

Section 39. Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular, except where the natural construction of the writing indicates otherwise. The word shall is mandatory and not directory. For any term or use not specifically defined herein, Webster's Dictionary (latest edition) shall be used.

1. *Accessory building/accessory dwelling*: A subordinate building or a portion of the main building located on the same lot as the main building, the use of which is secondary or supportive to that of the dominant use of the building or premises. Accessory buildings may include parking garages, adjacent farm structures, home workshops and tool houses, storage sheds, home greenhouses, etc. An accessory dwelling or garage apartment shall mean the same as accessory building except it may be used for residential purposes but not leased or rented.
2. *Accessory use*: A use customarily incidental, appropriate and subordinate to the principal use of land or building(s) and located upon the same lot therewith.
3. *Advertising sign or structure* (also see Signs in this section): Any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character whatsoever, including a statuary or place for outdoor advertising purposes on the ground or any tree, wall, bush, rock, post, pole, fence, building or structure.
4. *Airport*: A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.
5. *Alley*: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.
6. *Amusement arcade (also video arcade)*: Any building, room, place or establishment of any nature or kind and by whatever name called, where more than two amusement devices operated for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device," as used herein, shall not include musical devices, billiard tables which are not coin-operated machines designed exclusively for children and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.
7. *Antenna*: An instrument or device consisting of wires, poles, rods, or

reflecting discs, designed for transmitting or receiving any portion of the radio, microwave, or electromagnetic spectrum.

8. *Antenna, noncommercial (amateur radio, television, or CB radio)*: An antenna not exceeding 50 feet in height above the ground elevation at the base of the tower, pole, structure or support. A satellite dish antenna not exceeding 12 feet in diameter shall also be considered as a noncommercial radio antenna. This term shall also include television and other radio antennas.

9. *Antenna (commercial)*: An antenna in excess of 50 feet in height from the base primarily used for commercial broadcasting. A satellite dish in excess of 12 feet in diameter shall be considered a commercial antenna. A microwave transmitting tower is also a commercial antenna.

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

11. *Auto rental and leasing*: Storage, leasing or renting of automobiles, motorcycles, and light load vehicles.

12. *Auto parking lot or garage*: An area or structure designed for the parking of motor vehicles.

13. *Auto parts, sales in building*: The use of any building or other premises for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

14. *Auto parts, sales in open*: The use of any land area for the outside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles, but not including wrecking yards and junkyards.

15. *Auto storage or auto auction*: The storage or impoundment, on a lot or tract, of operable automobiles for the purpose of holding such vehicles for sale or distribution.

16. *Automobile*: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters and motorcycles.

17. *Automobile repair garage*: An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

18. *Automobile repair, major*: General repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles; wrecker service; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing; those uses listed under "automobile repair, minor"; and other similar uses.

19. *Automobile repair, minor*: Minor repair or replacement of parts, tires, tubes,

and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.

20. *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 automobile fuels, lubricants, and automobile accessories, including those operations listed under minor automobile repair. Vehicles which are inoperative or are being repaired may not remain parked outside an automobile service station for a period greater than seven days.

21. *Bank, savings and loan, or credit union*: An establishment for the custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds.

22. *Bakery and confectionery works (commercial)*: A manufacturing facility for the production and distribution of baked goods and confectioneries to retail outlets.

23. *Basement (or cellar)*: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

24. *Block*: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the city shall determine the outline of the block.

25. *Boardinghouse*: A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided.

26. *Building*: Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

27. *Building height*: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or a declivity of a mansard roof or to the average height of the highest gable of a pitch or hip roof.

28. *Building line*: A line parallel, or approximately parallel, to any front lot line at

a specific distance therefrom, marking the minimum distance from the front lot line that a building may be erected. (See illustration 6.)

29. *Building, main*: A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

30. *Building materials and hardware sales*: Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a home improvement center.

