sorority assemble or reside.

Freeboard. The vertical distance between the design water surface level and the top of an open conduit left to allow for wave action, floating debris or any other condition or emergency without overtopping the structure.

Freestanding Emergency Medical Care Facility: See the Texas Administrative Code, Title 25, Part 1, Chapter 131, Subchapter A, Rule 131.2 Definitions, as amended. See also Medical Clinics.

Frequency. Number of complete oscillations or cycles per unit of time. The unit of frequency often used is the Hertz (Hz).

Front Yard. See "Yard, Front."

Frontage. That side of a lot, parcel or tract abutting a street right-of-way.

Garage, Private or Public. A structure for the use of the owner or occupant of a principle structure for the storage of motor vehicles with no facilities for mechanical service or repair of a commercial or public nature.

Gas Stations. A facility that provides retail sales to the public of gasoline, motor oil, automobile lubricants, motor fuels, travel aids, and minor automobile accessories.

Gated Community. A subdivision or housing development with two (2) or more dwellings with private streets controlled through the use of a vehicular or pedestrian gate.

General Business. Commercial uses providing a wide range of retail goods and services to meet the needs of a large segment of the community.

Grade.

- A. The inclination or slope of a conduit, channel or natural ground surface, usually expressed in the percentage of units of vertical rise or fall per unit of horizontal distance;
- B. The elevation of the invert at the bottom of a conduit, canal, culvert, sewer, etc.; or
- C. The finished surface of a canal bed, roadbed, top of an embankment or bottom of excavation.

Grade, Existing. The vertical elevation of the ground surface prior to excavation or filling; the surface of the ground or pavement at a stated location as it exists prior to disturbance in preparation for a development regulated by this Chapter; or, the vertical elevation of a site which is currently developed and built upon.

Grade, Ground Level. The average of the finished ground level at the center of all walls of the structure. In case a wall is parallel to and within five (5) feet of a sidewalk, the ground level shall be measured at the sidewalk.

Grade, Natural. The existing grade or elevation of the ground surface that exists in its unaltered state.

Grade, Percentage of. The rise or fall of a slope in feet and tenths of a foot for each one hundred (100) feet of horizontal difference.

Grade Separation. The physical development of structures or intersections that separate motor vehicle from motor vehicles; motor vehicles, pedestrians, and bicyclists from trains and other transit; motor vehicles from pedestrians and bicyclists; as well as pedestrians from bicyclists.

Grading. The mechanical or physical act of disturbing, moving, removing, transferring, or redistributing soil.

Gross Leasable Floor Space. The gross horizontal floor area of the one or more floors of a structure, excluding interior parking spaces. Residential floor space shall be exclusive of carport, basement, attic, patios and open porches. Same as Floor Area.

Ground Cover. Low growing plants, vines, or grasses that form dense, extensive growth, and have a positive effect against soil erosion and soil moisture loss. Permeable natural landscape materials, such as mulch and rock, are also considered ground cover to the extent they are used in combination with live plant materials.

Ground Coverage. The area of a lot occupied by all structures and parking expressed as a percentage of the gross area of the lot. Driveways are not included in the percent coverage but parking pads or areas, porches, decks, patios, pools, tennis courts, sheds, walkways and other accessory uses shall be included.

Group Homes for Disabled Persons. A shared residential living arrangement which provides a family-type environment for six (6) or more handicapped persons supervised by one or more primary caregivers and has obtained a license to operate under the Personal Care Facilities Licensing Act. Tex. Health & Safety Code § 247.001 et.seq. A Group Home for Disabled Persons does not include Community Homes for Disabled Persons.

Group Home. A profit or nonprofit facility, home, or structure for the protective care of persons, both adult and adolescent, who need a watchful environment, but do not have an illness, injury, or disability which requires chronic or convalescent care, including medical and nursing services. Protective care and watchful oversight includes, but is not limited to, a daily awareness by management of the residents' whereabouts, the asking and reminding of residents of their appointments for medical checkups, the ability and readiness of management to intervene if a crisis arises for a resident, and supervision by management in areas of nutrition, medication, and actual provision of transient medical care, with a twenty-four (24)-hour responsibility for the well-being of residents of the facility. Personal care facilities are exempt from the definition of a family and shall be classified in one of the following ways:

- A. **Individual.** One (1) to three (3) clients, plus manager.
- B. **Family.** Four (4) to six (6) clients, plus manager.
- C. **Group.** Seven (7) to fifteen (15) clients, plus manager.
- D. **Congregate.** Sixteen (16) or more clients, plus manager.

Grubbing. The mechanical or physical act of removing stumps, underbrush, and rocks, prior to clearing and grading. Grubbing does not allow for any grade changes, only vegetation removal down to bare soil. A Tree Removal Permit is required for all trees with a three (3)-inch or greater diameter, measured at four and a half (4.5) feet above natural grade.

Guest Quarters. An attached or detached building that provides living quarters for guests, servants, or a related family member, which is considered an accessory use, and which is clearly subordinate and incidental to the principal residence on the same lot; and is not rented or leased.

Habitat. The physical location or type of environment in which an organism or biological population lives or occurs.

Handicap. A physical or mental impairment which substantially limits one or more of such person's major life activities, a record of having such an impairment or being regarded as having such an impairment, but such term does not include current, illegal use of or addition to a controlled substance as defined by Chapter 481 of the Texas Health & Safety Code.

Hazardous Materials or Waste. A substance classified as a hazardous material under state or federal law or a chemical, petroleum product, gas, or other substance that if discharged or released, is likely to create an imminent danger to individuals, property or the environment. A hazardous material includes, but is not limited to any one of the following, as defined by 40 C.F.R. 173, or, with respect to hazardous waste, listed as a substance subject to 40 C.F.R. 262: Radioactive material; Explosives, Class A; Explosives, Class B; Poison A; Poison B; Flammable gas; Nonflammable gas; Flammable liquid; Oxidizer; Flammable solid; Corrosive material; Combustible liquid; Etiologic agent; other regulated material (ORM); or, Hazardous waste.

Heavy Manufacturing. Industrial operations for the production of a good using raw materials and mechanical power and machinery.

Height. The vertical distance to the highest point of the roof for flat roofs; to the deckline of mansard roofs; and to the average height between eaves and the ridge for gable, hip and gambrel roofs, measured from the curb level if the building is not more than ten (10) feet from the front property line or from the grade in all other cases. Except as otherwise specified, the height of a structure other than a building is the vertical distance from the average grade at the base of the structure to the highest point of the structure.

