

APPENDIX B – ZONING 2000 – DEFINITIONS

2000. - DEFINITIONS

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[Sec.] 2010. - Purpose.

The purpose of this section is to define the terms used in this ordinance and to promote consistency in the interpretation of this zoning ordinance. For the purpose of this ordinance, all terms or words used herein shall be interpreted as set forth in this section [2000], except where the context of such words or phrases clearly indicates a different meaning or construction. Sections 2000 through 2999 shall be known as "Definitions."

[Sec.] 2020. - General construction of language.

The following general construction of language shall apply to the textual provisions of this ordinance:

Conjunctions. The following conjunctions shall be interpreted as follows:

- A. *And* indicates that all connected items or provisions apply.
- B. *Or* indicates that the connected items or provisions may apply singly or in any combination.
- C. *Either/or* indicates that the connected items or provisions shall apply singly but not in combination.

Illustrations. In case of any difference of meaning or implication between the text of any provision and any illustration, the text shall control.

Person. The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

Shall and may. The word "shall" is mandatory, and the word "may" is discretionary.

Tense and numbers. Words used in the present tense include the future tense, and the singular number includes the plural, and the plural number includes the singular, unless the text clearly indicates the contrary.

Used or occupied includes the words intended, designed, or arranged to be used or occupied.

[Sec.] 2030. - Terms defined.

Abutting. Having adjoining or common boundaries.

Accessory building. A building for a use which is subordinate in area, extent, or purpose to the use of the principal building, such a use is customarily found in connection with the main building.

Accessory dwelling. A detached unit accessory to a principal use on the same site.

Accessory use. An accessory use is one which:

- (a) Is subordinate to and serves a principal use; and
- (b) Is subordinate in area to the principal use served; and
- (c) Is located on the same lot as the principal use (see section 6500).

Accident Potential Zone I (APZ I). An area of accident potential and noise located beyond the clear zone of each runway.

Accident Potential Zone II (APZ II). An area of accident potential and noise located beyond APZ I of each runway.

Addition. Any construction which increases the size of a building or structure in terms of site coverage, height, length, width, or gross floor area.

APPENDIX B – ZONING 2000 – DEFINITIONS

Administrative appeals. An appeal of the interpretation of an administrative decision of the building official to the board of adjustment (see section 7400).

Adult entertainment and sexually oriented commercial establishments. Specifically defined as adult bookstores, adult motion picture theaters, businesses or enterprises which offer nude human modeling for a consideration, and businesses or enterprises that offer for consideration, physical contact between persons when one or more of such persons are nude or seminude, as defined in section 5500.

Agent of owner. Any person who can show certified or written proof that he is acting for the property owner.

Agricultural equipment sales and services. Firms which sell or service large agricultural equipment, including tractors, large farm implements and irrigation equipment which require outdoor storage.

Agricultural uses includes farming, stabling animals, raising animals, excluding hogs, and keeping animals in kennels.

AICUZ. Air Installation Compatible Use Zone.

Airport. The Sheppard Air Force Base/Wichita Falls Regional Airport and/or Kickapoo Downtown Airport. [Pertains to airport zoning.]

Airport elevation. The established elevation of the highest point on the usable landing area measured in feet from mean sea level. This elevation has been established at the Sheppard Air Force Base/Wichita Falls Regional Airport as 1,015 feet above mean sea level. The elevation for Kickapoo Airport has been established at 998 feet above mean sea level.

Airport hazard. Any structure, tree or use of land which obstructs the airspace required for the flights of aircraft or which obstructs or interferes with the control or tracking and/or data acquisition in the landing, taking off or flight at an airport or at any installation or facility relating to flight and tracking and/or data acquisition of the flight craft; or which is hazardous, interfering with, or obstructing such landing, taking off or flight of aircraft; or which is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Airport hazard area. Any area of land or water upon which an airport hazard might be established if not prevented as provided herein.

Airport reference point. "Airport reference point" shall mean the point established as the approximate geographical center of the airport landing area.

Alcoholic beverage sales and service. (See section 5400.)

Alley. A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a building or structure, or change in relative position of buildings or structures on a site, or substantial change in appearance of any building or structure.

Antenna. An "antenna" shall be an attachment to a tower or other structure used to transmit, receive, reflect or is otherwise associated with wireless communications.

Apartment. (See *Dwelling, multifamily.*)

Approach surface. [The term] "approach surface" shall be a surface longitudinally centered on the airport centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth under [section] 6400. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones. Zones or imaginary surfaces as set forth under [section] 6400.

Art gallery/museum. An institution for the collection, display and distribution of objects of art, history and science.

APPENDIX B – ZONING 2000 – DEFINITIONS

Automobile sales and services. The use of any building, land area or other premises for the display, rental or sale of new or used automobiles, including any warranty repair work and other repair service conducted as an accessory use.

Automobile service station. Any building, land area or other premises or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories.

Automotive repair services. Repair of automobiles, noncommercial trucks, motorcycles, motor homes, recreational vehicles, or boats, including wheel and brake shops, body and fender shops, and similar repair and service activities, but excluding dismantling or salvage.

Awning. A roof-like cover, temporary in nature, extending from the wall of the building/structure, over an area to provide shade and/or shelter. The awning shall be entirely supported by the exterior wall of the building, with no independent means of support.

Basic industry and manufacturing. A use engaged in the basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes utilizing flammable or explosive materials, or storage or manufacturing processes which potentially involve hazardous or commonly recognized offensive conditions.

Bed and breakfast homestay. (See section 5700.)

Bed and breakfast inn. (See section 5700.)

Board of adjustment. An officially constituted body whose principal duties are to grant variances from the strict application of this zoning ordinance. (See section 7800.)