31. *Building official*: The inspector or administrative official charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

32. *Bus terminal*: Any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

33. *Cabinet and furniture upholstery shop*: An establishment for the production, display and sale of cabinets, furniture and soft coverings for furniture.

34. *Caretakers' or guards' residence*: A residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

35. *Carport*: A structure open on a minimum of two sides designed or used to shelter not more than three vehicles and not to exceed 24 feet on its longest dimension. Also called "covered parking area."

36. *Car wash or vehicle wash*: Structure used to wash motorcycles, automobiles and light load vehicles.

37. *Cemetery*: Property used for the interring of the human dead.

38. *Certificate of occupancy*: An official certificate issued by the city through the building official which indicates conformance with the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an occupancy permit.

39. *Child care center (or day care center)*: A commercial institution or place designed for the care or training of 12 or more unrelated children under 14 years of age for less than 24 hours a day.

40. *Church, rectory, or temple*: A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by state law). For the purposes of this ordinance, bible study and other similar activities which occur in a person's primary residence shall not apply to

this definition.

41. *City*: The City of Highland Village.

42. *City council*: The governing body of the City of Highland Village, Texas and sometimes referred to as "the council." References to the "city" shall mean the City of Highland Village.

43. *Civic center*: A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention or entertainment facilities owned and/or operated by a municipality.

44. *Commercial amusement (indoor)*: An amusement or entertainment enterprise wholly enclosed and operated within a building. This includes, but is not limited to, bowling alleys, skating rinks, health clubs, racquetball clubs, bingo parlors, indoor tennis courts, gymnasiums, swimming pools and nautilus facilities.

45. *Commercial amusement (outdoor)*: An outdoor area or structure, open to the public which provides entertainment or amusement for a fee or admission charge, including but not limited to batting cages, miniature golf, go-cart tracks, rodeo grounds, drive-in theaters, water slides and carnivals.

46. *Community center*: A building or complex of buildings that house cultural, recreational, athletic, or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

47. *Community home*: A place where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two persons as licensed by the Texas Department of Mental Health and Mental Retardation. (Also see V.T.C. A., Human Resources Code ch. 123.)

48. *Concrete or asphalt batching plant (permanent)*: A permanent manufacturing facility for the production of concrete or asphalt.

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

50. *Construction yard (temporary)*: A storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.

51. *Contractor's shop and storage yard*: A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

52. *Country club (private)*: A land area and buildings which may include a golf

course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

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

54. *Coverage*: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

55. *Dance hall*: An establishment open to the general public for dancing.

56. *Density*: The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per gross acres or net acre.

57. *Detached*: Having no physical connection above the top of the floor line of the first floor with any other building or structure.

58. *Dry cleaning plant*: An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.

59. *Dry cleaning, small shop*: A custom cleaning shop or pick-up station not exceeding 6,000 square feet of floor area, including but not limited to dry cleaning plants having no more than 1,500 square feet of floor area for dry cleaning equipment.

60. *Dwelling*: Any building or portion thereof, which is designed or used as living quarters for one or more families and contains a kitchen with facilities for cooking.

61. *Dwelling, single-family attached (townhouse)*: See "Townhouse."

62. *Easement*: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

63. *Electrical substation*: A subsidiary station in which electric current is transformed.

64. *Enclosed building*: A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of opening forming a divided opening larger than 120 square feet in area normally open to the air.

65. *Engine and motor repair*: The adjustment, reconditioning or restoration to working order of engines and motors.

66. *Excavation or gravel pit*: An area where minerals, gravel, or other similar materials are excavated or quarried below the natural grade of the surface.

