



**NOTICE OF MEETING
OF THE
PLANNING AND ZONING COMMISSION
OF
LLANO, TEXAS**

This notice is posted pursuant to the Texas Open Meetings Act. Notice is hereby given that a **Planning and Zoning Meeting** of the City of Llano, Texas, will be held on **Wednesday, April 26, 2017 at 5:30 PM.** In the City Hall Council Chambers at 301 W. Main Street, Llano, Texas 78643, at which time the following subjects will be discussed:

A. CALL TO ORDER

B. PUBLIC COMMENTS-Non-Agenda Items

C. CONSENT AGENDA ITEMS All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

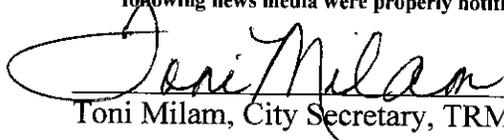
1. Approval of the Planning and Zoning minutes as presented, dated March 16, 2017.
Toni Milam, City Secretary

D. REGULAR AGENDA ITEMS

1. Discuss and consider action on changes in definitions as stated in the Code of Ordinances, Chapter 110 – Zoning, Article 1, Section 110.
2. Discuss and consider action on making stipulations to the use of bed and breakfasts, and manufactured homes, greater than 5 years old.

E. ADJOURNMENT

Although a quorum of the members of other Boards or Commissions may or may not be in attendance, this notice is being posted to meet the requirements of the Texas Open Meetings Act and subsequent opinions of the Texas Attorney General's Office. I, the undersigned authority, do hereby certify that the above Notice of Meeting of the Planning and Zoning Commission of the City of Llano, was posted on the bulletin board in front of Llano City Hall, 301 W. Main, Llano, Texas, by 5:00 p.m. on Friday, April 21, 2017, which is readily accessible to the public at all times. Said Notice remained so posted continuously for at least seventy two (72) hours preceding the scheduled time of said Meeting. I further certify that the following news media were properly notified of this meeting as stated above.


Toni Milam, City Secretary, TRMC

4-21-17
Date



City of Llano
Regular Planning/Zoning Meeting Minutes
March 16, 2017 – 5:30 p.m.

A. CALL TO ORDER Chair Diana Firestone called the meeting to order at 5:30 p.m. Those in attendance were Judy Schuessler, Drucilla Banner, and Emily Hudkins, with Sam Oatman absent.

B. PUBLIC COMMENTS-Non-Agenda Items
No public comments

A. CONSENT AGENDA ITEMS All consent agenda items listed are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items unless a Council member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.

1. Approval of the Planning and Zoning minutes as presented, dated February 16, 2017.

Toni Milam, City Secretary

Motion by Drucilla Banner, with a second by Judy Schuessler to approve of the February 16, 2017 minutes as presented. Motion approved.

B. PUBLIC HEARING

1. The City of Llano Planning and Zoning Board will hold a public hearing at 5:30 p.m. on Thursday, March 16, 2017 at Llano City Hall, 301 W. Main St., Llano, Texas to receive written and/or oral comments regarding a special use permit to place a manufactured home, older than 5 years old, in a single family – 4 (SF-4) District at 207 W. Hamilton Street. The legal description of this property is Holden Subdivision, Block 73, Lots 13 & 14. At said times and place all such persons shall have the right to appear and be heard.

Chair, Diana Firestone opened the public hearing at 5:31 p.m. for written and/or oral comments. Requestor, Mr. Gold spoke regarding the property and what his plans were for placing a manufactured home, older than 5 years old on the property, the work that has been done to the manufactured home. Mr. Gold stated new electrical has been run to the home, the inside gutted and repainted and repaired, the gas water heater on the outside, however, no inspections have been done. His contractor has been requested to provide a list of the work done. Hearing no other public comments, the public hearing was closed at 5:40 p.m.

C. REGULAR AGENDA ITEMS

1. Discuss and consider action on the approval of and making a recommendation to City Council on the approval of a Specific Use Permit for a manufactured home greater than 5 years old in a single family – 4 (SF-4) District at 207 W. Hamilton St. **Motion by Emily Hudkins, with a second by Judy Schuessler to make a recommendation not to approve the Specific Use Permit to City Council. Motion approved.**

D. ADJOURNMENT

Diana Firestone, Chair

Sec. 110-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accessory building means a subordinate building or a portion of the main building located on the same lot as the main building, the use of which is incidental to the dominant use of the building or premises. Accessory buildings may include parking garages, adjacent farm structures, home workshops and toolhouses, storage sheds, home greenhouses, etc. The term "accessory dwelling" means the same as "accessory building," except such accessory dwelling may be used as a residence.

Accessory dwelling unit means an accessory use which is occupied by a person of the immediate family of the occupant of the main residential use.

Accessory use means a use customarily incidental, appropriate and subordinate to the principal use of land or buildings, and located upon the same lot with such land or buildings.

Advertising sign and *advertising structure* mean any cloth, card, paper, metal, glass, wooden, plastic, plaster or stone sign or other sign, device or structure of any character, including statuary, placed for outdoor advertising purposes upon the ground or any tree, wall, bush, rock, post, fence, building or structure. For the purposes of this definition, the term "placed" includes erecting, constructing, posting, painting, printing, tacking, mailing, gluing, sticking, carving or otherwise fastening, affixing or making visible in any manner. The area of an advertising structure shall be determined as the area of the largest cross section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties, nor merchandise or materials being offered for sale shall be construed as advertising signs for the purpose of this chapter.

Airport means a place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Alley means 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.

Amusement arcade and *video arcade* mean any building, room, place or establishment of any nature or kind, and by whatever name called, where more than two amusement devices are operated for a profit, whether 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, shuffleboards, pool tables or other similar amusement devices; provided, however, the term "amusement device," as used in this chapter, shall not include musical devices and 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.