Boardinghouse. A dwelling, or part thereof, in which lodging is provided by the owner or operator to more than three boarders.

Boat sales and services. The uses of any building, land area or other premises for the display and sale of new or used boats, including any warranty repair work and other repair service as conducted as an accessory use.

Buffer areas. A strip of land identified on a site plan or by zoning ordinance, established to protect one type of land use from another land use which is incompatible. Buffer [area] zones may be zoned or shown on a site plan. Normally, a buffer zone is landscaped and kept in open space uses.

Buffering. Separating one use from another to shield or block noise, lights, or other nuisances.

Building. Any structure designed, built, or intended for the shelter or enclosure of persons, animals, chattels, or movable property of any kind, or for an accessory use. When separated by an absolute fire separation, each portion of such structure so separated shall be deemed a separate building. This definition shall include the structures wholly or partly enclosed with an exterior wall.

Building line. A line parallel or approximately parallel to the street line at [a] specified distance, marking the minimum distance from the street line that a building may be erected. For existing buildings, the building line shall be the exterior wall or omitted wall line which is closest to the street. (See section 4200.)

Building official. The building official of the City of Wichita Falls, Texas.

Business and trade schools. A higher education facility primarily teaching usable skills that prepare students for jobs in a trade.

Bus station. Any premises for the transient housing or parking of motor-driven buses and the unloading and loading of passengers.

Carport. A roofed space, one story in height, covered with a flat or hipped roof and ordinarily used as a shelter under which vehicles are parked.

Car wash. A building or portion thereof containing facilities for washing automobiles.

APPENDIX B – ZONING 2000 – DEFINITIONS

Cemetery. A place dedicated to and used and intended to be used for the permanent interment of the human dead. It may be a mausoleum for vault or crypt interment, crematory, or combination.

Centerline. A line extending through the midpoint of each end of a runway.

Centerline, streets or alleys. A line erected midway between the bounding right-of-way lines of [a] street or alley. Where the bounding right-of-way lines are irregular, the centerline shall be determined by the city engineer.

Change of use. The replacement of an existing use by a new use, or a change in the nature of an existing use, but not including a change of ownership, tenancy, name, or management.

Clinic. An institution or station for the examination and treatment of ill and afflicted outpatients by a physician or group of physicians.

Club. A building or portion of a building, together with the grounds and related facilities, used primarily by an association, its members, and their guests for social, fraternal, or recreational purposes. (This definition does not include private clubs as defined by the Texas Alcoholic Beverage Code; see section 5400.)

Coin-operated amusement machine. Any machine or device of any kind or character which is operated by coins, tokens, slugs, bills, credit or debit cards, for the purpose of dispensing or affording amusement, skill, pleasure, or redemption as allowed by state law. This definition shall include, but not be limited to, arcade games, video arcade games, pinball machines, and billiard tables with or without coin operation. This definition does not include service coin-operated machines such as pay toilets and pay telephones, food or beverage vending machines, or an amusement machine designed primarily for the entertainment of a child.

Coin-operated amusement machines establishment. An establishment where 50 percent or more of the gross floor area accessible to patrons is dedicated to the use and operation of coin-operated amusement machines, as defined herein. This definition shall include, but not be limited to, arcades, pool halls, and similar facilities.

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

Co-location. To affix additional antennas on an existing tower that may include the placement of support ground equipment.

Commission. "Commission" shall be the Planning and Zoning Commission.

Common open space. A parcel or parcels of land, or an area of water or combination of land and water within a site designed and intended for the use and enjoyment of a defined group of residents and owners (e.g., of a planned development project). Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of residents and owners. (See section 4450.)

Communications tower. A "communications tower" shall mean and include all structures and accessory facilities relating to transmitting, receiving, reflecting or any other event or action associated with the use of the radio frequency spectrum or other frequencies associated with wireless communications. This may include, but shall not be limited to, radio towers, television towers, telephone devices and exchanges, microwave relay facilities, telephone transmission facilities, and private and commercial mobile radio service facilities. A communications tower may include, but [is] not limited to, any of the following structures, singularly or in concert:

- a. A lattice tower.
- b. Stealth towers, where a tower is concealed within another structure.
- c. A cylindrical steel structure, sometimes referred to as monopole, similar in appearance to a light pole, used to support antennas.

APPENDIX B – ZONING 2000 – DEFINITIONS

Community residential center. A publicly or privately operated use providing housing and care for individuals legally confined. Such use is historically described to include, but not limited to, prisons, jails, boot camps and similar uses.

Compatible land use. Includes any use of land adjacent to an airport that will protect the owners, occupants or users of the land from levels of noise or vibrations created by the operations of the airport, including the taking off and landing of aircraft, that may endanger the health, safety or welfare of the owners, occupants or users of the land and protect airport users from airport hazards.

Comprehensive plan. A comprehensive long-range plan intended to guide the growth and development of a community or region and one that includes analysis, recommendations and proposals for the community's population, economy, housing, transportation, community facilities and land use.

Conditional use. (See section 7200.)

Condominium. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Conical surface. A "conical surface" means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

Contiguous. Next to, abutting, or touching and having a boundary, or portion thereof, which is coterminous. (See *Abutting*.)

Contractors' yards. Yards with outdoor storage of equipment and material used by contractors.

Convalescent services. A use providing bed care and in-patient services for persons requiring regular medical attention, but excluding a facility providing surgical or emergency medical services, and excluding a facility providing care for alcoholism, drug addiction, mental disease, or communicable disease.

Convenience store. A retail establishment in which goods requiring no processing are normally bought in small lots in which accumulation and checkout time is minimal. Gasoline may be sold as an accessory use.