67. *Exhibition or fairgrounds area:* An area or space either outside or within a building for the display of topic-specific goods or information.
68. *Family:* One or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.
69. *Family home (child care in place of residence):* A facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to V.T.C.A., Human Resources Code ch. 42, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Services.
70. *Farm, ranch, garden or orchard:* An area 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 not including the commercial feeding (feed lot) of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.
71. *Feed store:* An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural process, but not including farm machinery.
72. *Field construction office:* A building or structure, of either permanent or temporary construction, used in connection with a development or construction project for housing temporary supervisory or administrative functions related to development, construction or the sale of real estate properties within the active development or construction project (also see temporary building).
73. *Flea market:* An outdoor, or partially indoor premises where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments.

This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts shows or sales held by nonprofit organizations are also not included under this definition.

74. *Floodplain*: An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FEMA floodplain map of the City of Highland Village.

75. *Floor area*: The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

76. *Floor area ratio (FAR)*: The floor area of a main building or buildings on a lot, divided by the lot area. (See illustration 1.)

77. *Florist shop*: An establishment for the display and retail sale of flowers, small plants and accessories.

78. *Food store*: A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises (also termed grocery store). Prepared food may be sold only as a secondary or accessory use.

79. *Fraternal organization, lodge, civic club, or union*: An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

80. *Front yard*: See "Yard, front".

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

82. *Furniture, home furnishings, and equipment stores*: This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

83. *Furniture store (new and used)*: Same as above except sales may include used items.

84. *Garage, parking*: Any building, or portion thereof, used for the storage of four or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.

85. *Garage, private*: An enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

86. *Garden shop*: A facility which is engaged in the selling of flowers,

ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

87. *Gasoline service or filling station:* (See "Automobile service station".)

88. *General commercial plant:* Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

89. *General manufacturing:* (See "Industrial, general".)

90. *General retail stores:* This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (Also see "Retail store".)

91. *Golf course:* An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

92. *Group day care home:* Means a facility that provides care for seven to 12 children under 14 years of age less than 24 hours a day.

93. *Gymnastic or dance studio:* A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

94. *Halfway house:* A facility for the housing, rehabilitation and/or training of six or more persons, who are on probation or parole or are pre-released inmates from correctional institutions or other persons found guilty of criminal offenses; or for the housing, rehabilitation, training, counseling or treatment of six or more persons for alcohol chemical or drug abuse and/or dependencies. "Halfway house" shall not include a hospital licensed by the State of Texas or a state licensed physician's office which office does not have facilities for patients to stay overnight.

95. *Heavy load vehicle:* A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) of greater than 11,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

96. *Heavy machinery sales and storage:* A building or open area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

97. *Height*: The measurement or distance from the surface grade to the top of the roof structure. Does not include mechanical and similar equipment.
98. *Heliport/helistop*: An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities. Helistop is the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.
99. *Home occupation*: Any occupation or activity carried on principally by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main building; provided that no trading in merchandise or selling of goods or services is carried out on a regular basis and in connection with which there is no display of merchandise and no mechanical equipment is used, except such as is customary for purely domestic or household purposes and does not create obnoxious noise or other conditions such as odor, increased traffic, smoke or electrical interference. A beauty or barber shop, tearoom or restaurant, rest home or clinic, child care center, bed and breakfast facility, or cabinet, metal or auto repair shop are examples of uses that are not home occupations.
100. *Household appliance service and repair*: The maintenance and rehabilitation of appliances customarily used in the home including but not limited to washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, counter-top kitchen appliances, vacuum cleaners and hair dryers.
101. *Industrial, manufacturing*: Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.
102. *Kennels (indoor pens)*: An establishment with indoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.
103. *Kennels (outdoor pens)*: An establishment with outdoor pens in which more than four dogs or domesticated animals more than one year old are housed, groomed, bred, boarded, trained or sold for commercial purposes.
104. *Kiosk*: A small, freestanding, one-story structure having a maximum floor area of 350 square feet and used for commercial purposes, such as automatic teller machines or 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.