Antenna, commercial, means an antenna in excess of 40 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.

Antenna, noncommercial (*amateur radio* and *CB radio*), means an antenna not exceeding 40 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.

Antique shop, sales in building, means 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.

Apartment house has the same meaning as the definition of " *Multiple-family dwelling*."

Assembly of heavy electronic devices means an establishment that assembles and produces larger-scale household-type electronic instruments and devices such as televisions, microwaves, stoves, ovens, etc., from previously prepared and manufactured materials and components with very few, if any, raw unmanufactured materials for primarily wholesale distribution (i.e., no retail sales). Assembly, production and storage activities must all be conducted entirely within an enclosed building (i.e., no outside storage of

materials or finished goods) unless outside storage is permitted in the zoning district in which the use is located.

Assembly of light electronic instruments and devices (enclosed building) means an establishment that assembles and produces small-scale household-type electronic instruments, devices, watches, clocks, radios, etc., from previously prepared and manufactured materials and components with very few, if any, raw unmanufactured materials for primarily wholesale distribution (i.e., no retail sales). Assembly, production and storage activities must all be conducted entirely within an enclosed building (i.e., no outside storage of materials or finished goods).

Assembly of radios and phonographs. See *Assembly of light electronic instruments and devices (enclosed building)*.

Assisted living facility means the provision of independent residential care in a home environment for seniors needing some help with their daily living and medications. A freestanding facility, or a part of a nursing home, where residents live with varying degrees of independence

Athletic stadium, public or private, means a field and structure used for sporting events, with either permanent or temporary associated spectator seating.

Auto leasing and renting means storage, leasing or renting of automobiles, motorcycles and light load vehicles.

Auto parking lot or garage means an area or structure designed for the parking of motor vehicles.

Auto parts, sales in building, means 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.

Auto parts, sales in open, means 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.

Auto storage means the storage or impoundment, on a lot or tract, of operable automobiles for the purpose of holding such vehicles for sale or distribution.

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

Automobile repair garage means an establishment providing major or minor automobile repair services to all motor vehicles, except heavy load vehicles.

Automobile repair, major, means general repair or reconditioning of engines, air conditioning systems and transmissions for motor vehicles; wrecker services; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; the uses listed under the definition of "*Automobile repair, minor*"; and other similar uses.

Automobile repair, minor, means minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor motor services, such as grease, oil, sparkplug and filter changing; tuneups; emergency road services; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass such inspections; 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 the definition of "*Automobile repair, major,*" or any other similar use.

Automobile sales:

- (1) *New automobile sales* means the primary sale of new automobiles in a structure or on an open lot, with secondary sales of used automobiles.
- (2) *Used automobile sales* means the primary sales of automobiles, other than new automobiles.

Automobile service station means 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 the operations listed under the definition of "*Automobile repair, minor*. Vehicles which are inoperative or are being repaired may not remain parked outside an automobile service station for a period of time greater than seven days.

Bakery and confectionery works means a manufacturing facility for the production and distribution of baked goods and confectioneries.

Bakery and confectionery works (commercial) means an establishment for producing, mixing, compounding, cooking and/or baking breads, cakes, pies, buns, ice cream cones, donuts or any other bakery product in which flour or meal is the primary ingredient for off-premises (i.e., wholesale) distribution and no retail (i.e., walk-in) sales or on-site consumption. This type of establishment also includes similar manufacturing and wholesale distribution of candies and other confections in which sugars or other sweeteners are a primary ingredient.

Bakery or bake shop (retail) means a small-scale establishment for producing, mixing, compounding, cooking and/or baking breads, cakes, pies, buns, ice cream cones, donuts or any other bakery product in which flour or meal is the primary ingredient primarily for on-premises (i.e., retail) sales and/or on-site consumption (i.e., very limited wholesale distribution as accessory use only). This type of establishment may also include similar small-scale production and retail sales of candies and other confections in which sugars or other sweeteners are a primary ingredient. This type of use may be in a store-front setting or a freestanding building, but shall not be larger than 4,000 square feet in floor area.

Bank, savings and loan, and credit union mean an establishment for the custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds, including automated teller machines.

Basement and cellar mean a story located 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 persons other than a janitor employed on the premises.

Bed and breakfast means 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.

Boardinghouse means a dwelling, other than a hotel, where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for three or more, but not exceeding 20 persons, on a weekly or monthly basis.

Book bindery means an establishment that performs postpress services only, such as book or paper bronzing, die-cutting, edging, embossing, folding, gilding, gluing, indexing, etc., and does not perform actual printing operations. An establishment that performs both printing and bindery operations in a large-scale operation shall be classified as a "printing company (commercial)". Minor bindery operations related to the finishing of reports and booklets (i.e., manually-assembled GBC and spiral bindings, stapling, insertion into binders or report covers, etc.) are allowed as an accessory use in a small-scale printing or reprographic shop.

Building means any structure greater than 120 square feet, intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each separated portion of such structure shall be deemed as a separate building.

Building height means the vertical distance from the average line of the highest and lowest points of the portion of the lot covered by the building to the highest point of coping of a flat roof, or a deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

Building line means 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 8 in appendix A to this chapter.)

Building, main, means a building in which the principal use of the lot on which the building is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which such dwelling is situated.

Building materials sales and hardware, inside storage, means materials, tools and hardware customarily used in the construction of buildings and other structures, including facilities for storage inside a building.