Convention center. A building or portion thereof designed to accommodate the assembly of large numbers of people.

Conversion. A change in the use of land or a structure.

Cul-de-sac. A turnaround at the end of a dead-end street.

Curb. A stone or concrete boundary usually marking the edge of the roadway or paved area.

Curb cut. The opening along the curblines at which point vehicles may enter or leave the roadway.

Day care center, commercial. Same as *Day care center, limited*, but not limited to a maximum of six individuals.

Day care center, limited. A facility or use of a building or portion thereof that provides care for less than 24 hours a day for six or fewer individuals. Care for an additional six individuals may be provided if the facility qualifies as a registered family home or group day care home as permitted by the Texas Department of Human Resources. This term includes nursery schools, preschools, day care centers for children or adults and similar uses but excludes public and private primary and/or secondary educational facilities. (Note: If facility is operated as a home occupation, see section 5100 for additional restrictions.)

Deed. A legal document conveying ownership of real property.

Deed restriction. (See *Restrictive covenant*.)

Density. The relationship of dwelling units or rooms to the area of the lot or tract upon which a residential structure is located or erected.

Discontinuance of use. To cease or discontinue a use or activity, excluding temporary or short-term interruptions to a use or activity during periods of restoring, remodeling, maintaining, or otherwise

APPENDIX B – ZONING 2000 – DEFINITIONS

improving a facility, or normal, seasonal cessation of a use, or other temporary cessation resulting from a change of use.

Drive-through/drive-in use. An establishment which by design, physical facilities, [or] service, encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway. A permanently surfaced (asphalt or gravel, or similar surfaces) area providing vehicular access between a street and an off-street parking or loading area.

Dwelling, duplex or two-family. A building containing two dwelling units joined at one or more sides by a party wall, roof or abutting separate walls, each having a single front entrance and being otherwise indistinguishable from a one-family dwelling in exterior appearance.

Dwelling, multifamily. A building containing three or more dwelling units. The term includes cooperative apartments, condominiums, and the like. For the purpose of these regulations, regardless of how rental units are equipped, any multifamily dwelling in which units are available for rental periods less than one week shall be considered a hotel.

Dwelling, single-family attached. (See *Dwelling, duplex or two-family.*)

Dwelling, single-family detached. A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract.

Dwelling unit. A residential unit other than a mobile home providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, and cooking.

Dwelling, zero lot line. A dwelling which is located on a lot where the building limit line on one side is zero. (See section 5200.)

Easement. A privilege or right of use or enjoyment granted on, above, under, or across a particular tract of land by the owner.

Eaves. The lower borders of a roof that overhang the wall.

Exterminating service. Services related to the eradication and control of rodents, insects, and other pests with incidental storage on lots other than where the service is rendered.

Fabrication and assembly. The manufacturing from standardized parts of a distinct object differing from the individual components.

Facade. The exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Factory-built house. A dwelling unit that is constructed and assembled at a factory and transported to the building's site and placed on a prebuilt foundation.

Family. One or more persons related by blood, adoption, or marriage, or a group of not more than six unrelated persons occupying a single dwelling unit. Domestic servants, employed on the premises, may be housed without being counted as a family, and not more than three boarders may be accommodated. The term "family" shall not be construed to mean a fraternity, sorority, club, or institutional group.

Fence. A structure erected to enclose and screen areas of property.

Fence, privacy. A fence constructed of masonry and/or wood having a minimum height of six feet.

Flea market. A collection or group of outdoor stalls, booths, tables or other similar arrangement, used by individual vendors, for the display and sale of various items of new or used merchandise. The hours of operation for flea markets shall be limited to no earlier than 6:00 a.m. and no later than 12:00 midnight. All merchandise for sale shall be displayed in an approved all-weather structure, or may be temporarily displayed in the open air for a period not to exceed 72 consecutive hours.

Floor area. The total square footage of all floors in the building measured to the outside faces of exterior walls or to the line of an omitted wall, whichever includes the largest area.

APPENDIX B – ZONING 2000 – DEFINITIONS

Floor area ratio. The ratio between the total square feet of floor area and the total square feet of land in the lot.

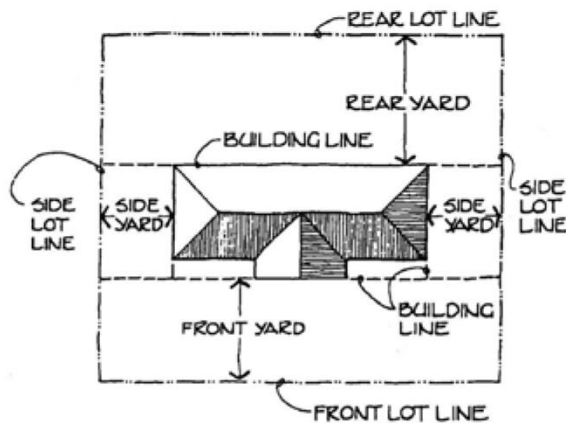
Fraternity or sorority house. A dwelling or dwelling unit maintained exclusively for fraternity or sorority members and their guests or visitors and affiliated with an academic or professional college, university or other institution of higher learning.

Freight hauling. Establishments engaged in undertaking the transportation of goods from shippers to receivers for a fee.

Frontage, lot. (See *Lot frontage*.)

Frontage, streets. The length of all property on one side of a street between two intersecting streets measured along the line of the street, or if the street is a dead end, then the length of all property abutting on one side between an intersecting street and the end of the dead-end street.

Front yard, residential. An area defined as the area across a lot bounded by the front lot line, the front yard line, and the side lot lines.