105. *Landscaping*: Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and nonliving durable material commonly used in landscaping, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

106. *Laundromat (or self-serve washateria)*: A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

107. *Light load vehicles*: A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 11,000 pounds, and having no more than two axles, such as pick-up trucks, vans, recreational vehicles (less than 32 feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

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

109. *Loading space*: An off-street space or berth used for the delivery and loading or unloading of vehicles.

110. *Lot*: Platted (as specified in V.T.C.A., Local Government Code ch. 212) land occupied or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the ordinance, and other laws or ordinances, and having its principal frontage on a public street or officially approved place. (See illustrations 6, 7, and 8.)

111. *Lot area*: The total area, measured on a horizontal plane, included within lot lines.

112. *Lot, corner*: A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. (See illustration 14.)

113. *Lot depth*: The mean horizontal distance between the front and rear lot lines. (See illustration 7.)

114. *Lot, double frontage*: A lot having a frontage on two nonintersecting streets, as distinguished from a corner lot. (See illustration 5.)

115. *Lot, flag*: A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than 35 feet.

116. *Lot, interior*: A lot other than a corner lot.

117. *Lot frontage*: That dimension of a lot or portion of a lot abutting on a street,

excluding the side dimension of a corner lot.

118. *Lot line, front:* The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See illustration 6.)

119. *Lot line, rear:* The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See illustration 8.)

120. *Lot line, side:* Any lot line not the front or rear lot line.

121. *Lot lines or property lines:* The lines bounding a lot as defined herein.

122. *Lot of record:* A lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk of Denton County or a lot subdivided by metes and bounds description prior to June 2, 1977. Also termed "official lot of record."

123. *Lot width:* The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See illustration 6.)

124. *Main building:* The building or buildings on a lot which are occupied by the primary use.

125. *Masonry construction:* Exterior construction materials including brick, stone, granite, marble, concrete and other built up/tilt panels.

126. *Master plan, policy master plan or comprehensive plan:* Document adopted by the city that consists of graphic and textual policies which govern the future development of the city and which consists of various components governing specific geographic areas and functions and services of the city.

127. *Mausoleum:* Property used for the interring of the dead and where bodies are interred above ground in staked [stacked] vaults.

128. *Medical facilities:*

a. *Convalescent, rest or nursing home:* A health facility used for or customarily occupied by persons recovering from illness or suffering from infirmities of age, and furnished meals or continuing nursing care for compensation.

b. *Dental, medical, or chiropractic clinic:* A facility or group of offices for one or more physicians for the examination and treatment of ill and

afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

c. *Dental office or doctors office:* Same as "dental or medical clinic".

d. *Hospital:* An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

e. *Massage establishment:* Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. "Massage therapy," as a healthcare service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

f. *Public health center:* A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

g. *Sanitarium:* An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

h. *Surgical out-patient facility:* An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

129. *Mini-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.

130. *Miscellaneous retail stores:* Establishments engaged in the retail sale of specialized lines of merchandise not elsewhere classified, including but not limited to drug, liquor, apparel and accessories, handcraft, and pastries.

131. *Mobile home (or HUD code manufactured home)*: A dwelling manufactured after June 15, 1976, designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

132. *Mobile home display and sales*: The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

133. *Mobile home park*: A parcel of land not less than five acres nor greater than 25 acres which has been designed, improved, or intended to be used or rented for occupancy by one or more mobile homes or trailer houses in designated spaces.

134. *Mobile home subdivision*: A parcel of land which has been designed, platted, improved, and is intended for the placement of individually owned mobile home units on platted lots which can be purchased outright by the owners of the mobile home units.

135. *Model home*: A dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

136. *Modular home (or industrialized housing)*: "Modular home" means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Vernon's Ann. Civ. St. art. 5221f); nor does it include building modules incorporating concrete or masonry as the primary structural component.

137. *Motel or hotel*: A building or group of buildings designed for and occupied as a temporary dwelling place of individuals and providing four or more room units where customary hotel services such as linen, maid service, telephone, and upkeep of furniture is provided.