Hertz. Unit of frequency equal to one (1) cycle per second.

High School. ¹ A public, private or charter school established for grades 9—12 or 10—12.

Home Occupation. An occupation commonly carried on within a dwelling by members of the family occupying the dwelling. The use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling.

Homeowners Association. A homeowners association is an organization formed for the maintenance and operation of the common areas of the development. The membership in the association must be automatic with the purchase of a dwelling unit or other property in the planned development. The association's principal source of funds shall be an assessment levied against each dwelling unit or other property, which assessment shall be enforceable as a lien against the property.

Horticulture. The cultivation of row crops, a garden, or an orchard for noncommercial purposes.

Hospice. One (1) main building, or portion, one (1) zoning lot in which terminally ill persons live in order to receive appropriate Medicare-certified hospice services.

Hospital, General. See the Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 Definitions, as amended. See also Hospital Services.

Hospital Services. An institution providing primary health services, psychiatric services, and medical or surgical care to persons primarily on an inpatient basis. This use differs from medical clinics in that it may require stays for longer than 24 hours. Includes the following land uses: birthing center; general hospital; private psychiatric hospital; niche hospital; special hospital, and trauma facilities.

Hotel. A facility offering transient lodging accommodations to the general public at a daily rate for a period of time not to exceed thirty (30) days, and providing additional services, such as restaurants, meeting rooms, and recreational facilities. Guest quarters are accessible through a main entrance and by hallways.

Hotel/Motel, Extended Stay. A facility offering transient lodging rooms and/or suites to the general public, including lodging quarters for corporations and businesses, intended to be used, or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes for guests, may contain up to two (2) bedrooms, contain kitchen facilities for food preparation including, but not limited to, refrigerators,

stoves, and ovens, and which may also include living areas, and which are furnished to the public for periods of one (1) week or more.

Hydrograph. A graph showing stage, flow, velocity or other property of water versus time at a given point on a stream or conduit.

Impact Fee. A fee levied by the City pursuant to Chapter 395 of TX Local Govt. Code, as a total or partial reimbursement for the total or partial cost of providing additional facilities or services needed as a result of new development.

Impairment, Physical or Mental.

- A. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genito-urinary; hemic and lymphatic; skin; and endocrine; or
- B. Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness and specific learning disabilities.
- C. The term includes but is not limited to such diseases and conditions as orthopedic, visual, speech dementia, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addition (other than drug addition caused by illegal use of a controlled substance).

Impervious. Any hard-surface, man-made area that does not readily absorb or retain water, including but not limited to building slabs, building roofs, swimming pools, parking and driveway areas, sidewalks, paved recreation areas, and other surfaces that do not generally absorb water and are not considered by the City to be pervious surfaces.

Impervious Surface. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Imported Fill. The mechanical or physical act of bringing soil in from offsite. When stockpiling imported fill, it shall occur on private property only.

Improvement (Public or Private). Any physical man-made addition which becomes part of, is placed upon, or is affixed to any real property, or any part of such addition, including, but not limited to, any building, structure, bridge, work of art, parking facility, public facility, fence, gate, wall, streets and all related appurtenances, utilities, pedestrian ways, bikeways, equestrian trails, landscaping or irrigation, whether involving the subdivision of land or not.

Indoor Recreation. Indoor commercial uses which by their nature are recreational. Examples include bowling alleys, skating rinks, health clubs, racquetball or squash courts, indoor swimming pools, video arcades, pool halls, etc.

Industrial, or Industrial Use. An activity related to the manufacture, warehousing, shipping, production or storage of products to be transported elsewhere for retail sale.

Infill. Development or redevelopment of land that has been bypassed, remained vacant, and/or is underused as a result of the continuing urban development process and where eighty (80) percent of the land is within a five hundred (500)-foot radius of the site has been developed. Annexed areas on the periphery of the City limits are not considered infill sites. Generally, these sites are readily accessible to infrastructure services and facilities.

Infill Development. Development on a vacant parcel or groupings of vacant lots within an existing block surrounded by existing development that is contiguous on at least two (2) sides for corner lots and contiguous on at least three (3) sides for interior lots (existing development located directly in front on the other side of the street may count as a side for interior lots only), no greater than two (2) acres in size, and

is served with all or most public services and facilities, including but not limited to water, wastewater and drainage.

Infrastructure. The provision of systems that provide transportation, water, waste water, solid waste, storm water drainage, electrical and franchise facilities typically required to service development.

Inlet. An opening into a storm drain system for the entrance of surface storm runoff.

Inoperative Vehicle. Any motorized vehicle incapable of immediately being driven.

Institution. An establishment that:

- A. Furnishes, in one or more facilities, food and shelter to four (4) or more persons who are unrelated to the proprietor of the establishment; and
- B. Provides minor treatment under the direction and supervision of a physician licensed by the Texas State Board of Medical Examiners, or other services that meet some need beyond the basic provision of food, shelter, and laundry; or
- C. A foster care residential facility that provides room and board to fewer than five (5) persons who:
 - 1. Are not related within the second degree of consanguinity or affinity, as determined under Chapter 573, Government Code, to the proprietor; and
 - 2. Because of their physical or mental limitation, or both, require a level of care and services suitable to their needs that contributes to their health, comfort, and welfare.

Institutional Use. A non-profit or quasi-public use, such as a religious institution, library, public or private school, hospital services, or government-owned or government-operated structure or land used for public purpose.

Installation. In reference to manufactured housing, means the construction of the foundation systems, whether temporary or permanent, and the placement and erection of a HUD-Code Manufactured Home or HUD-Code Manufactured Home components on the foundation system and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, and minor adjustments.

Intermediate Care Facilities. A convalescent home or other recuperative facility for use by persons subsequent to hospital confinement, who are not yet ready to resume home life.

Intermittent Stream. A stream that has flowing water during certain times of the year, when groundwater provides water for stream flow. Intermittent streams may not have flowing water during dry periods. Runoff from rainfall is a supplemental source of water for stream flow.

Inverted Crown Section. A street cross section usually reserved for alleys in which the center of the street is lower than the edges so that drainage is carried down the center of the street.

Irrigation, Underground. A permanent, artificial watering system designed to transport water and distribute water to plants.

Junkyard. A business that stores, buys, or sells materials that have been discarded or sold at a nominal price by a previous owner and that keeps all or part of the materials outdoors until disposing of them.