Building materials sales and hardware, outside storage means 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 from small batching plants, but subject to the following exceptions and/or provisions:

- (1) The stockpiling of various types of rock and sand shall not exceed 28 cubic yards of any type; and
- (2) If ready mix concrete is offered for sale, the establishment shall:
 - a. Provide a trailer of not more than one cubic yard capacity in order to transport the mix;
 - b. Not prepare the mix in a drum mixer of more than one cubic yard capacity; and
 - c. Not produce the mix in a continuous batch mixer at a rate of more than 15 cubic yards per hour.

Building official means the inspector or administrative official charged with the responsibility of issuing permits and enforcing this chapter and the building codes.

Bus terminal means any premises for the transient housing or parking of motor-driven buses and the loading and unloading of passengers.

Business service means establishments primarily engaged in providing services, not elsewhere classified, to business enterprises on a fee contract basis, including, but not limited to, advertising agencies, computer programming and software services and office equipment rental or leasing.

Cabinet and upholstery shop means an establishment for the production, display and sale of cabinets, furniture and soft coverings for furniture.

Candy manufacturing. See *Bakery and confectionery works (commercial)* or *Bakery or bake shop (retail)*.

Car wash means a structure used to wash motorcycles, automobiles and light load vehicles.

Caretaker's or guard's residence, nonresidential, means a residence located on a premises with a main nonresidential use and occupied only by a caretaker or guard employed on the premises.

Carport means a structure open on a minimum of two sides, designed or used to shelter not more than three vehicles, and not exceeding 24 feet on its longest dimension. Such term shall also be referred to as a "covered parking area."

Cemetery means property used for the interring of the dead.

Certificate of occupancy means an official certificate issued by the city through the building official, which indicates conformance with or approved conditional waiver from the regulations of this chapter, and authorizes legal use of the premises for which it is issued. Such term may be referred to as an "occupancy permit."

Child care center and *day care center* mean a commercial institution or place that provides care for seven to 12 children under the age of 14 years, during the hours of 6:00 a.m.—10:00 p.m.

Church means a building for regular assembly for religious worship, which is used primarily and designed for such purpose and the 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 chapter, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

City council means the governing body of the City of Llano, Texas. References to the "city" shall mean the City of Llano.

Civic center means 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 governmental agency.

Commercial amusement, indoor, means an amusement or entertainment enterprise, wholly enclosed and operated within a building, including, but not limited to, bowling alleys, skating rinks, health clubs, racquetball clubs, bingo parlors, indoor tennis courts, gymnasiums, swimming pools and nautilus facilities.

Commercial amusement, outdoor, means 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, drive-in theaters, water slides and carnivals.

Community center means a building or complex of buildings which house cultural, recreational, athletic or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

Community home means 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 licensed by the state department of mental health and mental retardation. (Also see V.T.C.A., Local Government Code ch. 123.)

Comprehensive plan means graphic and textual form policies which govern the future development of the city, and which consists of various components governing specific geographic areas, functions and services of the city.

Concrete or asphalt batching plant, permanent, means a permanent manufacturing facility for the production of concrete or asphalt.

Concrete or asphalt batching plant, temporary, means a temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and which is to be removed when the project is completed.

Construction yard, temporary, means a storage or assembly yard for building materials and equipment directly related to a specific construction project, and subject to removal at the completion of the construction.

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

Country club, private, means 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.

Court means 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.

Coverage means the lot area covered by all buildings located on such lot.

Dairy products means an establishment or use where dairy products (such as milk, eggs, butter, yogurt, cheese, etc.) are processed, manufactured, packaged and/or stored for shipment to retail sales venues. A dairy products facility may sell dairy products wholesale but not retail (i.e., no walk-in customers) as part of the operation, but may not include the keeping of cows, chickens or other livestock associated with the production of dairy products (this would be classified as an agricultural use, not dairy products).

Dance floor (as incidental/accessory use only) means a small portion of another type of establishment (such as a restaurant, hotel ballroom, etc.) that may be periodically used for dancing by patrons of the establishment (such as for special events, private parties, etc.). No more than ten percent of the total floor area of the establishment may be used as a dance floor on a regular basis. The owner/proprietor of the establishment does not usually charge an admission fee (i.e., "cover charge") for use of the dance floor, but he/she may do so for special events.

Dance hall means a place of assembly that is open to the public (may be rented to private individuals upon occasion) and operated for a profit, where ten percent or more of the floor area is designed and/or

used as a dance floor, and where dances, parties, receptions and other gatherings are held. A dance hall usually charges an admission fee (i.e., "cover charge") to patrons utilizing the facility, but it does not have to do so (especially for events that are sponsored by civic, charitable or nonprofit groups). Dance halls may provide live musical entertainment, may serve alcoholic beverages, and may serve catered meals/food service provided the owner/operator of the establishment obtains and maintains the appropriate state and/or local licenses and permits.

District means any sections of the city for which the regulations governing the use of land and the use, density, bulk, height and coverage of buildings and other structures are uniform for each class or kind of building in such district.

Donut shop. See *Bakery or bake shop (retail)*.

Dry cleaning plant means an industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents, on a commercial or wholesale basis.

Dry cleaning, small shop, means a custom cleaning shop or pickup 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.

Dwelling means any building, or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, multiple-family, means attached dwelling units, designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels.

Dwelling, single-family, means a detached dwelling, designed to be occupied by not more than one family.

Dwelling, single-family attached (townhome), has the same meaning as the definition of " *Townhome* ."

Dwelling, two-family, duplex, means a detached dwelling, designed with a common vertical wall between units, and to be occupied by two families living independently of each other.

Dwelling unit, model, means a single-family 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 proposed to be built, in the same subdivision.

Easement means 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.

Electrical substation means a subsidiary station in which electric current is transformed.

Engine and motor repair means the adjustment, reconditioning or restoration to working order of engines and motors.