138. *Motorcycle*: A usually two-wheeled self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motorscooters, mopeds, and similar vehicles are classified as motorcycles.

139. *Motorcycle sales and repair service*: The display, sale and servicing,

including repair work, of motorcycles.

140. *Motor vehicle*: Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, trucks, motorcycles, and buses.

141. *Multiple-family dwelling*: Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels.

142. *Municipally-owned facilities and uses*: Any area, land, building, structure, and/or facility owned, used, leased, or operated by the City of Highland Village, Texas

143. *New car dealer*: Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles.

144. *Nonconforming use*: A building, structure, or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, but which does not conform to the use, area or lot regulations or standards of the district in which it is situated.

145. *Nursery*: An establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, and trees, and other materials used in indoor or outdoor planting.

146. *Nursing home*: See "Medical facilities."

147. *Occupancy*: The use or intended use of the land or buildings by proprietors or tenants.

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

149. *Office center*: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry or government, or like activity, that may include ancillary services for office workers such as a coffee shop, newspaper or candy stand.

150. *Office-showroom/warehouse*: An establishment with a minimum of 75 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

151. *Officially approved place of access*: Access, other than a dedicated street, to a property which is approved by the City of Highland Village.
152. *Outside display*: Outside temporary display of finished goods specifically intended for retail sale but not displayed outside overnight.
153. *Outside storage*: The permanent keeping, displaying, or storing, outside a building, of any unfinished goods, material, merchandise, or equipment on a lot or tract for more than 24 hours. Also referred to as open storage.
154. *Outside storage of building materials and hardware sales*: Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage outside a building and sale of ready-mix concrete.
155. *Paint shop*: A commercial establishment where painting services are performed.
156. *Parcel*: Any unplatted or portion of an unplatted tract of land. Also termed "tract."
157. *Park or playground*: A recreation facility, recreation center, or park owned or operated by a public agency such as a city or school district and available to the general public.
158. *Parking lot*: An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.
159. *Parking space*: See illustration 15.
160. *Patio home (zero lot line dwelling)*: A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard, and permits construction of a detached single-family dwelling with one side of such dwelling placed on the side property line.
161. *Pawnshop*: An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales also take place of primarily used items.
162. *Personal service shop or custom personal services*: Establishments less than 2,000 square feet in gross floor area, primarily engaged in providing services generally involving the care of the person or his apparel including but not limited to barber and beauty shops, dressmaking, shoe shining, drycleaning and laundry pick-up stations, tailor or seamstress, and reducing salons/health clubs (no outside storage).
163. *Pet shop*: A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building.

164. *Placed*: Includes erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever.
165. *Planned development district*: Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.
166. *Planning and zoning commission*: A board, appointed by the city council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the city council. Also referred to as the "commission."
167. *Plat*: A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Highland Village and approved by the City of Highland Village and recorded in the plat records of Denton County.
168. *Platted lot*: A lot within a subdivision recorded in the plat records of Denton County.
169. *Portable building sales*: An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.
170. *Premises*: Land together with any buildings or structures situated thereon.
171. *Primary use*: The principal or predominant use of any lot or building.
172. *Principal building*: Same as "Main building".
173. *Printing or copy shop*: An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 4,000 square feet. A printing company shall be any printing business which operates in a space of 4,000 square feet or larger.
174. *Private club*: An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code ch. 32, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
175. *Private recreation facility or private park*: A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

