

### **Sec. 17-3. - Definitions.**

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the plural and the singular; the word "building" shall include the word "structure"; and the word "shall" is mandatory and not directive; and the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Such words and terms [are] as follows:

*Accessory building or use* shall mean one which is subordinate to and serves a principal building or principal use; is subordinate in area, extent, or purpose to the principal building or principal use served; contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and is located on the same building lot as the principal use served. "Accessory," when used in the text, shall have the same meaning as accessory use. An accessory building may be a part of the principal building. Servant's quarters, as defined, is an accessory building or use. A single apartment unit shall be allowed in commercial buildings as an accessory use when the occupant is the owner, manager, security guard, or other person employed full-time by the business so that the apartment use is directly accessory to the business.

*Alley* shall mean a public right-of-way which affords a secondary means of access to abutting property.

*Awning* shall mean a roof-like cover of a temporary nature that projects from the wall of a building.

*Apartment* shall mean a dwelling unit in an apartment building.

*Apartment building* shall mean a building, or any portion thereof, which contains three or more dwelling units, located in the same building lot. An apartment building is a multifamily dwelling.

*Basement or cellar* shall mean a story wholly or partly (at least 50 percent) measured from floor to ceiling, below the level of the ground on the street side of the building. A basement or cellar is not counted when measuring the height of a building.

*Bed and breakfast:* An establishment offering the use of guest rooms to the transient public for compensation. Structures must be owner-occupied and are limited to a maximum of five bedrooms. A minimum of one meal per day shall be served on the premises for the benefit of the guests of the bed and breakfast, but a restaurant is not an allowable accessory use. A bed and breakfast is a non-residential use.

*Block* shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined.

*Block face* shall mean a side of a block facing upon a street, within which lots face the abutting street.

*Board* shall mean the board of adjustment established by this chapter.

*Build* shall mean to erect, convert, enlarge, reconstruct or alter a building or structure.

*Buildable width* shall mean the width of the building site left to be built upon after the required side yards are provided.

*Building* shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

*Building, detached* shall mean a building surrounded by yards or open space on the same building lot.

*Building height* shall mean the number of stories contained in a building.

*Building line* shall mean the rear line of a required front yard which is generally parallel to the street line forming the front lot line.

*Building lot* shall mean a single tract of land located within a single block which, at time of filing for a building permit, is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a building lot may not coincide with a lot of record. A building lot may be subsequently subdivided into two or more building lots, and a number of building lots may be cumulated into one building lot, subject to the provisions of this chapter and the general development ordinance.

*Building, mixed* shall mean a building used partly for residential use and partly for community facility and/or commercial use. A mixed building is a commercial use.

*Building, principal* shall mean a building in which the principal use of the lot on which it is located is conducted. All residential uses, except bona fide servant's quarters, are principal uses.

*Building, residential* shall mean a building which is arranged, designed, used, or intended to be used, for residential occupancy by one or more families or lodgers.

*Car wash* shall mean a building, or portion thereof, containing facilities for washing automobiles using automated methods, including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service-type carwash is also considered a car wash.

*Carports* shall mean an accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory. A carport is not an accessory building.

*Cellar: See Basement.*

*City* shall mean the City of Lewisville, Texas.

*Clinic* shall mean the office of one or more medical doctors, dentists, optometrists, or similar members of the medical professions.

*Commission, planning* shall mean the Planning and Zoning Commission of the City of Lewisville, Texas.

*Council* shall mean the City Council of the City of Lewisville, Texas.

*Court* shall mean an open, unoccupied space, 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 permanent open space.

*Day nursery or day care center* shall mean any child care arrangement which provides child care on a regular basis for more than six children.

*Development or to develop* shall mean and includes the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. "To develop" is to create a development.

*Display* shall mean a formal exhibition of retail goods done in a manner so as to cause the goods to be favorably seen. The outside display of goods shall be of self-contained individual units and not items displayed in bulk, except that bulk materials sold for consumer use may be displayed outside in bins not larger than 12 cubic yards. A bin shall mean a box, frame or crib enclosed on at least three sides and used for display or storage. An outside display area requires the retail items to be placed on asphalt or concrete.

*District* shall mean a zoning district which is a part of the city wherein regulation of this chapter is uniform.

*Dwelling* shall mean a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple family dwellings, but not including hotels, motels or lodging houses.

*Dwelling, attached* shall mean one which is joined to another dwelling at one or more sides of a party wall or walls.

