

**ARTICLE XXXIV.
DEFINITIONS**

(Amended Ord. No. 1670, 11/20/90); (Ord. No. 3653, 12/09/14); (Ord. No. 3716, 12/01/15); (Ord. 3763, 09/06/16); (Ord. No. 3891, 12/11/18); (Ord. No. 3939, 12/13/19); (Ord. 3943, 02/01/20); (Ord. No. 3980, 09/15/20); (Ord. No. 4035, 10/12/21); (Ord. No. 4043 12/07/21); (Ord. No. 4066, 04/05/22, Ratified by Ord. 4085 on 06/21/22); (Ord. No. 4127 02/07/23); (Ord. No. 4541, 12/05/2023)

SECTION A. GENERAL.

For the purpose of this ordinance, the following words and terms as used herein are defined to mean the following.

1. Words contained in this section are those having a special meaning relative to the purposes of this Ordinance. In the interpretation of this Ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise.
2. Words used or defined in one tense or form shall include other tenses and derivative forms.
3. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
4. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
5. The word “shall” is mandatory.
6. The word “may” or “should” is permissive.
7. The word “person” includes individuals, firms, corporations, associations, trusts, and any other similar entities.
8. The word “City” shall refer collectively to the City of Carrollton.
9. The word “Board” shall mean the Board of Adjustment.
10. The word “Commission” shall mean the Planning and Zoning Commission.
11. The words “Recorder” and “Recorder of Deeds” shall mean the County Recorder.
12. In case of any difference of meaning or implication between the text of this Ordinance and its caption, illustration, or table, the text shall control.
13. All provisions of this Ordinance shall be construed to be in addition to all other applicable laws, ordinances and rules of the federal government, the State of Texas or a Constituent Jurisdiction; and in case of any conflict between this Ordinance and any such other law, ordinance or rule, the more restrictive shall prevail.
14. The words “include” and “including” mean include or including by way of illustration and not by way of limitation.

ART. XXXIV DEFINITIONS

SECTION B. TERMS AND DEFINITIONS.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure detached from the main building and having a use customarily incidental to and located on the same lot occupied by the main building. *(Ord. No. 2099, 09/05/95)*

ACCESSORY USE: A use customarily incidental to the main use of the property. *(Ord. No. 2099, 09/05/95)*

ADJACENT: Having property or district lines in common.

ADULT ARCADE: Any place to which the public is permitted or invited wherein coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified anatomical areas" or "specified sexual activities," as herein defined.

ADULT BOOKSTORE: A commercial establishment which has devoted a substantial or significant portion of its business to the sale, rental or any form of consideration, of any one or more of the following:

- a. Books, magazines, periodicals or other printed matter, photographs, films, motion pictures, video cassettes, video tapes, or other video reproductions, slides, or other visual representations which depict or describe "specified sexual activities" or "specified anatomical areas"; or
- b. Instruments, devices, or paraphernalia which depict "specified anatomical areas" or are designed for use in connection with "specified sexual activities".

ADULT CABARET: A nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. Person or persons who appear in a state of nudity; or
- b. Live performances which are characterized by the exposure of "specified anatomical areas", or by "specified sexual activities", including topless or bottomless dancers, exotic dancers, or strippers; or
- c. Films, motion pictures, video cassettes or tapes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT MOTION PICTURE THEATER: A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes or tapes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT THEATER: A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, or live performances which are characterized by the depiction or description of "specified sexual activities" or the exposure of "specified anatomical areas."

ART. XXXIV DEFINITIONS

AGRICULTURE: The planting, cultivating, harvesting and storage of grains, hay or plants, vegetables, fruits, or vineyards.

The raising and feeding of livestock and poultry shall be considered an agricultural use if the area in which the livestock or poultry is kept is five acres or more in area, and if such raising of livestock and poultry is incidental or supplemental to the raising of crops and is not primarily for the raising or fattening of livestock.

A feed lot exclusively for the fattening of livestock is not considered an agricultural use. The processing and/or storage of raw agricultural products, including facilities such as cotton gins and grain elevators, shall not be considered an agricultural use if such use constitutes the main or principal use on a lot or parcel. (See FARM, ORCHARD, OR RANCH)

AIRPORT HAZARD: Any building, structure, tree, sign, vehicle, utility pole, transmission line, or use of land which obstructs the air space required for the flight of aircraft in landing or taking off at an airport, or is otherwise hazardous to such landing or taking off of such aircraft. (*Ord. No. 1844, 11/03/92*)

ALCOHOLIC BEVERAGE: The meaning provided in the Texas Alcoholic Beverage Code.

ALCOHOLIC BEVERAGE SALES, ON-PREMISE: An establishment that derives 75 percent or more of the establishment's gross revenue from the on-premise sale of alcohol beverages.

ALLEY: A public way, public space or thoroughfare which affords only secondary means of access to property abutting thereon.

ALTERATION: Any addition, removal, extension, or change in the location of any exterior or interior wall of a main building or accessory building or change or modification in construction or occupancy.

AMUSEMENT ARCADES: Any place or establishment wherein more than four coin-operated, slug- or token-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or skill machines, are located, whether operable or inoperable. Such machines shall include, but not be limited to, billiard tables, pool tables, and video games and simulated gambling device versions of bingo, keno, blackjack, video lottery terminals (VLT's), roulette, video poker, or facsimile thereof, that operate by chance or partially so. (*Ord. No. 3331, 10/06/09*)

AMATEUR RADIO/TELEVISION TOWERS: An antenna utilized for communication purposes in conjunction with a citizen band or amateur radio station, and including any tower, mast or structure for the support thereof. This definition shall also include such anchors, anchor supports or guy wires associated with the structure, but shall not include any antenna used for commercial communications or radio broadcasting operations.

ANTIQUÉ SHOP: A retail establishment engaged in the sale of works of art, furniture, or other artifacts of an earlier period. Pawn shops and flea markets, as herein defined, shall not be considered as antique shops.

ART. XXXIV DEFINITIONS

APARTMENT: A dwelling unit designed or occupied as a residence by a single family, individual or group of individuals.

ARTISAN WORKSHOP: Small workspace/studio without commercial truck traffic. A production process characterized by minimal automation and little division of labor; highly skilled craftsman assemble or fabricate custom products in lesser quantities. Participants in an artisan process may be self-employed or employed by a smaller-scale business; excludes repair.

ASSEMBLY, PRODUCT: A principal use involving the joining, bolting, interlocking or other similar process of fitting together separate, pre-manufactured parts or components into a finished product, as well as packaging products. This definition does not include the mechanical or chemical transformation of raw materials or substances into new products; see Manufacturing.

AUTOMATED TELLER MACHINE (ATM): An unmanned, free-standing structure that performs banking financial functions at a location that may be separate from the controlling financial institution. *(Ord. No. 3943, 01/14/20)*

AUTOMOBILE: A two to four-wheeled, self-propelled vehicle designed for passenger transportation, and commonly propelled by an internal combustion engine. Vehicles include light load trucks and motorcycles.

AUTOMOBILE, MOTOR VEHICLE, AND WATERCRAFT PARTS SALES: The display and sales of new or used parts for automobiles, motor vehicles, watercraft, or recreational vehicles. All display and sales of new or used parts shall be completely located within an enclosed building. This definition shall not include motor vehicle wrecking or salvage yards.

AUTOMOBILE OR LIGHT LOAD TRUCK REPAIR GARAGE: A garage or portion thereof in which the repair and maintenance of automobiles and light load trucks, as herein defined, takes place, but excluding the outdoor storage of vehicle parts or inoperative automobiles or light load trucks. This definition shall not include reupholstery, body repair or painting activities or services. (See GARAGE, REPAIR)

AUTOMOBILE OR LIGHT LOAD TRUCK SALES: The display and sales of new and used automobiles and light load trucks, as herein defined, with incidental parts sales, maintenance, and repair facilities. Such incidental parts sales, maintenance, and repair facilities shall be completely located within an enclosed building.

AWNING: Roof-like cover entirely supported by and extending from a building for protecting items or openings therein, from the elements.

BANK, SAVINGS AND LOAN, OR CREDIT UNION: A professional and general administrative office establishment for the custody, loan, exchange, investment, or issue of money, the extension of credit, and/or facilitating the transmission of funds.

BASE FLOOD: The flood having a one percent chance of being equaled or exceeded in any given year.