Kennels. Facility for the boarding (overnight) of domestic animals, usually limited to dogs and cats. Breeding and training of dogs and cats and the sale to the public of puppies and kittens is classified as a kennel activity.

Land Disturbing Activity. Alteration of the land surface by:

- A. Any grading, scraping, excavating, dredging, transporting or filling of land;

- B. Any clearing of vegetation;
- C. Any construction, rebuilding, or alteration of a building, road, driveway, parking area, or other structure, not including routine maintenance such as painting, repair, or reconstruction of existing structures or surfaces;
- D. Any substantial activity or use which may result in soil erosion from water or wind and the movement of sediments into waters or lands protected by this Chapter; and,
- E. It shall not include activities such as ordinary maintenance and landscaping operations, individual home gardens, repairs, additions or minor modifications of an existing single-family dwelling, and the cutting of firewood for personal use.

Land Use Plan. The Land Use Element of The Denton Plan, as may be amended and including The Land Use Plan and Future Zoning Map.

Landscape Area. See "Landscaping."

Landscaping. A planted area containing trees, shrubs, and groundcovers providing a transition between structures on a site and the property line, adjacent structures, or street rights-of-way.

Lane. A driving surface with a width as specified in the street design standards for that class of street.

Laundry Facilities. A commercial laundering establishment which cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process. Such establishments may also include self-service laundering facilities.

License. Written license issued by the City Council, permitting a person to operate and maintain a HUD-Code Manufactured Home Park under the provisions of this Chapter.

Light Manufacturing. Industrial operations relying on the assembly of products using parts previously developed from raw material and not classified as a point source of objectionable pollutants.

Limits of Construction. Delineation on a graphic exhibit, which shows the boundary of the area within which all construction activity will occur.

Live-Work Units. Allows twenty-five (25) percent of floor area to be used as work space, subject to home occupation limitations.

Livestock. Facilities for the raising, breeding, or maintenance of domestic animals including, but not limited to cattle, horses, sheep, swine, goats, and poultry. This definition does not include feed lots or similar uses.

Loading Space, Off-street. Space logically and conveniently located for bulk pickups and deliveries, and scaled to delivery vehicles expected to be used.

Local Drainage System. Any drainage facility or system, which serves an area having a contributing drainage basin of less than one (1) square mile in area.

Lot. A designated parcel, tract or area of land established by a Plat or otherwise permitted by law to be used, developed or built upon as a unit.

Lot Area. The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

Lot Corner. A lot abutting the intersection of two (2) or more streets other than an alley.

Lot Coverage. That portion of a lot used for building, parking, vehicular and pedestrian circulation, loading areas, and outside storage areas.

Lot Depth. The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

Lot, Double Frontage. A lot having frontage on two (2) nonintersecting streets, as distinguished from a corner lot. Double frontage lots are prohibited.

Lot, Flag. Any lot not having standard legal access to a City street, and which is provided with access by a driveway parallel to the lot line of a lot having standard access.

Lot Frontage. That portion of a lot adjacent to a street.

Lot Improvement. Any building, structure, work of art or other object or improvements of land on which they are situated, whether immediate or future, which includes but is not limited to streets, alleys, utilities, drainage modifications, and access modifications including curb cuts. Lot improvements include off-site work accomplished for the betterment of removed building lots.

Lot, Interior. A lot other than a corner lot or a through lot.

Lot Line. A boundary of a lot. "Lot line" is synonymous with "property line."

Lot Line, Front. The lot line separating the lot from the street other than an alley. In the case of a corner lot, there shall only be one (1) street line considered the front lot line. The front lot line adjoins the public or private rights-of-way where the entrance/address is located.

Lot, Gross Area. An area under public or private property ownership, whose lot lines are described by Plat or deed.

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line.

Lot Line, Side. Any lot line not a front or rear lot line.

Lot of Record. An individual lot or a lot which is a part of a subdivision, the map of which has been legally recorded in the office of the Denton County Clerk; or a parcel of land the deed of which has been recorded in the office of the Denton County Clerk.

Lot, Reversed Corner. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Lot, Through. An interior lot having frontage on two (2) parallel or approximately parallel streets other than alleys. Through lots are prohibited.

Lot Width. The horizontal distance between the side lines, measured at right angles to the lot depth at a point midway between the front and rear lines.

Major Event Entertainment. A structure or area with a capacity of greater than one thousand (1,000) seats for public performances and sporting events. Major event entertainment facilities include concert halls, stadiums, and arenas.

Major Life Activity. Includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Manufacture of Non-Odiferous Foods. Industrial operations for the manufacturing of non-odiferous foods.

Manufactured Home. See "Dwelling, Manufactured Home."

Manufactured Home Park or Park, HUD-Code. A parcel of land under single entity ownership which has been separately platted for the placement of HUD-Code Manufactured Homes, accessory uses and service facilities, meeting all requirements of this Chapter and any applicable deed restrictions and state laws.

Manufactured Home Subdivision, HUD-Code. A tract of land that is subdivided and platted for individual ownership of HUD-Code manufactured homes.

Master Plan. Policies and plans adopted by the City Council as a guide to the systematic physical development of the City.

Master Planned Development. A development that comprehensively incorporates a combination of specific site design, site access, architectural, landscaping, buffering, screening and development design standards.

Master Plan Development, Existing is defined as existing development that is the subject of platting, infrastructure or development activity prior to the adoption of the new ordinance, and that incorporates mixed use development in a comprehensive integrated site plan instead of on a lot-to-lot basis.

Mechanical Equipment. Equipment or devices installed for a use appurtenant to the primary use. Such equipment shall include heating and air conditioning equipment, solar collectors, parabolic antennas, disc antenna, radio or TV receiving or transmitting antennas, and any power generating devices. The following equipment or devices are exempt:

- A. Private, noncommercial radio and television antennas not exceeding a height of seventy (70) feet above grade or thirty (30) feet above an existing structure, whichever height is greater. No part of such antenna shall be within the yards required by this Chapter. A structure Permit shall be required for any antenna mast, or tower over fifty (50) feet above grade or thirty (30) feet above an existing structure when the same is constructed on the roof of the structure.
- B. Parabolic antennas under three (3) feet in diameter.

Medical Clinic: The use of the site for the provision of medical, psychiatric, or surgical services on an outpatient basis. These facilities can be differentiated from a medical office in that such facilities may either be open to and operated for the general, walk-in public or require an appointment. Example: ambulatory surgical center (ASC); end-stage renal disease facility (dialysis), outpatient services, freestanding emergency medical care facility.