Exhibition area means an area or space, either outside or within a building, for the display of topic-specific goods or information.

Fairgrounds means an area where outdoor fairs, circuses or exhibitions are held.

Family means one or more persons related by blood, marriage or adoption, or a group not exceeding four persons not all related by blood, marriage, adoption or guardianship, occupying a dwelling unit and living as a single housekeeping unit.

Family home means any residence or facility which receives four or more persons for regular periods of time for compensation, excluding any of the caretaker's own family members. The term "child care in a residence" means where four or more children under the age of 14 years, and not of common parentage, are received for care apart from their natural parents, legal guardians or custodians, for regular periods of time and for compensation, excluding the caretaker's own children, and that provides care after school for not more than six additional elementary school siblings of the other children given care, but the total number of children, including the caretaker's own children, does not exceed 12, at any given time.

Farm, ranch, garden and orchard mean 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 of offal or garbage to swine or other animals, nor any type of agriculture or husbandry specifically prohibited by ordinance or law.

Feedstore means an establishment for the selling of corn, grain and other foodstuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

Field construction office means 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.

Flea market means 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. Such term 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, garage sales, and arts and crafts shows or sales held by nonprofit organizations.

Floodplain means an area of land subject to inundation by a 100-year frequency flood, as shown on the Federal Emergency Management Agency (FEMA) floodplain map of the city.

Floor area means 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.

Floor area ratio (FAR) means the floor area of a main building on a lot, divided by the lot area. (See illustration 1 in appendix A to this chapter.)

Florist shop means an establishment for the display and retail sale of flowers, small plants and accessories.

Food product manufacturing means an establishment that produces and/or processes foods, ice or frozen goods, or nonalcoholic beverages for human consumption but not for sale or consumption on-premises (i.e., wholesale sales only), including the following:

Fruit and vegetable canning, preserving and related processing;

Grain mill products and by-products;

Fat and oil products (not including rendering operations);

Meat, poultry, seafood and meat-related byproduct canning, preserving, curing and related processing (not including slaughtering or rendering operations);

Ice and frozen foods;

Sodas, juices and other beverages (not including alcoholic beverages); and miscellaneous food preparation from raw or partially prepared products.

This type of establishment may include storage of food products prior to shipment to retail or consumption venue. This type of establishment does not include the following types of operations (these are defined separately in this chapter):

Bakery or bake shop (retail);

Bakery and confectionery works (commercial);

Donut shop;

Candy manufacturing;

Dairy products;

Wholesale food distribution; or

Frozen foods locker.

Foodstore means a business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

Fraternal organization, lodge and civic club mean 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.

Frozen foods locker. See Truck terminal.

Furniture, home furnishings or equipment store mean retail stores selling 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.

Furniture manufacture means an establishment that manufactures, assembles and/or produces household-type (i.e., living room, kitchen and bedroom) furniture and institutional (i.e., public building, such as schools, theaters, civic buildings, churches, etc.) furniture for primarily wholesale distribution (i.e., no retail sales).

Furniture restoration means an establishment that reupholsters, refinishes, repairs and/or restores household-type (i.e., living room, kitchen and bedroom) furniture and institutional (i.e., public building, such as schools, theaters, civic buildings, churches, etc.) furniture for individuals on a small-scale retail basis. This activity does not include the term "furniture manufacture" or wholesale sales of any type of furniture or commodities.

Garage apartment means a dwelling unit for one family, erected in conjunction with a garage.

Garage, parking, means 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.

Garage, private, means an accessory building, enclosed on at least three sides, or a part of a main building, used solely by the occupants and their guests for storage of automobiles. Such term is also referred to as "enclosed parking space."

Garden shop means 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.

Gasoline service or filling station has the same meaning as the definition of " *Automobile service station*."

General commercial plant means 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.

General manufacturing has the same meaning as the definition of " *Industrial, general*."

General retail stores means the major group, including retail stores, which sell a number of lines of 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 such group are known as department stores, variety stores, general merchandise stores, general stores, etc.

Golf course means an area of 20 acres or more, improved with trees, greens, fairways, hazards and which may include clubhouses.

Gymnastics or dance studio means a building, or portion thereof, used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

Halfway house means a home for not more than six persons who have demonstrated a tendency toward alcoholism, drug abuse, or antisocial or criminal conduct, together with not more than two persons providing supervision and other services to such persons, all of which live together as a single housekeeping unit.

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

Heavy machinery sales and storage means a building or open area, other than a right-of-way or public parking 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.

Heliport means 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 has the same meaning as the definition of " *Heliport*," except no refueling, maintenance, repairs or storage of helicopters is permitted.

Home occupation means an occupation which is secondary to the primary use of a dwelling as a residence, conducted on residential premises solely by an occupant of the residence. A home occupation is one that is customarily carried on in the home, but does not include a business that:

- (1) Utilizes an advertisement, sign or display on the premises;
- (2) Employs persons other than the occupants of the residence;
- (3) Utilizes other than the ordinary household equipment;
- (4) Operates during hours other than 8:00 a.m.—6:00 p.m. for outdoor activities, and 8:00 a.m.—10:00 p.m. for indoor activities;
- (5) Involves more than six patrons on the premises at one time;
- (6) Conducts outdoor activities, unless the activities are screened from neighboring property;
- (7) Has exterior storage of material, equipment and/or supplies which are used in conjunction with such occupation;
- (8) Has offensive noises, vibrations, smoke, dust, odors, heat or glare beyond the property lines; and
- (9) Parking required is not more than four spaces, two of which are on site.

Examples of a home occupation are the teaching of music, swimming and operations carried on as telecommuting.

Household appliance service and repair means 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, countertop kitchen appliances, vacuum cleaners and hair dryers.