176. *Produce stand*: A seasonal use for which the primary purpose and design is to sell fruit, vegetables, and similar foods. No cooking of produce occurs on the site.
177. *Professional service*: Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.
178. *Public or municipal building or facility*: Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City of Highland Village, or any subdivision or agency of the State of Texas, the United States or the City of Highland Village.
179. *Railroad or bus passenger station*: Any premises for the transient housing or parking of motor-driven buses and trains and the loading and unloading of passengers.
180. *Railroad team track, freight depot or docks*: A facility/place for the loading and unloading of materials on trains.
181. *Railroad track and right-of-way*: The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.
182. *Rear yard*: See "Yard, rear".
183. *Recreation center*: A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.
184. *Recreational vehicle (RV)*: A portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants and self propelled (motorized). Also see "heavy load vehicle". A recreational vehicle park is an area or commercial campground for RV's and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.
185. *Residence*: Same as a dwelling; also, when used with district, an area of residential regulations.
186. *Residential district*: District where the primary purpose is residential use.
187. *Restaurant or cafeteria*: An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises, which may include a drive-through window.
188. *Restaurant (drive-in type)*: An eating establishment where primarily food or drink is served to customers in motor vehicles or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

189. *Retail or service, incidental*: The rendering of incidental retailing or services incidental to the primary use. In the office district, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than 15 percent of the main use.
190. *Retail stores and shops*: An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see "General retail".)
191. *Room*: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.
192. *Rooming house*: (See "Boardinghouse".)
193. *Salvage or reclamation of products* (also see "Wrecking yard"): The reclamation and storage of used products or materials.
194. *Sand, gravel, stone or petroleum extraction*: The process of extracting sand, gravel, stone or petroleum from the earth.
195. *Satellite dish antenna*:
- A. Satellite television reception dish shall mean a round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit.
 - B. Usable satellite signals shall mean satellite signals, from the major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.
196. *School, private, primary or secondary*: A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools.
197. *School, public or parochial*: A school under the sponsorship of a public or religious agency providing elementary or secondary curriculum, but not including private trade or commercial schools.
198. *Scientific and industrial research laboratories*: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.
199. *Screened*: Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm, or similar architectural or landscape feature.

200. *Seasonal uses*: Seasonal uses include the sale of Christmas trees, produce stands, and other temporary uses which occur at certain times of the year.
201. *Servant's quarters or guest house*: An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person or persons employed on the premises by the occupant on a full time basis as domestic help, such as a maid, yard person, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.
202. *Sexually oriented uses*: Establishments and businesses showing X-rated movies, live performances, displaying and/or selling pornographic material, and other uses dealing primarily with indecent or obscene materials, acts or paraphernalia.
203. *Shopping center*: A group of primarily retail and service 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, provision of aesthetically appropriate design and protection from the elements.
204. *Side yard*: See "Yard, side".
205. *Sign(s)*. Any device, flag, banner, light, figure, picture, letter, word, message, symbol, plaque, design, artwork, display, wind device, poster, or other thing visible from outside the premises on which it is located and designed, intended to inform or used to advertise or attract the attention of persons not on that premises, including searchlights.
- a. *Billboard*. Any pole sign having a face exceeding 100 square feet and which promotes or advertises services or commodities available at a different location.
 - b. *Effective area*: The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from viewpoint which gives the largest rectangle of that kind, including both sides as the viewpoint is rotated horizontally around the site. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade or side(see illustration 9).
 - c. *Flashing or moving sign*: A permanent sign (other than banners or flags) which is animated, changes messages, revolves, swings, or is otherwise designed to move by mechanical means or by the force of wind.