Medical Office: The use of the site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention. Examples: dentist's office, or doctor's office.

Middle School. ¹ A public, private or charter school established for grades 6—8 or 6—9.

Minimum Structure Separation. A required open space between any two (2) structures on the same lot which are used for nonresidential and multi-family residential purposes.

Minor Plat. A subdivision resulting in four (4) or fewer lots, not requiring the creation of any new street or the extension of municipal facilities and not generating an average daily vehicular traffic (ADT) count of one thousand (1,000) or more vehicles.

Mixed Use Development is defined as any single development that combines three (3) or more mutually supporting land uses on a single parcel or site or within a general development plan, overlay district or cohesive zoning plan. Land uses may be mixed vertically (within the same physical structure), or horizontally connecting buildings (physical and functional integration of project components, including uninterrupted pedestrian connections) on the same lot and/or under unified control. Multi-family as a single use cannot exceed forty (40) percent of the acreage in an NRMU-12 or NRMU zoning district, fifty (50)

percent of the acreage in an RCR-1 or RCR2 zoning district, or 30% of the acreage in an RCC-D or RCC-N zoning district.

Motel. A structure or group of structures on the same lot containing individual guest units for rental to transients, with separate exterior entrances, and consisting of individual sleeping quarters, detached or in connected rows, with or without cooking facilities.

Native Vegetation. Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the Denton County and that reasonably could have been expected to naturally occur on the site.

Natural Resources. Air, land, water, and indigenous plant and animal life of an area.

Neighborhood. A sub area of the City of Denton in which the residents (or non-residential uses) share a common identity focused around a school, park, or community business center that are generally within walking distance of the homes or businesses, architecture, or other features with boundaries that may include highways, railroads or such natural features as rivers. The neighborhood character shall be deemed to be the prevailing character of structures within three hundred (300) feet in either direction along street frontages, irrespective of intervening streets.

Niche hospital: See the Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 Definitions. See also Hospital Services.

Nonconforming Use or Structure. Any structure or use of land lawful at the time of passage or amendment of this Chapter which does not conform, after the passage or amendment of this Chapter, with the regulations of the district in which it is located.

Non-resident Lot. A lot on which there is no dwelling or business established.

NCTCOG. North Central Texas Council of Governments.

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.

Nudity or a State of Nudity.

- A. The appearance of a human bare buttock, anus, male genitals, female genitals, or female breasts; or
- B. A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast.

Nursery School. See "Day Care, Nursery, Kindergarten."

Nursing Home. A home for the aged, chronically ill, or incurable persons who are unable to care for themselves and in which three (3) or more persons not of the immediate family are kept or provided with food and shelter or care for compensation; but not including hospitals, clinics, or other similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Occasional Sales. Occasional sales are the sale, or offering for sale, of tangible personal property to the public, upon the premises of an existing residential dwelling, by the owner or lessee of the residential dwelling. Such sales commonly include garage or yard sales.

Octave Band. A portion of the audible sound spectrum. An octave band analyzer divides the audible sound spectrum into eight (8) 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. 1931-57, Standard Method for Measuring Odor in Atmosphere.

Official Map. A map officially adopted by the governing body of City, Texas.

Official Zoning Map. A map officially adopted by the City Council that illustrates the various zoning districts of the City of Denton, Texas.

Off-site. Located outside the boundary of a development.

One Hundred (100) Year Water Surface Elevation (100-Yr W.S.E.). The water surface elevation established by hydrologic/hydraulic analysis of a stream, river, creek, or tributary, using the one hundred (100)-year fully developed watershed, based upon the one hundred (100)-year rainfall event.

On-site. Located within the boundary of a development.

Open Air Market: See "Farmer's Market."

Open Space. Any parcel or area of land or water set aside, dedicated, designated, or reserved for public use or enjoyment of for the private use and enjoyment of owners and occupants of the land adjoining or neighboring such open space.

Outdoor Recreation. Outdoor commercial uses which by their nature are recreational such as golf courses, outdoor swimming pools, tennis courts, and basketball courts.

Outdoor Resale Business. A business that sells used merchandise, other than automobiles, logging equipment, or other agricultural equipment, and stores or displays the merchandise outdoors.

Outpatient services: See the Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 Definitions, as amended. See also Medical Clinics.

Outside Display. The outdoor display of objects, items, products, or other merchandise for immediate sale, rental or special order.

Outside Storage. The storage of objects, items, products or materials outside an enclosed building, and not intended for immediate sale.

Overdoor. An ornamental painting, carving, or section of woodwork directly above a doorway.

Owner. The owner of a tract of land as recorded in the Denton County Deed Records. An owner may include: a person, firm, corporation, partnership or agent, attorney-in-fact, manager or Director, or developer. Such term as used in this Chapter always includes one or more of the persons enumerated in this section who own all or any part of the land which is contemplated to be developed.

Pad Site. A plot of land reserved for buildings located along any street frontage, usually a division of a larger development. Pad sites shall accommodate buildings five thousand (5,000) square feet of gross floor area or more.

Park or Recreation, Public. The real property and improvements thereon owned, operated, or maintained by the City, university, or other public entity, which are designed or used for recreational purposes and are available to the general public. The recreational purposes includes, but is not limited to public swimming pools, golf courses, tennis courts, stadiums, and recreational centers.

Park or Recreation, Private. A noncommercial, not for profit facility designed to serve the open space and recreation needs of the residents of a development.

Parking Space. A rectangle not less than eighteen (18) feet long and nine (9) feet wide together with access and maneuvering space sufficient to permit a standard automobile to be parked within the rectangle without the necessity of moving other vehicles, said rectangle to be located off of the street right-of-way.

Parking, Street; Off-Street, HUD-Code Manufactured Home Park. A parking space located within the boundary of a HUD-Code Manufactured Home space, or in common parking and storage area having unobstructed access to an internal street or access way, and as depicted on the site plan.

Parking Tandem. Parking spaces that are arranged one behind another. Each parking space shall meet the dimension requirements of a full-size car on a one-way aisle. Tandem parking is allowed in drive-through lanes.

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

Paved. A paved surface shall be in accordance with City codes and Chapters relative to approved surfaces or as specified.

Peak Particle Velocity. Unit of measurement that identifies, in inches per seconds, how fast the ground moves.

Pedestrian Oriented District. All property within a Neighborhood Residential zoning district or Central Business District.

Pedestrian Path. A graded, cleared way for individuals who travel on foot. When located along any improved street or parking area, these paths shall be adjacent to the curb at curb level.