ART. XXXIV DEFINITIONS

- BASEMENT OR CELLAR:** As such terms are defined by the building code of the City of Carrollton.
- BATCH PLANT:** A temporary or permanent facility for the production and manufacture of asphalt or concrete.
- BED AND BREAKFAST:** A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days and which is permanently occupied by the property owners listed on the county appraisal districts records for which the property is located. (*Ord. No. 4127, 02/07/23*)
- BEDROOM:** A room in a dwelling used for sleeping purposes, other than a kitchen, dining room, living room, bathroom or closet. This definition shall include extra dining rooms, living rooms, and all dens, studies, game rooms, sunrooms or similar extra rooms, all of which are capable of being used as bedrooms.
- BLOCK:** An area within the city enclosed by streets and occupied by or intended for buildings; or, if this word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.
- BOARDING, LODGING OR ROOMING HOUSE:** A building other than a hotel, where lodging and meals for five or more persons are served for compensation.
- BOOKING SERVICE:** Is any reservation and/or payment service provided by a person or entity that facilitates a hotel, short-term rental, or bed and breakfast transaction between the Owner and a prospective Occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the hotel, short-term rental or bed and breakfast transaction. (*Ord. No. 4127, 02/07/23*)
- BREEZEWAY:** A covered passage one story in height connecting a main structure and an accessory building.
- BRICK OR STONE:** Brick, thin brick, real or manufactured stone.
- BUFFER:** Land area used to physically separate one use from another, or to shield or block noise, light, visual intrusions or other nuisances.
- BUILDING:** Any structure used or intended for supporting or sheltering any use or occupancy. (See STRUCTURE)
- BUILDING COVERAGE:** The proportion of a lot or site covered or permitted to be covered by a building or structure.
- BUILDING, END OF:** Those sides of the building having the least dimensions and in which doors or openings are not customarily provided for ingress or egress.

ART. XXXIV DEFINITIONS

BUILDING FACING THE SQUARE: Those buildings in the (TC) Transit Center District that are located on properties which directly face the square and buildings on corner lots which are located diagonally across an intersection from the square. *(Ord. No. 1659, 10/02/90); (Ord. No. 3331, 10/06/09)*

BUILDING HEIGHT: As defined by the adopted International Building Code, as amended. *(Ord. No. 2773, 02/04/03)*

BUILDING LINE: A line designated on an approved subdivision plat which is parallel or approximately parallel to a street, beyond which buildings may not be erected.

BUILDING OFFICIAL: The administrative official of the City of Carrollton responsible for issuing permits and enforcing the Zoning Ordinance and building codes of the City.

BUSINESS SUPPORT SERVICES: An establishment primarily engaged in providing services primarily to business enterprises on a fee or contract basis, including, but not limited to, advertising agencies, computer programming and software services; office equipment sales, rental, leasing, or repair; printing/copy services, photo finishing, and information services. Excludes automotive, motor vehicle, watercraft, and garage repair or with storage automobile, motor vehicles, watercraft, or travel trailers.

CABANA, PAVILION OR GAZEBO: A secondary structure on a lot incidental to a swimming pool or recreational area but excluding sleeping and kitchen facilities. *(Ord. No. 1670, 11/20/90)*

CARETAKER OR NIGHTWATCHMAN QUARTERS: A residence or facility located on the premises of a non-residential use. Such residence or facility shall be occupied only by a caretaker, guard, or night watchman employed on the premises.

CARNIVAL OR CIRCUS: A temporary traveling show or exhibition usually housed in tents and which has no permanent structure or installation.

CARPORIT: A roofed structure which may be attached or unattached to the principal structure providing space for the storage of one or more automobiles, light load truck, or travel trailer and enclosed on not more than two sides.

CAR WASH: A structure or facility used to wash automobiles, motorcycles, trucks, and other light load vehicles.

CERTIFICATE OF OCCUPANCY: Official certification which permits the use of a building in accordance with the approved plans and specifications and which certifies compliance with the provisions of law for the use and occupancy of the building in its several parts together with any special stipulations or conditions of the building permit.

CITY: The City of Carrollton, Texas.

CITY COUNCIL: The governing or legislative authority of the City of Carrollton.

ART. XXXIV DEFINITIONS

CLASSROOM: Any room, including laboratories, in which classes are conducted at a school, church or other educational facility, but excluding hallways and other common areas, auditoriums, sanctuaries, gymnasiums, cafeterias, libraries, storage and maintenance areas, and administrative offices.

CLINIC: An institution or facility for examining, consulting with or treating patients, including offices, laboratories and out-patient facilities, but not including hospital beds and rooms for acute or chronic care.

COMMERCIAL: Any business, other than a home occupation or manufacturing business, which involves the exchange of goods or services for the remuneration of a person occupying the premises upon which the transaction or part thereof takes place.

COMMERCIAL AMUSEMENT, INDOOR: An enterprise providing for indoor recreational activities, services, amusements, and instruction for an admission fee. Uses may include, but are not limited to, bowling alleys, ice- or roller-skating rinks, bingo parlors, and/or practice areas. Uses do not include amusement arcades, or sexually oriented businesses.

COMMERCIAL AMUSEMENT, 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/golf range, go-kart tracks, and carnivals.

COMMISSION: The Planning and Zoning Commission of the City of Carrollton.

COMMUNICATION EQUIPMENT: Any communication antenna or device attached to an existing structure, not to exceed 15 feet in height above the existing structure.

COMMUNICATIONS TOWER: A free-standing structure, other than an amateur radio/tv tower for citizen band and amateur radio communications, designed, constructed, and utilized for communication and broadcasting. This definition shall include radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and all communication equipment or antennas. Communication towers shall be in accordance with Article XXI, Special Use Permits.

COMMUNITY HOMES: A facility meeting the requirements and licensed under the Texas Human Resources Code.

CONDOMINIUM: The separate ownership of single units or apartments in a multiple unit structure or structures with common elements as defined in Article 81.002 of Vernon's Annotated Civil Statutes.

CONTRACT CONSTRUCTION SERVICES: Any premises used for the storage, accumulation, stocking, or depositing of materials, tools, products, or equipment on a temporary or permanent basis for eventual use or sale by an electrician, plumber, carpenter, or any other type of building, construction or manufacturing trade, provided that such activities are conducted completely within an enclosed building. Provided, however, that the temporary or overnight on-premises parking of motor vehicles and outside storage of equipment or materials for eventual use or sale shall be allowed as an accessory use. *(Ord. No. 1705, 05/07/91)*

ART. XXXIV DEFINITIONS

CONTRACTOR STORAGE YARD: Any premises where the principal use is for the outside storage, accumulation, stocking, or depositing of materials, tools, products, equipment or vehicles on a temporary or permanent basis for eventual use or sale by an electrician, plumber, carpenter, or any other type of building, construction or manufacturing trade. *(Ord. No. 1705, 05/07/91)*

COUNTRY CLUB: An area containing a golf course and a club house available only to the membership of the country club and their guests, including facilities for dining and entertainment, swimming, tennis and similar recreational facilities and services.

COURT: A space open and unoccupied to the sky bounded on more than two sides by the walls of the 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 permanently open space.

CUL-DE-SAC: A local street with only one outlet and having a terminal of sufficient width for the reversal of traffic movement.

DAY CARE CENTER, ADULT: An establishment that provides counseling, recreation, supervision, or food, or any combination of these services on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the establishment. Clients of an adult day care center shall not require institutionalization in a hospital; nursing or convalescent home; respite, personal care or custodial care home; or similar specialized facility. Hours of operation shall not exceed the period between 6:00 a.m. and 12:00 midnight.

Such establishment shall not accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others, and shall not constitute a halfway house, rehabilitation facility, or any other type of facility whereby individuals receive guidance or assistance in the transition from institutional care to normal social activities. Medical treatment or rehabilitative services shall not be provided in an adult day care center.

An adult day care center shall be licensed and operated in a manner consistent with such standards as may be promulgated by the Texas Department of Health and the Texas Department of Human Services. *(Ord. No. 1573, 09/05/89)*

DAY CARE HOME, ADULT: An establishment that provides counseling, recreation, supervision, or food, or any combination of these services on a daily or regular basis, but not overnight, to three or fewer elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the establishment. Clients of an adult day care home shall not require institutionalization in a hospital; nursing or convalescent home; respite, personal care or custodial care home; or similar specialized facility.

Hours of operation shall not exceed the period between 6:00 a.m. and 12:00 midnight. The licenseholder, operator, director, or person otherwise responsible for the operation and provision of care within the facility, shall maintain his or her primary residency in the dwelling within which such facility is located. An adult day care home shall be accessory to the full-time residency of the dwelling.

ART. XXXIV DEFINITIONS

A minimum floor area of 50 square feet of living space shall be required per client. Such floor area shall be calculated exclusive of the kitchen and food service or dining area, restrooms, bath areas, offices, corridors, stairways, garages, storage areas, and outdoor spaces. A minimum of 200 square feet of site area shall be provided per client.