- d. *Luminance*: The brightness of a sign or a portion thereof expressed in terms of footcandles. For the purposes of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.
- e. *Premises*: A lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the county.
- f. *Sign, abandoned*: A sign which, for at least six continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product, or activity; for which no legal owner can be found; or which pertains to a time, event, or purpose which no longer applies.
- g. *Sign, attached*: Any sign attached to, applied on, or supported by, any part of a building (such as a wall or roof) which encloses or covers usable space. (Also called "wall sign.")
- h. *Sign, community event*: Any sign erected by bonafide nonprofit organizations, including educational, charitable, civic, philanthropic or local governmental agencies, which refer to an activity or function of the organization. These signs may be temporary off-premises signs. The activity must occur within the city or adjacent city.
- i. *Sign, changeable message*: Any sign whose face is designed and constructed in a manner capable of changing messages through a system of removable characters or panels attached to the face of the sign. Signs of this type must be approved by council for a specific use such as schools, churches, and other uses deemed appropriate by council.
- j. *Sign, detached*: Any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation. (Also termed "pole signs" or "free-standing sign.")
- k. *Sign, device*: Any flag, hot air balloon, banner, pennant, streamer, or similar device that moves freely in the wind. All wind devices are considered to be signs, and are regulated and classified as attached or detached, by the same rules as other signs. (Also termed "wind device.")
- l. *Sign, dilapidated or deteriorated*: A sign where any portion of the finished material, surface, or message portion of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed, or whose elements or the structural support or frame members are visibly bent, broken, dented, or torn, twisted, leaning, or at

angles other than those at which it was originally erected (such as may result from being blown or by the failure of a structural support).

m. *Sign, incidental private:* Any temporary private sign erected by property owners such as, but not limited to, lost pets, birth announcements, birthdays, graduation, school activity signs, contractor signs, and anniversaries.

n. *Sign, interior:* Any permanent sign located within a building and visible to the outside of the building through the windows.

o. *Sign, monument:* A detached sign with a continuous masonry base approximately the same width as the actual signage and the signage is attached to the base (see illustration 10 for example).

p. *Sign, obsolete:* Any sign which no longer serves a bonafide use or purpose.

q. *Sign, movement control:* A sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

r. *Sign, off-premises:* Any sign advertising a business, activity, goods, products or services not usually located on the premises where the sign is located or which directs persons to any premises other than where the sign is located.

s. *Sign, on-premises:* Any sign, the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, services or activities of or on those premises, or the sale, lease, or construction of those premises.

t. *Sign, pole:* Any detached sign which is not a monument sign and is erected on a vertical framework consisting of one or more uprights supported by the ground.

u. *Sign, political:* Any type of sign which refers to the issues or candidates involved in a political election.

v. *Sign, portable:* Any sign which is not attached or affixed to the ground, a building, vehicle, or other fixed structures or object. Portable signs include those signs installed on wheels, trailers, skids, and similar mobile structures.

w. *Sign, projected:* Any sign which extends out or beyond the face of the building more than 18 inches.

x. *Sign, protective:* Any sign which is commonly associated with safeguarding the permitted uses of the occupancy, including, but not limited to, "no trespassing," and "no solicitors."

y. *Sign support*: Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said fixture or framework is not imprinted with any picture, symbol or word using characters in excess of one inch in height, nor is internally or decoratively illuminated.

z. *Signs, temporary banner*: Any banner sign such as, but not limited to, "now leasing", "grand opening", or "now enrolling". Banners shall not exceed 50 square feet. Banners must be attached to a building or self supported and are prohibited on trees and utility poles.

aa. *Sign, vehicular*: Any sign on any vehicle parked temporarily, incidental to its principal use for transportation. This definition shall not include signs which are being transported to a site of permanent erection or identification, company name or logo painted or permanently affixed to the vehicle or signs on vehicles transporting goods or providing services.

206. *Single-family dwelling*: A dwelling designed to be occupied by not more than one family on a separate platted lot.

207. *Small engine repair shop*: Shop for repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

208. *Stable, commercial*: A stable used for the rental of stall space or for the sale or rental of horses or mules.

209. *Stable, private*: An area used solely for the owner's private purposes for the keeping of horses, mules or ponies, and not kept for remuneration, hire or sale.

210. *Story*: That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be defined as 12 feet. The definition of a story does not include parapets, gables, and other normal roof structures.

211. *Story, half*: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

212. *Street*: Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than 60 feet.

213. *Street, intersection*: Any street which joins another street at an angle, whether or not it crosses the other.