Fuel and chemical storage. Storage in aboveground containers for subsequent resale to distributors or retail dealers outlet.

Funeral home. A building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

Garage sales. Periodic sale of used merchandise conducted at a residence. (See section 5130.)

Grade. The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.

Group homes. A residential living arrangement defined in the Community Home for Disabled Persons Location Act, licensed by the state to provide food and shelter; personal guidance; care; supervision for not more than six disabled persons and two supervisors. This classification includes assisted living for the aged for no more than six persons and two supervisors or nursing personnel. This does not include activities defined under *Personal care home*.

Habitable. "Habitable" shall refer to housing units that have windows and doors installed, do not have holes in the exterior sides, roof or flooring of the unit, are not boarded up, and meet the city's minimum housing standards, as may be amended.

Halfway house. A publicly or privately operated use providing housing for juveniles or adults, regardless of the number of residents, for any of the following:

- (1) Residence in lieu of institutional sentencing;
- (2) Housing for parolees;

APPENDIX B – ZONING 2000 – DEFINITIONS

(3) Residence to those needing correctional institutionalization.

Hazardous material. Includes, but is not limited to, inorganic mineral acids of sulphur, fluorine, chlorine, nitrogen, chromium, phosphorous, selenium and arsenic and their common salts; lead, nickel and mercury and their inorganic salts or metallo-organic derivatives; coal, tar acids such as phenol and cresols and their salts; and all radioactive materials.

Hazard to air navigation. An obstruction determined to have [an] adverse effect on the safe and efficient utilization of the navigable airspace.

Heavy machinery sales and service. A building or open area, other than a public parking area or right-of-way used for the display, sale, rental and storage of heavy equipment.

Height. (See section 4300.)

Height. For the purpose of determining the height limits in all zones set forth in this provision and shown in the AICUZ study, zoning ordinance or maps, the datum shall be mean sea level elevation unless otherwise specified. [Pertains to airport zoning.]

Historic district. A geographically definable area which possesses significant concentration, linkage, or continuity of buildings, structures, sites, areas, or land, which in turn are united by architectural, historical, archaeological, or cultural importance or significance.

Home occupation. (See section 5100.)

Homeowners' association. An incorporated nonprofit organization operating under recorded land agreements through which:

- a) Each lot owner in a planned development or other described land area is automatically a member; and
- b) Each lot is automatically subject to a charge for a proportionate share of expenses for the organization's activities, such as maintaining common property.

Horizontal surface. A "horizontal surface" is a plane 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zones.

Hospital. A hospital is a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients.

Hotel. An establishment where lodging is provided for compensation other than in dwelling units. Unless otherwise specified by district regulations, hotels may serve meals to both occupants and others. For purposes of these regulations, the term "hotel" shall be construed to include a motel.

Imaginary surface. An "imaginary surface" shall include an approach or departure zone or surface, transition, conical or horizontal zones or surfaces as defined herein.

Indoor sports and recreation. Uses conducted within an enclosed building. Typical uses include bowling alleys, ice and roller skating rinks, and indoor racquetball courts. See section 5905 for coin-operated amusement machines establishment regulations.

Industrial park. A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

In-fill housing: "In-fill housing" shall be housing installed or built on a lot which may have been previously occupied by another structure, and/or which may be located within an area occupied by other housing units.

Instrument runway. Existing or planned runway(s) of at least 4,000 feet for which there is or is planned to be an instrument landing procedure published by a defense agency of the federal government or by the Federal Aviation Administration.

Internal circulation pattern. Streets and access ways within a site.

APPENDIX B – ZONING 2000 – DEFINITIONS

kennel. Any premises, except where accessory to an agricultural use, where six or more dogs, cats, or other domesticated pets are kept. (See Chapter 14, Wichita Falls Code of Ordinances.)

Landfill. An area of land used for solid waste disposal in which refuse is buried underground between layers of dirt or fill material.

Landing area. The surface area of the airport used for landing, take-off or taxiing of aircraft

Landmark. (See section 6300.)

Landowner. Shall mean the legal or beneficial owner or owners of the land. The holder of an option or a purchase contract by other persons having an enforceable proprietary interest in such land shall be deemed to be a landowner for the purpose of this ordinance.

Landscape. An expanse of natural scenery or the addition of lawns, trees, plants, and other natural and decorative features to land.

Land use. A description of how land is occupied or utilized.

Land use plan. A plan showing the existing and proposed location, extent and intensity of development of land to be used in the future for varying types of residential, commercial, industrial, agricultural, recreational, educational and other public and private purposes or combination of purposes.

Library, public. A collection in which literary, musical, artistic or reference materials (books, manuscripts, films) are kept for use by the general public.

Light manufacturing. A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and accessory storage, sales and distribution of such products, but excluding basic industrial processing.

Loading space. An area used for loading or unloading of goods from a vehicle in connection with the use of the site on which such space is located.

Local street. A street which is intended primarily to serve traffic within a neighborhood or limited residential district, and which is not necessarily continuous through several residential districts.

Lot. A parcel of land described and recorded as a lot in the records of [the] county, or in the event any lot or lots of land acreage as recorded are subdivided or cut up into smaller or different parcels of land, or in the event any parcel of such lot or lots of land acreage is used for the purpose of placing on any such parcel a principal building and its accessory buildings, each such parcel of land shall become a separate lot for the purposes of this ordinance, and the boundaries of each such lot shall be determined and defined so as to contain sufficient area to include the principal building and its accessory buildings to be erected thereon and the open spaces required under this ordinance.

Lot area. The square foot area of a lot within the bounding property lines and exclusive of dedicated streets and alleys. (See section 4100.)

Lot, corner. A lot situated at the junction of two or more streets.