~~*Dwelling, detached* shall mean one which is entirely surrounded by open space on the same building lot.~~

*Dwelling, multifamily* shall mean a building or portion thereof constructed for and/or occupied by three or more families and containing three or more dwelling units located upon the same building lot, or on a building constructed with at least one dwelling unit above another dwelling unit.

*Dwelling, single-family* shall mean a building containing only one dwelling unit and/or occupied by only one family.

*Dwelling, two-family* shall mean a building containing two dwelling units and/or occupied by only two families.

*Dwelling unit* shall mean one or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided, but each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit unless such facilities are provided in a bona fide servants' quarters as herein defined. Apartment units in apartment hotels are dwelling units.

*Family* shall mean and consists of one or more persons, each related to the other by blood, marriage, or adoption; or a group of not more than five persons (excluding servants) who are living together in a dwelling unit.

*Filling station or service station* shall mean any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

*Garage, auto repair* shall mean a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components, including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

*Garage, private* shall mean an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

*Garage, public* shall mean a building or portion thereof, other than a private or storage garage, designed or used for storing motor driven vehicles.

*Health service* shall mean a charitable or government-operated facility offering to the public medical examinations, diagnosis and limited treatment not for profit.

*Home occupation* shall mean a business, occupation, or profession conducted within a residential dwelling unit by the resident thereof, and which shall have the following characteristics:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit;
- (2) There shall be no external evidence of the occupation detectable at any lot line, such evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of business; and
- (3) Such home occupation shall not have a separate entrance for the business and shall not include continual visits by the general public.

A business, occupation, or profession conducted within a dwelling unit and which does not meet the aforesaid characteristics shall be construed to be a commercial activity and shall therefore be cause for the city to order a cease to all such activity within such dwelling unit.

*Hospital* shall mean a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

*Hotel, motel or inn:* shall mean an establishment offering lodging, the use of guest rooms or sleeping accommodations, to the transient public for compensation. Hotels, motels or inns furnish customary hotel services and may contain a restaurant, club, lounge, banquet hall, meeting rooms and other accessory uses. A hotel, motel or inn is a non-residential use. For purposes of this ordinance, if more than 20 percent of the guest rooms of the establishment are occupied by a person who has the right to use or possess a guest room for at least 60 consecutive days without interruption, then the use of such establishment shall be classified as residential. Residential usage shall not be permitted in a non-residential zoned area.

*Junk or salvage yard* shall mean a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, papers, rags, rubber tires and bottles. A junkyard does not include such uses conducted entirely within an enclosed building.

*Loading space* shall mean a space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks, together with access and maneuvering areas provided on the same building lot as the principal use for which the loading space is intended.

*Lot area* shall mean the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

*Lot area per dwelling unit* shall mean the lot area required for each dwelling unit located on a building lot.

*Lot, corner* shall mean a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.

*Lot depth* shall mean the mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective midpoints of the front lot line and rear lot line within the lot boundary.

*Lot, interior* shall mean a building lot other than a corner lot.

*Lot line* shall mean a boundary of a building lot.

*Lot line, front* shall mean that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line, providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

*Lot line, side* shall mean that boundary of a building lot which is not a front lot line or a rear lot line.

*Lot line, rear* shall mean that boundary of a building lot which is most distant from and is, or most nearly, parallel to the front lot line.

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*Lot of record* shall mean an area of land designated as a lot on a plat of a subdivision recorded, pursuant to statutes of the State of Texas, with the County Clerk of Denton County, Texas.

*Lot, through* shall mean a building lot not a corner lot, both the front and rear lot lines of which adjoin street lines. On a through lot, both street lines shall be deemed front lot line.

*Lot width* shall mean the minimum distance between the side lot lines of a building lot measured along a straight line at the rear of the required front yard and parallel to the street line or a line tangent thereto.

*Mobile homes* shall mean modular buildings which are designed for living or sleeping purposes with only wheels as a foundation, which can be moved only by towing, and which were not designed to be self-propelled. A trailer coach is a mobile home.

*Mobile home park* shall mean any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

*Modular home* shall mean a factory-built dwelling unit, attached or detached, which is wholly or partially constructed away from its building lot and moved to a building lot where it is affixed or situated as a permanent building. A modular home is a residential use. A mobile home shall not be construed to be a modular home.

*Motor freight terminal* shall mean a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.

*Nonconforming use* shall mean any building or land lawfully occupied by a use at the time of the

adoption of this chapter or amendments thereto, not permitted by the use regulations, lot requirements or other regulations of this chapter of the district in which it is attained.

*Noxious matter* shall mean material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic wellbeing or comfort of humans.