Such establishment shall not accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others and shall not constitute a halfway house, rehabilitation facility, or any other type of facility whereby individuals receive guidance or assistance in the transition from institutional care to normal social activities. Medical treatment or rehabilitative services shall not be provided in an adult day care home.

An adult day care home shall be licensed and operated in a manner consistent with such standards as may be promulgated by the Texas Department of Health and the Texas Department of Human Services. *(Ord. No. 1573, 09/05/89)*

DAY CARE SERVICES, CHILD: As defined by the North American Industry Classification System (NAICS), 2007 edition, provided however that this definition shall specifically include “Day Care Center” as defined and regulated by Chapter 42 of the Human Resources Code and the Texas Administrative Code of the State of Texas as may be amended, and in accordance with such standards as may be promulgated by the Texas Department of Family and Protective Services. *(Ord. No. 3587, 12/03/13)*

Day Care Centers provide care at a location other than the residence of the director, owner or operator of the facility for seven or more children under 14 years of age for less than 24 hours a day but at least two hours a day, three or more days a week.

This definition shall not include Registered & Licensed Child Care Homes or Listed Family Homes.

DAY LABOR EMPLOYMENT PLACEMENT AGENCY: Establishments primarily engaged in referring or placing applicants for day labor employment. The individuals placed are not employees of the employment agency. *(Ord. No. 2866, 12/16/03)*

DENSITY: The ratio of the number of dwelling units per net acre of platted area being developed. Net acre shall be defined as the acreage of a site less any existing or proposed rights-of-way, or flood plain that is not either reclaimed or substantially improved as open space and incorporated into the project.

DISABLED PERSON: A handicapped person. *(Ord. No. 1573, 09/05/89)*

DISCONTINUED: The cessation of any use, activity or business activity. *(Ord. No. 2258, 04/15/97)*

DISTRICT: A zone or geographic area in the City of Carrollton within which certain zoning or development regulations apply.

DRIVE THROUGH WINDOWS: An accessory use providing drive up services and goods to customers in motor vehicles including but not limited to a limited service restaurant, office uses, retail, dry cleaning and laundry services.

ART. XXXIV DEFINITIONS

DRY CLEANING AND LAUNDRY SERVICES, MAJOR: An industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis including industrial launderers.

DRY CLEANING AND LAUNDRY SERVICES, MINOR: A custom cleaning shop or pick-up station not exceeding 3,000 square feet of floor area and includes laundromats. Excludes major dry cleaning and laundry services.

DWELLING: Any building, or portion thereof, which is designed for use for residential purposes.

DWELLING UNIT: A single living unit providing complete, independent living facilities for one family or persons maintaining a common household, and including a residential kitchen, bathroom, and provisions for living, sleeping, and sanitation; accessible independently of another dwelling unit or portion thereof (SEE RESIDENTIAL KITCHEN). Dwelling units do not include hotels, motels, inns, bed and breakfasts, short-term rentals, or non-residential uses where rooms are rented for less than one month. (*Ord. No. 1739, 10/01/91; Ord. No. 4541, 12/05/2023*)

DWELLING, ATTACHED: A dwelling having any portion of one or more walls in common with adjoining dwelling units.

DWELLING, DETACHED: A dwelling unit having open space on all sides.

DWELLING, DUPLEX: A detached building containing not more than two dwelling units, whereby both individual dwelling units within the building are located on the same lot of record and separated by a party wall or abutting wall. (Reference Figure 1.1, Appendix A)

DWELLING, MULTIFAMILY: A building or use designed for occupancy by three or more dwelling units on a single lot. (See MULTIFAMILY APARTMENT BUILDING OR COMPLEX)

DWELLING, SINGLE-FAMILY ATTACHED: A single-family attached dwelling unit located on a separately platted lot of record which is joined to another dwelling unit on one or both sides by a common wall. (Reference Figure 1.1, Appendix A)

DWELLING, SINGLE-FAMILY DETACHED: A detached building having accommodations for, and occupied by not more than, one family.

DWELLING, TOWNHOUSE: A single-family attached building containing separate dwelling units each located on separately platted lots of record with units separated by a party wall or abutting wall on one or both sides. (Reference Figure 1.1, Appendix A)

EASEMENT: A grant of one or more of the property rights by the property owner to and/or for the use or benefit by the public, a corporation, or other person or entity. An easement shall be identified on a subdivision plat, filed for record with the appropriate county clerk, and cannot be varied or altered by action of the Board of Adjustment.

ART. XXXIV DEFINITIONS

EFFICIENCY APARTMENT: An apartment having a combination living and bedroom, where no separate bedroom exists.

EGRESS: A place or means of exit.

ELDERLY PERSON: A person 65 years of age or older. *(Ord. No. 1537, 09/05/89)*

EMERGENCY MAINTENANCE AND REPAIR: Any work, necessitated by emergency or sudden and unforeseeable event, without which a structure, object, or site, or any part thereof, is likely, in the opinion of duly authorized officers of the City of Carrollton, to result in additional deterioration or damage to said structure, object or site, or without which said structure, object or site poses an immediate threat to life, health or safety of the populace. *(Ord. No. 2706, 07/16/02)*

EMPLOYMENT SERVICES: Establishments primarily engaged in one of the following:

- a. Listing employment vacancies and referring or placing applicants for employment;
- b. Providing executive search, recruitment, and placement services.

ERECTED: Built, constructed, raised, altered, reconstructed, moved upon; any physical operations on the premises which are required for construction of a building, structure, or facility.

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

ESCORT AGENCY: A person or business association which furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

EVENT CENTERS AND RECEPTION HALLS: A facility utilized to hosting parties, banquets, weddings or other receptions, or social events in a room or building. Event centers and reception halls shall be in accordance with Article XXI Special Use Permits of the Comprehensive Zoning Ordinance, as amended.

FACING A PUBLIC STREET: Where the projection of any exterior elevation of a building onto the adjacent public street between an imaginary extension of the side property lines is equal to or greater than 20 percent of such elevation. Such measurement shall take into account any existing intervening structures, such as buildings or any opaque screening wall that is erected to satisfy a requirement of this ordinance, but shall not include intervening landscape material, signs, utility poles, flagpoles, chain link fences or any fence erected at the option of the property owner which is not specifically required to satisfy a provision of this ordinance. *(Ord. No. 1557, 07/11/89)*

FALSE FRONT: The exterior wall of a building located in the (TC) Transit Center District which rises from the sidewalk to a minimum of two feet above the intersecting roof line, concealing any visibility of the roof from the adjacent public street. *(Ord. No. 1659, 10/02/90); (Ord. No. 3331, 10/06/09)*

ART. XXXIV DEFINITIONS

FAMILY: Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption.

FARM, ORCHARD, RANCH: An area of five acres or more which is used for growing usual farm products, vegetables, fruits, trees, and grain, and for the raising thereon of the usual farm poultry and farm animals such as horses, cattle, and sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises; but excluding the commercial feeding of offal or garbage to swine or other animals, including feed lots. The processing and storage of raw agricultural products, such as cotton gins and grain elevators, shall not be considered a farm, ranch or orchard if such constitute the main or principal use on the lot or parcel. (See AGRICULTURE)

FEEDER LINE: Any line, wire, or cable which distributes, transmits or delivers a utility service to a general area and not to a specific end user.

FLAMMABLE OR COMBUSTIBLE LIQUIDS, OR HAZARDOUS MATERIAL: As defined by the Fire Code, as adopted by the City of Carrollton.

FLOOD PLAIN: An area of land subject to inundation by a 100-year frequency flood.

FLOODWAY: The channel of a river or other watercourse and the adjacent land areas required to carry and discharge a flood of a given magnitude.

FLOOR AREA: The total square footage of floor area within the outside dimensions of a building, including each floor level, or an accessory building or structure. Floor area calculations for buildings exclude breezeways, porches, carports, garages, accessory buildings or structures, or areas devoted to the off-street parking of vehicles. (See MINIMUM SQUARE FOOTAGE OF DWELLING UNIT)

FLOOR AREA RATIO: An indicated ratio between the number of square feet of total floor area of building(s) on a lot and the total square footage of land in the lot.