Ice company sales (wholesale). See *Food product manufacturing*.

Incidental use means any use which is different from the primary use, but which compliments and/or supplements the primary use. For the purposes of this definition, the term "incidental" shall mean an area which constitutes not more than 15 percent of the main use.

Industrial, general, means establishments engaged in the manufacturing or transformation of materials into new products. Such 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.

Industrial park means 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.

Instrument and meter manufacturing. See *Assembly of Light Electronic Instruments and Devices (Enclosed Building)*.

Jewelry and watch manufacturing. See *Assembly of Light Electronic Instruments and Devices (Enclosed Building)*.

Kennel (indoor pens) means an establishment with indoor pens, in which more than four dogs or domesticated animals more than one year of age are housed, groomed, bred, boarded, trained or sold for commercial purposes.

Kennel (outdoor pens) means an establishment with outdoor pens, in which more than four dogs or domesticated animals more than one year of age are housed, groomed, bred, boarded, trained or sold for commercial purposes.

Kiosk means 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.

Landscaping means materials, such as, but not limited to, grass, groundcovers, 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.

Laundromat and *self-service washateria* mean a facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

Leather goods fabrication means an establishment that manufactures or assembles leather products (except footwear and apparel) from purchased (i.e., pre-tanned and prepared) leather and/or leather substitutes (such as vinyl, fabric, plastics, etc.). Products produced by such an establishment are for primarily wholesale distribution (i.e., not retail sales, see *Leather goods shop*), and they may include billfolds, purses, boot and shoe cut stock and findings (i.e., soles and parts for uppers), pet restraint items (such as collars and leashes), luggage, travel bags and toilet kits, watchbands, etc. No tanning, dyeing, rendering, taxidermy or slaughtering operations are allowed in conjunction with this use.

Leather goods shop means an establishment that offers for retail sale (i.e., very little, if any, wholesale sales) leather or leather substitute products (including footwear and apparel as an accessory use) such as billfolds, purses, pet restraint items (such as collars and leashes), luggage, travel bags and toilet kits, watchbands, etc. No fabrication (see *Leather goods fabrication*), tanning, dyeing, rendering, taxidermy or slaughtering operations are allowed in conjunction with this use.

Light load vehicle means 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 pickup trucks, vans, recreational vehicles less than 32 feet in length, campers and other similar vehicles, but not including automobiles and motorcycles.

Light manufacturing means manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly and packaging of such products, and the incidental storage, sales and distribution of such products, but excluding basic industrial processing. Such operations shall meet the performance standards, bulk controls and other requirements of this chapter.

Loading space means an off-street space or berth used for the delivery and loading or unloading of vehicles.

Lot means any plot of land occupied, or intended to be occupied, by one main building and the required parking, or a group of main buildings, and accessory buildings and uses, including such open spaces as are required by this chapter and other laws or ordinances, and having its principal frontage on a public street or officially approved place.

Lot area means the total area included within lot lines, measured on a horizontal plane.

Lot, corner, means 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.

Lot depth means the mean horizontal distance between the front and rear lot lines. (See illustration 7 in appendix A to this chapter.)

Lot, double frontage, means a lot having a frontage on two nonintersecting streets, as distinguished from a corner lot.

Lot, flag or panhandle, means a lot having access to a street by means of a parcel of land having a depth greater than its frontage, and having a width less than the minimum required lot width, but not less than 25 feet. The maximum distance of the area less than the required width from the front property line shall be 110 feet.

Lot frontage means the dimension of a lot, or portion thereof, abutting on a street, excluding the side dimension of a corner lot.

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

Lot, key, means a corner lot that is designed so that the lots located directly behind it face the side street of the corner lot and are not separated by an alley.

Lot line, front, means the narrowest 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, such line shall be considered a front lot line in establishing minimum setback lines.

Lot line, rear, means 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.

Lot line, side, means any lot line which is not the front or rear lot line.

Lot lines or property lines means the lines bounding a "lot," as such term is defined in this section.

Lot of record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the county clerk.

Lot width means 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.

Main building means the building on a lot which is occupied by the primary use.

Major thoroughfare means a dedicated street or highway route designated as a thoroughfare by the thoroughfare plan map of the comprehensive plan.

Manufactured housing or manufactured home means a HUD-code manufactured home. The term "HUD-code manufactured home" means a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle.

State Law reference— Manufactured housing or manufactured home, Vernon's Ann. Civ. St. art. 5221f, § 3.

Manufactured housing display and sales means the offering of manufactured homes on a parcel of land for sale, storage, or display, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufactured housing park means 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 manufactured homes in designated spaces.

Manufactured housing subdivision means a parcel of land which has been designed, platted, improved, and is intended for the placement of individually owned manufactured home units on platted lots which can be purchased outright by the owners of the manufactured home units.

Masonry construction means exterior construction materials, including brick, stone, granite, marble and stucco, with other materials, including built-up/tilt panels and concrete masonry units (CMU) for nonresidential structures. The city council may approve other materials or building techniques, subject to recommendations of the planning and zoning commission.

Massage establishment means any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. The term "massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. Such 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 a mechanical or electrical apparatus, for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tubs, showers or cabinet baths. Equivalent terms for "massage therapy" are "massage," and "therapeutic massage." Massage and therapeutic massage 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.

Mausoleum means property used for the interring of the dead, and where bodies are interred above the ground in staked vaults.

Medical facilities.

- (1) *Convalescent, rest or nursing home* means 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.
- (2) *Dental, medical or chiropractic clinic* means 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.
- (3) *Dental office* and *doctor's office* have the same meaning as the definition of " *Dental and medical clinic*."
- (4) *Hospital* means 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.
- (5) *Laboratory* means a facility used in the research or testing of items related to the physical well-being of a human being or animal, but not including manufacturing.
- (6) *Massage establishment* has the same meaning as the definition of " *Massage establishment*."
- (7) *Public health center* means 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 with such facility.