*Open area* shall mean that part of a building lot, including courts or yards which:

- (1) Is open and unobstructed from its lowest level to the sky;
- (2) Is accessible to all residents upon a building lot; and
- (3) Is not part of the roof of that portion of the building containing dwelling units.

*Open storage (or outside storage)* shall mean the storage of any vehicles, equipment, machinery, supplies, commodities, raw materials, semi-finished materials, finished materials, building or construction materials or any similar items, when not accessory to an existing residential use, which are located outside a fully enclosed building and without complying with the definition of "Display" found in this ordinance. Storage of materials in bins larger than 12 cubic yards shall be considered open storage. Such storage shall also be considered as a storage yard.

*Parking space* shall mean a surface area, enclosed or unenclosed, sufficient in size to store one automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of any automobile.

*Public governmental agencies* shall mean and include only the City of Lewisville, the Lewisville Independent School District, Denton County (within Denton County), Dallas County (within Dallas County), the State of Texas, and the United States Federal Government.

*Public park* shall mean any publicly owned park, playground, beach, parkway, greenbelt, or roadway within the jurisdiction and control of the city.

*Recreation area* shall mean a privately owned park, playground or open space maintained by a community club, property owners association or similar organization.

*Residential storage building* shall mean a detached structure used for on-site storage of items related solely to residential purposes and located in any single-family or two-family zoning district.

*Rest home or nursing home* shall mean a private facility for the care of children, the aged or infirmed, or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

*Servants' quarters* shall mean an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full-time by the occupants of the principal residence.

*Sign* shall mean a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon, a building, structure, or piece of land and which directs attention to an object, product, place, activity, institution, or business. A sign is not a display of official court or public office notices nor is it a flag, emblem, or insignia of a nation, political unit, school or religious group. A "sign" shall not include a sign located completely within an enclosed building.

*Storage yard* shall mean an outside location for storing items without regard to being formally displayed for sale. Storage yards must be screened in accordance with the requirements of the general development ordinance. Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the general development ordinance. Areas which are used for infrequent and temporary storage for a period of 30 days or less per year shall not be deemed as "storage yards."

*Story* shall mean that part of a building between the surface of a floor and the ceiling immediately above.

*Street* shall mean a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

*Street line* shall mean the right-of-way of a street.

*Towers and related devices* shall be defined as follows:

*Antenna:* A signal transmission or receiving device for radio, television, telephone or other electronic signals, including accessory mechanical equipment and accessory structures used solely for housing accessory equipment. An antenna may stand alone or be attached to a building, structure, rooftop, monopole or lattice tower.

*Communication dish:* Any dish-shaped device used for transmission or receiving of radio, television, telephone or other electronic signals, including accessory mechanical equipment attached to a tower and accessory structures used solely for housing of the accessory equipment. A communications dish shall be considered an antenna.

*Lattice tower:* A lattice structure used to support antennas or communications dishes, including accessory mechanical equipment attached to the tower and accessory structures used solely for housing of the tower or accessory equipment.

*Monopole tower:* A pole (not exceeding 42 inches in diameter) used to support antennas or communications dishes, including accessory mechanical equipment attached to the pole and accessory structures used solely for housing of the monopole or accessory equipment.

*Monopole platform:* That portion of a monopole tower, located on or near the top of the tower, supporting directional, transmitting and receiving antennas. Such platforms may not have a horizontal cross section area greater than 196 square feet. The depth shall not exceed four feet.

*Toxic materials* shall mean those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

*Use of property* shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this chapter.

*Use, principal* shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

*Yard* shall mean an open space on the same building lot with a building, unoccupied and unobstructed

by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A yard extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

*Yard, front* shall mean a yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter box, unenclosed porches and driveways.

*Yard, rear* shall mean a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

*Yard, side* shall mean a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.

*Zoning district map* shall mean the map or maps incorporated into this chapter as a part hereof by reference thereto.

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(Ord. No. 2007-3-95, § I(3.01—3.90), 3-6-95; Ord. No. 2032-8-95(Z), § I, 8-7-95; Ord. No. 2042-9-95(Z), § I, 9-11-95; Ord. No. 2343-6-98(Z), § 1, 6-1-98; Ord. No. 2505-10-1999(Z), §§ 1, 2, 10-18-99; Ord. No. 2608-10-2000(Z), § 1, 10-2-00; Ord. No. 2621-11-2000(Z), § 1, 11-6-00; Ord. No. 3422-03-2007(Z), § 1, 3-19-07)