Lot coverage. That portion of the lot that is covered by buildings and structures.

Lot depth. The horizontal distance measured from the front lot line to the rear lot line.

Lot frontage. The length of the front lot line measured at the street right-of-way line.

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

Lot line. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Lot, through. An interior lot having a frontage on two streets.

Lot width. The horizontal distance between the side lines of a lot measured at right angles to its depth along a straight line parallel to the front lot line at the minimum required building setback line.

APPENDIX B – ZONING 2000 – DEFINITIONS

Lumberyard. A site used for the storage, wholesale, and limited retail sales of lumber. This does not include business enterprises which sell home improvement supplies and lumber on a predominantly retail basis.

Manufactured housing. "Manufactured housing" refers to a HUD-code manufactured home constructed on or after June 15, 1976, according to rules of the U.S. Department of Housing and Urban Development established under the National Manufactured Housing Construction and Safety Standards Act of 1974 (act), and which is further defined and referenced under Texas Occupations Code § 1201.001 et seq. This term does not include those situations where the housing unit has been modified or provide openings or a pass-through not originally provided by the factory where the housing unit is subject to construction and safety inspection for HUD-code compliance; nor has received inspection and approval of such modifications by an inspector certified under the act to perform such inspections. Housing units so modified without such inspections shall thereafter be subject to applicable city building codes which may thereafter apply to the entire unit.

Manufactured housing, individual accessory use. "Manufactured housing, individual accessory use" shall be a housing unit located on the site of a commercial or industrial land use intended for use by security personnel subject to approval by the Department of Community Development.

Manufactured housing park. A "manufactured housing park" shall be a parcel of land, under single ownership, on which two or more manufactured homes or mobile homes in the aggregate are located and occupied as permanent dwelling units; and which may or may not allow for temporary use vehicles.

Manufactured housing sales. "Manufactured housing sales" shall be a building or area used for the sale of manufactured housing.

Manufactured housing subdivision. A "manufactured housing subdivision" shall be an area of not less than four acres so designated for the purpose of subdividing land into residential lots to be sold for the use of manufactured housing.

Marquee. Any hood, canopy, awning or permanent construction which projects from a wall of a building, usually above an entrance.

Medical office. An office of one or more medical doctors, dentists or similar members of the medical profession.

Metes and bounds. A method of describing the boundaries of land by directions and distances from a known point of reference.

Mine.

- (1) A cavity in the earth from which minerals and ores are extracted;
- (2) The act of removing minerals and ores.

Mining and excavation. The extraction of minerals, including solids, such as coal and ores; liquids, such as crude petroleum; and gases, such as natural gases. This term also includes quarrying; well operation; milling, such as crushing, screening, washing and flotation; and other preparation customarily done at the mine site or as part of a mining activity.

Mini-warehouse. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis. (See *Self-storage facility*.)

Mixed use development. The development of a tract of land or building or structure with two or more different uses, such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment, in a compact urban form.

Mobile home. "Mobile home" means a structure other than a site-built house or manufactured home constructed prior to June 15, 1976. This term shall not be interpreted to include modular housing as defined and regulated by the state as industrialized housing, travel trailers, motorized homes or other such units designed or intended as temporary and/or recreational housing units.

Motel. A building or group of buildings developed as an integral unit in which there are:

APPENDIX B – ZONING 2000 – DEFINITIONS

- a) Guest rooms for living or sleeping accommodations which are primarily for transient occupancy and which may be rented on a daily basis;
- b) Desk or lobby service, telephone, maid, linen room, and similar services; and
- c) Individual entrances from outside the building(s) to serve each individual living or sleeping unit.

Motor vehicle salvage yard. Any outdoor storage yard used for the deposit of dismantled or junked motor vehicles or any outdoor storage yard used for the deposit of any discarded material which has been a part of or is intended to be a part of any motor vehicle.

Movie theater. A building for showing motion pictures.

Museum. (See *Art gallery/museum.*)

Neighborhood. A contiguous area containing residences which are of similar size, age, and construction style and sharing a common street system. Neighborhoods are defined by major streets, natural boundaries, subdivision boundaries or zoning districts.

Noise. Any undesired audible sound.

Nonconforming development. A parcel of land, improvement or use that was lawful prior to the enactment of this ordinance, effective May 23, 1985, or any amendment thereto, but that does not conform to the provisions of this ordinance except for the provisions of section 6100.

Nonconforming parcel. A parcel of land that is not in conformance with the Code of Ordinances or is not in conformance with provisions contained in this ordinance. Nonconformity may include lot size, frontage or lot width, or other conditions related to the area or width of a parcel or development of the parcel. This definition shall not be interpreted to mean a parcel which was established contrary to regulations contained under Appendix A of the Code of Ordinances, or within this ordinance since the rezoning of property or since zoning was enacted in the city unless a variance to such regulations has been lawfully obtained. Such a parcel developed contrary to regulations in the Code of Ordinances shall be an illegal parcel.

Nonconforming site elements. Site elements are those elements which are ancillary to a use, structure or parcel which include, but are not limited to parking number and layout, provision of required handicapped parking, landscaping and irrigation, signage, free-standing or attached canopies or awnings, ingress and egress points and curb cut location(s), site circulation patterns compatible with the use and/or mixture of uses, outdoor lighting, and similar elements, features or provisions.

Nonconforming structure. A structure which is not in compliance with this ordinance as it relates to lot coverage, height, setback and other provisions which are intended to regulate the size, location or other element relating to the structure or placement of a structure. This definition shall not be interpreted to include building codes.