- (8) *Sanitarium* means an institution providing health facilities for inpatient medical treatment or treatment and recuperation, making use of natural therapeutic agents.
- (9) *Miscellaneous retail stores* means establishments engaged in the retail sale of specialized lines of merchandise not elsewhere classified, including, but not limited to, drugs, liquor, apparel and accessories, handcrafts and pastries.

Mobile home means a structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on a site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems. The term "manufactured housing" has the same meaning as the definition of "*Manufactured housing or manufactured home*."

State Law reference— Mobile home, Vernon's Ann. Civ. St. art. 5221f, § 3.

Model residential unit has the same meaning as the definition of "*Dwelling unit, model*."

Modular home and *industrialized housing* mean a "structure" or "building", as such terms are defined in this section, under the jurisdiction and control of the state department of labor and standards, and which 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. Such term includes the plumbing, heating, air conditioning and electrical systems contained in the structure. Such 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.

Mortuary and *funeral parlor* mean 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.

Motel and *hotel* mean 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, are provided.

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

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

Motorcycle sales service means the display, sale and servicing, including repair work, of motorcycles.

Multiple-family dwelling has the same meaning as the definition of "*Dwelling, multiple-family*."

Municipally-owned facilities and uses means any area, land, building, structure, and/or facility owned, used, leased or operated by the City of Llano, Texas.

New car dealer means 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.

Newspaper printing means any printing business which operates in a space of 4,000 square feet or larger, and which performs actual printing operations (may also include prepress services such as typesetting and postpress services such as those described in the definition for book bindery) related to the printing of newspapers only (including advertising pieces that are customarily inserted into newspapers).

Noncommercial facility means a communications facility used primarily for noncommercial purposes such as amateur radio or CB radio and must comply with all FCC regulations.

Noncommercial facility (radio, television or communications facility) means devices used in the transmission or receiving of communications, including but not limited to television, radio, cellular, PCS, satellite, microwave, electromagnetic and similar spectrum and technology, whether now existing or developed in the future, particularly including antennas, towers, masts, monopoles, poles, reflecting discs, satellite dishes in excess of one meter (3.3 feet) in diameter, and similar facilities. Height must not exceed 1.8 meters (six feet) above the highest peak of the structure. See article VIII of this chapter, pertaining to radio, television and wireless communication facilities for additional information and requirements.

Nonconforming use means a building, structure or use of land, lawfully occupied at the time of the effective date of the ordinance from which this chapter is derived, or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Nursery with outside storage means an establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, trees and other materials used in indoor or outdoor planting.

Nursing home means a home where elderly or handicapped persons are provided with lodging, meals and nursing care.

Occupancy means the use, or intended use, of land or buildings by proprietors or tenants.

Office center means a building, or complex of buildings, used primarily for conducting the affairs of a business, profession, service, industry or government, or similar activity, that may include ancillary services for office workers, such as a coffeeshop, newspaper or candy stand.

Office, professional and general administrative, (see also the definition of *Main building*) means 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.

Office, showroom/warehouse, means 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.

Officially approved place of access means access, other than a dedicated street, to a property, which is approved by the city.

Open storage or display (also outside storage) means the keeping, displaying or storing, outside a building, of any new or used goods, material, merchandise or equipment on a lot or tract for more than 24 hours.

Paint shop means a commercial establishment where painting services are performed.

Park and *playground* mean 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.

Parking lot means an off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

Parking space means a nine-foot wide by 20 feet in depth area, designated for off-street parking.

Patio home and *zero lot line dwelling* mean 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.

Pawnshop means an establishment where money is loaned on the security of personal property pledged in the keeping of the owner (pawnbroker), and retail sales of the primarily used items also takes place.

Personal service shop and *custom personal services* mean 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, barbershops and beauty shops, dressmaking, shoe shining, dry cleaning and laundry pickup stations, tailors or seamstresses and reducing salons/health clubs, with no outside storage.

Pet shop means a retail establishment offering small animals, fish or birds for sale as pets, and where all such creatures are housed within the building.

Planned development district means 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.

Planning and zoning commission means 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. The planning and zoning commission shall also be referred to as the "commission."

Plat means a plan of a subdivision of land, creating building lots or tracts, showing all essential dimensions and other information essential to comply with the subdivision standards of the city, and subject to approval by the planning and zoning commission and city council, and filed in the plat records of the county.

Plot means a single unit or parcel of land, or a parcel of land that can be identified and referenced to a recorded plat or map.

Portable building sales means an establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

Premises means land, together with any buildings or structures situated on such land.

Primary use means the principal or predominant use of any lot or building.

Principal building has the same meaning as the definition of " *Main building* ."

Printing company means any printing business which operates in a space of 4,000 square feet or larger, which performs actual printing operations (may also include prepress services such as typesetting and postpress services such as those described in the definition for Book Bindery) related to the printing of books, magazines and other printed materials except newspapers (which would be classified as "newspaper printing").

Printing or reprographic shop means a small 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. The term "printing company" means any printing business which operates in a space of 4,000 square feet or larger.

Private club means an establishment providing social and dining facilities, as well as alcoholic beverage service, to an association of persons, and otherwise falling within the definition, and permitted under the provisions, of the portion of V.T.C.A., Alcoholic Beverage Code tit. 3, ch. 32, as it pertains to the operation of private clubs.

Private recreation facility and *private park* mean a recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

Private utility, other than listed, means a nonpublic utility, requiring special facilities in residential areas or on public property, such as heating, cooling or communications, not customarily provided by the municipality or public utilities.