214. *Street yard*: The area between the building front or building line and the front property (right-of-way) line.
215. *Structure*: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").
216. *Structural alterations*: Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.
217. *Storage or wholesale warehouse*: A building used primarily for the storage of goods and materials.
218. *Studios for photographer, musician, and artist*: A building or portion of a building used as a place of work by a photographer, musician or artist.
219. *Studios for radio and television*: A building or portion of a building used as a place for radio or television broadcasting.
220. *Telephone line and exchange*: A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.
221. *Temporary*: Used or lasting for only a limited period of time; not permanent.
222. *Temporary building*: Any nonresidential pre-manufactured structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.
223. *Theater (drive-in)*: An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.
224. *Theater or playhouse (indoor)*: A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.
225. *Tire dealer, no open storage*: A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.
226. *Tire dealer, with open storage*: A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.
227. *Tire retreading or capping*: The process by which tires are treated with a new tread.
228. *Tool and machinery rental shop*: A building or a portion of a building used for the display and rental of tools, machinery and instruments.
229. *Tourist home (bed and breakfast inn or facility)*: A dwelling occupied as a

- permanent residence by an owner or renter which serves breakfast and in which sleeping accommodations in not more than five rooms are provided or offered for transient guests for compensation.
230. *Townhouse*: A dwelling on a single lot that is part of a structure containing three or more units, each designed for occupancy by one family with each unit attached by a common wall, a minimum of 20 feet in length.
231. *Trade and commercial schools*: Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art or occupation.
232. *Trailer court*: See "Mobile home park".
233. *Trailer, hauling*: A vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods or commodities, including boats.
234. *Trailer home*: See "Mobile home".
235. *Trailer or mobile home space*: A plot of ground within a mobile home park, trailer court, or mobile home subdivision designed for the accommodation of one mobile home.
236. *Trailer rental*: The display and offering for rent of trailers designed to be towed by light load vehicles.
237. *Trailer, travel or camping*: A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants and not constituting the principal place of residence of the occupants or designed to be towed behind another vehicle.
238. *Transportation and utility structures/facilities*: Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.
239. *Truck*: A light or heavy load vehicle (see definition for "light and heavy load vehicle").
240. *Truck and bus repair*: An establishment providing major and minor automobile repair services to heavy load vehicles.
241. *Truck and bus leasing*: The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work is done.
242. *Truck parking lot*: Area for parking heavy load vehicles.
243. *Truck terminal*: An area and building where cargo is stored and where

trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

244. *Truck sales (heavy trucks)*: The display, sale or rental of new or used heavy load vehicles in operable condition.

245. *Truck stop*: Any building, land, area, or premises, or portion thereof used for the retail dispensing or sales of fuels, lubricants and accessories commonly utilized by heavy load vehicles, but not including those uses listed under major automobile repair, as applying to heavy load vehicles.

246. *Two-family dwelling, ("duplex")*: Two attached dwellings in one structure, each designed to be occupied by one family existing on a single platted lot.

247. *Usable open space*: An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation and meets the requirements of section 21.6(L).

248. *Use*: The purpose for which land or buildings are or may be occupied in a zoning district.

249. *Used car dealer*: Retail sales, or offering for sale, used automobiles or light load vehicles.

250. *Utility distribution/transmission lines*: Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the city or private utility company.

251. *Variance*: An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the board of adjustment of the City of Highland Village can grant a variance.

252. *Veterinarian clinic*: An establishment where animals and pets are admitted for examination and medical treatment. (Also see "Kennels".)

253. *Wrecking yard (junkyard or auto salvage)*: Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

254. *Yard*: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side

yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See illustration 4 for example.)

255. *Yard, front:* A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See illustration 6.)

256. *Yard, rear:* The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See illustration 8.)

257. *Yard, side:* The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See illustration 8.)

258. *Zero lot line dwelling:* Same as "Patio home".

259. *Zoning district:* A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

260. *Zoning district map:* The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance.