

ZONING REGULATIONS

THE ZONING CODE OF THE VILLAGE OF VOLENTE

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ORDINANCE NO.

AN ORDINANCE OF THE VILLAGE OF VOLENTE, TEXAS, PROVIDING ZONING DISTRICTS, ZONING REGULATIONS, AND STANDARDS FOR THE DEVELOPMENT AND USE OF LAND WITHIN THE CITY; PROVIDING SEVERABILITY, OPEN MEETINGS AND EFFECTIVE DATE CLAUSES; PROVIDING PENALTIES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the ordinances of the City establishing zoning districts within the City limits should be amended to better provide an attractive living environment and to protect the health, safety, morals and welfare of the present and future residents of the City;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE VILLAGE OF VOLENTE, TEXAS, THAT:

**ARTICLE I
GENERAL.**

Section 1. Authority. This Ordinance is adopted pursuant to the police powers of the Village of Volente and under the authority of the Constitution and general laws of the State of Texas, including particularly *Chapter 211 of the Texas Local Government Code*.

Section 2. Title. This Ordinance shall be known, and may be cited, as the Zoning Ordinance of the Village of Volente, Texas.

Section 3. General Purpose and Intent. Purpose. The primary purposes of this Ordinance are to promote the public health, safety and the general welfare of the City and its present and future residents; provide reasonable regulations and requirements to protect, preserve, improve and provide for the public health, safety and general welfare of the present and future citizens of the City; and to establish a framework of zoning guidelines and criteria which will provide for and support the development of a quality living and work environment by incorporating provisions requiring all future development and redevelopment to provide a compatible plan for residential, commercial and industrial uses, while providing reasonable protections for both the public and persons having an ownership interest in property affected by these regulations. This Ordinance should be administered and applied to result in development superior to that otherwise achievable and to promote the following purposes:

- (a) Assist the safe, orderly, healthful and coordinated development of the City;
- (b) Conserve existing and future neighborhoods;
- (c) Protect and conserve the value of real property throughout the community;
- (d) Conserve, develop, protect, and utilize natural resources, as appropriate and consistent with the public interest, to enhance the preservation of the environment;
- (e) Protect and preserve places and areas of historical and cultural importance and significance to the community;
- (f) Prevent the overcrowding of land and avoid undue concentration of population or land uses, thereby encouraging high quality development and innovative design;
- (g) Lessen congestion in the streets and provide convenient, safe and efficient circulation of vehicular

and pedestrian traffic;

(h) Facilitate the adequate and efficient provision of transportation, water, wastewater, schools, parks, emergency and recreational facilities, and other public requirements;

(i) Promote compatible residential, commercial and industrial uses to harmoniously relate future development and redevelopment to the existing community and facilitate the development of adjoining properties;

(j) Standardize the procedure and requirements for zoning, building permits and certificates of occupancy to provide administrative efficiency and property owner rights; and

(k) Provide the context for the appropriate reconciliation of any differences of interest among property owners, developers, neighborhoods and the City.

Section 4. Jurisdiction and Intent. The requirements of this Ordinance shall apply to all property within the City; provide for the implementation of the site development regulations; provide a voluntary guide for the development of property within the extraterritorial jurisdiction in order that such property may be developed in a manner consistent with neighboring areas and existing or planned infrastructure; and be construed and applied in a manner to give effect to the Village of Volente Master Plan. This Ordinance has been made with reasonable consideration among other things, for the character of the district and its peculiar suitability for the particular uses specified, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City consistent with the Village of Volente Master Plan. Nothing herein shall be construed to grant a "permanent" zoning.

The intent of this Ordinance is to supplement the minimum standards for the development of land within the City as contained in the City's Subdivision Ordinance, applicable building, plumbing and electrical codes, and City Standard Details and Specifications. If only the minimum standards are followed, as expressed by the various ordinances regulating land development, a standardization of development will occur. Such will produce a monotonous urban setting and is not encouraged.

Section 5. Definitions. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense. Words used in the plural number include the singular, and words in the singular include the plural. The word "shall" is always mandatory. The word "herein" means in this Ordinance. The word "regulations" means the provisions of any applicable ordinance, rule, regulation or policy. The word "person" means any human being or legal entity and includes a corporation, a partnership and an incorporated or unincorporated association. The words "used or occupied" as applied to any land or building shall be construed to include the words intended, arranged, or designed to be used or occupied. Any definition not expressly prescribed herein shall, until defined by ordinance, be construed in accordance with customary usage in municipal planning and engineering practices.

Access means a way of approaching or entering a property.

Accessory Use means a use that is customarily a part of the principal use, a use which is clearly incidental, subordinate and secondary to the permitted use, and which does not change the character thereof. See: Accessory Structure.

Accessory Structure means, in a residential district, a subordinate building detached and used for a purpose customarily incidental to the main structure such as a private garage for automobile storage, toolhouse, bath or greenhouse as a hobby (no business), home workshop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business or occupancy by any long-term or

paying guests.

Adjacent means abutting and directly connected to or bordering.

Alcoholic Beverages-Off-Premises means the standard use listing for a convenience store or similar facility where the sale of beer for off-premises consumption is an allowed use according to zoning standards.

Alcoholic Beverages-On-Premises means the standard use listing which will solely allow the serving of beer for on-premise consumption.

Alcoholic Beverages-Mixed Drinks means the typical use listing which will allow the serving of alcoholic beverages for on-premise consumption as an incidental use where the gross revenue from the on-premise sales of alcoholic beverages is less than 75% of total gross revenue.

Alley means a minor right-of-way, dedicated to public use, which gives a secondary means of vehicular access to the back or side of properties otherwise abutting a street and which may be used for public utility purposes.

Amortization means a method of eliminating non-conforming uses by requiring the termination of the non-conforming use after a specified period.

Amusement (Indoor) means an amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, including a bowling alley, billiard parlor, and similar activities.

Amusement (Outdoor) means any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open, including a golf driving range, archery range, miniature golf course and similar activities.

Annexation means the incorporation of land area into the City with a resulting change in the boundaries of the City.

Animal(s) means any animate being that is not a human.

Antique Shop means a business that sells items whose value is greater than the original purchase price because of age or intrinsic value.

Applicant means a person applying for zoning approval under this Ordinance.

Approval means the final approval in a series of required actions.

Architectural Harmony means structures or buildings on the same lot that exhibit significantly similar design and style to each other.

Art Studio or Gallery means a building where objects of art are created or displayed for the public enrichment or where said art objects are displayed for sale, including the teaching of painting and/or sculpting.

Assisted-Retirement Living means a use providing 24-hour supervision and assisted living for more than 15 residents not requiring regular medical attention. This classification includes personal care homes for the physically impaired, and persons 60 years of age or older.

Attendant Building means a building used to house the work place of the manager or attendant of a public or private parking lot.

Attendant Documents means materials needed to address the specific requirements of this Ordinance, which the applicant feels necessary to explain the submittal.

Auto Repair (Major) means a business specializing in major repair of motor vehicles (including watercraft) entirely within an enclosed building, including any use listing below, as well as any use not listed as minor vehicle servicing.

- (a) Auto glass, seat cover and muffler shop;
- (b) Auto painting or body rebuilding shop;
- (c) Tire retreading and capping;
- (d) Body, fender, clutch, transmission, differential, axle, spring and frame repairs;
- (e) Major overhauling of engines requiring removal there from of cylinder head or crankcase pan and any associated engine rebuilding;
- (f) Repair of radiator requiring removal from the vehicle;
- (g) Repair of truck, trailer, farm or industrial equipment, or other machinery/supplies;
- (h) Brake work, other than minor maintenance such as disc pad replacement and minor brake adjustment.

Auto Repair (Minor) means a business specializing in minor, routine, periodic, preventive maintenance of a motor vehicle conducted entirely within an enclosed building, including the following:

- (a) Servicing of spark plugs, batteries, distributors and distributor parts and including minor engine tune-ups;
- (b) Tire servicing and flat repair but not recapping or regrooving;
- (c) Radiator cleaning and flushing (on vehicle);
- (d) Fuel pump, oil pump and related maintenance;
- (e) Minor servicing of carburetors;
- (f) Emergency wiring repairs;
- (g) Minor motor adjustment not involving removal of head or crankcase;
- (h) Quick oil and filter change;
- (i) Servicing hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat belts, windshield wipers, mirrors, and installation of vehicle accessories such as radios;

- (j) Lubrication, greasing and washing;
- (k) Disc pad replacement and minor brake adjustment.

Bar means any business establishment required to have a state license for the sale of alcoholic beverages other than beer, for on-premises consumption.

Bed and Breakfast means an establishment engaged in providing rooms or groups of rooms in a dwelling unit for temporary lodging for overnight transient guests on a paying basis. Or means a historic or otherwise architecturally unique building where lodging for overnight transient guests is provided by prearrangement for definite periods, for compensation, for not more than seven rooms to let and where breakfast is included in the rates charged to guests. Lodging of transient guest is generally for periods of less than thirty (30) days.

Billboard. [Definition needed here.]

Block means an area enclosed by streets, normally to be divided into lots to be occupied by or intended for buildings; or if the same word is used as a term of measurement, it shall mean the distance along one side of a street between the nearest two streets which intersect said street on said side.

Board means the Board of Adjustments of the Village of Volente, Texas.

Board of Adjustments means a committee appointed by the Council to consider appeals from certain administrative actions pursuant to § 211.008 of the Texas Local Government Code and that is given the authority set forth in this Ordinance and in § 211.009 of the Texas Local Government Code.

Boarding House means a building other than a hotel, occupied as a single housekeeping unit where lodging or meals are provided for three (3) or more persons for compensation, pursuant to previous arrangements for definite periods, but not to the general public or transients.

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of existing natural vegetation or created by the use of trees, shrubs, berms and/or fences, and designed to limit views and sound from the site to adjacent properties and vice versa.

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

Building Area means the gross area covered by a structure when placed on the lot.

Building Footprint means the foundation, base or support of a building or structure.

Building Ordinance means the building codes and related ordinances of the City providing standards, requirements and regulations for site development and the construction and erection of buildings and structures within the City, including, but not limited to, the electrical code, plumbing code, building code and minimum housing code, adopted by the City Council from time to time.

Building Permit means a permit issued by the City which is required prior to commencing construction or reconstruction of any structure.

Building Plot means the land, lot, lots or tract of land upon which a building or buildings are located, or

upon which they are to be constructed, including yards.

Building Setback Line means a line or lines designating the interior limit of the area of a lot within which the building footprint of structures may be erected. The building lines generally provide the boundaries of the buildable area of any given lot and no structure or building may be erected between a building and the corresponding lot line.

Cafe or Cafeteria means a commercial establishment where snacks or meals are vended for consumption indoors or on the premises.

Carport means an accessory structure with one or more sides, covered with a roof and constructed specifically for the storage of one or more motor vehicles (including watercraft), being not more than 1000 square feet. A carport is not an accessory structure if built as an integral part of the original primary structure having an indistinguishable, continuous roof structure.

Caliper means the trunk diameter of a tree at three (3) feet above natural grade.

Cemetery means land used or intended to be used for the interment of human remains and dedicated for cemetery purposes, including crematories, mausoleums, columbariums and mortuaries when operated in conjunction with and within the boundary of such cemetery. Burial outside of human remains outside of a cemetery shall be prohibited except those authorized with a conditional use permit.

Centerline of a Waterway means the centerline of the waterway and refers to existing topographically defined channels. If not readily discernible, the centerline shall be determined by (first) the low flow line, or (second) the center of the two (2) year flood plain.

Child Care Center (Small) means a private residence where the occupant provides custodial care and supervision during daylight hours for a maximum six (6) children at any one time. The maximum of six (6) children includes the family's natural or adopted children under the age of fourteen (14). The residence must contain a minimum 150 square feet of floor area for each child. This use shall exclude a family/group home.

Child Care Center (Intermediate) means a facility (including non-residential structures) which provides custodial care and supervision for less than 24 hours a day for between seven (7) and twelve (12) children, excluding foster and group homes. The facility must contain a minimum 150 square feet of floor area for each child.

Child Care Center (Large) means a facility where over twelve (12) children receive custodial care and supervision for less than 24 hours a day, excluding foster and group homes.

Child Care or Child Development Facilities means any children's home, orphanage, institution, private home, residence or other place, whether public, parochial or private, operated for profit or not, which keeps, cares for, has custody of or is attended by four (4) or more children under sixteen years of age at any one time, who are not members of the immediate family or any natural person operating any such place, during any part or all of the twenty-four hours in a day. Also, any institution, home or other place, whether public, parochial or private, conducted for profit or not, which keeps, cares for, has custody of or is attended by any number of children, under sixteen years of age, who are not members of the immediate family of any natural person operating such a place, who are mentally or physically handicapped, under medical or social supervision, and not within a hospital, twenty-four hours a day.

Church or Rectory means a place of worship and religious training of recognized religions including on site housing of ministers, rabbis, priests, nuns and similar staff personnel.

City means the Village of Volente, Texas.

City Administrator means the chief administrative officer designated by City Council, or his or her designee.

City Building Official or Building Official means the designated Building Official for the City or his or her designated representative

City Council or Council means the City Council of the City.

City Engineer means the designated Engineer for the City or his or her designated representative.

City Limits or Within the City means the, or within the, incorporated boundaries of the City.

City Staff means the officers, employees and agents of the City assigned and designated from time to time by the City Administrator and/or Council, including but not limited to the City Engineer, to review, comment and/or report on zoning applications.

City Standard Details and Specifications means a library of City approved drawings and technical data representing typical drainage, transportation, erosion & sedimentation control, and utility appurtenances to be constructed for City acceptance.

Cleaning or Laundry Self Service Shop means an establishment providing customers with self-service laundry facilities, and does not include a commercial laundry or cleaning plant.

Cleaning Shop or Laundry (Small) means a custom cleaning shop not exceeding two thousand five hundred (2,500) square feet of floor area.

Clinic means a public or private station or establishment for the examination and treatment of outpatients by an individual or group of doctors, dentists, opticians, veterinarians, or other similar medical professionals.

Club. See: Social Club.

Cold Storage Plant means a commercial establishment where food or other commodities are stored either in lockers, rented or leased, or in vaults in bulk for distribution to the home or to commercial businesses. No slaughtering of animals or fowl is allowed on the premises.

College or University means an academic institution of higher learning, accredited or recognized by the state and offering a program or series of programs of academic study.

Commercial Amusement (Indoors) means an enterprise conducted solely within one or more buildings or permanently enclosed area whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gate for the activity, including the following activities and activities of the same or closely similar nature. Commercial amusements (indoors) include zoos, carnivals, expositions, miniature golf courses, arcades, fairs, exhibitions, athletic contests, rodeos, children's rides, skating rinks, ice rinks, traveling shows, bowling alleys, and pool parlors, and similar enterprises.

Commercial Amusement (Outdoors) means any enterprise whose main purpose is to provide the general public with an amusing or entertaining activity, where tickets are sold or fees collected at the gate for the activity, including the following activities and activities of the same or closely similar nature. Commercial

amusements (outdoors) include zoos, carnivals, expositions, miniature golf courses, driving ranges, arcades, fairs, exhibitions, athletic contests, rodeos, tent shows, Ferris wheels, children's rides, roller coasters, skating rinks, ice rinks, traveling shows and similar enterprises.

Commercial Vehicles means any vehicle having axle or gross weight limit as established by Section 621.101, Texas Transportation Code, that is not a passenger car or light pickup truck.

Commission means the Planning and Zoning Commission of the City.

Common Area means privately owned land and improvements within a development including buildings, common open space, central services and utilities, streets, walks, parking areas, fencing and screening walls, landscaping, and any other elements and facilities under common ownership and available for the use of all owners or tenants.

Common Open Space means that portion of the common area which is designated for outdoor recreation area, private park, play lot, plaza, athletic court, swimming pool, fountain, stream or pond, ornamental landscaping or natural vegetation offering visual amenity, and which is open to general view and conveniently accessible to pedestrians within the project.

Communication services means an establishment engaged in providing broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms, and photocopy and reproduction mechanisms (excludes broadcast towers).

Community Center (Public) means a building and grounds owned or leased and operated by a governmental body for the social, recreational, health or welfare of the community served.

Community Center (Private) means a recreational facility, including both indoor and outdoor facilities, for use by residents and guests of a particular residential community development, subdivision or membership group.

Compounding or Fabrication (Light) means the making of jewelry, compounding of perfume, small instruments or pharmaceuticals, and similar work or processes.

Comprehensive or Master Plan means the comprehensive plan of the City and adjoining areas adopted by the commission and approved by the City Council, including all its revisions as defined by Chapter 219 of the *Texas Local Government Code*. The plan may indicate the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water and sewer facilities. Such plan is the overall development plan for the community adopted to provide long-range development policies and may include all specified individual elements thereof among which are the plans for land intensities; land subdivision; circulation; and community facilities, utilities and services. The comprehensive or master plan does not constitute zoning regulations or establish zoning district boundaries.

Conditional Use means an additional use which may be permitted in a district, subject to meeting certain conditions or procedures established by the City Council. No conditional use shall be permitted in any location where it will be inconsistent with the existing adjacent and nearby uses.

Construction Plans means the maps, drawings, plans and specifications indicating the proposed location and design of improvements to be installed as part of a development and sealed by a Licensed Professional Engineer or Architect certified in the State of Texas.

Contiguous means adjacent property whose property lines are separated by only a street, alley, easement,

right-of-way or buffer.

Convalescent Home means any structure used or occupied by three (3) or more persons recovering from illness or being provided geriatric care for compensation.

Convenience Store means a retail establishment of less than 2,500 square feet of total floor area selling a variety of consumables, notions and/or similar items, usually serving as a convenient outlet to a neighborhood. The sale of beer for off-premises consumption is allowed in specific districts, with a conditional use permit.

Corner Lot means a lot located at the intersection of and abutting on two (2) or more streets.

Country Club means an area of twenty (20) acres or more containing a golf course and a clubhouse and available only to private specific membership, such a club may contain adjunct facilities such as private club, dining room, swimming pool, tennis courts and similar recreational or service facilities.

County means Travis County, Texas.

County Appraisal District means the Travis County Appraisal District.

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

Critical Root Zone means a circular area around a Significant Tree equal to one (1) foot in radius for each one (1) inch caliper, and the center of the circular area located at the trunk

Cultural services means a library, museum, or similar registered nonprofit organizational use displaying, preserving, and exhibiting objects of community and cultural interest in one or more of the arts and sciences.

Day Camp means a facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

Developer means the legal owner of land to be improved and/or subdivided or his/her authorized representative.

Developed Area means that portion of a lot, easement, or parcel upon which a building, structure, pavement or other improvements have been placed.

Development means the construction or placement of any buildings, utilities, access, roads or other structures, excavation, mining, dredging, grading, filling, clearing or removing vegetation, or the deposit of refuse, waste or fill. Lawn and yard care, including mowing of tall weeds and grass, gardening, tree care and maintenance, removal of trees or other vegetation damaged by natural forces, and ranching and farming shall not constitute development. Utility, drainage, and street repair, and any construction maintenance and installation which does not require land disturbance or result in additional impervious cover, shall also not constitute development.

District means a zoned section or sections of the City for which regulations governing the use of buildings and premises, the height of buildings, the size of yards, and the intensity of use are uniform.

Dormitory means any structure specifically designed to house student tenants associated with a university,

college or school.

Double Frontage Lot. See: Reverse Frontage Lot.

Drainageway. See: Waterway.

