

Article 14 – Definitions

For the purposes of this UDC, the following terms, phrases, words and their derivations shall have the meaning given in this section. When not inconsistent with the context, words used in the present tense include the future; words used in the singular number include the plural number; and words in the plural number include the singular number. The words "shall" and "will" are always mandatory, while the word "may" is merely directory.

Any term not expressly defined in this Article shall be defined by a common planning definition from the American Planning Association's, *A Planners Dictionary*. The Town Administrator or his/her designee shall determine the appropriateness of a definition.

Accessory building or use: One which:

- a. Is subordinate to and serves a principal building or principal use;
- b. Is subordinate in area, extent or purpose to the principal building or principal use served;
- c. Contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served;
- d. Is located on the same building lot as the principal building or principal use served; or,
- e. May be part of the principal building.

Acreage, Gross: The total acreage included within the boundary line of a subdivision, tract, parcel, lot, etc. including all public ways.

Acreage, Net: The acreage included within the boundary line of a subdivision, tract, parcel, lot, etc. excluding all public ways.

Agriculture: The use of land for the production and primary processing of food and fibers for sale, including cultivating, dairying, horticulture, pasturing, floriculture, silviculture, viticulture, animal and poultry husbandry private stables, and such incidental accessory facilities as greenhouses and nurseries, provided that the operation of such accessory facilities shall be clearly secondary to normal agricultural activities. Agriculture includes, but is not limited to, the related activities of tillage, fertilization, pest control, harvesting, and marketing. It also includes, but is not limited to, the activities of feeding, housing, and maintaining of animals such as cattle, dairy cows, sheep, goats, horses, and poultry and handling their by-products.

Agricultural Building/Structure: A structure located on a farm or ranch and used in the operation of such farm or ranch. Structures used for a residence, garage, general storage, or any purpose not related to the operation of the farm or ranch shall not be considered an agricultural structure for the purposes of this UDC. Examples of agricultural structures include, but are not limited to:

- a. Barns
- b. Stables
- c. Greenhouses
- d. Storage facilities for farm equipment, animal supplies or feed
- e. Storage facilities for equipment used to implement farming and/or agricultural practices
- f. Storage facilities for crops grown and raised on site
- g. Horticultural nurseries

Airport, Heliport or Landing Field: A place where aircraft and/or helicopters can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

Alley: A public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a street.

Alternative Financial Services Any check cashing business, payday advance/loan business, or car title loan business as defined in this section. This definition excludes:

- a. A state or federally chartered bank, savings and loan association or credit union, or pawnshop; and
- b. A convenience store, supermarket, or other retail establishment where consumer retail sales constitute at least seventy-five (75%) of the total gross revenue generated on site.

Check cashing business. An establishment that provides one or more of the following:

- a. An amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction;
- b. An agreement not to cash a check or execute an electronic transfer of money for a specified period of time; or
- c. The cashing of checks, warrants, drafts, money orders, or other commercial paper for compensation by any person or entity for a fee.

Payday advance/loan business. An establishment that makes small consumer loans, usually backed by a postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term, or until a customer's next payday, and then cashed unless the customer repays the loan to reclaim such person's check. Such establishments may charge a flat fee or other service charge and/or a fee or interest rate on the size of the loan amount.

Car title loan business. An establishment that makes small consumer loans that leverage the equity of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application. Failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle.

Alternative Tower Structure: Clock towers, steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers. See also the definition of "stealth facility".

Amateur Radio Antenna: A radio communication antenna used by a person holding an amateur radio station license from the Federal Communications Commission.

Amusement / Gaming Devices (Arcade): Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten (10%) percent of the public floor area is devoted to three or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffleboards, pool tables, or other similar amusement devices.

Amusement / Recreation (Indoor): An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses include, but are not limited to, bowling alleys, ice or roller skating rinks, bingo parlors, amusement arcades, and/or practice areas.

Amusement / Recreation (Outdoor): An enterprise providing for outdoor recreational activities, services, amusements, and instruction for an admission fee, including, but not limited to, batting cages, miniature golf, go-kart tracts, and carnivals.

Annexation: The act of incorporating an area into the domain of the Town.

Antenna: A device used in communications, which transmits or receives radio signals, television signals, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Antenna and/or Antenna Support Structure, Commercial: An antenna and its support structure used for commercial broadcasting or telecommunication purposes and the transmission, retransmission, and/or reception of electromagnetic radio, television, or microwave signals. All radiating equipment must comply with Federal Communications Commission (FCC), Environmental Protection Agency (EPA), Occupational Health and Safety Administration (OSHA), and all other applicable State and Federal regulatory agency requirements and guidelines for human safety, as they exist or may be amended. The antenna may be a tower, mast, pole, tripod or box frame. Preferably the antenna may be in stealth form designed to be non-obtrusive, or virtually transparent or invisible to the surrounding neighborhood. Stealth antennas included, but are not limited to:

- a. antennas within a building's attic space;
- b. on the roof of a minimum three story building and not visible from the property line of the lot in which the antenna is located;
- c. a public utility structure, such as a water tower or high transmission support tower;
- d. a flagpole;
- e. a church steeple,
- f. a clock tower; or,
- g. an athletic field light pole.

Antenna, Building Attached: An antenna attached to an existing structure in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

Antenna Facility: The mast, pole, structure, tower, building, equipment and other supporting material used to mount the antenna and equipment, equipment storage buildings and equipment concealing or screening structures needed to operate an antenna.

Antique Shop: A retail establishment engaged in the selling of works of art, furniture, or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Apartment: A dwelling unit in an apartment building.

Apartment building: A building or portion thereof housing three (3) or more dwelling units.

Appliance, Furniture and Home Furnishings Store: Retail establishments selling goods used for furnishing the home, including, but not limited to, furniture, floor coverings, draperies, domestic stoves, refrigerators, and other household electrical and gas appliances.

Approved plat: The plat of a subdivision which has been approved in accordance with the requirements of this UDC and which has been filed for record with the county clerk in which the land lies.

Art Gallery/Library/Museum: A building serving as a repository for a collection of natural, scientific,, artistic, or literary objects of interest, and designed to be used for viewing, with or without an admission charge, and which may include as an accessory use the sale of goods.

Asphalt/Concrete batching plant: A permanent manufacturing facility for the production of asphalt or concrete.

Asphalt/Concrete batching plant (temporary): A temporary manufacturing facility for the production of asphalt or concrete during construction of a project, and to be removed when the project is completed.

Assisted Care or Living Facility: A facility which provides residence and care to ten (10) or more persons regardless of legal relationship who are:

- a. elderly;
- b. disabled;
- c. orphaned,
- d. abandoned,
- e. abused, or neglected children;
- f. victims of domestic violence;
- g. convalescing from illness;
- h. terminally ill; or
- i. temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

This definition shall also include a facility providing health care or rehabilitative services over a long period of time to persons chronically ill, aged, or disabled due to injury or disease.

Automobile Parking Structure/Garage: An area or structure where the parking of motor vehicles serves as the primary use of the lot whether or not a fee is charged. This use does not include the storage of gasoline.

Automobile Parts Sales: The use of any building for the display and sale of new or used parts, including tires.

Automobile Repair and Service, Major: General repairs or reconditioning of engines, air-conditioning systems, and transmissions for motor vehicles; wrecker or towing service with on-site storage of vehicles; collision services including body, frame, or fender straightening or repair; customizing; painting; vehicle steam cleaning; tire retreading; muffler services; upholstery shop; insurance estimations with on site storage; undercoating and rust proofing, and other similar uses.

Automobile Repair and Service, Minor: An establishment used for the dispensing or sales of automobile fuels, lubricants, and automobile accessories; the minor repair or replacement of parts and performing state inspections and making minor repairs necessary to pass said inspection; automobile detailing; and the sales and installation of automobile radios. Uses listed under "Automobile Repair, Major" or any other similar uses are not included. Vehicles, which are inoperative or are being repaired, may not remain parked outside for a period greater than two (2) days

Automobile Sales New or Used: Sales, rental, and/or lease of new or used automobiles or light load vehicles, including as an accessory use: Automobile Repair, Major.

Aviation Facility: Any building or structure or land use which is utilized for the housing, storage or movement of aircraft for the purposes of federally regulated, motorized flight. This includes but is not limited to: hangars, terminals, repair facilities, taxiways, runways, on-site regulated clear zones, and helipads.

Bank, Saving and Loan, Credit Union: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds, including automated teller machines.

Basement: A story (or portion of a story) wholly or partly below curb level with at least one-half of its height (measured from floor to ceiling) below the curb level. The curb level nearest to a story (or portion of a story) shall be used to determine whether such story (or portion of a story) is a basement.

Beauty Salon/Barber Shop: An establishment primarily engaged in providing services generally involved in the care of the person or his apparel including, but not limited to, barber and beauty shops, nail and pedicure salons, tanning salons, ear piercing shops, cosmetic tattooing shops, and reducing salons.

Bed and Breakfast Inn: An owner (or operator) occupied residence with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast Inn may provide for guest stays up to fourteen (14) consecutive days; however, it shall not offer weekly rental rates. Kitchen and dining facilities may be included to provide meals for guest only; however, no food preparation shall be permitted in guest bedrooms. A Bed and Breakfast Inn shall not include restaurants, banquet facilities, or similar services.

Block: A tract of land bounded by streets or a combination of streets and public parks, or corporate boundaries of the Town.

Boarding house: A building other than hotel, motel, or an apartment hotel where, for compensation and prearrangement for a definite period, meals or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

Board of Adjustment (BOA): The Board established by Town Council and is filled by the Town Council. The BOA is board allowed by the Texas Local Government Code that reviews and acts upon requests for variances, special exceptions or appeals and whose duties and responsibilities are specifically provided for in Section 3.4 of this UDC.

Bottling Works: A manufacturing facility designed to place a beverage into a bottle or can for distribution.

Boundary street: A public street which is adjacent to and abutting one or more sides of the proposed site.

Buffer zone: A strip of land created to separate and protect one type of land use from another.

Building: Any structure which:

- a. Is permanently affixed to the land;
- b. Has one or more floors and a roof; and,
- c. Is bounded by either open area or the lot lines.

A building shall not include such structures as billboards, fences or radio towers, or structures with interior surfaces not normally accessible for human use, such as tanks, smoke stacks, grain elevators, oil cracking towers or similar structures.

Building area: The total square footage on a lot covered by a building measured on a horizontal plane at mean grade level.

Building, detached: A building which is surrounded by yards or open space on its own building lot.

Building envelope: The net cubic space that remains for placing a structure on a site after building line, setback, side yard, height and bulk regulations are observed.

Building height: The vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip or gambrel roof.

Building Materials And Hardware Store: An establishment for the sale of materials customarily used in the construction of buildings and other structures.

Building Mounted Sign: A sign attached to, or supported by any part of the building that encloses or covers usable space and is related to the business within, including but not limited to wall signs, signage on awnings, canopies, or marquees, and projecting signs.

Building setback line: A building limit fixed at a specific distance from the front, rear or side boundaries of a lot beyond which a building cannot lawfully extend.

Cabinet/Upholstery Shop: An establishment for the production, display, and sale of cabinets, furniture, and soft coverings for furniture.

Camping trailer: A folding structure, mounted on wheels and designed for travel, recreation, and vacation and which can be readily towed over the road by a motor vehicle.

Car Wash, Automated: A facility where a customer can have a motorcycle, automobile and light load vehicle washed in exchange for financial consideration.

Car Wash, Self Serve: A facility, typically coin operated, used by the customer to wash motorcycles, automobiles and light load vehicles.

Cemetery or Mausoleum: Use of land that is dedicated for cemetery purposes for the burial of the dead, including columbarium's, crematoriums, mausoleums, and mortuaries.

Church, Temple, Synagogue, Mosque, or Other Place of Worship: A building designed and used primarily for religious assembly and worship and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns, rabbis, or other religious personnel on the premises.

Civic/Convention Center: A building or complex of buildings used for cultural, recreational, athletic, convention, or entertainment purposes.

Clinic: An establishment of offices in which a group of physicians, dentists or other practitioners of the healing arts and allied professional assistants, are associated for the purpose of diagnosing and treating ill or injured persons. A clinic may include a medical or dental laboratory, but may not include facilities for providing room or board for patients, nor may a clinic include offices or facilities for veterinarians.

Club or lodge: An association of persons for the promotion of some nonprofit common objective such as literature, science, politics, good fellowship and similar objectives which meets periodically and which is limited to members.

Co-location: The act of locating wireless communications equipment for more than one telecommunications carrier on a single Antenna Facility.

College, University, Trade, or Private Boarding School: An institution established for educational purposes offering courses for study beyond the secondary education level, including trade schools and commercial schools offering training or instruction in a trade, art, or occupation.

Commercial farm ranch: A tract of unplatted land which is used for agricultural activities such as production of cash crops or livestock for the purpose of obtaining a profit in money. Includes agricultural dwelling and accessory buildings and structures necessary to the operation of the farm/ranch.

Common area: An area within a subdivision not used for development which is usually owned and maintained by subdivision homeowners associations.

Community service / center: A building or portion of a building owned and/or operated by a government entity or non-for-profit agency in which facilities are provided for civic, educational, political, or social purposes.

Comprehensive Plan: The comprehensive plan of the Town, as approved by the Town Council and including any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.

Conservancy Lot: A large, privately owned lot consisting part of an area of open land. The purpose of the conservancy lot is to provide surrounding residents with visual access to greenway land while keeping the land under private ownership and maintenance. Only a small portion of such lots may be developed; the remainder must be protected through conservation easements and used in conformance with greenway land standards. Public access to conservancy lots is not required.

Convalescent home: Any structure used or occupied by three (3) or more persons recovering from illness or receiving geriatric care for compensation.

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

Cul-de-sac: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn around.

Dance Hall/Night Club: An establishment open to the general public for entertainment, in particular, dancing.

Day Care Center: A commercial institution or place designed for the care of children or adults and is subject to registration with the Texas Department of Protective and Regulatory Services. This use shall not include overnight lodging, medical treatment, counseling, or rehabilitative services and does not apply to any school.

Dead end street: A roadway, other than cul-de-sac, with only one outlet.

Density: The number of units per acre that may be placed on a tract in a particular zoning district under specified development conditions.

Development: Any manmade change in improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment. Any activity therein which requires the filing of a final plat, or first increment thereof or one lot plat.

Development Permit: Any permit, license, authority, order, approval, certificate, endorsement, or permission, required from the Town prior to the commencement or completion of any phase of development.

Dormitory: Any structure specifically designed to house student tenants associated with a university, college or school.

Dwelling: Any building or portion thereof which is designed for or used for residential purposes.

Dwelling, accessory: A building or portion thereof containing a dwelling for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full time basis.

Dwelling, multifamily: A building or portion thereof containing three (3) or more dwelling units.

Dwelling, single-family attached (Townhouse): A building designed for or occupied exclusively by one (1) family which has a common wall construction with an adjacent single-family attached dwelling.

Dwelling, single-family detached: A building for or occupied exclusively by one (1) family which does not have common wall construction with any other dwellings.

Dwelling, two family (Duplex): A building designed for or occupied exclusively, but separately, by two (2) families.

Dwelling unit: A room, or suite of two or more rooms, designed or intended for use by an individual or family in which culinary and sanitary convenience are provided for the exclusive use of such individual or family.

Easement: An acquired privilege or right-of-way use which one person, business, entity and/or public agency has across, over or under land of another person, business, entity and/or public agency.

Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as here before or hereafter amended, to practice the profession of engineering. The Town Administrator or his/her designee may appoint a Town Engineer which shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated.

Escrow: Money placed in the possession of the Town to accomplish the purposes set out in this UDC, including, but not limited to, the following: purchase of right-of-way, design and construction of drainage facilities, curb & gutter and pavement.

Extraterritorial Jurisdiction (ETJ): The extraterritorial jurisdiction the Town is the portion of the unincorporated area that is contiguous to the corporate boundaries of the town and not already in the incorporated area of another City as set out in section 42.021 of the Texas Local Government Code.

Family: An individual or group of two (2) or more persons related by blood, marriage, adoption or guardianship including foster children, exchange students, and servants together with not more than two (2) additional persons not related by blood, marriage or adoption to the previously identified individual or group, living together as a single housekeeping unit in a dwelling unit or a Family Home for the Disabled as defined by the Community Homes for Disabled Persons Location Act, Article 1011n of V.A.C.S., as it currently exists or may be amended in the future, but not including household care or rehabilitation care facilities.

Family or Group Home: A community-based residential home operated by either the State of Texas, a nonprofit corporation, a community center organized pursuant to State statute, or an entity which is certified by the State as a provider for a program for the mentally challenged. Family homes provide care for persons who have mental and/or physical impairments that substantially limit one or more major life activities. To qualify as a family home, a home must meet all of the following requirements:

- a. Not more than six (6) disabled persons and two (2) supervisory personnel may reside in a family home at the same time; and,
- b. The home must provide food and shelter, personal guidance, care, rehabilitation services, or supervision; and,
- c. All applicable licensing requirements must be met.

Farm, Ranch, or Orchard: The use of a site for the raising of animals and secondary uses such as private stables, production of animal products including eggs and dairy products, raising and harvesting of tree crops, row crops, or field crop on an agricultural or commercial basis, including packing and processing.

Farmers Market: An area containing individual vendors who offer fruits, vegetables, herbs, spices, edible seeds, nuts, live plants, flowers, and honey for sale.

Final Plat: The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Registered or Licensed Surveyor with the subdivision location reference to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references, angular measurements and bearings shall be accurate to the nearest second. Distances shall be accurate to the nearest hundredth of a foot.

Fire lane: A concrete or asphalt driving surface identified for use by fire, EMS and other emergency vehicles within and maintained by the owners of a manufactured home park, recreational vehicle park, apartment complex, malls/shopping center, commercial and business area.

Fire Department: The local authority with jurisdiction for preventing and fighting fires in Northlake. The fire department may be the Denton County Emergency Services District #1 (ESD), or any successor thereto, or another department that the ESD contracts with to cover a specific area within Northlake.

Flag: A piece of fabric or distinctive design that is used as a symbol or as a signaling device or any national or state flag or any political, professional, religious or educational flag.

Flea Market, Inside: A building or structure wherein space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Flea Market, Outside: An outdoor site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal services establishments, food services establishments, retail sales establishments, and auction establishments.

Fraternity, Sorority, Civic Club or Lodge: An organized group having a restricted membership and specific purpose related to the welfare of the members including, but not limited to, Elks, Masons, Knight of Columbus, Rotary International, Shriners, or a labor union.

Fraternity, sorority or group student house: A building occupied by and maintained exclusively for students affiliated with an academic or vocational institution.

Frontage: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead-ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

Fueling Station (Automobiles): A facility, equipment, or fixture used for retail dispensing of motor vehicle fuels. See Fueling Station (Trucks) and Truck Stop for facilities designed to serve heavy load vehicles, such as tractor-trailer trucks.

Fueling Station (Trucks): A facility, exclusive of a Truck Stop, with high-speed diesel fuel pumps for refueling of heavy load vehicles, such as tractor-trailer trucks. These facilities may also include temporary parking spaces for tractor-trailers with no overnight parking allowed.

Garage, private: A building designed or used for the storage of personally owned motor-driven vehicles used by the occupants of the building. Not more than one of the vehicles may be a commercial vehicle of not more than two-ton capacity.

Garage, public: A structure or building, other than a private garage, used primarily for the parking and storage of vehicles which is available to the general public.

Gas Drilling / Production: Any facility which is used for the drilling and production of petroleum wells or other related operations.

Golf Course and/or Country Club: A land area and buildings used for golf, including fairways, greens, tee boxes, driving range, putting green, and associated maintenance and retail facilities. This definition shall also include clubhouses, dining rooms, swimming pools, tennis courts, and similar recreational or service uses available only to members and their guests.

Greenhouse or Nursery, Major: An establishment for the cultivation and propagation, display, storage, and sale (retail and wholesale) of large plants, shrubs, trees, and other materials used in indoor and outdoor plantings; and the contracting for installation and/or maintenance of landscape material as an accessory use. Outdoor display and storage is permitted.

Greenhouse or Nursery, Minor: A retail business for the display and/or sale of trees, shrubs, flowers, ornamental plants, seeds, garden and lawn supplies, and other materials used in indoor and outdoor planting, without outside storage or display.

Greenway Land: That portion of a tract that is set aside for the protection of sensitive natural features, farmland, scenic views, and other unique features, Greenway land may be accessible to the residents of the development and/or the Town, or it may contain area of conservancy lots that are not accessible to the public.

Gymnastics/Dance Studio: A building or portion of a building used as a place of work for a gymnast, dancer, or martial artist or for instructional classes in gymnastics, dance, or martial arts.

Health/Fitness Center: A public or private facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combination of uses or facilities typically include, but are not limited to, game courts, weight lifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

Heavy Equipment Sales, Service or Rental: A building or open area used for the display, sale, rental or storage of heavy machinery, tractors, or similar machines, or a group of machines which function together as a unit.

Heavy Manufacturing/Industrial Uses: Manufacturing of finished products and component products or parts through the processing of materials or substances, including basic industrial processing. Such operations shall be determined by Health, Fire, and Building officials not to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of structure.

Home occupation: Any occupation or activity carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign relating to the business or no display that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling, there is no commodity sold upon the premises; no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except of a type that is similar in character to that normally used for purely domestic or household purposes.

Homeowners / Property Owners / Condominium Association: Associations 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.

Hospital, sanitarium, nursing or convalescent home: A building or portion thereof used or designed for the housing or treatment of the sick, aged, mentally ill, injured, convalescent or infirm persons; provided that this definition shall not include rooms in any residential dwelling, hotel, apartment hotel not ordinarily intended to be occupied by said persons.

Hotel or Motel: A building used or intended to be used as living quarters for transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes pressing shop, barbershop or other service facilities for the guests for compensation.

Household Appliance Service and Repair: The maintenance and rehabilitation of appliances customarily used in the home, including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, and vacuum cleaners.

Industrialized home: See "Modular home."

In-Home Day Care: A home occupation that provides care for less than twenty four (24) hours a day to no more than six children under the age of fourteen, plus no more than six additional elementary school-age children (age five to thirteen). The total number of children, including the caretaker's own children, is no more than twelve (12) at any time. This use is subject to registration with the Texas Department of Protective and Regulatory Services.

Insurance Office: A building or facility used for the sales, management, and administration of insurance services, including the estimation of automobile damages, but excluding on-site parking/storage of damaged vehicles.

Kindergarten: Any school, private or parochial, operating for profit or not, attended by four (4) or more children at any one time during part of a twenty-four (24) hour day, which provides a program of instruction for children below the first grade level in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

Landfill: A tract of land used for the burial of farm, residential, institutional, industrial, or commercial waste that is not hazardous, medical, or radioactive.

Land Planner: Persons other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning.

Landscape: Covering, adorning, or improving property with living plants (such as trees, shrubs, vines, grass or flowers), loose natural materials (such as rock, wood chips or shavings), decorative manmade material (such as patterned paving materials, fences, walls, fountains, or pools), or land contouring. "Landscape" does not include improving property with artificial trees, shrubs, turf or other artificial plants.

Laundry / Dry Cleaning; (Pick-Up and or Self Service): A facility where either the patrons wash, dry, or dry-clean clothing and other fabrics in machines operated by the patron or a custom cleaning shop or pick-up station not exceeding six thousand (6,000) square feet of floor area, including, but not limited to, dry cleaning plants having no more than one thousand five hundred (1,500) square feet of floor area for dry cleaning equipment.

Laundry / Dyeing / Dry Cleaning Plant, Major: An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Light Manufacturing or Assembly: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

Limited access highways: Interstate Highway 35W.

Livestock: Domestic animals used, raised or breed on a farm, especially those kept for a profit; including, but not limited to, horses, ponies, mules, donkeys, cattle, goats, rabbits, sheep, or fowl regardless of age, sex or breed.

Livestock Auction: A place of business to which the public may consign livestock for sale by auction open to public bidding or sold on a commission basis.

Loading dock space: A space within the main building, or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of twelve by thirty-five (12' X 35') feet and a vertical clearance of at least fourteen (24') feet.

Locksmith/Security System Company: Establishments primarily engaged in providing, installing, repairing, and/or monitoring locks and electronic security systems.

Lot: A physically undivided tract or parcel of land having frontage on a public street or other approved access and which is, or in the future may be offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract; and/or, which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly recorded.

Lot depth: The distance of a line connecting the midpoints of the front and rear lot lines, which line shall be at right angle to the front lot or radial to a curved lot line.

Lot width: The distance of a line (drawn perpendicular to the lot depth line) connecting the side lot lines at the building setback line or at a point at which the primary structure is placed on the lot.

Lot area: The area of a lot between lot lines, including any portion of an easement which may exist within such lot lines.

Lot, corner: A lot which has an interior angle of less than 135 degrees at the intersection of two street lines. A lot abutting upon a curved street shall be considered a corner lot if the tangents of the curve at the points of the intersection of the side lot lines intersect at an interior angle of less than 135 degrees.

Lot, double frontage: A lot having a frontage on two nonintersecting streets as distinguished from a corner lot.

Lot, interior: A building lot other than a corner lot.

Lot of record: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Clerk of Denton County; or a parcel of land, the deed of which was recorded in the office of the County Clerk of Denton County.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirement of section 60.3 of the National Flood Insurance Program regulations.

Luminaire: A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts. Also known as a lighting fixture.

Manufactured Home, HUD Code: A structure constructed after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, 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 three hundred twenty (320) or more square feet, and which is built on a permanent foundation designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems and bears a seal issued in accordance with State law. All references in this UDC to manufactured housing or manufactured home(s) shall be references to HUD Code Manufactured Housing, unless otherwise specified.

Manufactured home subdivision: A subdivision of land planned and improved for the placement of manufactured homes for residential use on single lots with each lot individually owned and meeting all requirements of this UDC.

Mean sea level: For the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

Medical, Dental or Professional Office/Clinic: A building used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to, administrative offices and services including real estate, property management, investment, insurance services, medical, dental, legal, architect, engineer, travel, secretarial services, accounting, auditing and bookkeeping organizations and associations, and vehicle rental office without on-site storage of fleet vehicles.

Mini-Warehouse/Public Storage: A building(s) containing separate, individual self-storage units for rent or lease. The conduct of sales, business, or any activity other than storage shall be prohibited within any individual storage unit.

Miscellaneous Hazardous Industrial Use: Any industrial use not specifically defined in this section that is determined by Health, Fire or Building officials to be a hazard or nuisance to adjacent property or the community at large, due to the possible emission of excessive smoke, noise, gas, fumes, dust, odor, or vibration, or the danger of fire, explosion, or radiation.

Mobile home: A structure that was constructed before June 15, 1976, 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 three hundred twenty (320) or more square feet, and which is built on a permanent chassis designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

Modular home: A dwelling that is manufactured in two or more modules at a location other than the home site and which is designed to be used as a residence when the modules are transported to the home site and joined together and installed on a permanent foundation system in accordance with the appropriate Building Codes of the Town including plumbing, heating/air conditioning and electrical systems to be contained in the structure. The term modular home shall not mean nor apply to a mobile home as defined in the Texas Manufactured Housing Standards Act, nor is it to include building modules incorporating concrete or masonry as a primary component.

Monopole Tower: A self-supporting tower facility composed of a single spire used to support telecommunication antennas. Monopole towers cannot have guy wires or bracing.

Mortuary/Funeral Parlor: A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Motel or motor hotel: A building or group of buildings including either separate units or a row of units used or intended to be used as living quarters for transient guests, and provide off-street parking space on the same building lot for use of its occupants.

Municipal Uses Operated by the Town: Any area, land, building, structure, and/or facility owned, used, leased, or operated by the Town including, but not limited to, administrative office, maintenance facility, fire station, library, sewage treatment plant, police station, water tower, service center, and park.

Nonaccess easement: The limitation of public access rights to and from properties abutting a highway or street, by restricting curb cuts and access to rear or side of property or to an area abutting a developed area that may have a deprecating and/or potentially dangerous effect on the developed properties.

- a. One (1) foot nonaccess easement: The limitation of public access rights to and from properties abutting a highway or street by restricting curb cuts and access to rear or side of property when the property has another dedicated access to a public right-of-way.
- b. One (1) foot partial access easement: The limitation of public access rights to and from properties abutting a highway or street only by use of portable ramps, and restricting curb cuts when the property has another dedicated access to public right-of-way.
- c. Nonaccess easement: A designated area abutting a development which may be considered to have a deprecating and/or potentially dangerous effect to the property because it backs up to a railroad right-of-way, gas line, etc.

Noncommercial farm or hobby farm: An agricultural operation whose income is incidental to the total household income of the occupants who are usually commuter suburbanites. Products produced are for the consumption by owner or which provide insignificant income.

Nonconforming use, structure or lot: The use of land or a building, or a portion thereof, which use does not conform with the regulations of the zoning district in which it is situated and which was in existence prior to the effective date of this UDC and/or prior to being annexed into the Town.

Office, Professional Service: A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations; but excluding medical offices.

Office Showroom: A building that primarily consists of sales offices and sample display areas for products and/or services delivered or performed off-premises. Catalog and telephone sales facilities are appropriate. Incidental retail sales of products associated with the primary products and/or services are permitted.

Office-Warehouse: A building primarily devoted to storage, warehousing, and distribution of goods, merchandise, supplies, and equipment. Accessory uses may include retail and wholesale sales areas, sales offices, and display area for products sold and distributed from the storage and warehousing areas.

Open space: The part of the countryside which has not been developed and which is desirable for preservation in its natural state for ecological, historical or recreational purposes, or in its cultivated state to preserve agricultural, forest or urban greenbelt areas.

Outdoor Storage: The outside placement of an item for a continuous period in excess of 24 hours. Outside placement includes storage in a structure that is open or not entirely enclosed.

Owner/Applicant: An all-inclusive term denoting the person, firm, corporation, or partnership with primary responsibility toward the Town to see that these subdivision rules and regulations and ordinances of the Town are complied with. The term includes person, firm, corporation, partnership or agent, attorney-in-fact, manager or director, developer, developer's contractors including engineer, builder, planner, etc. Such term as used herein always includes one or more of the above who own all or any part of the land which is contemplated to be developed.

Packaging/Mailing Store: An establishment where services are provided for the mailing and packaging of parcels. These services may include U.S. mail, UPS, FedEx and other similar services. Incidental uses may also include, but not limited to, copy services, printing, and stationary supplies.

Parking spaces: A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) motor vehicle, with a surfaced driveway connecting the parking space with the street or alley and permitting ingress and egress of a motor vehicle. A parking space shall not occupy any public land.

Parks and playgrounds: Publically owned and operated recreation areas and open spaces that are available for use by the general public without membership or affiliation.

Pavement width: The portion of a street available for vehicular traffic between the face of curbs and gutters.

Pawn Shop: An establishment where money is loaned on the security of personal property pledged and retained by the owners (pawnbroker). Retail sales of primarily pre-owned items are also allowed, provided that the sale of such items complies with local, state and federal regulations.

Peak Hour Trips (PHT): The number of traffic units generated by and attracted to the proposed development during its heaviest hour of use, dependent on type of use.

Permit: An official document or certificate issued by the authority having jurisdiction authorizing performance of a specified activity.

Person: Any individual, association, firm, corporation, governmental agency or political subdivision.

Personal Services: Establishments engaged in providing services generally involving the care of the person or their apparel and including, but not limited to: barber/beauty shops, dressmaking, shoe shining and repair, tailor or seamstress services, and other similar types of uses. No outside storage permitted.

Planning and Zoning Commission: The body established by the LGC whose duties and responsibilities are specifically provided for in section 3.3 of this UDC.

Plat: The map, drawing or chart on which a subdivider's plan of a subdivision is presented, and submitted for approval.

Preexisting Towers and Preexisting Antennas: Any Tower or Antenna for which a building permit or Special Exception has been properly issued prior to the effective date of this UDC, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

Preliminary Plat: The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing existing and proposed drainage features and facilities, such as water distribution, wastewater collection, and fire protection, with notations sufficient to substantially identify the general scope and detail of proposed development.

Print Shop, Major: An establishment specializing in long-run printing operations including, but not limited to, book, magazine, and newspaper publishing using engraving, die cutting, lithography, and thermography processes.

Print Shop, Minor: An establishment specializing in short-run operations to produce newsletters, flyers, resumes, maps, construction documents and plans, and similar materials using photocopying, duplicating, and blue printing processes. This definition shall include mailing and shipping services.

Private Club: An establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, State law, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

Projected traffic: The traffic which is projected to exist on an existing or proposed street during the proposed development's peak hour of use.

Recreational ranch or farm (Dude Ranch): A transient lodging facility providing services to their guests such as sleeping quarters, meals, horseback riding and other recreational activities on a parcel of land.

Recreational vehicle: A vehicle which is:

- a. built on a single chassis;
- b. 400 square feet or less when measured at the largest horizontal projections;
- c. designed to be self-propelled or permanently towable by a light duty truck; and,
- d. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Recreational vehicle park: Any premise where recreational vehicles are parked for living and sleeping purposes, and which includes any buildings, structures, vehicles, or enclosure used or intended for use as a part of the equipment of such park.

Recycling Collection Center: A building and/or site in which source separated recoverable materials, such as newspapers, glassware, and metal cans are collected, stored, flattened, crushed, or bundled prior to shipment to others who will use those materials to manufacture new products. The materials are stored on-site in bins or trailers for shipment to market.

Recycling Collection Point: An incidental use that serves as a neighborhood drop-off point for temporary storage of recoverable resources. No processing of such items is allowed. This facility would generally be located in a shopping center parking lot or in other public/quasi-public areas such as in churches and schools.

Recycling Facility: A building or site that is not a salvage yard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass, metal cans, and other products are collected, stored and recycled, reprocessed, and treated to return such products to a condition in which they may again be used for production.

Rehabilitation Care Facility: A facility which provides residence and care to persons who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct.

Replat: A plat that is different from, and is intended for, the replacement of an existing recorded plat or parts thereof.

Research Facility: A facility or laboratory that engages in research, testing or evaluation of materials or products, but not medically related.

Restaurant or Cafeteria: An establishment where food and drink are prepared and consumed primarily on the premises. Drive-up windows are permitted.

Restaurant, Drive-In: An eating establishment where food or drink is served to customers in motor vehicles or where facilities are provided on the premise which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail food store: A retail establishment selling meats, fruits, vegetables, bakery products, dairy products, light hardware and other similar items which are purchased for use and/or consumption off the premises; may be a drive-in or supermarket type.

Retail / Commercial: An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Retail stores and shops include, but are not limited to, art and craft store, retail bakery, bookstore, boot and shoe sales and service, camera shop, ceramic store, clothing and apparel store, computer store, department store, fabric store, florist, grocery store, music instrument sales, novelty or gift shop, optical store, paint shop, pet shop, drugstore or pharmacy, sporting goods store, trophy sales, television store, used clothing store and video sales and rentals.

Right-of-way: The right of passage acquired for or by the public through dedication, purchase or condemnation and intended to provide pedestrian and vehicular access to abutting lots, tracts or areas which may also be used for utilities and to provide for drainageways.

Road: See the definition of "street".

Safety lanes: Paved easements granted to the Town, to the public generally, emergency vehicles and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities. These easements may at times be referred to as fire lanes. Safety lanes may also be used as ingress and egress to the property.

Satellite Antenna: An antenna, greater than one (1) meter in diameter, which enables the transmission of signals directly to and from satellites. Such antennas are commonly known as a satellite dish, dish antenna, parabolic antenna, or satellite earth station antenna.

Satellite Receive-Only Antenna: An antenna, one (1) meter or less in diameter that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

School, Private: A school operated by a private or religious agency or corporation other than an independent school district, having a curriculum generally equivalent to a public elementary or secondary school.

School, Public: A school operated by an independent school district or charter school and providing elementary or secondary curriculum.

Secured (Gated) Community: A residential area surrounded by a masonry or wrought iron fence with one or more entrances, electrically or manually controlled gates and administered by a Homeowners Association.

Semi-Public Halls, Clubs and Lodges: A place of assembly for organized groups having a restricted membership and specific purpose related to the welfare of the members.

Setback: The minimum distance specified by this UDC from the front, rear, and side lot lines, and extending across the full width of the lot, on which no building or structure may be erected.

Sexually Oriented Business: An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center. This shall not include the following:

- a. A bookstore, movie theater, or video store, unless that business is defined as an adult bookstore, adult motion picture theater or adult video store under Article 4.400;
- b. A business operated by or employing a licensed psychologist, licensed physical therapist, licensed athletic trainer, licensed cosmetologist, or licensed barber engaged in performing functions authorized under the license held; or
- c. A business operated or employing a licensed physician or licensed chiropractor engaged in practicing the healing arts.

Refer to Article 4.400 of the Code of Ordinances for specific regulations pertaining to sexually oriented businesses.

Shopping center: A development containing a grouping of retail, service, and/or other commercial establishments in one (1) or more buildings on one (1) or more legally platted lots and constructed and designed to utilize shared parking and access.

Subdivision or Neighborhood Sign: Any sign used to mark the entrance to a specific subdivision or neighborhood. Usually a low profile monument sign designed in such a way as to indicate the name of the specific community and placed at the main entry to such community.

Site plan: A development plan, drawn to scale, showing uses and structures proposed for a parcel of land required by this UDC. This includes, but is not limited to, existing and proposed conditions of the lot and major landscaping figures, the location of all existing and proposed buildings, lot lines, streets, driveways, parking spaces, walkways, means of ingress and egress, drainage facilities, utility service, landscaping, structures and signs, lighting, screening devices and other information that may be reasonably required in order to make an informed determination as opposed to a subdivision plan which relates to the layout of lots and parcels, platting of lots and parcels and the provision of public facilities necessary to build a subdivision.

Stable, Commercial: A stable used for the rental of stall space or for the sale or rental of horses or mules which are bred, hired, boarded or shown on a commercial basis.

Stable, Private: A stable used for individual or family use of stall space for horses or mules which are bred, boarded or shown by an individual or family.

Start of construction (includes substantial improvements): The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction or a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State: The State of Texas.

Stealth Facility: "Stealth" is a generic term describing a method that would hide or conceal an antenna, supporting electrical or mechanical equipment, or any other support structure that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, Alternative Tower Structures, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

Storage or Wholesale Warehouse: A building used primarily for the storage of goods and materials.

Story: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

Street: A strip of land comprising the entire paved area between the face of curbs and gutters and within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. The word "street" includes road, thoroughfare, parkway, avenue, boulevard, court, expressway, highway, land, throughway, place, square, alley or however other designated within the right-of-way.

Street, public: Any roadway for use of vehicular traffic dedicated to public use and/or owned, controlled and maintained by the Town, County, or State.

Street, major/minor arterial: A designated principal traffic thoroughfare more or less continuous across the town, which is intended to connect remote parts of the town or areas adjacent thereto, and act as principal connecting street with state and federal highways.

Street, collector: A roadway which collects traffic from local streets and connects within major/minor arterial streets.

Street line: A dividing line between a lot, tract, or parcel of land and a contiguous street.

Street, private: Any street right-of-way not dedicated to public use.

Street width: The shortest horizontal distance between the lines which delineate the street.

Structural alterations: Any change of a supporting member of a structure such as bearing walls, columns, beams or girders.

Structure: Anything constructed or built, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground.

Substantial damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50%) percent of the market value of the structure before damage occurred.

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure before "start of construction" of the improvement. This includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a. project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary conditions; or,
- b. any alteration of a "historic structure provided that the alteration will not preclude the structure's continued designation as a "historic structure.

Subdivider or developer: Are synonymous and include any person, partnership, firm, association, corporation (or combination thereof), or any officer, agent, employee, servant, or trustee thereof, who performs, or participates in the performance of, any act toward the subdivision of land within the intent, scope and purview of this UDC.

Subdivision: The division of any lot, tract or parcel of land into two or more lots, tracts or parcels of land for the purpose, whether immediate or future, of sale or rebuilding development, situated within the Town's corporate limits or within the ETJ. It also includes vacation and resubdivision of land or lots.

Surveyor: A licensed state land surveyor or registered public surveyor, as authorized by the state statutes, to practice the profession of surveying.

Tattoo Studio: An establishment where licensed personnel apply an indelible mark or figure to the human body by scarring or inserting a pigment under the skin using needles, scalpels or other related equipment in accordance with Chapter 146 of the Texas Health and Safety Code. A Tattoo Studio may include a Permanent Cosmetic Makeup Studio provided it is an accessory use to the Tattoo Studio and meets State licensing requirements for both a Tattoo Studio and a Permanent Cosmetic Makeup Studio.

Taxidermist: An establishment whose principle business is the practice of preparing, stuffing, and mounting the skins of dead animals for exhibition in a lifelike state.

Telecommunications Equipment Storage Building: An unmanned, single story equipment building or structure used to house telecommunications equipment necessary to operate a telecommunications network.

Telecommunications Tower: Any structure that is designed and constructed for the purpose of supporting one or more antennae used for the provision of commercial wireless telecommunications services. This definition includes monopole towers, alternative mounting structures or any other vertical support used for wireless telecommunications antennae. This definition does not include commercial radio or television towers; nor does it include such things as Satellite Receive Only Antenna or Amateur Radio Antennas.

Telecommunications Tower Facility: A facility that contains a telecommunications tower and equipment storage building or structure.

Temporary structure: A structure that is manufactured off-site and brought to the site. It is to be temporary in nature and used only until a permanent structure can be constructed or refurbished. A temporary structure may not be brought on-site until a building permit for the construction or refurbishing of the permanent structure has been issued by the Town Administrator or his/her designee. All temporary manufactured structures shall be required to comply with the following:

- a. Time Limit: Permits issued for temporary manufactured structures shall be valid for two (2) years or when the permanent structure is completed and occupied, whichever is sooner. Any further extension shall require Town Council approval.
- b. Dimensions: Minimum dimensional requirements for temporary uses or structures shall be those established in the district in which the temporary use or structure is located.
- c. Parking: Minimum parking requirements for temporary manufactured structures shall be the number according to the proposed use for the building.

Temporary construction buildings: Temporary building and material storage areas to be used for construction purposes may be permitted for a specified period of time in accordance with a permit issued by the Town Administrator or his/her designee for cause shown. Upon completion or abandonment of construction or expiration of permit, such field offices and buildings shall be removed at the direction of the Town Administrator or his/her designee.

Theater, Drive-In: An open lot devoted to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater, Indoor: A building or part of a building devoted to the showing of motion pictures or for dramatic, musical, or live performances.

Town: The Town of Northlake, Texas

Town Council: Refers to the Town Council of the Town of Northlake, Texas.

Town Engineer: A registered professional engineer employed or designated by the Town to provide professional engineering services for and on behalf of the town.

Townhouse: See Dwelling, single-family attached (Townhouse).

Transit Facility: A facility operated as a bus or rail passenger station or transfer center serving a publicly-owned or franchised mass transit operation. Typical facilities may include station platforms, bus bays, off-street parking, private access roads, and other passenger amenities.

Travel trailer: A structure designed for temporary dwelling for travel, recreation and vacation, and which can be readily towed over the road by a motor vehicle.

Truck Stop: Facility for the overnight parking, refueling and/or minor repair of heavy load vehicles, such as tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurants, restroom/shower facilities, and/or temporary sleeping quarters.

TV Antenna: An antenna that enables the receipt of television signals transmitted from broadcast stations.

Use: The purpose of activity for which the land or building thereby is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of performance of such activity with respect to the performance standards of this UDC.

Utility easement: An interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing utilities across, on, over, upon or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Vacation / Short Term Rental: Any dwelling unit that is rented for pay or other consideration, leased, or furnished in its entirety to the public on a daily or weekly basis for more than 14 days in a calendar year and is not occupied by an owner or manager during the time of rental.

Variance: Relief granted for an exceptional condition that poses a practical difficulty or particular hardship in such a way as to prevent an owner from complying with zoning or sign sections of this UDC. Such practical difficulty or hardship must be clearly exhibited and must be a result of an external influence and not be self-imposed.

Variety store: A retail commercial establishment which supplies a variety of household goods, toys, light hardware items, candy, some clothing and other general merchandise.

Veterinarian Clinic and/or Kennel, Indoor: An establishment, with no outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Veterinarian Clinic and/or Kennel, Outdoor Pens: An establishment with outside pens, where animals and pets are admitted for examination and medical treatment, or where domesticated animals are housed, groomed, bred, boarded, trained, or sold for commercial purposes.

Visibility triangle: The triangular sight area from the corner of converging streets to a distance of twenty five (25) feet along each street with the triangle completed by drawing a line through the property from both twenty five (25) foot points on the converging streets.

Warehousing / Distribution Center: A warehouse or storage facility where the emphasis is on processing and moving goods on to wholesale, retailers, or consumers rather than on storage.

Water surface elevation: The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Welding/Machine Shop: A workshop where metal fabrication tools, including, but not limited to, welders, lathes, presses, and mills are used for making, finishing, or repairing machines or machine parts.

Wind Energy Conversion System (WECS): Means all necessary devices that together convert wind into electricity, including the rotor, nacelle (i.e. generator and related components enclosure), generator, WECS Tower, electrical components, WECS foundation, transformer, and electrical cabling from the WECS Tower to the Substation(s) and which has a rated capacity of over 100 kw.

Xeriscape: Environmental design of residential and park land using various methods for minimizing the need for water use.

Yard, front setback: A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street right-of-way line and the main building or any projections of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots the front yard shall be considered a parallel to the street upon which the lot has its least dimension.

Yard, rear setback: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projections thereof, other than the projections of uncovered steps, unenclosed balconies, or unenclosed porches.

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

Yard, side: A yard between the main building and the side line of the lot, and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the building.

Zoning District: Any area of the Town for which the zoning regulations governing the use of land and buildings, the height of buildings, the size of lots and the intensity of use are uniform.