Public or municipal building or facility means any building, except a building used primarily for general office purposes, which is owned, leased, primarily used and/or primarily occupied by the state, the United States or the city, any subdivision or agency of the state, the United States or the city, or any public or quasi-public utility.

Radio broadcasting without tower means a facility used for a studio, office or other broadcasting requirement.

Radio, television, or communications facilities means devices used in the transmission or receiving of communications, including, but not limited to, television, radio, cellular, PCS, CB, satellite, microwave, electromagnetic and similar spectrum and technology, whether now existing or developed in the future, particularly including antennas, towers, masts, monopoles, poles, reflecting discs, satellite dishes in excess of 12 feet in diameter, and similar facilities, whether commercial, noncommercial, amateur, or receive-only, together with such wires, lines, rods and other devices or instruments necessary to establish, support, or maintain such a device.

- (1) *Commercial facility* means a radio, television, or communications facility greater than 12 feet in height used primarily for commercial purposes or a radio, television, or commercial facility greater than 40 feet in height regardless of its commercial or noncommercial use, and including satellite dishes in excess of 12 feet in diameter. Height for all purposes shall mean the linear distance from the ground to the highest physical point on the facility.
- (2) *Noncommercial facility* means a radio, television, or communications facility used primarily for noncommercial purposes such as amateur radio or CB radio not exceeding 40 feet in height. Height for all purposes shall mean the linear distance from the ground to the highest physical point in the facility.

Railroad or bus passenger station means any premises for the transient housing or parking of motor-driven buses and trains, and the loading and unloading of passengers.

Railroad team truck, freight depot or docks means a facility or place for the loading and unloading of materials on trains.

Railroad track and right-of-way mean the right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards or maintenance areas.

Recreation center means a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Recreational vehicle (RV) means a self-propelled (motorized), portable or mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants. (Also see the definition of " *Heavy load vehicle*. ") The term "recreational vehicle park" means an area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent or lease on a temporary basis.

Recycling center means a facility that is not a junkyard, and in which recoverable resources, such as newspapers, glassware and metal cans, are collected, stored, flattened, crushed or bundled, essentially by hand, within a completely enclosed building.

Recycling collection point means an incidental use that serves as a neighborhood dropoff point for temporary storage of recoverable resources. No processing of such items would be allowed. The facility would generally be located in a shopping center parking lot or in other public and quasi-public areas, such as churches and schools.

Recycling plant means a facility that is not a junkyard, and in which recoverable resources, such as newspapers, magazines, books and other paper products, glass, metal cans and other products are recycled, reprocessed and treated to return such products to a condition in which they may again be used for production.

Residence has the same meaning as the definition of " *Dwelling*. " Also, when such term is used with the term "district," it shall mean an area of residential regulations.

Residential district means a district where the primary purpose is residential use.

Restaurant or cafeteria mean 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.

Restaurant, drive-in, means 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.

Retail or service, incidental, means the rendering of incidental retailing or services incidental to the primary use. In the office district, such uses include a barbershop or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy.

Retail stores and shops mean 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.

Retirement home means a multifamily housing facility intended for the elderly. The usual pattern is that each person or couple in the home has an apartment-style room or suite of rooms. Often this includes facilities for meals, gathering, recreation, and some form of health or hospice care. A retirement home differs from a nursing home primarily in the level of medical care given.

Room means a building, or portion thereof, which is arranged, occupied or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.

Roominghouse has the same meaning as the definition of " *Boardinghouse*. "

Salvage or reclamation of products means the reclamation and storage of used products or materials. (Also see the definition of " *Wrecking yard*. ")

Sand, gravel, stone or petroleum extraction means the process of extracting sand, gravel, stone or petroleum from the earth.

School, private, primary or secondary, means 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.

School, public or parochial, means a school under the sponsorship of a public or religious agency, providing elementary or secondary curriculum, but not including private trade or commercial schools.

Scientific and industrial research laboratories mean facilities for research, including laboratories, experimental equipment and operations involving compounding or testing of materials or equipment.

Seasonal sales means a facility or site used for the sale of merchandise which is available or needed during certain seasons of the year. Such use shall generally require one to three months of operation and be similar to firewood sales or Christmas tree sales.

Self-service storage or mini-warehouse means a building or group of buildings consisting of individual, self-contained storage units for rent or lease, restricted solely to the storage of personal property. The rental/leasing of trucks and/or trailers by patrons of the facility, and the parking and storage of individuals' special-purpose vehicles (e.g., recreational vehicles, trailers, boats, personal watercraft, etc.) shall only be allowed within the rear half (i.e., 50 percent) of the premises upon issuance of a specific use permit (SUP) for such rental/leasing of trucks or trailers and for such storage of special-purpose vehicles. The conduct of sales of any kind (other than the actual renting/leasing of the storage units and the accessory sales of moving supplies such as boxes, tape, labels, etc.), business, manufacturing or any other activity (including, but not limited to, music rehearsals, crafts or other manufacturing, painting, automotive repair, etc.) within the storage units or upon the premises, other than storage, shall be prohibited. One caretaker's/guard's residence shall be allowed by right with a self-storage facility, and such shall only be occupied by the caretaker/manager of the premises.

Servant's quarters means an accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or a person employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, yard man, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections.

Sexually-oriented uses means sexually-oriented establishments and businesses, as defined by city codes.

Shopping center means a group of primarily retail and service commercial establishments which are 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.

Single-family dwelling with retail use means where a single-family, by a specific use permit, is to live on the premises with separate living quarters from the business use, in retail, commercial business, commercial and office medical districts.

Small engine repair shop means a shop for the repair of lawnmowers, chain saws, lawn equipment and other machines with one-cylinder engines.