Drive Approach means a paved surface connecting the street to a lot line.

Drive-In Eating Establishment means any structure and premises specifically designed for the preparation and dispensing of food and meals for consumption either indoors or in a vehicle parked on the premises, or to be taken away for consumption at other places.

Driveway means the surface connecting a drive approach with a parking space, parking lot, loading dock or garage. Properties of less than two acres shall construct driveways of concrete, asphalt or similar material. Properties of more than two acres shall pave the driveway with all weather surface.

Dwelling (Single Family) means a detached building having accommodations for occupancy by not more than one family.

Dwelling (Two-Family) or Duplex means a detached building designed and constructed with two (2) separate living units under a single roof for occupancy by two families.

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Dwelling Unit means a building or portion of a building arranged, occupied or intended to be occupied as residential unit designed to accommodate one (1) household for living, sleeping, eating, cooking and sanitation.

Easement means a grant by the property owner of the use of a strip of land for stated purposes.

Environment means the aggregate of social and physical conditions that influence the life of the individual and/or community.

Exterior Side Yard means a yard which faces and is parallel to a side street.

Extraterritorial Jurisdiction or ETJ means that geographic area outside the corporate boundaries of the City as established pursuant to §§ 42.021 and 42.022 of the Texas Local Government Code.

Family means any number of individuals living together as a single housekeeping unit, in which not more than three (3) individuals are unrelated by blood, marriage, adoption, or guardianship, and occupying a dwelling unit.

Farm Accessory Building means a structure, other than a dwelling, on a farm as herein defined, for the housing protection or storage of the usual farm equipment, animals and crops.

Farm, Ranch, Garden or Orchard means an area of three (3) acres or more which is used for the primary purpose of growing of vegetables, fruits, trees, hay, livestock feed and/or grain, and/or for the raising thereon of poultry and farm animals such as horses, cattle and sheep and including the necessary accessory uses for raising, treating and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Financial services means services provided by an establishment primarily engaged in financial and banking activities. Typical uses may include banks, savings and loan institutions, stock and bond brokers,

loan and lending activities, and similar services.

Flood Plain means that land lying within a stream channel or adjacent to a stream channel within which flooding frequently occurs, the elevation above sea level of which shall be as established by the City and made of record. It is land which is required to be kept open and non-urbanized in order to maintain upstream flood plain characteristics and insure continued adequate drainage of adjacent land.

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

Floor Area Ratio (FAR) means the maximum square footage of total floor area permitted for each square foot of land area. The ratio between the total square feet of floor area in all buildings located on a lot and the total square feet of land in the lot or tract on which the buildings are located.

Food and Beverage Sales Store means a retail establishment of greater than 2,500 square feet of total floor area, selling a variety of consumables, notions and/or similar items, usually serving a significant market area. The sale of beer for off-premises consumption is allowed, if not otherwise prohibited, with a conditional use permit.

Food sales means an establishment primarily engaged in the retail sale of food or household products for home consumption. Typical uses include grocery stores, delicatessens, meat markets, retail bakeries, and candy shops. There shall be a minimum of one parking space per 200 gross floor area.

Filing Date means, with respect to zoning applications, the date of the first public hearing before the Commission regarding such zoning application.

Front Yard means a space extending the full width of the lot between any building set back line and the front lot line, and measured perpendicular to the building at the closest point to the front lot line.

Frontage means that side of a lot, parcel or tract of land abutting a street right-of-way and ordinarily regarded as the frontal orientation of the lot.

Frontage Block means 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 of the property abutting on one side between an intersecting street and the dead-end of the street.

Garage - Commercial means any premises and structure used for housing more than five (5) motor vehicles or watercraft or where any vehicles are repaired for operation or kept for remuneration, hire or sale, and where a retail service station may be maintained as a secondary use.

Golf Course means a golf course or driving range public or privately owned and open to the public for a fee.

Governing Body means the City Council of the City.

Grade means the slope of a road, street, other public way or utility line specified in terms of percent (%); the topographic relief of a parcel of land; the average elevation at ground level of the buildable area of a lot or parcel of land.

Grading means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

Half Story means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two

(2) opposite exterior walls are not more than five (5) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Halfway House means a dwelling unit used as a single housekeeping unit for not more than six (6) persons who have demonstrated a tendency towards alcoholism, drug abuse, anti-social or criminal conduct, together with not more than two (2) persons providing supervision and other services to such persons, provided a conditional use permit is first obtained.

Height means the vertical distance from the highest point on a structure to the average ground elevation where the foundation meets ground.

Heliport means landing facility for rotary wing aircraft subject to regularly scheduled use and may include fueling or servicing facilities for such craft

Helistop means a landing pad for occasional and infrequent use by rotary wing aircraft not exceeding a gross weight of 6,000 pounds.

Home for Aged means a home where elderly people are provided with lodging and meals without nursing care.

Home Occupation means a commercial use customarily carried on in the home by members of the occupant family without structural alterations in the principal building or any of its rooms, without the installation of machinery or additional equipment other than that customary to normal household operations, without the employment of additional persons, and which does not cause the generation of other than normal noise, pedestrian and vehicular traffic. It is an accessory to a residential use subject to the following limitations: (a) the home occupation shall be conducted entirely within a dwelling unit which is the bona fide residence of the practitioner(s); (b) the residential character of the lot and dwelling shall be maintained; the exterior of the dwelling shall not be structurally altered; and no additional buildings shall be added on the property to accommodate the home occupation; (c) the occupation shall not produce external noise, vibration, smoke, odor, fumes, electrical interference, involve the storage of weapons or dangerous materials, or waste run-off outside the dwelling unit or on the property surrounding the dwelling unit; and (d) no vehicle used in connection with the home occupation which requires a commercial driver's license to operate shall be parked on any street adjacent to the property.

Hospital (Chronic Care) means an institution where persons suffering from illness, injury, deformity or deficiency of age are given care and treatment on a prolonged or permanent basis.

Hospital, Sanitarium, Nursing Home, Hospice means a building or portion thereof used or designated 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 or hotel not ordinarily intended to be occupied by said persons.

Hotel means a building in which lodging is provided and offered to individual transient guests, but not excluding permanent guests, and may include a cafe, drugstore, clothes, pressing shop, barber shop or other service facilities for guests for compensation, and in which ingress and egress to and from all rooms is made through and inside a lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradiction to a boarding house, a lodging house, or an apartment. To be classified as a hotel an establishment shall contain a minimum of six (6) individual guest rooms or units and shall furnish customary hotel services such as linen, maid service, telephone, and the use and upkeep of furniture. The term includes a hotel, motel, tourist home, tourist house, tourist court, lodging house, inn, rooming house, or bed and breakfast. The term does not include a hospital, sanitarium, nursing home, or a dormitory as defined

in § 156.001, Tex. Tax. Code.

Impervious Cover means roads, parking areas, buildings, swimming pools, rooftop landscapes and other construction limiting the absorption of water by covering the natural land surface; this shall include, but not be limited to, all streets and pavement within the development.

Improvements means any street, alley, roadway, barricade, sidewalk, bikeway, pedestrian way, water line system, wastewater system, storm drainage network, public park land, landscaping, or other facility or portion thereof for which the local government may ultimately assume responsibility for maintenance and operation or which may affect an improvement for which local government responsibility is established.

Incinerator means a furnace or apparatus for burning waste materials such as trash wood and other flammable items for the purpose of reducing their weight and bulk.

Institution for the Care of Substance Dependent Persons means an institution offering resident or outpatient treatment to alcoholic or narcotic patients.

Interior Lot means a lot other than a corner lot and, bounded by a street on only one (1) side.

Kennel means a place in which five (5) or more dogs or cats at least six (6) months of age are kept, boarded or trained, by the owners of the dogs or cats or by persons providing facilities and care with or without compensation.

Kindergarten or Pre-School means any private school, operated for profit or not, attended by four (4) or more children at any one time during part of a twenty-four 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.

Laundry services means an establishment engaged in providing laundering services. Typical uses shall include bulk laundry and linen supply services.

Legal Lot means a lot recorded in the Official County Records pursuant to and in compliance with the subdivision regulations and/or state law in effect at the time of the creation of the lot.

Light manufacturing means an establishment engaged in the manufacture of finished products or parts, including packaging of such products, and incidental storage, sales and distribution of such products, but excluding uses that are not traditionally classified as light industrial or manufacturing. Uses defined as traditional light industrial and manufacturing are set forth in this Ordinance.

Livestock Auction means barns, pens and sheds for the temporary holding and sale of livestock.

Loading Space means an off-street space for the parking of a vehicle while loading or unloading merchandise or materials from commercial or industrial vehicles.

Local Health District means the Travis County Health District.

Local Utility Line means the facilities provided by a municipality or a franchised utility company for the distribution or collection of gas, water, surface drainage water, sewage, electric power, telephone or cable service, including pad and pole mounted transformers.

Lot means a separate parcel of land, created by the division or subdivision of a block or other parcel, intended as a unit for transfer of ownership, or for development, or for occupancy and/or use, platted in

compliance with state law. See also Legal Lot.

Lot Depth means the average horizontal distance between the front and rear lot lines.

Lot Lines means the lines bounding a lot as defined herein.

Lot Width means the average horizontal distance at the front building setback line of a lot.

Manufactured Home means a complete living unit, manufactured at a location away from the lot on which it will be located, as defined in *Article 5221f of the Texas Revised Civil Statutes*.

Manufactured Housing. See: Manufactured Home.

Master Plan means the overall development plan for the community which has been officially adopted to provide long-range development policies including all specified individual elements thereof among which are the plans for means land intensities; land subdivision; circulation; and community facilities, utilities and services. See. Comprehensive Plan.

Mini Storage Warehouse means a building or group of buildings consisting of individualized shelters of various sizes for rent or lease for the purpose of providing protection of commodities stored therein. The size of each individual storage unit of a mini-storage warehouse shall be limited to 2,000 cubic feet.

Mobile Home means a movable or portable structure constructed prior to June 15, 1976 that is eight (8') feet, or more, in width and forty feet (40'), or more, in length constructed to be towed on its own integral chassis, as defined in *Article 5221f of the Texas Revised Civil Statutes*. Any mobile home not constituting an existing conforming or non-conforming use is prohibited within the City limits.

Modular Component means a structure or building module as defined in *Article 5221f-1 of the Texas Revised Civil Statutes* that is inspected and permitted by and under the jurisdiction and control of the Texas Department of Licensing and Regulations, that is transportable in one or more sections and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning and electrical systems contained in the component. The term does not include a mobile home or a manufactured home.

Motel means a building or group of detached, semi-detached or attached buildings containing guest rooms with automobile storage space provided in connection therewith, which building or group is designed, intended or used primarily for the accommodation of automobile travelers, including groups designated as auto cabins, motor courts, motels and similar designations.

Multifamily Dwelling means a single structure designed to accommodate two (2) households.

Multiple Building Complex means more than one principal building on a building plot or lot

Natural Channel means the topography of a waterway prior to construction, installation of improvements thereof.

Natural Drainage means a stormwater runoff conveyance system not altered by development.

Natural State means substantially the same conditions of the land that existed prior to its development, including but not limited to the same type, quality, quantity and distribution of soils, ground cover, vegetation and topographic features.

Neighborhood means the area of the City characterized by residential land uses which is bounded by physical (such as river, major street, lack of access, buffer) and/or political features (such as voting districts, subdivision boundaries).

Neighborhood Automobile Service Station means an establishment primarily engaged in automotive-related service. The following are permitted automotive-related services within such definition: automobile washing, minor automotive repair services, service stations, lubricants (including oil change facilities), parts and accessories, or any incidental minor repair services to motor vehicles and watercraft.

Neighborhood Park means a publicly owned parcel of land, within a subdivision, dedicated solely for recreational uses and maintained by the City or under authority granted by the City.

NightClub means an establishment required to have a state permit for the sale of alcoholic beverages and in which fifty percent (50%) or more of the monthly gross revenues are from the sale of alcoholic beverages; or any business or commercial establishment in which alcoholic beverages are consumed on-premises and live entertainment is provided.

Nonconforming Lot means a lot, the area, dimensions, or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

Nonconforming Structure or Building means a structure or building the size dimensions or location of which was lawful prior to the adoption, revision or amendment of the zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

Nonconforming Use means any building, structure or land lawfully occupied by a use or lawfully existing at the time of passage of this Ordinance or Amendments thereto, which does not, by reason of design or use, conform after the passage of this Ordinance or Amendments with the regulations of the Ordinance or Amendment.

Occupancy means the use or intended use of land or a building by any person.

Occupant Car Ratio (OCR) means the minimum number of parking spaces without parking time limits required for each living unit, establishment or use.

Official County Records means the Official Records of Travis County, Texas.

Off-Site Improvements means any required improvement that lies outside of the property being developed.

Off-Street Parking as Expansion of Retail or Commercial Use means an off-street parking lot located adjacent or contiguous to a retail, commercial or office district.