Floor Area

$$\text{Lot Area} = \text{Floor Area Ratio}$$

(Reference Figure 1.3, Appendix A)

FOOD SERVICE FACILITY: A food service establishment with an equipped kitchen within a self-contained temporary structure. The temporary structure cannot operate for more than 6 months on the same lot for any consecutive 12-month period, measured from the date of commencement of the use. The temporary structure may be renewed for one additional 6-month period upon approval of the city manager or designee. (Ord. No. 3980, 09/15/20)

FOOD TRUCK OR FOOD TRAILER: A self-propelled motorized vehicle or tow-behind trailer equipped to cook, prepare, serve, or sell food. (Ord. No. 3980, 09/15/20)

FREESTANDING BUILDING: A building, structure, or premises which stands independently and separately, and which is not connected to any other building, structure, or premises by any means of support or attachment, including but not limited to a common wall, roof, or breezeway.

ART. XXXIV DEFINITIONS

FREEWAY: A continuous thoroughfare designed to give preference to through traffic by providing grade-separated connections only with selected arterials and by prohibiting crossings at grade and direct private driveway connections.

FRONT: That portion of a building, structure, lot or parcel of land which faces or abuts the street upon which such building, structure, lot or parcel of land is addressed.

FRONTAGE: All of the property measured along the property line abutting on one side of the street upon which such property is addressed.

GARAGE APARTMENT: A dwelling unit attached to or erected above a private garage.

GOVERNMENT FACILITY: Any place or facility owned or operated by the school district, municipal, county, state, or federal government. Government facilities shall include amphitheaters, auditoriums, cemeteries, libraries, museums, post offices, public office and administrative buildings (including City Hall), police or fire stations, public plazas and open space, recreation centers and facilities, stadiums, arenas, convention or civic centers; but excluding storage and maintenance facilities, facilities for public utilities, including substations, treatment, generation or pump facilities, or landfills or disposal facilities.

GARAGE, PRIVATE (RESIDENTIAL): An accessory building or a portion of a residence of a dwelling unit(s) for the storage or parking of motor vehicles as may be required in connection with the permitted use of the main building.

GARAGE, REPAIR: A building or portion thereof, designed or used for the storage, sale, hiring, care or repair of motor vehicles or watercraft, which is operated for commercial purposes, but excluding reupholstery, body repair or painting activities or services. (See AUTOMOBILE REPAIR GARAGE)

GARDEN HOME: A single-family attached dwelling. (See DWELLING, SINGLE-FAMILY ATTACHED)

GRADE: As defined by the adopted International Building Code, as amended. (*Ord. No. 3331, 10/06/09*)

GROSS LEASABLE AREA: The total floor area designed for occupancy and exclusive use. The area of tenant occupancy shall be measured from the centerlines of joint partitions to the outside of the tenant walls.

GUEST HOUSE: A secondary structure on a lot which may contain dwelling accommodations for the temporary occupancy by guests, but which is not for rent, lease or permanent occupancy. Such building shall not have a separate utility meter or kitchen facilities. Kitchen facilities may be provided in accordance with Article VII of this ordinance. (*Ord. No. 1947, 10/19/93*)

HANDICAPPED PERSON: A person who has a physical or mental impairment, or both, which substantially limits one or more of such person's life activities; who has a record of having such an impairment; or who is regarded as having such an impairment. Such term does not include current illegal use of, or addiction to, a controlled substance, as defined in Section 102 of the Controlled Substance Act, as amended.

ART. XXXIV DEFINITIONS

HEALTH/FITNESS CENTER PRIVATE: A 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 combinations of uses or facilities would typically include, but are not limited to, outdoor game courts (unlighted) and indoor game courts, weightlifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

HEALTH/FITNESS CENTER PUBLIC: A public facility operated to promote physical health and fitness. Activities may include exercise, physical therapy, training, and education pertaining to health and fitness. Uses or combinations of uses or facilities would typically include, but are not limited to, indoor or outdoor game courts, weightlifting and exercise equipment, aerobics, swimming pools and spas, and running or jogging tracks.

HEAVY EQUIPMENT: Machinery, apparatus or implements which include, but are not limited to construction and/or earth moving equipment, forklifts, and other related equipment.

HISTORIC DISTRICT: An area of the city designated by ordinance of the City Council, which possesses definable geographic boundaries, a significant concentration, linkage, or continuity of sites, buildings or structures united historically or aesthetically by plan or physical development. *(Ord. No. 2706, 07/16/02)*

HISTORIC LANDMARK: An individual site, place, building, structure or object, designated by ordinance by the City Council, as worthy of rehabilitation, restoration, and/or preservation for its historic, cultural, and/or architectural significance to the City of Carrollton. *(Ord. No. 2706, 07/16/02)*

HISTORIC PRESERVATION ADVISORY COMMITTEE: The Historic Preservation Advisory Committee of the City of Carrollton, as established by Section 34.050 of the Carrollton Code of Ordinances. Also referred to as “the Committee” and “HPAC.” *(Ord. No. 2706, 07/16/02)*

HISTORIC PRESERVATION OFFICER: The City Manager or Designee charged with the administration of the historic preservation overlay district ordinance. Also referred to as “the HPO.” *(Ord. No. 2706, 07/16/02)*

HOME OCCUPATION: A business activity customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation or outside storage of any machinery, equipment or materials other than that customary to normal household operations, without the employment of persons not residing in the home, without the use of a sign to advertise the occupation, and which does not cause the generation of additional traffic in the street.

HOSPICE, IN-PATIENT: An institution or facility where those persons suffering from generally permanent types of infirmity, illness, injury or deformity are given care and treatment on a prolonged or permanent basis, and which is licensed by the state or Texas. *(Ord. No. 1573, 09/05/89)*

HOTEL ACCOMODATION AND RESERVATION SERVICE: A business or service that provides information, such as rates, availability, and other property information and also schedules and books accommodations for hotels on a 24-hour basis, 7 days a week. *(Ord. No. 3271, 12/01/08)*

ART. XXXIV DEFINITIONS

HOTEL, FULL SERVICE: A building or group of buildings with the main function of providing temporary lodging accommodations for transient guests where entrance to each room is gained from a completely enclosed area, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access. Such Hotels contain restaurants, conference and meeting facilities, business office services, personal service shops and other amenities as listed under Sec. XXI, (D)(2)(g)(2) Full-Service Hotel. This definition shall not include Extended Stay Hotels, Residence Hotel or Hotel Suites. *(Ord. No. 2656, 01/08/02); (Ord. No. 3271, 12/01/08)*

HOTEL, LIMITED SERVICE: A building or group of buildings with the main function of providing temporary lodging accommodations for transient guests where entrance to each room is gained from a completely enclosed area, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access. Such Hotels contain restaurants, conference and meeting facilities, business office services, and other amenities as listed under Sec. XXI, (D)(2)(g)(4), Limited Service Hotel. This definition shall not include extended stay hotels, residence hotel or hotel suites. *(Ord. No. 2656, 01/08/02); (Ord. No. 3271, 12/01/08)*

HOTEL, RESIDENCE OR HOTEL SUITES: A building or group of buildings with the main function of providing temporary, extended stay lodging accommodations for transient guests for compensation where entrance to each room is gained from an interior corridor, except first floor units which may have direct access from an interior courtyard or swimming pool area instead of, or in addition to, hallway access. *(Ord. No. 2656, 01/08/02); (Ord. No. 3271, 12/01/08)*

IMPERVIOUS COVER: Roads, parking areas, buildings and other impermeable construction covering the natural land surface that prevents absorption of the water. Water quality basins, swales and other conveyances for overland drainage shall not be calculated as impervious cover.

INDUSTRIAL FINISHING: A principal use involving any process whereby finished products are altered in size or shape, excluding shredding or crushing, to serve as a component in some other product or process, or for immediate use, sale or distribution as a finished product. *(Ord. No. 1670, 11/20/90)*

INGRESS: A place or means of entrance or access.

INOPERABLE MOTOR VEHICLE: Any motor vehicle, as herein defined, which is inoperable; or which does not have lawfully attached thereto an unexpired license plate(s); or which is wrecked, dismantled, or partially dismantled.

INSTITUTIONAL USE: A non-profit organization or building, public or private, for the benefit of the public including YMCA, YWCA, boys clubs, girls clubs, Boy Scouts, Girl Scouts; educational facilities and schools, including day care centers and kindergartens; cemeteries, mausoleums or crematories for the deposit of the human dead; private parks, private libraries, and museums.

INSTITUTIONS OF A RELIGIOUS OR PHILANTHROPIC NATURE: An institutional use sponsored or operated by organizations established for religious or philanthropic purposes, including but not limited to orphanages, counseling and referral services, homes for the aged, training and educational facilities, meeting establishments, and residences.

ART. XXXIV DEFINITIONS

INTERIM USE: A non-permanent, permitted use of the land, provided that the land is unplatted at the time of use. Upon approval of a subdivision plat, all rights permitted under the term "interim" shall cease.