Sporting goods manufacturing. See *Light manufacturing.*

Stable, commercial, means a stable used for the rental of stall space or for the sale or rental of horses or mules.

Stable, private, means an area used solely for the owner's private purposes for the sale or keeping of horses, mules or ponies, and which are not kept for remuneration, hire or sale.

Standard masonry construction means having at least 75 percent of the exterior walls of a building constructed of brick, stone or other masonry construction.

Storage or wholesale warehouse means a building used primarily for the storage of goods and materials.

Story means the 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 is no floor above it, then the space between the floor and the ceiling next above it. The average height for a story shall be 12 feet. Multiple stories, or portions thereof, shall be a result of the number of stories and story height of 12 feet. For the purposes of this definition, a story does not include parapets, gables and other normal roof structures.

Story, half, means 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.

Street means any dedicated public thoroughfare, which affords the principal means of access to abutting property.

Street intersection means any street which joins another street at an angle, whether or not such street crosses the other street.

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

Structure means 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 the definition of " *Building.* ")

Studio for photographer, musician or artist means a building, or portion thereof, used as a place of work by a photographer, musician or artist.

Studio for radio or television means a building, or portion thereof, used as a place for radio or television broadcasting.

Taxidermist means an establishment that prepares, preserves, stuffs and mounts the skins, horns, antlers and other portions of animals for display in museums and/or private collections. No tanning, dyeing, rendering or slaughtering operations are allowed in conjunction with this use.

Telephone line and exchange means 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 or storage or repair yards.

Theater, drive-in, means 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.

Theater, indoor, means a building, or part thereof, devoted to the showing of motion pictures or dramatic, musical or live performances.

Tire dealer, no open storage, means a retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

Tire retreading and capping means the process by which tires are treated with new tread.

Tool rental shop means a building, or a portion thereof, used for the display and rental of tools and instruments.

Tourist home (bed and breakfast inn or facility) means 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.

Townhome means a dwelling that is part of a structure containing three or more units, not to exceed eight, each designed for occupancy by one family, with each unit attached by a common wall a minimum of 20 feet in length.

Trade and commercial schools mean establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art or occupation.

Trailer, hauling, means a vehicle to be pulled behind an automobile or truck, which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer rental means the display and offering for rent of trailers designed to be towed by light load vehicles.

Trailer, travel or camping, means 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, and designed to be towed behind another vehicle.

Transfer storage and baggage terminal means a facility for the storage of baggage and other items in transit.

Transit station or turnaround means passenger terminal or loading facilities for a privately- or publicly-owned transit system.

Transportation and utility structures/facilities means 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.

Truck means a light or heavy load vehicle. (See definitions of " *Light load vehicle* " and " *Heavy load vehicle*. ")

Truck and bus leasing means 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.

Truck and bus repair means an establishment providing major and minor automobile repair services to heavy load vehicles.

Truck parking lot means an area for parking heavy load vehicles.

Truck sales (heavy trucks) means the display, sale or rental of new or used heavy load vehicles, in operable condition.

Truck stop means any building, land, area, premises, or portion thereof, used for the retail dispensing or sale of fuels, lubricants and accessories commonly utilized by heavy load vehicles, but not including the uses listed under the definition of " *Major automobile repair*, " as applied to heavy load vehicles.

Truck terminal means an area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. Such term may include facilities for the temporary storage of loads prior to shipment.

Usable open space means an open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation. An area of common usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks,

recreational facilities, water features and decorative objects, such as art work or fountains. Usable open space shall not include rooftops; accessory buildings, except the portions of any building designed specifically for recreational purposes; parking areas; driveways; turnaround areas; or the right-of-way or easement for streets or alleys.

Used car dealer means the retail sales or offering for sale of used automobiles or light load vehicles.

Utility distribution/transmission lines means facilities which serve to distribute and transmit electrical power, gas and water, including, but not limited to, electrical transmission lines, gas transmission lines and metering stations.

Variance means an adjustment in the application of the specific regulations of this chapter 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 zoning board of adjustment of the city can grant a variance.

Veterinarian clinic means an establishment, not including outside pens, where animals and pets are admitted for examination and medical treatment.

Wholesale distribution center. See *Truck terminal*.

Wholesale food distribution. See *Truck terminal*.

Wholesale sales means the selling and/or distribution of merchandise or commodities to retailers, or to industrial, commercial, institutional or professional business users, or to other wholesalers. This activity also includes acting as an agent or broker that buys merchandise for, or sells merchandise to, such individuals or companies. This activity does not typically involve retail (i.e., walk-up or drive-up) sales to individuals who are the end-users of the merchandise.

Wrecking yard and *junkyard* mean any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to their condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Yard means 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 chapter 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 or the depth of a front yard or rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See illustrations 6, 7 and 8 in appendix A to this chapter.)

Yard, front, means 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 illustrations 5, 6 and 7 in appendix A to this chapter.)

Yard, rear, means 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 7 in appendix A to this chapter.)

Yard, side, means 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 7 in appendix A to this chapter.)

Zero lot line dwelling has the same meaning as the definition of " *Patio home.* "

Zoning district map means the official map upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the this chapter.

(Ord. No. 735, § I(31), 7-21-1997; Ord. No. 777, § 31.211(a), 11-2-1998; Ord. No. 903, §§ 8—11, 10-7-2002; Ord. No. 911, § 3, 3-3-2003; Ord. No. 942, §§ 14—17, 2-2-2004; Ord. No. 1038, § I, 5-1-2006; Ord. No 1039, § 6, 5-1-2006; Ord. No. 1067, § 1, 5-21-2007)

Cross reference— Definitions generally, § 1-2.