Nonconforming use. With respect to any provision of this appendix other than airport zoning, a legal use which is not a permitted use in that zoning district and which existed prior to the enactment of zoning within the city or a rezoning within a zoning district. [The term] "nonconforming use" may also apply to nonconformance with regulations which apply to parking, landscaping and signage requirements as applied to the current use which is in itself nonconforming. This definition shall not be interpreted to mean a use which was established since the rezoning of property or since zoning was enacted in the city, and is not permitted in that zoning district, not authorized by a conditional use permit, or which has not obtained a waiver of this ordinance from the city council, such use is an illegal use.

Nonconforming use. Only with respect to airport zoning, any structure or use of land which was inconsistent with these provisions on October 31, 1982, or amendments thereto. [Pertains to airport zoning.]

Nonprecision instrument runway. A "nonprecision instrument runway" is a runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been planned or approved.

APPENDIX B – ZONING 2000 – DEFINITIONS

Nuisance. An interference with the enjoyment and use of property.

Nursery. Land used to raise and store flowers, trees, shrubs and plants for sale, which may also contain a structure for maintenance of the property.

Obstruction. With respect to any provision of this appendix other than airport zoning, any dam, wall, wharf, embankment, levy, dike, pile, abutment, projection, excavation, channel, rectification, bridge, culvert, conduit, building, wire, fence, rock-, gravel-, refuse-filled structure, which may impede, retard or change the direction of the flow of water, either itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life and property.

Obstruction. Only with respect to airport zoning, any structure, growth or other object, including a mobile object, which exceeds a limiting height set forth in this provision. [Pertains to airport zoning.]

Office. A room, studio, suite, or building or any part thereof in which a person provides professional services. This definition shall not include business and personal services. Additionally, this definition shall not include offices which are related to and accessory to other on-site uses. An office shall not involve on-site manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods and products; or the sale and delivery of any materials, goods or products which are physically located on the premises. Furthermore, an office shall not be used as a place of congregation for work off the premises.

Off-street parking space. A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

Oil drilling. (See *Mining and excavation.*)

Openings for light and air. Any window, window wall, or glass located in the building, but not including doors which are used only for ingress and egress.

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

Open space ratio. Total area of open space divided by the total site area in which the open space is located.

Outdoor entertainment and recreation. Recreational uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools, tennis courts, and outdoor racquetball courts.

Outdoor food court. An established lot or parcel of land with facilities allowing two or more mobile food establishments to be parked on the property for the purpose of vending on that property.

Outdoor seating. Seating not enclosed, but which may include a roof, awning or other such cover.

Outdoor storage. Any material, vehicle or equipment that has been used, damaged or partially dismantled and is:

- (1) Stored outside indefinitely; or
- (2) Held outside as inventory for future sale, processing or use.

Such articles include, but are not limited to, inoperable motor vehicles or motor vehicle parts, appliances, boxes, crates, pipe or pipe fittings, paper, metal, tires, toys, concrete blocks, bricks, furniture, fixtures, machinery, motors, lumber, buildings or portions of buildings, building materials, barrels or clothing.

Owner. An individual, firm, association, syndicate, partnership, or corporation having sufficient proprietary interest to seek development of land.

Parcel. A lot or tract of land.

Park. A tract of land designated and used by the public for active and passive recreation.

APPENDIX B – ZONING 2000 – DEFINITIONS

Parking area. Any public or private land area designed and used for parking motor vehicles, including parking lots, garages, private driveways and legally designated areas of public streets.

Parking facility. An area or structure devoted to the parking or storage of automobiles for a fee.

Parking space. A space for the parking of a motor vehicle within a public or private parking area.

Party wall. A common shared wall between two separate structures, buildings, or dwelling units.

Permit. Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted use. Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

Person. An individual, firm, partnership, corporation, company, association, joint stock association or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian or other representative.

Personal care home. A residential living arrangement that provides food, shelter and guidance for no more than six persons and two supervisors or nursing personnel, including but not limited to, maternity homes, shelters for victims of crime, abuse and neglect.

Planned unit development (PUD). A planned unit development is a development of land which is planned and developed as a whole in a single development operation or programmed series of development, and which includes streets, utilities, lots or building sites, and which indicates all structures and their relationship to each other and to adjacent uses and improvements, as well as open spaces. A planned unit development may consist of dwelling units and detached, semidetached, attached or multifamily structures or any combination thereof and may also include nonresidential uses such as religious, cultural, recreational, commercial, or industrial uses, compatibly and harmoniously incorporated into the unitary design of the planned unit development.

Planning and Zoning Commission shall mean the City of Wichita Falls Planning and Zoning Commission.

Plat. A "plat" shall refer to both preliminary and final plats and shall be determined by the section in which it appears.

Plat, final. A "final plat" is a plat prepared by a licensed surveyor and submitted to the Planning and Zoning Commission for final approval which is duly acknowledged by its owners or proprietors of the land in the manner required for the acknowledgement of deeds and which is to be filed for record in the office of the county clerk of the county or counties in which the land lies.

Plat, preliminary. A tentative drawing made by a licensed surveyor for inspection purposes only, showing the entire tract of land sought to be subdivided, accurately describing all of said subdivision or addition by metes and bounds, locating the same with respect to an original corner of the original survey of which it is a part and giving the dimensions thereof of said subdivision or addition, and dimensions of all streets, alleys, squares, parks or other portions of same intended to be dedicated to public use, or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Porch. A roofed space open on three sides, one or more stories in height.

Power generation. Production of electric current.

Precision instrument runway. A "precision instrument runway" is a runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is indicated on an approved airport layout plan or other planning document.

Premises. Any lot or unplatted tract, or any combination of contiguous lots or unplatted tracts held under single ownership.

Primary building. The building on a lot which is occupied by the primary use.