Pedestrian Way. A right-of-way for pedestrian traffic.

Perennial Stream. A stream with flowing water year-round during a typical year. The water table is located above the stream bed for most of the year. Ground water is the primary source of water from stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permitted Use. That use of a lot which is among the uses allowed as a matter of right, and subject to the restrictions of the zoning district.

Person. An individual, firm, partnership, proprietorship, association, corporation, estate, receiver, syndicate, branch of government, social or fraternal organization, or any other group or combination acting as a legal entity, and including any trustee, assignee, or other representative.

Pilot Channel. A concrete channel section used to convey normal low flows, fix the location of the flow line of a channel, minimize erosion and provide access for maintenance.

Planning Staff. The staff of the City of Denton Planning and Development Department.

Planning and Zoning Commission/Commission. The City of Denton Planning and Zoning Commission, referred to as "Commission."

Planting Area. An outdoor area, the surface of which shall not be covered by impervious surface materials or structures, and devoted entirely to the planting or maintenance of plant materials, except as otherwise allowed by this Chapter, such as walls, fences, plazas, landscape architectural features such as gazebos, pergolas, arbors, fountains, or sculpture. Landscape architectural features shall not include tennis courts, basketball courts or other pervious recreational facilities.

Plants, Plant Material. Live plant material, including grasses, annuals, perennials, bulbs, groundcover, shrubs, and trees, are botanical plants that are nourished through the processes of air, water, and soil nutrients. Plastic, fibrous, silk, or other non-live materials, are not considered live plant materials.

Plat or Final Plat. A map of a subdivision, addition or development to be recorded in the County Clerk Plat Records after approval by the Planning and Zoning Commission or the Development Review Committee.

Pole Mounted Antenna. Any antenna which is preassembled off-site and designed to be moved from site to site.

Preliminary Plat. A map showing the salient features of a proposed development as required by this Chapter submitted for the purpose of preliminary consideration prior to the submission of a Final Plat.

Printing/Publishing. An establishment where printed material is produced, reproduced and/or copied by either a printing press, photographic reproduction techniques, or other similar techniques. This use does not include copy shops.

Private Access Drive. A drive serving as the exclusive access for not more than two (2) landlocked parcels of land, which is not owned or maintained by City. Private easements cannot be used to meet the right-of-way requirement.

Private Club. A group of people associated with or formally organized for a common purpose, interest or pleasure, including organizations with facilities for the storage, sale, possession, or serving of any alcoholic beverage permitted by the law of the State of Texas and where none of such facilities are available except to a member or their guests.

Private Street. A street which serves several lots over which the general public has no right of use as opposed to a driveway which is meant to serve one (1) lot.

Private Utility Provider. The owner of a wire network (i.e. cable, electric, or telephone company) utilized in connecting the various cell sites to telephone switching offices, long distance providers or the public switched telephone network.

Private Way. A private easement or ownership established by deed for vehicular access to property.

Professional Services and Offices. Offices used for the conduct of business-related activities, excluding the sale of merchandise or storing of merchandise on the premises.

Project. A specific development on an identifiable parcel of land.

Project improvements. Site improvements and facilities that are planned and designed to provide for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

Project site. That portion of any lot, parcel, tract, or combination thereof that encompasses all phases of the total project proposal.

Protective Fencing. Temporary chain link fence, wire fence, orange vinyl construction fence, snow fencing or other similar fencing with a minimum four (4)-foot height.

Public Improvement. Any street, alley, utility, drainage facility or other facility or improvement of land designed and intended to be dedicated, conveyed, or owned by the public.

Public Street. A street which is owned or maintained by City.

Public Utilities. For the purposes of tree preservation provisions of the Denton Development Code, the term Public Utilities means:

- A. Entities franchised by the City to use public rights-of-way for the conduct of their business;
- B. Entities that are "public utilities" under pertinent provisions of the Texas Utilities Code or Texas Water Code but are specifically exempted by state law from the requirement that they receive a franchise from the City for the use of public rights-of-way;
- C. Public sanitary sewers;

- D. Public water mains;
- E. Public streets;
- F. Public storm sewers;
- G. Public detention ponds;
- H. Municipally-owned electric utilities; and
- I. Any contractor hired by these entities.

Qualified Professional. For the purposes of tree preservation provisions of the Denton Development Code, a qualified professional is a person with a minimum of a Bachelor of Science Degree in any of the following disciplines: Forestry, Horticulture, Botany and/or Plant/Soil Science or, an Arborist that has been certified by the International Society for Arboriculture, a Texas Certified Nursery Professional, a Texas Master Certified Nursery Professional certified by the Texas Nursery and Landscape Association or a Licensed Landscape Architect.

Quick Vehicle Servicing. A business providing service to the motoring public. Such uses can include gasoline sales, light repair, tune-ups, oil changes, transmission or drive train repairs to automobiles or light trucks. No outside storage of any automobiles or materials such as tires, auto parts, etc., is allowable. The sale of motor vehicles shall be prohibited.

Rear Yard. See "Yard, Rear."

Recreational Vehicle. A motorized vehicle, designed or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively, having no foundation other than wheels or jacks.

Recreational Vehicle Park. A parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home or HUD-code manufactured home.

Recycling Business. A business that is primarily engaged in:

- A. Converting ferrous or nonferrous metals or other materials into raw material products having prepared grades and having an existing or potential economic value;
- B. Using raw material products of that kind in the production of new products; or
- C. Obtaining or storing ferrous or nonferrous metals or other materials for a purpose described by Paragraph A or B.

Replat. A change in a map of an approved or recorded Subdivision Plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Residential District. A one-family, two-family, or multi-family zoning district, or any area within a planned development zoning district which is designated for residential use, as shown on the approved site plan for the district.

Residential Use. A one-family, two-family, or multi-family dwelling, trailer camp, mobile home, or HUD-code manufactured home park or development.

Restaurant. A structure that prepares and serves food to customers, including sit down, fast food, drive-through, and drive-in facilities.

Restaurant, Brewpub: A Restaurant use that also manufactures alcoholic beverages as an accessory use, primarily for onsite consumption and/or retail sales.

Retail Sales and Service. A business established for the sale of goods or services to consumers, usually in small quantities (as opposed to wholesale) and does not include wholesale goods or services.

Right-of-way. A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main or for another Specific Use. The usage of the term "right-of-way" for land platting purposes means that every right-of-way established and as shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Right-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the Plat on which such right-of-way is established.

Riparian. An area adjacent to a river, stream or other natural course of water.

Riparian Buffers. Areas identified as one hundred (100) feet from the stream centerline for streams draining a basin of greater than one (1) square mile, and fifty (50) feet from any streams that drain areas of one (1) square mile or less. It also includes any areas identified as riparian through any Army Corps of Engineers Section 404 Permit Process.

Root Pruning. Shall mean to cut away, remove, cut off or cut back all or parts of the root. All root pruning shall be in accordance with approved methods set forth in the National Arborist Association Standards.

Sales of Products Grown On-site. Roadside stands or other temporary structures constructed for the sale of agricultural or horticultural products raised substantially on the premises.

Salvage Yard. Any lot or parcel of land on which wastes or used secondhand materials are bought, sold, exchanged, stored, processed, or handled. Materials include but are not limited to: scrap iron and other ferrous metals, paper; rags, rubber tires, bottles, discarded goods, machinery, or two (2) or more inoperable motor vehicles.

Sanitary Landfills. A system of trash and garbage disposal in which the waste is buried between layers of earth.

Satellite Earth Stations. Are considered to be accessory structures and are defined as a combination of:

- A. An antenna or dish antenna whose purpose is to receive communication or other signals from orbiting satellites and other extraterrestrial sources;
- B. A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and whose purpose is to magnify and transfer signals;
- C. A coaxial cable whose purpose is to carry the signals into the interior of the structure; and,
- D. The station must be located to the side or rear of the structure unless a usable satellite signal cannot be obtained; in which case, the property owner may request a variance from the requirement through the Board of Adjustments. Ground-mounted stations shall be no more than ten (10) feet above the maximum height requirement of the district in which they are located.

Scrap Metal Processor. One who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous metallic scrap into prepared grades and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap for sale for remelting purposes.

Screening. A method of visually shielding or obscuring land-uses or structures via fencing, opaque buffer, or some other opaque physical barrier.

Section 404 Permit. A Permit required under federal Clean Water Act provisions.

Self-Service Storage. A structure or portion used for dead storage, mainly of the excess personal property of an individual or family, but also of small amounts of goods or merchandise for businesses or individuals.

Semi-Nude. A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Semi-Public Halls, Club or Lodge. A structure or facility owned or operated for special educational or recreational purposes, but not primarily for profit or to render a service that is customarily carried on for gain.

Setback. The minimum distance between by which any building or structure must be separated from a street right-of-way or lot line.

Sewer Connection, Manufactured Home. Connection consisting of pipes, fittings and appurtenances from the drain outlet of a HUD-Code Manufactured Home to the inlet of the corresponding sewer service riser pipe of the sewage system serving the HUD-Code Manufactured Home Park.

Sewer Service Riser Pipe, Manufactured Home. That portion of sewer service which extends vertically to the ground elevation and terminates at a HUD-Code Manufactured Home space.

Sexually Oriented Business. An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, or nude model studio.

Shared Drive. A common driveway or access shared by adjoining properties.

Shopping Center. A group of commercial establishments planned, developed, and managed as a unit, related in location, size and type of shops to the trade area that the unit serves, and providing on-site parking.

Side Yard. See "Yard, Side."

Site Plan Review. The comprehensive evaluation of a development and its impact on neighboring properties and the community as a whole, from the standpoint of: land use, site design, landscape design, environmentally sensitive areas protection, architecture, lighting, signs, clearing and grading, engineering design, health and safety, other adopted standards and criteria of this Chapter, all other adopted codes and ordinances of the City.

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

Sorority: A local or national organization organized for the purpose of sharing social, cultural, scholarly, or religious interests, where involvement requires regular meetings and formal written membership requirements.

Special Circumstances. With regard to utility extensions, only those areas where water or sewer is deemed necessary and the application of any general rule for extension shall cause a burden and cost considerably greater than what would be normally incurred due to the particular topography or unusual shape of the particular lot or tract involved.

Special Events. A temporary outdoor use on private property that extends beyond the normal uses and standards allowed by the Denton Development Code. "Special events" include, but are not limited to, outdoor entertainment, educational and cultural events, art shows, sidewalk sales, haunted houses, carnivals, fairs, special auto sales, grand openings, festivals, home exhibitions, and church bazaars.

Special Hospital: See the Texas Administrative Code, Title 25, Part 1, Chapter 133, Subchapter A, Rule 133.2 Definitions, as amended. See also Hospital Services.

Specific Use Permit. A use which is not automatically permitted by right, but which may be permitted within a zoning district subject to meeting specific conditions contained in this Chapter.

Specified Anatomical Areas. Human genitals in a state of sexual arousal.

Specified Sexual Activities. Includes any of the following:

- A. The fondling or other erotic touching of the human genitals, pubic region, buttocks, anus, or female breasts;
- B. Sex acts, normal or perverted, actual or stimulated, including intercourse, oral copulation, or sodomy;
- C. Excretory functions as part of or in connection with any of the activities set forth in A through B above.

Spread Limits. The width of pavement covered by water flowing from a certain frequency (i.e., one hundred (100) year flood).

Standards Report. Consists of a narrative report, existing conditions map and background information describing the characteristics, components and timing of the proposed MPC District by development unit(s). The Standards Report includes a development unit matrix describing density, projected employment, intended FAR's, zoning districts and applicable development standards. The Standards Report also includes a matrix describing how the developer proposes to comply with the site design standards contained in Subchapter 13 of the Denton Development Code. It will describe for example, where the developer proposes to comply with the requirements to park behind or beside buildings and to identify alternatives where an alternative is proposed.

Stockpiling. The holding on land of material or products such as any soil, sand, gravel, clay, mud, debris, vegetation, or any other material, organic or inorganic, in a concentrated state.

Storage, Outdoor. Any area that contains trash collection areas or dumpster refuse containers; outdoor loading and unloading spaces; docks or outdoor shipping and receiving areas; outdoor storage of bulk materials and/or parts; or areas regularly used for outdoor repair, outdoor storage areas of service stations, motor vehicle dealers, or inspection stations. Temporary construction and related activities are excluded from this definition.

Story. That portion of a structure included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it; provided, that a room, suite, or story with more than one-half (½) of its height below grade shall not be considered a story for the purposes of height regulations.

Street. A public right-of-way for roadway, sidewalk, and utility installation including the terms "road," "highway," "land," "place," "avenue," "alley," or other similar designations. The entire width between the right-of-way lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic.

Street Crown. The highest point of a street cross section, normally located at the centerline of the street.

Stream Channelization. Manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section, or other aspects of stream channel geometry, to increase the rate of water flow through the stream channel. A channelized stream remains a "waters of the U.S.," despite the modifications to increase the rate of water flow.

Street, Cul-de-sac. A short dead-end street terminated by a vehicle turnaround.

Street, Half. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street is provided in another subdivision.

Street, Marginal Access. A minor street parallel and adjacent to a major arterial street providing access to abutting properties but protected from through traffic.

Structure. An edifice of any kind or any piece of work artificially built up or composed of parts joined together which requires location on, in, or above the ground or which is attached to something having a location on, in or above the ground. Flatwork or in-ground swimming pools are excluded.

Structure, Accessory. Any structure on the same lot with and that is incidental and subordinate to the principal structure. Flatwork, in-ground swimming pools and fences or walls used as fences are excluded.

Structure, Height of. The vertical distance measured from the average elevation of the proposed finished grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the average height of the gable(s) of a pitch or hip roof. Any height limitation of this Chapter shall not apply to church spires, belfries, cupolas and domes not intended for human habitation, monuments, water towers, silos, chimneys, flag poles, except as may be limited in the "A" Airport overlay zone.

Structure Line. A line on a Plat indicating the limit beyond which structures or structures may not be erected. Similar to Building Envelope.

Structure, Principle. The structure in which the primary permitted use of the lot on which the structure is located is conducted.

Structural Alteration. A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams or girders, or the roof.

Studio Apartment: See Dwelling Unit, Efficiency.

Subdivision. The division or redivision of land into two (2) or more lots, tracts, sites or parcels.

Tailwater. The water surface elevation directly downstream of a drainage facility.

Temporary Storage Containers and Other Portable Storage Units. Temporary storage containers and other portable storage units used for the storage of items on a property (excluding use for storing equipment during multi-family dwelling and non-residential alterations and construction projects).

Temporary Structure. A structure without any foundation or footings which is attached to the ground or other structure in some nonpermanent fashion. Temporary structures shall require a Permit from the Building Inspection Department and shall be removed from the site when the designated time period, activity, or use for which the temporary structure was established has ceased, but not exceeding six (6) months in duration unless an extension is obtained from the Building Inspection Department upon just cause.

Temporary uses. Temporary uses are defined as those activities permitted and described in Section 35.12.9.

Theaters. A structure or area for the presentation of plays, motion pictures, concerts, etc.

Thoroughfare Plan. The thoroughfare component of the Mobility Plan, the official map depicting the City's existing and future street system and roadway network, together with explanatory text.

Time of Concentration. The estimated time (in minutes) required for stormwater runoff to flow from the most hydraulically remote section of the drainage area to a specific design point.

TNRCC. The Texas Natural Resources Conservation Commission.

Topography. The physical land surface relief describing the terrain elevation, position of land features and slope. Topography includes land forms, water and other drainage features, and features such as gravel pits. A single feature such as a hillside or valley is called a topographic feature.

Townhouse. See "Dwelling, Single-Family Attached."

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

Traffic Impact Analysis. A study performed by a registered traffic engineer analyzing the impacts of the expected traffic generated by a development on the existing proposed road system including recommendations for mitigating such traffic.

Trailer. A non-motorized vehicle, pulled by an automobile or truck designed or maintained for use as a temporary dwelling or sleeping place for travel or recreation purposes exclusively.

Transfer Station. A temporary storage facility for the consolidation and eventual transfer of solid waste to a landfill.

Trauma facility: See the Texas Administrative Code, Title 25, Part 1, Chapter 157, Subchapter A, Rule 157.2 Definitions, as amended. See also Hospital Services.

Tree, Healthy. A healthy tree is a tree that is vigorously growing and is free of structural problems such as hollows or voids, free of disease, or insect problems and has a root system that is large enough to support its above ground mass.

Tree Protection, Permanent. Structural measures, such as retaining walls/wells or aeration devices, that are designed to protect the tree and its root systems throughout its lifetime.

Tree Protection Sign. A sign furnished by the City upon approval of a tree survey or Tree Permit that describes prohibited conduct detrimental to trees.

Tree Removal. An act that causes or may be reasonably expected to cause a tree to die including uprooting, severing the main trunk, damaging the root system and excessive pruning.

Tree Protection, Temporary. Physical barriers installed prior to any clearing and grading activity and construction for the purpose of preventing damage to existing trees and understory vegetation and set outside of the root zone of such vegetation for the life of the developments construction.

Tree Stand. Contiguous trees whose canopies are generally clustered together.

Tree Topping. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the trees crown to such a degree that removal of the top canopy disfigures and invites probable disease or death to the tree. Tree topping is prohibited.

TSC. The Traffic Safety Commission.

Ultimate Developed Condition. A fully developed area based on current approved Land Use Plans or "C" factor of six tenths (0.6) for remaining undeveloped land in a watershed.

Unbuildable Area. All areas outside of building envelopes and within open space.

Underbrush. Underbrush may include plant specie with stems of less than one (1) inch DBH that are noxious, non-native, or invasive weeds or specie that are categorized as perennials, vines, shrubs, or that bear thorns or are briars, or that are poisonous through contact with the skin, or any plant on the non-protected plant specie list.

Understory. A grouping of native, noninvasive low-level woody, herbaceous, or ground covers species with stems less than one (1) inch dbh.

Undeveloped Floodplains. Areas within the FEMA one hundred (100) year floodplain, or other floodplain that is undeveloped and in its natural state.

Upland Habitat. Areas, a minimum of ten (10) acres in size, that contain remnants of the eastern Cross Timbers Habitat.

U.S. Army Corps. United States Army Corps of Engineers.

Use. The purpose or purposes for which land or a structure is designed, arranged, or intended, or to which such land or structure is occupied, maintained, or leased.

Vegetation. All plant life; however, for the purposes of this Chapter shall be restricted to mean trees, shrubs, ground cover, annuals, perennials, bulbs, grasses, vines, and aquatic plants, with the exception of state and federally protected and endangered vegetative species which in all cases shall be preserved.

Veterinary Clinic. Facility for the temporary boarding and treatment of domestic animals, operated under the supervision of a licensed veterinarian.

Vehicle Repair. A business providing vehicle repair and or bodywork to the motoring public.

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

Vision Clearance Area. A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines for a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines or intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection.

Warehouse, Retail: A Distribution Center/Warehouse exceeding twenty-five thousand (25,000) square feet of gross floor area, and devoting up to thirty (30) percent of the gross floor area for display and retail sale of merchandise.