Off Street Parking Space means an area of privately owned land not less than nine (9) feet by eighteen and one-half (18½) feet not on a public street or alley, with an all weather surface. A public street shall not be classified as such, nor shall head-in parking adjacent to a public street and dependent upon such street for maneuvering space.

One Hundred (100) Year Flood Plain See: Regulatory 100-year flood plain.

Open Space means an area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, porches and

plant material.

Overlay A geographical area that either adds or removes standard restrictions from the district requirements to accomplish appropriate land use. Overlays will be shown on the zoning map.

Open or Outdoor Storage means the keeping, in an unroofed area, of any goods, junk, material or merchandise, in the same place for more than twenty-four (24) hours.

Overland Drainage means stormwater runoff which is not confined by any natural or man-made channel such as a creek, drainage ditch, storm sewer, or the like.

Park or Playground means an open recreation facility or park owned and operated by a public agency such as the City or the school district and available to the general public for neighborhood use, but not involving lighted athletic fields for nighttime play.

Parking Lot means a paved parking area to accommodate the vehicles which utilize any multiple family, retail, commercial, office, business or industrial property.

Parking Space means an area that is not a street, alley or public right-of-way that is used or designed to be used for motor vehicle parking, that is not less than nine (9) feet by eighteen and one-half (18 1/2) feet, exclusive of the driveways connecting said space with a street or alley. Said parking space and connecting driveway shall be durably surfaced and so arranged to permit satisfactory ingress and egress of an automobile.

Parking Structure or Garage means a structure devoted to the parking or storage of automobiles for a fee and may include a facility for servicing of automobiles provided such facility is primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress or egress.

Pasturage means land used primarily for the grazing of animal stock.

Paved Area means an area surfaced with asphalt, concrete or similar pavement, providing an all-weather surface. Gravel is not an acceptable paved surface.

Performance Standard means a set of criteria or limits relating to nuisance elements which a particular use or process may not exceed.

Permit Issuing Authority means the Building Official or other City officer, employee or agent designated by lawful authority to issue the applicable permit.

Permitted Use means a use specifically allowed in the applicable zoning districts without the necessity of obtaining a Conditional Use Permit.

Personal Care Facility means a facility that provides supervised living arrangements for persons with physical or mental disability, which by reason of federal or state law, is not subject to limitations set forth in deed restrictions or single family zoning districts. This definition includes a community-based residential home operated by (i) The Texas Department of Mental Health and Mental Retardation, (ii) a community center operated under Section 3.01, Texas Mental Health and Mental Retardation Act (Article 5547-203 VATCS), which provides services to disabled persons; (iii) a nonprofit corporation, or (iv) any entity certified by the Texas Department of Human Resources as a provider under the intermediate care facilities for the mentally retarded program. This definition includes homes for the handicapped as defined in 42 U.S.C. Sec. 3602(h).

Personal Service Shop means an establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot or beauty shops.

Pharmacy means a use where medicines are compounded or dispensed under the supervision of a licensed pharmacist.

Planting Area means any area designed for landscape planting having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.

Playfield or Stadium means an athletic field or stadium owned and operated by a public agency for the general public including a baseball field, golf course football field or stadium which may be lighted for nighttime play.

POA Neighborhood Park means a privately owned parcel of land, within a subdivision, dedicated solely for recreational use by persons in such subdivision and their guests, and maintained by the residents of said subdivision.

Portable Storage Building is any accessory structure of 100 square feet or less designed to be transported from one location on a specific site to another location either on the same lot or on a separate lot.

Postal facilities means postal services, including post office, bulk mail processing, or sorting centers operated by the United States Postal Service or a private postal service.

Primary Structure means a structure in which the principal use of the lot is conducted. For example, for single-family residential lots, the house is the primary structure.

Privacy Fence means a well-constructed opaque fence or screen of wood, masonry or a combination thereof at least six (6) feet in height. A fence shall be considered opaque if it is made of opaque materials and constructed so those gaps in the fence do not exceed one-half (1/2) inch. Fences using boards placed on alternating sides of fence runners shall be considered opaque if the boards overlap at least one-half (1/2) inch. All fences shall be constructed.

Private Club means an establishment required to have a state issued alcoholic beverage permit for the sale, storage or vending of alcoholic beverages on-premises to its members.

Private Garage means an accessory building housing vehicles owned and used by occupants of the main building.

Product development services (general) means development and testing of non-hazardous products related to research services. See: Research Services (general).

Product development services (hazard) means development and testing of products related to research services, which products could pose a health or safety risk outside of the structure in which the services are provided. See: Research Services (hazard).

Professional office means a use providing professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions licensed by the state.

Property Owners Association, (POA), means an incorporated, non-profit organization operating under recorded land agreements through which (a) each lot and/or homeowner in a subdivision is automatically a member, (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the

organization's activities, such as maintaining common property, and (c) the charge, if unpaid, becomes a lien against the property.

Public means, with respect to land and interests in land within the City limits, the City; with respect to land and interests in land within the ETJ limits, the general public; and, with respect to the provision of any services or products by a business establishment, the general public.

Public Grounds or Building means a facility such as office buildings, and maintenance yards and shops required by branches of local, state or federal government for service to an area such as highway department yard or a City, county or school service center.

Public Use means places of non-commercial public assembly or administrative functions where the primary activity is contained within a building(s), including but not limited to schools and government buildings.

Radio, Television, Microwave and Similar Towers means structures supporting antennae for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antennae installation for home use of radio or television.

Rear Yard means a space extending across the full width of the lot between the principal building and the rear lot line, and measured perpendicular to the building to the closest point of the rear lot line.

Recyclable Materials means materials including, but not limited to, scrap steel, aluminum cans, appliances, paper, batteries, glass bottles, motor vehicles, motor vehicle parts and machinery that have no economic value except as composition or salvage material.

Recycling Collection Use means use of property as a location where glass, paper, plastics and/or aluminum cans only are deposited in containers, with no sorting or processing on site, and usually occurring as an accessory use on the property.

Recycling Operation means the collection, buying, storage, or processing of recyclable materials such as glass, paper, plastics, liquids, wood or metals, which are then sorted or processed for use or shipment for the purpose of reuse and manufacture, excluding smelters and refining operations.

Recycling Operations (Indoor) means a recycling operation which is fully enclosed within permanent walls and roof of a building or, if windows and doors are present, which is capable of enclosure to insure compliance with the required performance standards in the LI or HI districts as appropriate. The outside storage of recyclable materials in conjunction with the recycling operation inside a building is prohibited in an LI district. A dust collection system may be located outside the main building.

Recycling Operations (Outdoor) means a recycling operation that occurs in the open, or partially within a building and partially in the open.