APPENDIX B – ZONING 2000 – DEFINITIONS

Primary surface. A surface longitudinally centered on a runway. Where the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed under [section] 6400 of appendix [B] of the Code of Ordinances, for the most precise approach existing or planned for either end of that runway.

Primary use. A use which fulfills a primary function of a household, establishment, institution or other entity.

Private recreational areas, limited. Outdoor and indoor recreational areas designed to meet the needs of a residential neighborhood, and intended primarily to be used by the residents of that neighborhood.

Prohibited use. A use that is not permitted in a zone district.

Publicly owned treatment works or POTW. [The term] "publicly owned treatment works" or "POTW" shall have the same meaning as defined in section 106-566 of the Code of Ordinances, City of Wichita Falls, Texas.

Public right-of-way. A strip of land acquired by reservation, dedication, prescription or condemnation, and used or intended to be used as a public use.

Public safety services. Fire stations, ambulance services, and police stations.

Recreational vehicle. A "recreational vehicle" is a vehicular-type unit primarily designed as temporary living quarters for recreational, camping, travel, or seasonal use that either has its own motive power or is mounted on or towed by another vehicle. The basic entities may include, but [are] not limited to, a camping trailer, fifth wheel trailer, motor home, travel trailer, and truck camper.

Recreational vehicle parks. "Recreational vehicle parks" shall be parks used exclusively for temporary use vehicles. The term "RV park" shall also include this definition.

Refinery. A building and equipment for refining metals and oil.

Religious assembly. Places of worship and activity where people gather. A property tax exemption obtained pursuant to the Property Tax Code of the state shall constitute prima facie evidence of religious use.

Repair services. Establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding automotive and equipment services use types. Typical uses include appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

Residence. A home, abode or place where an individual is actually living at a specific point in time.

Residential care facility. A building with on-site supervisory personnel which provides shelter and care for abandoned, battered, disabled, or homeless individuals regardless of legal relationship.

Residential character. Refers to the appearance and nature of a residential area. Specifically showing no commercial intrusion, home occupations which do not attract attention, a high degree of maintenance and yard care and limited outdoor storage.

Residential use. Shall refer to such uses as single-family attached or detached dwellings, apartment complexes, condominiums, townhouses, duplexes, mobile/manufactured homes, nursing homes, retirement communities, or similar uses characterized by the long-term occupancy of a dwelling, as opposed to uses characterized by a short-term or transient nature, such as hotels, motels, halfway houses, RV parks or other such facilities and other such uses.

Residential zoning district. Shall refer to any zoning district which, as a permitted use, allows a residential use as defined herein, but which excludes the general commercial (GC) zoning district.

Restaurant. An establishment where food and drink are prepared, served and consumed primarily within the principal building.

APPENDIX B – ZONING 2000 – DEFINITIONS

Restaurant, limited. A business engaged in the serving of prepared foods which are served and primarily consumed on site and is contained within an area of not more than 1,200 square feet. Such enterprises may include, but are not limited to, salad bars, sandwich shops, ice cream parlors, tearooms, and similar uses.

Restriction. A limitation on property which may be created in a property deed, lease, mortgage, through certain zoning or subdivision regulations, or as a condition of approval of an application for development.

Restrictive covenant. A restriction on the use of land usually set forth in the deed.

Retail trade. The selling of merchandise to the general public.

Retail warehousing. Warehousing of inventory to include, but not [be] limited to, appliances, parts, home furnishings, showrooms or other such areas not generally accessed by the public or where there is provided areas for the display of products or merchandise which normally require specialized equipment for moving.

Rezone. To change the zoning classification of particular lots or parcels of land.

Right-of-way.

- (1) A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to be occupied or occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, waterline, sanitary storm sewer, and other similar uses;
- (2) Generally, the right of one to pass over the property of another.

Roof. The outside top covering of a building.

Runway. A defined area on an airport prepared for landing and take-off of aircraft along its length.

School, primary. Includes grades one through six and may or may not include a kindergarten.

School, secondary. Includes grades seven through 12, popularly known as junior and senior high schools.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

Self-storage facility mini-warehouse. (See *Mini-warehouse*.)

Service, business. Establishments primarily engaged in rendering services to business establishments on a fee or contract basis (e.g., janitorial, fax, lawn care, etc.).

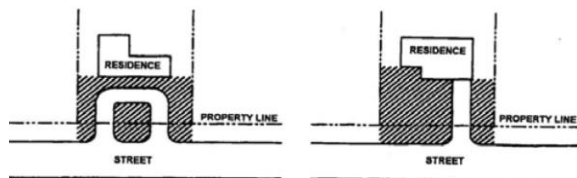
Service, personal. Establishments primarily engaged in providing services involving the care of a person or his apparel (e.g., laundering facilities, dry cleaners, photography studio, beauty/barber shop, shoe repair, reducing salons, tailor, etc.).

Service, professional. (See *Office*.)

Services. Establishments primarily engaged in providing services for individuals, business and government establishments and other organizations.

Service station. (See *Automotive service station*.)

Setback. The minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.



APPENDIX B – ZONING 2000 – DEFINITIONS

Setback area. Shall be the area between the property line and the minimum building setback as established by the zoning district in which the lot is located or which is according to a final plat filed for record with the county.

Setback, front. The distance extending for the full width of the lot between the front lot line and the front wall of the structure.

Setback, rear. The distance between the rear lot and the rear wall of a primary structure, and bounded on both sides by the side setbacks.

Setback, side. The distance between the side property lines and the side wall of a structure and bounded by the front setback line and rear lot line. Any lot line which is not a front or rear lot line is a side lot line. Where a lot has only three lot lines, those lot lines which do not front on a street shall be deemed as side lot lines.