KEY LOT: A corner lot whose exterior side yard is adjacent to the front yard of another lot. *(Ord. No. 1557, 07/11/89)*

KIOSK: A small, freestanding, accessory structure having a maximum floor area of 600 square feet and used for commercial purposes, the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 25 square feet. Vending machines and other similar mechanical devices or appliances shall not be defined as a kiosk.

An INFORMATIONAL KIOSK shall be limited to the posting of temporary information and/or posters, notices and announcements, including a location map of the premises upon which such informational kiosk is located. An informational kiosk shall not be occupied by any person. *(Ord. No. 1582, 10/03/89)*

KITCHENETTE: A food preparation facility within a hotel in which only the following may be allowed:

- a. A cook-top limited to no more than two burners
- b. A microwave oven
- c. A refrigerator *(Ord. No. 3271, 12/01/08)*

KITCHEN, RESIDENTIAL: (SEE RESIDENTIAL KITCHEN)

LANDSCAPE AUTHORITY: A landscape architect registered with the State of Texas, or a licensed Texas nurseryman. *(Ord. No. 1659, 10/02/90)*

LATERAL LINE: Any line, wire, or cable used to distribute, transmit, or deliver a utility service from a feeder line to two or more sites or end users of the utility service.

LIGHTED ATHLETIC FIELDS: Outside recreation, sport, playground, game courts illuminated by any man-made device.

LIVE/WORK UNIT: As defined by the adopted building code of the City of Carrollton and provided the use is allowed in Article V. Use of Land and Structures. *(Ord. No. 3939, 12/13/19)*

LOT: Land occupied or to be occupied by a building and its accessory building(s) and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

LOT, AREA: The area of a horizontal plane within the lot lines of a lot.

LOT, CORNER: A lot or parcel of land abutting two or more streets at their intersection or abutting two parts of the same street which form an interior angle of less than 135 degrees. *(Ord. No. 1493, 08/02/88)*

ART. XXXIV DEFINITIONS

LOT COVERAGE: The proportion of a lot or site covered or permitted to be covered by a building or structure.

LOT DEPTH: The average horizontal distance between the front and rear lot lines. (Reference Figure 2.1, Appendix A)

LOT, DOUBLE FRONTAGE: A lot having frontage on two non-intersecting streets, as distinguished from a corner lot.

LOT, FLAG: A lot having access to a street by means of a parcel or portion of land having a greater depth than its frontage and having a width less than the minimum required lot width. (Reference Figure 2.1, Appendix A)

LOT, INTERIOR: A lot whose side lot lines do not abut upon any street.

LOT LINES: A line dividing one lot from another, or from a street or place. (Reference Figure 2.3, Appendix A)

LOT OF RECORD: A lot which is created by an approved subdivision, the plat of which has been duly recorded in the office of the appropriate county clerk.

LOT WIDTH: The mean horizontal distance between the side lot lines of a lot measured at right angles to the depth or the same distance measured at the front building line. (Reference Figure 2.6, Appendix A)

MANEUVERING SPACE: The space entirely on private property required for maneuvering vehicles in such a manner as to preclude the backing of any vehicle into any street right-of-way.

MANUFACTURING: A principal use involving the mechanical or chemical transformation of raw materials or substances into new products, including the blending of materials such as, but not limited to, oils, chemicals, plastics or resins, and including the shredding or crushing of materials whereby they are changed from one use or function to another. This definition shall apply to any such process regardless of whether the new product is finished or semi-finished as a raw material in some other process, regardless of the quantity of product produced, and regardless of whether the finished product is or is not toxic or hazardous.

MASONRY: As defined by the adopted building code of the City of Carrollton, provided however that concrete masonry units (“CMUs”) shall have a split, ribbed, scored, burnished or otherwise decorative appearance. (*Ord. No. 3421, 01/11/11*)

For the purposes of this ordinance, where the term MASONRY SCREENING WALL is used, such wall shall be constructed in accordance with the General Design Standards of the City of Carrollton. (*Ord. No. 1650, 09/04/90*)

MASSAGE PARLOR: Any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation

ART. XXXIV DEFINITIONS

of the human body occurs as part of or in connection with any "specified sexual activity", or where any person providing such treatment, manipulation or service related thereto exposes any "specified anatomical area."

This term shall not apply to a place wherein registered physical therapists or a certified massage therapist treats only patients recommended by a licensed physician and operate only under such physician's direction.

This term shall not apply to Massage Therapy (See MASSAGE THERAPY). (*Ord. No. 3465, 12/06/11*)

MASSAGE THERAPY: As defined by the North American Industry Classification System (NAICS), 2007 edition, with the additional description that any establishment and/or person providing massage therapy services shall be appropriately licensed by the Texas Department of State Health Services.

This term shall not apply to a Massage Parlor (See MASSAGE PARLOR). (*Ord. No. 3465, 12/06/11*)

MATERIAL RECYCLING CENTER: A facility or establishment used for, or involved in, the collecting, storage, sorting, crushing, breaking up, shredding, compacting, baling, palletizing or wholesale distribution of waste or scrap metal cans, glass, paper or plastics. Such facility shall not accept or process motor vehicles or motor vehicle parts or accessories, nonferrous metals scrap, petroleum products or waste, or textile waste. All operations shall be inside of a building. (*Ord. No. 3439, 05/03/11*)

METES AND BOUNDS: A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in rural areas, a tree or other permanent fixture.

MINI-STORAGE WAREHOUSE: Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

MINIMUM SQUARE FOOTAGE OF DWELLING UNIT: The minimum square footage of living space required per dwelling unit, exclusive of porches, breezeways, patios, garages, carports, or any accessory building or accessory space, and shall include only that area designated and used specifically for dwelling purposes.

MIXED-USE DISTRICT: Property approved and designated on the Future Land Use Map of the Comprehensive Plan as Mixed-Use/Urban and intended for a mix of residential and non-residential uses within the same development and/or building. (*Ord. No. 3148, 6/19/07*)

MOBILE HOME: Means "Manufactured home" or "manufactured housing" as that term is defined in the State of Texas Occupations Code, Title 7, Subtitle C, Chapter 1201 Manufactured Housing.

MOBILE HOME PARK: A site upon which one or more mobile or manufactured homes, may be placed, and providing facilities, services and improvements as may be required by this and other ordinances of the City of Carrollton. This term shall not apply to the accommodation of recreational vehicles or travel trailers, as herein defined, on either a long-term or short-term basis.

ART. XXXIV DEFINITIONS

MOBILE OR MANUFACTURED HOME SPACE: A plot of ground within a mobile home park designed for the accommodation of not more than one mobile home, as herein defined.

MOBILE REDEMPTION AND COLLECTION CENTER: A truck, van, trailer or other vehicle used for the collection, sorting or temporary storage of used metal cans, plastic, glass, paper, or materials or for the collection of clothing, furniture, appliances, or items. (Also see Article XXVIII, Section E). (*Ord. No. 1705, 05/07/91*); (*Ord. 3439, 05/03/11*); (*Ord. No. 3866, 07/10/18*)

MODEL HOME: A dwelling unit used initially for display purposes which typifies the type of units that will be constructed in the subdivision.

MODULAR HOME/INDUSTRIALIZED HOUSING: A structure or building module that is manufactured at a location other than the location where it is installed and used as a residence; transportable in one or more sections on a temporary chassis or other conveyance device; and to be used as a permanent dwelling when installed and placed upon a permanent foundation system. This term includes the plumbing, heating, air conditioning and electrical systems contained within the structure. This term does not include a mobile/manufactured home or building modules incorporating concrete or masonry as a primary component.

MOTOR VEHICLE: Any vehicle which is propelled by mechanical power such as automobiles, light or heavy trucks, motorcycles, travel trailers, watercraft, or buses designed to carry one or more persons; but excluding construction equipment, forklifts, lawn equipment, or farm implements.

MULTIFAMILY BUILDING OR COMPLEX: Any building, or portion thereof, which is designed, built, owned, rented, leased, let or hired out to be occupied as three or more dwelling units, or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities, and on a single lot. (See DWELLING, MULTIFAMILY)

NON-CONFORMING USE OR STRUCTURE: A building, structure or use of land lawfully in existence at the time of the effective date of this ordinance or amendments hereto, and which does not conform to the use regulations of the district in which it is situated.

NON-PROFIT CORPORATION: An entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Annotated Civil Statutes).

NUDE MODELING STUDIO: Any place where a person who appears in a state of nudity, or displays any "specified anatomical area" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

NUDITY OR STATE OF NUDITY: The appearance of any "specified anatomical area", as herein defined.