Regulatory 100-Year Flood Plain means the one hundred (100) year flood plain as defined by the Federal Emergency Management Act (FEMA).

Religious assembly means a use (located in a permanent or temporary building) providing regular organized religious worship and religious education incidental thereto. See Church.

Replacement Trees means new landscape trees to be planted by the developer to replace Significant Trees removed during the development of property. A list of approved Replacement Trees can be obtained at the office of the City.

Required Yard means the open space between a lot line and the buildable area within which no structure shall be located except as provided for herein.

Research services (general) means establishments engaged in research of an industrial or scientific nature not involving or requiring the use of any biological, chemical or other agent that could cause a hazard to adjacent property. Typical uses include electronics research laboratories, and development and testing of computer software packages.

Research services (hazard) means establishments engaged in research of an industrial or scientific nature involving or requiring the use of biological, chemical or other agents capable of causing a hazard to property or persons outside the structure in which conducted.

Reserve Strip means a narrow strip of property usually separating a parcel of land from a roadway or utility line easement, that is characterized by limited depth which will not support development and which is intended to prevent access to the roadway or utility easement from adjacent property and which are prohibited by these regulations unless their control is given to the City.

Retail Food Store means 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).

Retail Sales means the sale or rental of commonly used goods and merchandise for personal or household use. Typical uses may include department stores, furniture stores, or establishments providing the following products or services: home furnishings and appliances, household cleaning and maintenance products; drugs, cards, stationery, notions, books, tobacco products, cosmetics or specialty items; apparel, jewelry, fabrics and like items; cameras or photography services; household electronic equipment, records, sporting equipment, kitchen utensils, small home appliances, art supplies and framing, arts and antiques, paint, interior decorating services or office supplies; bicycles, wallpaper, carpeting and floor-covering, or automotive parts and accessories (excluding service and installation).

Restaurant means an establishment engaged in the preparation and retail sale of food and beverages for on-premises consumption. Typical uses include diners, dinner-houses, but not a drive-in or fast food restaurant.

Reverse Frontage Lot means a double frontage lot which is to be developed with the rear yard abutting a major street and with the primary means of ingress and egress provided on a minor street.

Right-of-Way means a strip of land occupied or intended to be occupied by street, crosswalk, railroad, road, electric transmission line, or oil or gas pipe line, water main, sanitary or storm sewer main, or for other similar purpose or use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereinafter established and shown on the 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, wastewater lines, storm drains, or any other use involving maintenance by a public agency shall be dedicated to the public by the maker of the plat where such right-of-way is established.

Ridgeline as defined in the NPS Ordinance for the Village of Volente.

Roofline means the height of the roof excluding any peaks representing less than ten percent of the profile of the roof.

Safety services means a facility to conduct public safety and emergency services, including police and fire protection services and emergency medical and ambulance services.

Salvage Processing means the method or action to enhance recyclable materials for reuse, including, but not limited to, separating, baling, flattening, shredding, crushing, cleaning or cutting for the purpose of preparing recyclable materials for reuse, excluding a smelter operation.

Same Ownership means ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations in which a stock holder, partner, or associate or a member of his or her family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

School (Business) means a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including a commercial trade school.

School (Commercial Trade) means a business organized to operate for a profit and offering instruction and training in a trade such as welding, brick laying, machinery operation, mechanics and similar trades.

School (Public or Denominational) means a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to public elementary or secondary schools, but not including trade or commercial schools.

Servants Quarters means an accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Setback Line or Building Setback Line means a line that marks the setback distance from the property line, and establishes the minimum required front, side or rear yard space of a building plot.

Shopping Center means a composite arrangement of shops and stores which provides a variety of goods and services to the general public, when developed as an integral unit.

Shrub means any self-supporting woody evergreen and/or deciduous species.

Side Yard means a space extending from the front yard to the rear yard between the setback line and the side lot line measured perpendicular from the side lot line to the closest point of the setback line.

Sign (See Sign Ordinance.)

Significant Tree means a living tree that the Qty desires to preserve to the greatest extent possible. All trees larger than eight (8) inches in caliper are significant trees.

Single family attached means the use of a series of sites for two or more dwelling units, constructed with common or abutting walls and each located on a separate lot within the total development site.

Single family detached means the use of a lot for only one dwelling unit.

Single Family Dwelling means a building designed for or occupied exclusively by one (1) household. See: Single family detached.

Site Plan means a plan showing the use of the land, to include locations of buildings, drives, sidewalks,

parking facilities, temporary and permanent erosion/sedimentation controls, and other structures to be constructed.

Slope means the vertical change in grade divided by the horizontal distance over which that vertical change occurred. The slope is usually given as a percentage.

Social Club means a building or portion thereof or premises used or operated for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Square Foot or Square Feet means the square footage computed from the outside dimensions of the dwelling or structure, excluding attached garages, attics, basements, open or screened porches.

Stable means an accessory building for quartering horses for private use of the resident when the stable building is set back from all adjacent property lines at least fifty (50') feet, is at least one hundred (100') feet from any adjacent residence and when the site contains minimum area of one (1) acre.

Stable, Riding means an accessory building for quartering horses for commercial or private riding lessons, boarding, training or renting of horses when the stable building is set back from all adjacent property lines at least one-hundred fifty (150') feet, contains a minimum of three acres of land and holds a Conditional Use Permit.

State Health Department means the Texas Department of Health or the Texas Commission on Environmental Quality (TCEQ), as applicable.

Storage and Distribution means an establishment offering wholesaling, storage and warehousing services of non-hazardous materials in enclosed structures.

Storage Garage means any premises and structure used exclusively for the storage of more than five (5) automobiles.

Story means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

Street means any public or private right-of-way that affords the primary means of vehicular access to abutting property.

Street Line means that line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the streets.

Street Side Yard means an area between any required building setback line and the side property line abutting a public right-of-way, and measured perpendicular to the building to the closest point of the side property line abutting the right of way.

Structural Alterations means any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

Structural Integrity means the ability of a structure to maintain stability against normal forces experienced by said structure.

Structure means any building or anything constructed or erected on the ground or which is attached to

something located on the ground. Structures include buildings, telecommunications towers, sheds, parking lots that are the primary use of a parcel and permanent signs. Sidewalks and paving shall not be considered structures unless located within a public utility or drainage easement.

Structure Principal means the principal structure which fulfills the purpose for which the building plot is intended.

Subdivision means the division or redivision of land into two (2) or more lots, tracts, sites or parcels for the purpose of development, laying out any addition to the City, or for laying out any subdivision or building lots, or any lot, street, alley, access easement, public utility easement, park or other portion intended for use by the public, or for the use of any owner, purchaser, occupant, person or entity.

Swimming Pool (Commercial) means a swimming pool with accessory facilities that is not a part of the municipal or public recreational system or a private swim club and that is available to the general public for a fee.

Swimming Pool (Private) means a swimming pool constructed for the exclusive use of the residents of a single family or multi-family dwelling, or other residential dwelling, located and fenced in accordance with City regulations and not operated as a business or maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Tavern means an establishment required to have a state permit for the sale and on-premises consumption of beer, that is not licensed or permitted to sell any other alcoholic beverage.

Telephone Exchange means switching relay and transmitting equipment, but not including public business facilities, storage or repair facilities.

Temporary Field or Construction Office means a structure or shelter used in connection with a development or building project, for housing on site the temporary administrative and supervisory functions, and for sheltering employees and equipment, related to the development.

Tourist Home means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Traffic Impact Analysis (TIA) means a study of the impacts of a development on the City's transportation system.

Trailer Camp or Park means an area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

Transportation services means a facility for loading, unloading, and interchange of passengers and baggage, between modes of transportation, including bus terminals, railroad stations and public transit facilities utilizing park and ride stations.

Tree means any self-supporting woody plant species that normally grows to an overall minimum height of fifteen (15) feet.

Tree Survey means a scaled drawing accurately showing the location, Caliper and Critical Root Zone of Significant Trees in relation to the property boundaries.

Two (2) Family Dwelling means a building designed for or occupied exclusively by two (2) families.

Upholstery Shop means a business establishment engaged in the installation of soft covering material such as fabric and underlayment for furniture and other objects. Except however, with respect to motor vehicles and watercraft, it shall only include interior upholstering. In no event shall an upholstery shop include the manufacture or building of furniture or other objects.

Urbanization means the process of constructing public improvements required to support suburban or urban land use.

Utilities Other than Listed means any utility requiring a franchise, such as closed circuit television, distribution of steam, hot or chilled water or similar service requiring the use of public streets or easements.

Variance means an adjustment in the application of the specific regulations of this ordinance to a particular parcel of property that, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

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

Veterinary hospital means an establishment offering veterinary services and clinics for pets, small and/or large animals. Typical uses include pet clinics, care, treatment and temporary housing of livestock and large animals, with temporary housing of large animals permitted in an attached or adjacent roofed building, with three (3) or more sides having walls or a solid fence extending from the foundation to at least 3/4 of the distance to the roof line.

Veterinary services means an establishment offering veterinary services and clinics for pets and small domestic animals, with all activities and work in-doors.

Video rental store means an establishment engaged in the sale or rental of motion pictures or games.

Vines means any woody or herbaceous plants, which may cling by twining, by means of aerial rootlets or by means of tendrils or which, may simply sprawl over the ground or other plants.

Warehouse means an establishment engaged in the storage of merchandise or commodities in an enclosed structure.

Watershed means area from which stormwater drains into a given basin, river or creek.

Waterway means any natural or man-made channel conducting storm water from a two(2) year storm event at a depth of eight (8) inches or more and at a rate of fifteen (15) cubic feet per second or more. Street pavement shall in no instance be considered a waterway.

Wood Yard means a tract of property used for the storage of wood either for use as firewood or as a building material, containing a fence for safety and security.

Working Days means Monday through Friday exclusive of City recognized holidays.

Wrecking Yard means any lot, tract, building or structure upon which used automobiles or parts of used automobiles or other motor vehicles are stored for the primary purpose of obtaining parts for resale as an automotive or motor vehicle part.

Yard means an open space at grade between the principal and accessory buildings and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

Yard Depth means the shortest distance between a lot line and a yard line.

Yard, Front A yard extending across the front of a lot between the side lot lines, and being the minimum horizontal distance between the street easement line and the main building or any projections thereof other than the projections of the usual steps, balconies or bays, or unairconditioned porch. On corner lots the front yard shall be considered as parallel to the street upon which the yard has its least dimension.

Yard Line means a line drawn parallel to a lot line at a distance therefrom equal to the depth of the required yard.

Yard, Rear means 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 steps, balconies or bays, or unairconditioned porches, accessory dwellings or detached garages.

Yard, Side means 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 any building on the lot, or any projections thereof.

Zoning means the division of a municipality into districts in an effort to achieve compatible land use relationships, and the associated establishment of regulations governing the use, placement, spacing and size of land and buildings in order to achieve that compatibility as defined in *Chapter 211 of the Texas Local Government Code*

Zoning Map means the official certified map showing the division of the City into districts, which is a part of this zoning ordinance.

Zoning (Spot) means the zoning or rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive plan.

Zoning (Strip) means, typically, commercial and/or retail zoning proposed to accommodate commercial or retail development, fronting a portion of a major street, usually one lot deep.

Zoo (Private) means a facility housing and displaying live animals, reptiles or birds, privately owned and operated for a fee or for the promotion of some other enterprise.

Zoo (Public) means a publicly owned zoo or similar facility owned and operated by a governmental entity or nonprofit zoological society where live animals, birds and reptiles are domiciled and displayed.

ANY DEFINITION NOT EXPRESSLY PRESCRIBED HEREIN SHALL, UNTIL SUCH TIME AS DEFINED BY ORDINANCE, BE CONSTRUED IN ACCORDANCE WITH CUSTOMARY USAGE IN MUNICIPAL PLANNING AND ENGINEERING PRACTICES.

Section 6. Application. The provisions of this Ordinance shall, except as specifically provided otherwise in this Ordinance, apply to all land within the jurisdiction of the City.

Section 7. Exemptions. The provisions of this Ordinance shall not: (a) prohibit the continuation of plans, construction or designed use of a building for which a building permit was lawfully issued and which (i) is

completed in its entirety within one (1) year from the effective date of this Ordinance; and (ii) for which construction shall have been started within ninety (90) days after the effective date of this Ordinance; provided that any such building, construction or use that is not in compliance with this Ordinance shall be a nonconforming use; or

(b) Apply to permits or commitments given by the City with reference to construction of public utility buildings prior to the passage of this Ordinance.

Section 8. Enforcement of Regulations. (a) No building permit, certificate of occupancy, plumbing permit, electrical permit, or utility tap shall be issued by the City for or with respect to any lot, tract or parcel of land within the City limits that is developed, or proposed to be developed, after the effective date of this Ordinance, until all applicable requirements of this Ordinance have been satisfied and accepted by the City.

(b) This Ordinance may be further enforced by injunction and other judicial proceedings, either at law or in equity; and, in lieu of or in addition to any other authorized enforcement or action taken, any person who violates any term or provision of this ordinance, with respect to any land or development within the City, by fine and penalties as provided herein.