Setback, side (exterior). The side setback on the street side property line of a corner lot.

Setback, side (interior). The side setback from the property line which is abutting to another lot.

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Sign. Any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illuminations or projected images. This definition shall not include the national and state flag.

Single-family dwelling. "Single-family dwelling," as the term is used herein, is not intended to discriminate between the various types of dwellings that may be used by a single family. This term, as used herein, shall be used to differentiate between site-built housing subject to city-adopted building codes and other housing types that could function as a single-family residence.

Site. Any plot or parcel of land or combination of contiguous lots or parcels of land.

Site plan. A plan, prepared to scale, showing accurately and with complete dimensioning, all of the buildings, structures and principal site development features, including parking, access, and landscaping and screening, and uses proposed for a specific lot or site or parcel of land.

Slaughterhouse-meat packing. Establishments where animals are butchered and packaged for sale.

Stable. A structure with a capacity for more than two horses or mules.

Stand. A "stand" is a specific area within a recreational vehicle park that is set-aside for use by a recreational vehicle.

Stockyards. Stockyards and commercial feedlots shall be defined, for the purposes of this section, as confined areas for feeding and/or holding of certain animals, such as cattle, swine, sheep and goats.

Story. That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling.

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

Structural alteration. Any change in either the supporting members of a building, such as bearing walls, columns, beams and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure. With respect to any provision of this appendix other than airport zoning, a "structure" may be a building, derrick, silo, elevator, electrical transmission tower, exhaust stack, light standard, pole or similar such use.

APPENDIX B – ZONING 2000 – DEFINITIONS

Structure. Only with respect to airport zoning, an object, including a mobile object, constructed or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations and overhead transmission lines. [Pertains to airport zoning.]

Subdivision. The division of a lot, tract or parcel of land into two or more lots, tracts, parcels or other divisions of land for sale, development or lease.

Substantial improvements. An improvement which increases the floor area of an existing structure by more than 50 percent or represents an investment of greater than 50 percent of the present market value of the existing structure.

Supermarket. A retail establishment primarily selling food as well as other convenience and household goods.

Swimming pool. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

Temporary use vehicles. A "temporary use vehicle" shall be a travel trailer or recreational vehicle manufactured by recognized manufacturers of such vehicles, but shall exclude tent trailers and similar such units.

Therapy and rehabilitation. A use engaged in a therapeutic and/or rehabilitation activity by personnel licensed by the state.

Townhouse. A single-family dwelling unit constructed in a series or group of not less than three contiguous units, but limited in this ordinance to a maximum of ten contiguous units.

Trailer park or court. A unified development designed to supply parking and utility connections for travel trailers, motor homes, and other transient residential trailers/vehicles.

Transitional surfaces. "Transitional surfaces" extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontal for each foot vertical from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which projects through and beyond the limits of the conical surface, extend a distance of 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

Travel trailer. A transportable, factory-built structure, which in the traveling mode is less than eight body feet in width and less than 40 body feet in length and designed as a temporary use dwelling unit.

Trucking facility. A building or area in which freight brought by [a] motor truck is assembled and/or stored for shipping interstate and intrastate commerce by [a] motor truck.

Use. The purpose or activity for which land or buildings are designed, arranged, or intended, or for which land or buildings are occupied or maintained.

Utility, service.

- (1) Any agency which, under public franchise or ownership, or under certificate of convenience and necessity, provides the public with electricity, gas, heat, steam, communication, rail transportation, water, sewage collection, or other similar service;
- (2) A closely regulated private enterprise with an exclusive franchise for providing a public service.

Variance. (See section 7300.)

Veterinary services. An establishment where animals and pets are admitted for examination and treatment.

Warehouse. A building used primarily for the storage of goods and materials.

Warehousing facilities. Terminal facilities for handling freight with or without maintenance facilities.

**APPENDIX B – ZONING
2000 – DEFINITIONS**

(Ord. No. 28-86, § 7, 4-1-1986; Ord. No. 76-87, § 1, 8-18-1987; Ord. No. 23-88, § 1, 3-1-1988; Ord. No. 39-88, § 2, 3-15-1988; Ord. No. 64-88, § 2, 5-31-1988; Ord. No. 92-88, § 1, 8-2-1988; Ord. No. 30-89, § 1, 5-2-1989; Ord. No. 27-90, § 7, 5-1-1990; Ord. No. 81-90, § 3, 12-6-1990; Ord. No. 31-91, § 1, 4-2-1991; Ord. No. 109-92, 12-1-1992; Ord. No. 158-93, § 2, 12-21-1993; Ord. No. 74-94, § 2, 5-17-1994; Ord. No. 75-96, § 1, 6-4-1996; Ord. No. 95-96, §§ 1, 2, 7-2-1996; Ord. No. 70-97, § 1, 8-5-1997; Ord. No. 35-98, §§ 1, 2, 4-21-1998; Ord. No. 66-99, § 1, 7-20-1999; Ord. No. 71-2000, § 3, 7-5-2000; Ord. No. 103-2000, § 2, 10-3-2000; Ord. No. 32-2001, §§ 2, 3, 4-3-2001; Ord. No. 45-2001, § 1, 5-1-2001; Ord. No. 95-2001, § 2, 10-2-2001; Ord. No. 96-2001, § 1, 10-2-2001; Ord. No. 2-2002, § 1, 1-3-2002; Ord. No. 53-2002, § 2, 7-16-2002; Ord. No. 62-2003, § 1, 7-1-2003; Ord. No. 78-2006, § 3, 9-19-2006; Ord. No. 03-2015, § 1, 1-6-2015)