ART. XXXIV DEFINITIONS

OFFICE, PROFESSIONAL AND GENERAL ADMINISTRATIVE: An establishment where business is carried on by people working at desks used for writing, communication, computers, and meetings used for the provision of executive, management, or administrative services. Typical uses include, but are not limited to administrative offices and services including banks, savings and loans, investment and credit unions; real estate; property management, legal services; architectural/ engineering offices; travel agencies; secretarial services; call centers; accounting; offices for civic organizations and associations; and vehicle rental office without on-site storage of automobiles, motorized vehicles, or travel trailers.

OFFICE, MEDICAL SERVICES: An establishment dispensing outpatient medical health services, including diagnostic and imaging laboratories, surgical, doctor and dental offices.

OPEN SPACE: The area included in any front, rear or side yard, or any unoccupied space on a lot that is open and unobstructed to the sky from a point 30 inches above the general ground level of the graded lot, except for the ordinary extensions of window sills, eaves, awnings, balconies, belt courses, chimneys, cornices, roof overhangs, canopies, and other normal architectural features or landscaping, flagpoles, mailboxes, utility poles, lighting fixtures or fences.

ORDINARY MAINTENANCE AND REPAIR: Any work not necessitated by emergency or sudden and unforeseeable event, the purpose and effect of which is to correct any deterioration of or damage to a structure, object or site, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition (including color and appearance) prior to such deterioration or damage, using the same materials, or materials as close to the original, as is practicable. This definition does not include any work done which alters the fundamental design, plan or layout. *(Ord. No. 2706, 07/16/02)*

OTHER MOTOR VEHICLE REPAIR GARAGE: A garage or portion thereof in which the repair and maintenance of automobiles, light and heavy load trucks, travel trailers, or watercraft, as herein defined, takes place, but excluding the outdoor storage of vehicle parts or inoperative vehicles of any kind. This definition shall not include reupholstery, body repair or painting activities or services. (See GARAGE, REPAIR)

OTHER MOTOR VEHICLE SALES: The display and sales of new and used automobiles and light and heavy load trucks, travel trailers, and watercraft, as herein defined, with incidental parts sales, maintenance, and repair facilities. Such incidental parts sales, maintenance, and repair facilities shall be completely located within an enclosed building.

OUTSIDE DISPLAY: The outdoor exhibit of merchandise, material, or equipment sold in and incidental to a main use on the same lot or tract of land. Outdoor display includes, but is not limited to propane storage tanks, vending machines, sheds, landscaping materials, ice storage compartments, fuel powered equipment, and firewood (Also see Article XXVI, Section B). *(Ord. No. 3439, 05/03/11)*

OUTSIDE STORAGE: The storage of commodities, goods and/or refuse outside of an enclosed building (Also see Article XXVI, Section A) *(Ord. No. 3439, 05/03/11)*

ART. XXXIV DEFINITIONS

PARCEL: (See LOT)

PARK: Any tract of land open for use by the general public or active or passive recreational purposes, including but not limited to playgrounds, swimming pools, outdoor recreation facilities, trails, nature preserves, and greenbelts. Lighted athletic fields and stadiums are excluded with this definition. (*Ord. No. 3943, 01/14/20*)

PARKING, GARAGE STRUCTURE: A structure for the temporary parking of operable personal and light commercial vehicles. Commercial facilities for washing, repair, or other services shall not be included in the definition. (*Ord. No. 3943, 01/14/20*)

PARKING SPACE: An area not on a public street or alley, enclosed or unenclosed, together with a driveway connecting the parking space with a street or alley permitting free ingress and egress. Such area and driveway shall be surfaced in accordance with the paving standards of the City of Carrollton.

Parking adjacent to a public street wherein the maneuvering is done on a public street, shall not be classified as off-street parking in computing the parking requirements for any use. Dimensions for each parking space shall be determined by the application of those standards prescribed in Article XXIV of this ordinance. (*Ord. No. 1641, 07/17/90*); (*Ord. No. 1670, 11/20/90*); (*Ord. No. 3943, 01/14/20*)

PARKING, SURFACE: An approved parking surface, as described herein, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street parking. (*Ord. No. 3943, 01/14/20*)

PAWN SHOP: An establishment where money is loaned on the security of personal property pledged in the keeping of the pawnbroker.

PATIO HOME: A single-family detached dwelling. (See DWELLING, SINGLE-FAMILY DETACHED; ZERO-LOT-LINE HOME)

PERSON: An individual, proprietorship, partnership, corporation, association, or other legal entity.

PERSONAL CARE HOME: An establishment that provides room, board, and one or more services of a personal care or protective nature, such as ambulatory assistance, hygienic assistance or supervision of a meal regimen, to five or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the establishment. Residents of a personal care home shall not require institutionalization in a hospital; nursing or convalescent home; respite or custodial care home; or similar specialized facility since a personal care home is not equipped or licensed to provide all acts of a protective or restorative nature, and does not provide the nursing care or degree of staff supervision required for a respite or custodial care home, nursing home or similar facility.

Such establishment shall not accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others, and shall not constitute a halfway house, rehabilitation facility, or any other type of facility whereby individuals receive guidance or assistance in the transition from institutional care to normal social activities. Treatment, counseling, or other services related to such rehabilitative activities shall not be provided in a personal care home.

ART. XXXIV DEFINITIONS

A personal care home shall be licensed and operated in a manner consistent with such standards as may be promulgated by the Texas Department of Health and the Texas Department of Human Services. *(Ord. No. 1573, 09/05/89)*

PERSONAL CARE SERVICES: Establishments primarily engaged in providing services generally involved in the care of the person including, but not limited to hair, nail, or skin care services; beauty salons; diet and weight reducing centers. Does not include tattoo parlors.

PERSONAL AND HOUSEHOLD GOODS REPAIR AND MAINTENANCE: Establishments primarily engaged in repairing and servicing personal or household-type goods. Establishments in this industry repair items, such as garments; watches; jewelry; guns; sports equipment; cutlery; musical instruments; lawnmowers and home yard equipment; and bicycles. Excludes automotive, motor vehicle, watercraft, and garage repair or with storage automobile, motor vehicles, watercraft, or travel trailers.

PET DAY CARE: An establishment providing care for dogs or cats, including grooming and training, that has no overnight stays or outdoor runs or pens. The use does not include veterinarian clinics or offices. *(Ord. No. 4043, 12/07/21)*

PLACE OF WORSHIP: Includes churches, mosques, synagogues or temples:

- a. A structure used primarily for the purpose of engaging in religious worship or promoting the spiritual development or well-being of individuals; and
- b. A structure used by an organization operated in a way that does not result in accrual of distributable profits, realization of private gain resulting from payment or compensation in excess of a reasonable allowance for salary or other compensation for services rendered, or realization of any other form of private gain; and
- c. A structure used by an organization whose charter, bylaws or other regulation adopted by the organization to govern its affairs:
 - i. Pledges its assets for use in performing the organization's religious functions; and
 - ii. Directs that on discontinuance of the organization by dissolution or otherwise, the assets are to be transferred to the State of Texas or to a charitable, educational, religious or other similar organization that is qualified as a charitable organization under Section 501(c)(3), Internal Revenue Code of 1954, as amended.
- d. Use of a structure for occasional secular purposes other than religious worship does not result in loss of the status as a place of worship if the primary use of the structure is for religious worship, and all income from the other use is devoted exclusively to the maintenance and development of the structure as a place of religious worship.
- e. May include living quarters for a high-ranking leader of the place of worship including a single-family detached home or rectory or parsonage on the same lot.
- f. For the purposes of this Section, "religious worship" shall mean individual or group ceremony or meditation, education or fellowship, the purpose of which is to manifest or develop reverence, homage and commitment in behalf of a religious faith.

ART. XXXIV DEFINITIONS

PLAT: As defined in the Subdivision Ordinance.

PORTABLE BUILDING: A temporary building that does not have a foundation and is transportable.

PREMISES: Land together with any buildings or structures occupying it.

PRIMARY FACADE: A facade in which there is a public entrance to an occupancy in a building located in the (TC) Transit Center District. A building may have more than one primary facade. (*Ord. No. 1659, 10/02/90*); (*Ord. No. 3331, 10/06/09*)

PRINCIPAL BUILDING: A building or structure, the use of which is a principal use.

PRINCIPAL USE: The main or predominant use of any building, lot, or structure. Where a building has multiple tenants, such as a shopping center, the principal use shall be determined by the main or predominant use of the individual tenant or lease space. (*Ord. No. 1557, 07/11/89*)

PRIVATE: The exclusion of those who have not been invited.

PROFESSIONAL SERVICE: Work performed which is commonly identified as a profession, and which may be licensed by the state of Texas. A use classified as Professional or General Administrative Office or Medical Office Service.

PUBLIC: Promotion of a public cause or service, including utilities having a franchise from the City of Carrollton, but excluding other profit-making organizations.

PUBLIC BUILDING: Any building which is owned, leased, primarily used and/or primarily occupied by a school district or municipal, county, state or federal government, or any subdivision or agency of the school district, municipal, county, state, or federal government.

RADIO, TELEVISION, OR TELEPHONE RELAY TOWER: A type of communication tower or structure of skeleton framework, attached directly to the ground or to another structure, used for the transmission or reception of radio, television, microwave, or any other form of telecommunications signals.

REASONABLE VALUE: The market value that is placed on a structure by the appraisal district in which the property lies for the purpose of assessing taxes. (*Ord. No. 3826, 08/15/17*)

RECEPTACLES: A non-permanent outdoor container or bin for temporary storage of waste, garbage, recyclables or other materials. (Also see Article XXV, Section (C)(5) and XXVII, Section J). (*Ord. No. 3866, 07/10/18*)

RECREATIONAL VEHICLE: A travel trailer, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses manufactured and factory equipped for the road, it shall have a body width not exceeding eight feet and a body length not exceeding state maximums.

ART. XXXIV DEFINITIONS

REGISTERED AND LICENSED CHILD-CARE HOMES OR LISTED FAMILY HOMES: As defined and regulated by Chapter 42 of the Human Resources Code and the Texas Administrative Code of the State of Texas as may be amended, and in accordance with such standards as may be promulgated by the Texas Department of Family and Protective Services.

Registered & Licensed Child Care Homes provide services for up to 12 children for less than 24 hours per day at the permit holder’s home and are residential in character. These are considered “Home Occupations” (See HOME OCCUPANCY).

Listed Family Homes provide services for up to three children unrelated to the home occupant and are residential in character. These are considered “Home Occupations” (See HOME OCCUPANCY).

Registered and licensed childcare homes shall be limited to no more than two unrelated employees in addition to the primary care giver. *(Ord. No. 3587, 12/03/13)*

RESIDENCE: A dwelling.

RESIDENTIAL DISTRICT: A zoning district within the City of Carrollton wherein the primary purpose is for residential uses, including single-family attached and detached residences, duplexes, townhouses, apartments and condominiums, mobile or manufactured homes, and modular homes.

RESIDENTIAL KITCHEN: An area which has permanent cooking equipment and any one of the following:

- a. A sink with a two-inch drain;
- b. A refrigerator of a 10-cubic-foot capacity or larger; or
- c. An automatic dishwasher.

A residential kitchen may also be defined as an area without permanent cooking equipment and any two of the following:

- a. A sink with a two-inch drain;
- b. A refrigerator of 10-cubic-foot capacity or larger; or
- c. An automatic dishwasher.

Permanent cooking equipment shall be considered any of the following:

- a. Any gas range or oven/cook-top; or
- b. 220-volt electrical range or oven/cook-top; or
- c. Any built-in electrical range or oven/cooktop. *(Ord. No. 1739, 10/01/91)*

RESPIRE CARE FACILITY: An establishment that provides room, board, and care to five or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the establishment; and provides minor treatment under the direction or supervision of a physician licensed by the Texas State Board of Medical Examiners, or services which meet some need beyond the basic provision of food, shelter, and laundry. The maximum duration of stay for any individual shall be two weeks. Clients of a respite care facility shall not require institutionalization in a hospital; nursing or convalescent home; custodial care home; or similar specialized facility.

ART. XXXIV DEFINITIONS

Such establishment shall not accommodate individuals who pose a direct threat to the health, safety, or welfare of themselves or others, and shall not constitute a halfway house, rehabilitation facility, or any other type of facility whereby individuals receive guidance or assistance in the transition from institutional care to normal social activities. Treatment, counseling, or other services related to such rehabilitative activities shall not be provided in a respite care facility.

A respite care facility shall be licensed and operated in a manner consistent with such standards as may be promulgated by the Texas Department of Health and the Texas Department of Human Services. *(Ord. No. 1573, 09/05/89)*

RESTAURANT, FULL-SERVICE: As defined by the North American Industry Classification System (NAICS), 2007 edition, with the additional description that a full-service restaurant may not have a drive-through window. *(Ord. No. 3421, 01/11/11)*

RESTAURANT, LIMITED-SERVICE: As defined by the North American Industry Classification System (NAICS), 2007 edition, with the additional description that a limited-service restaurant may have a drive-through window as an accessory use with a technical site plan.

RETAIL: The sale of goods directly to a consumer; engaged in, pertaining to, or relating to the sale of merchandise at the retail level; to sell by individual items or by the piece, directly to a consumer at an establishment. Retail, under this definition includes, but is not limited to furniture stores, pharmacies, electronic/appliance sales, hardware, office supplies, lawn/garden, food/grocers, health/personal care stores, jewelry, sporting goods, book sales, music or instrument sales, office supplies, and florists. For the purposes of this ordinance, uses in a residential district such as temporary garage sales, church bazaars, lemonade stands, and the like shall not be considered retail uses. Automobile, motor vehicle, travel trailers, watercraft over 20 feet in length, gas stations, and fuel dealerships are not included in this definition. Sales of merchandise for outdoor display shall be in conformance with Article XXVI, Outside Storage and Display, as amended.

RIGHT-OF-WAY LINE: A dividing line between a lot, tract, or parcel of land and the public right-of-way.

ROLL OFF DUMPSTERS: A temporary large, typically open-top, outdoor container most commonly used for storage and disposal of household trash, construction debris, or yard waste, and designed for vehicle transport of the entire container from a property for the removal of the contents. *(Ord. No. 3866, 07/10/18)*

SCHOOL, DENOMINATIONAL OR PRIVATE: A school under the sponsorship of a private agency, corporation, or religious agency, having a curriculum generally equivalent to public elementary or secondary schools, and accredited or licensed by the state of Texas; but excluding private trade or commercial schools, as herein defined. "Day care centers" and "day nurseries", as herein defined, shall not be considered schools as applicable to this definition.

SCHOOL, PUBLIC: A school under the sponsorship of a public agency providing elementary or secondary curriculum, and accredited or licensed by the state of Texas; but excluding private trade or commercial schools.

ART. XXXIV DEFINITIONS

SEMI-NUDE: A state of dress in clothing that covers no more than the genitals, pubic region, pubic hair, and areolae of the female breasts, as well as portions of the body covered by supporting straps or devices.

SERVANTS QUARTERS: 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 nor containing kitchen facilities. Kitchen facilities may be provided in accordance with Article VII of this ordinance. *(Ord. No. 1947, 10/19/93)*

SERVICE LINE: Any line, wire, or cable used to distribute, transmit, or deliver a utility service from a feeder or lateral line to an end user of the utility.

SETBACK: The required minimum distance between any structure and any property line of the lot upon which it is located. Setbacks shall be measured perpendicular to lot lines. *(Ord. No. 1705, 05/07/91)*

SEXUAL ENCOUNTER CENTER: A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- a. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- b. Activities between persons when one or more of the persons is in a state of nudity or is semi-nude.

SEXUALLY ORIENTED BUSINESS: An Adult Entertainment Establishment.

SHORE LINE: The normal edge of a body of water under average conditions of rainfall.

SHORT-TERM RENTAL: A residential premise, or portion thereof, used for lodging accommodations to occupants for a period of less than thirty (30) days that is not permanently occupied by the property owners listed on the county appraisal districts records for which the property is located. *(Ord. No. 4127, 02/07/23)*

SITE: A combination of continuous lots or tracts that may or may not be owned separately, that will be developed under one unified plan, as if it were a single parcel of land.

SITE PLAN: The development plan for one or more lots or tracts upon which is shown any information required by this ordinance such that an informed decision can be made by the approving authority.

SMOKING: Engaging in an act that generates smoke or vapor for inhaling, including operating an electronic smoking device, or possessing an item for such act including, but not limited to, a lighted pipe, a lighted hookah pipe, a lighted cigar, or a lighted cigarette. *(Ord. No. 4066, 04/05/22, Ratified by Ord. 4085 06/21/22)*

SMOKING LOUNGE: An establishment that allows for the gathering of persons to smoke. This term includes, but is not limited to, a cigar lounge, hookah lounge, entertainment lounge or venue, tobacco or vapor bar, and similar establishments. *(Ord. No. 4066, 04/05/22, Ratified by Ord. 4085 06/21/22)*

ART. XXXIV DEFINITIONS

SMOKING LOUNGE (ACCESSORY USE TO A FULL-SERVICE RESTAURANT ONLY): A smoking lounge which does not exceed 15% of the total floor area of the restaurant, not to exceed 1,000 square feet. *(Ord. No. 4066, 04/05/22, Ratified by Ord. 4085 06/21/22)*

SMOKE SHOP RETAILER: A retail establishment providing for the display and sale of smoking products and that is not a food establishment, as that term is defined by the Carrollton Food Establishment Requirements (CFER). *(Ord. No. 4066, 04/05/22, Ratified by Ord. 4085 06/21/22)*

SNOW CONE STAND: A temporary portable building used for selling snow cones for a limited period of time. (Also see Article XXVIII, Section E) *(Ord. No. 3439, 05/03/11)*

SPACE: A plot of ground within a mobile home or recreational vehicle park designated for the accommodation of one mobile home or one recreational vehicle, together with such open space as required by this chapter.

SPECIFIED ANATOMICAL AREA:

- a. Less than opaquely covered human genitals, pubic region or pubic hair; or
- b. Less than opaquely covered perineum, buttock, or anus; or Less than opaquely covered female breast below a point immediately above the top of the areola; or
- c. Human male genitals in a discernibly erect or turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES:

- a. Human genitals in a discernable state of sexual stimulation or arousal; or
- b. Acts or representations of human masturbation, sexual intercourse, sodomy, bestiality, excretory functions, sadism, masochism, lewd exhibition of genitals; or
- c. Fondling or other erotic touching of human genitals, pubic region or pubic hair, perineum, buttock or anus, or female breast.

SQUARE, THE: That area in Old Downtown Carrollton which is bounded by Elm Street, Main Street, Broadway, and Fourth Street. *(Ord. No. 1659, 10/02/90)*

STACKING SPACE: A paved area of not less than eight feet in width nor less than 22 feet in length, constructed in accordance with the applicable standards of the City of Carrollton. Off-street vehicle stacking spaces shall be provided in accordance with Article XXIV of this ordinance.

STORAGE: The accumulation, stocking, or depositing of materials or items. These may include materials for the eventual use or sale in a commercial enterprise; but does not include the storing of a single automobile or truck on an individual residential lot.

STORAGE BUILDING: Any building, either pre-manufactured or constructed on-site, utilized for storage purposes, and not requiring plumbing and electrical wiring, and not used for residential purposes.

ART. XXXIV DEFINITIONS

STORY: That portion of a building 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 such floor and the ceiling or roof above. A standard story shall be 12 feet between floors.

STORY, HALF: A story having an average height of not more than eight feet, covering a floor area of not more than 75 percent of the area of the floor of the first story below.

STREET: Any public thoroughfare dedicated to the public and not designated as an alley.

STREET LINE: The dividing line between the street and the abutting property.

STREET RIGHT-OF-WAY: A street, including its pavement and all the publicly owned property adjacent to it, dedicated for street purposes.

STRUCTURE: Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, buildings, communications towers, signs and swimming pools, and excluding utility poles, parking lots, fences and retaining walls. (See BUILDING)

STRUCTURAL ALTERATIONS: Any alteration involving a change in or addition to the supporting members of a building, such as load-bearing walls, columns, beams or girders.

SUBDIVISION: The division of a parcel of land into two or more lots or tracts subsequent to April 2, 1962, for the purpose of transfer of ownership, dedication of streets, alleys, or easements, or for use for building development. A division of land for agricultural purposes into tracts of five acres or more, and not involving the construction of a new street or alley shall not be deemed a subdivision. This definition includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the land subdivided. (*Ord. No. 1670, 11/20/90*)

SUBSTANTIAL, SIGNIFICANT OR PRIMARY: Over 50 percent of stock in trade, display area, or presentation time, whichever may be applicable to the nature of the establishment. Stock in trade and material shall be measured in terms of titles or objects. Items with the same title or name shall be considered as separate titles or objects.

SUBSTATION: A collection of facilities which transform electrical power from voltages suitable for transmission lines to voltages suitable for feeder lines.

TELEPHONE EXCHANGE: A facility, structure or office where telephone lines are connected to permit communication.

TEMPORARY: Used or lasting for only a limited period of time; not a permanent structure or use. For temporary on-site construction offices, administrative offices, and batching plants, temporary shall mean the period of time limited to the actual on-site construction of the structure or facility, as the case may be. For all other uses, temporary shall mean a period of time not to exceed 90 calendar days from the date of commencement of the use, and no other temporary certificate of occupancy for a temporary use may be issued for the same lot or parcel for any consecutive 6-month period measured from the date of issuance of a temporary certificate of occupancy. (*Ord. No. 4035, 10/12/21*)

ART. XXXIV DEFINITIONS

THEATER: A building or portion of a building used primarily for showing motion pictures or for dramatic, musical, or live performances.

THOROUGHFARE: The street classification identified and defined in the Transportation Plan of the City of Carrollton Comprehensive Plan.

TRANSMISSION LINE: Any line, wire, or cable which distributes, transmits or delivers a utility service from a substation or generating plant to a feeder system.

TRAVEL TRAILERS: Any vehicular, portable structure designed as a temporary dwelling for travel, recreational and vacation uses, and includes folding hardtop campers transported behind a motor vehicle, mounted campers attached to and transported behind a motor vehicle; camper, converted bus, tent trailer, tent or similar device used for temporary, portable housing, or a similar type of temporary dwelling intended for short term occupancy, travel, and/or recreation.

TRUCK, HEAVY LOAD: A self-propelled vehicle having a gross vehicle weight (GVW) in excess of 7,500 pounds, including but not limited to recreational vehicles, vans, buses, tractor-trailers, and other similar vehicles.

TRUCK, LIGHT LOAD: A self-propelled vehicle having not more than two axles and having a gross vehicle weight of less than 7,500 pounds, including but not limited to pick-up trucks, vans, and other similar vehicles.

USE: The purpose or purposes, for which land or a building is occupied, maintained, arranged, designed, or intended.

USE, APPROVED: Any use that is or may be lawfully established in a particular district or districts, if it conforms to all requirements of these regulations for the district in which such use is located.

VARIANCE: Relief from or variation to the provisions of these regulations, other than the Use Regulations, as applied to a specific piece of property, as distinct from rezoning, and as further set out hereinafter in the powers and duties of the Board of Adjustment.

VENDING MACHINES: A fully enclosed, automated machine, where various goods may be purchased, either with coin, paper currency, or electronic payment card. *(Ord. No. 3439, 05/03/11)*

VENDING MACHINES (REVERSE): A machine which accepts and issues a cash refund or redeemable coupon for used metal cans, plastic, glass, paper or other redeemable materials. *(Ord. No. 3439, 05/03/11)*.

WAREHOUSE/DISTRIBUTION: A use devoted to storage, warehousing, and distribution of goods, wholesale, merchandise, supplies, and equipment. Bulk stations and storage terminals for petroleum, chemicals and allied products, recyclable materials, farm products raw materials, and mini-storage warehouse are not classified as warehouse/distribution.

WATERCRAFT: Water-borne vehicles including ships, boats, hovercraft and submarines propelled by sail, act of paddle, oar, or engine.

ART. XXXIV DEFINITIONS

WHOLESALE: The sale of commodities for the purpose of resale, as to retailers rather than to consumers directly, as opposed to retail. Of, pertaining to, or engaged in sale at the wholesale level.

YARD: An open space at grade, other than a court or plaza, between a structure and the adjacent lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this ordinance. (*Ord. No. 1844, 11/03/92*)

YARD, FRONT: An open, unoccupied space on a lot facing a street and extending across the front of the lot between the side lot lines. (Reference Figure 5.6, Appendix A) (*Ord. No. 1844, 11/03/92*)

YARD, REAR: An open, unoccupied space extending across the rear of a lot from one side lot line to the other side lot line. (Reference Figure 5.6, Appendix A)

YARD, SIDE: An open, unoccupied space on the same lot with a building situated between the building and side line of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line. (Reference Figure 5.6, Appendix A)

ZERO-LOT-LINE HOME: A single-family detached dwelling whereby one required side yard is removed, allowing the main structure to be placed adjacent to, and coincident with, one side lot line. (See DWELLING, SINGLE-FAMILY DETACHED; PATIO HOME)

ZONING DISTRICT: A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development. (See DISTRICT)

ZONING MAP: The Official Zoning Map of the City of Carrollton together with all amendments thereto.