Water Related Habitats. Areas designated for wetland, tree and understory preservation and including significant stands of predominately native water related habitat. These areas include wetlands.

Waterbody. Area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

Watershed. The land area(s) that contribute surface runoff or drainage to a water system or body.

Wetlands. Jurisdictional wetlands as defined by the Federal Clean Water Act and the standards and guidelines in use by the United States Army Corps of Engineer, including the Federal Manual for Identifying and Delineating Jurisdictional Wetlands. Those areas that are inundated or saturated by surface or ground water (hydrology) at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation, and are (hydrophytes) typically adapted for life in saturated soil conditions (hydric soils). Wetlands generally include swamps, marshes, bogs, and similar areas.

Wholesale Nurseries. An area where plants are grown for transplanting, for use as stocks for budding and grafting, or for sale in large quantities for resale purposes. The business may have up to fifty (50) percent retail sales in conjunction with the wholesale sales.

Wholesale Sales. A business engaged in the sale of commodities in large quantities for resale purposes.

Window. An opening in the wall of a building or structure for admitting light and fitted with a frame containing panes of glass.

Window, False. A device in the wall of a building or structure fitted with a frame containing panes of glass so as to resemble a window, but not admitting light.

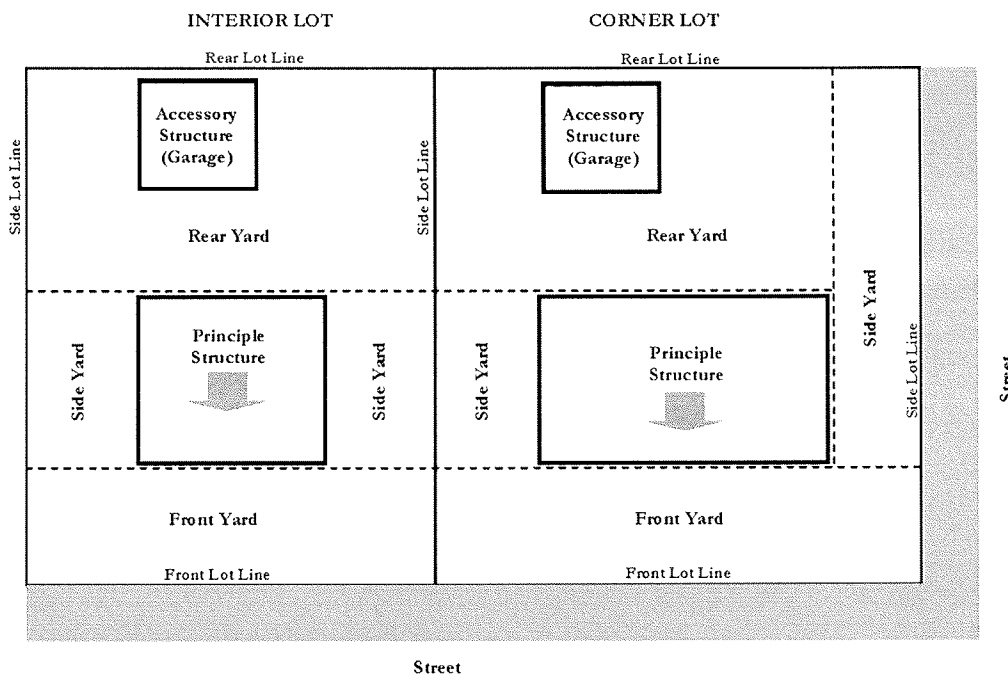
Wrecker Services and Impound Lots. A business that provides wrecker or towing service to vehicles that are stored at a state licensed vehicle storage facility. A licensed vehicle storage facility is a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten (10) or more vehicles per year.

Yard. A required open space located on the same lot as the principal structure, unoccupied and unobstructed except for accessory uses and landscaping.

Yard, Front. A yard extended across the full width of and situated between the front lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the front yard adjoins the public or private rights-of-way where the entrance/address is located.

Yard, Rear. A yard extended across the full width of and situated between the rear lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the rear yard shall not extend past the corner side yard.

Yard, Side. A yard extended across the full width of and situated between the side lot line and the principal structure extending from the front yard to the rear yard. In the case of a corner lot, the corner side yard shall extend from the front yard to the rear lot line.



Zero-Lot Line Dwellings. Detached single-family dwellings that have a side yard setback of zero feet on one side.

(Ord. No. 2004-009, 1-6-2004)

(Ord. No. 2004-332, 10-19-2004)

(Ord. No. 2005-100, 3-22-2005)

(Ord. No. 2005-224, 8-16-2005)

(Ord. No. 2005-244, 9-6-2005)

(Ord. No. 2006-201, 7-18-2006)

(Ord. No. 2006-221, 8-1-2006)

(Ord. No. 2006-303, 10-17-2006)

(Ord. No. 2006-349, 12-12-2006)

(Ord. No. 2007-095, § 2(exh. A), 5-1-2007)

(Ord. No. 2007-096, 5-1-2007)

(Ord. No. 2007-249, § 2(exh. A), 10-16-2007)

(Ord. No. 2008-158, § 2(exh. A), 7-15-2008)

(Ord. No. 2008-318, § 2(exh. A), 12-9-2008)

(Ord. No. 2008-320, § 2(exh. A), 12-9-2008)

(Ord. No. 2009-082, § 2(exh. A), 4-7-2009)

(Ord. No. 2009-083, § 2(exh. A), 4-7-2009)

(Ord. No. 2009-101, § 2(exh. A), 4-21-2009)

(Ord. No. 2009-115, § 2(exh. A), 5-5-2009)

(Ord. No. 2009-116, § 2(exh. A), 5-5-2009)

(Ord. No. 2010-181, § 2(exh. 1), 7-21-2010)

(Ord. No. 2011-089, § 2(exh. A), 5-17-2011)

(Ord. No. 2011-125, § 2(exh. A), 8-2-2011)

(Ord. No. 2012-155, §§ 6, 7, 7-17-2012)

(Ord. No. 2013-197, § 2(Exh. A), 8-6-2013)

(Ord. No. 2015-010, § 1, 1-6-2015)

(Ord. No. 2015-219, § 3, 7-21-2015)

Footnotes:

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Reference note— Texas case law generally prohibits enforcement of zoning restrictions upon the location of any school operated by a governmental authority with the powers of eminent domain (e.g. Denton Independent School District.)

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