

## SECTION 4 DEFINITIONS

For the purpose of this ordinance certain terms and words are herewith defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word "building" includes the word "structure", the word "shall" is mandatory, and not directory. The words "used" or "occupied" include the words "intended", "designed", or "arranged to be used or occupied". The word "lot" includes the words "plot" or "parcel".

**ABUTTING, ADJACENT, ADJOINING** – Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley, but shall not include property across a street.

**ACCESSORY BUILDING OR USE** – A subordinate building having a use customarily incident to and located on the same lot occupied by the main building; or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as a integral part of the main building.

**ADMINISTRATIVE OFFICIAL** – The official, or his designee, appointed by the City Manager to enforce and administer the terms of this Ordinance. The individual whose decisions and interpretations are appealed to the Zoning Board of Adjustment.

**ADULT ARCADE** – "Adult arcade" means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

**ADULT BOOKSTORE OR ADULT VIDEO STORE** – "Adult Bookstore" or "Adult Video Store" means a commercial establishment which as one of its principal business purposes offers for sale or rental for any form of consideration any one or more of the following:

1. books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video productions, slides, or other visual representations which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas"; or
2. instruments, devices, or paraphernalia which are designed for use in connection with "specified sexual activities".

**ADULT CABARET** – "Adult Cabaret" means a night club, bar, restaurant, or similar commercial establishment which regularly features:

1. persons who appear in a state of nudity; or
2. live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by an emphasis on "specified sexual activities"; or
3. films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by an emphasis on

matters depicting or describing "specified sexual activities" or "specified anatomical areas."

**ADULT MOTEL** – "Adult Motel" means a hotel, motel or similar commercial establishment which:

1. offers accommodations to the public for any telephone transmission, films, motion pictures, video cassettes, slides or photographic reproductions which are distinguished or characterized by an emphasis on matter depicting or describing "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions; or
2. offers a sleeping room for rent for a period of time that is less than 10 hours; or
3. allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than 10 hours.

**ADULT MOTION PICTURE THEATER** – "Adult Motion Picture Theater" means a commercial establishment where motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are distinguished or characterized by an emphasis on matters depicting or describing "specified sexual activities" or "specified anatomical areas".

**ADULT THEATER** – "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are distinguished or characterized by an emphasis on the exposure of "specified anatomical areas" or by and emphasis on "specified sexual activities".

**ALLEY** – Public minor way which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street or highway.

**AMUSEMENT ARCADE (INDOORS)** – A building or part of a building in which pinball machines, video games, amusement machines, or other similar player-operated amusement devices are present and maintained as the primary use. For the purposes of this definition, "primary use" means fifty-one percent (51%) or more of the gross floor area (including player space and aisle space) of the portion of the structure being used (not to include any area of a structure being used as storage.)

**AMUSEMENT MACHINE** – Any machine or device of any kind or character, that is operated by or with coins, metal slugs, tokens, or checks, when such machine dispenses or is used or is capable of being used or operated for amusement or pleasure or when such machine is operated for the purpose of dispensing or affording skill or pleasure, or for any other purpose other than the dispensing or vending of "merchandise or music" or "service" exclusively, as those terms are defined in the Texas Revised Civil Statutes, Title 132, Chapter 8 (section 8801 et seq.), as amended. (An "amusement machine" pursuant to this definition is the same as a "skill or pleasure coin-operated machine" pursuant to the Texas Revised Civil Statutes, Title 132, Chapter 8, Section 8801(5), as amended.) An "amusement machine" shall also include any billiard tables operated for profit, whether operated by or with coins, metal slugs, tokens, or checks inserted into the machine or paid to an attendant.

**ANIMAL LOT** – Any area for quartering and/or grazing of any hoofed (even-toed and odd-toed) animals, including but not limited to horses, cows, sheep, goats, etc, and ratites (large flightless birds), including but not limited to emus and ostriches, etc.

**ANIMAL UNIT** – The equivalent of one horse, one cow or steer, one mule, 4 emus or ostriches, 10 sheep, 10 goats, 100 poultry, or 100 rabbits, or an equivalent combination thereof.

**ANTENNA** – Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

**ANTIQUÉ VEHICLE** – A passenger car or truck that is at least 35 years old.

**APARTMENT** – A room or suite of rooms in an apartment house arranged, designed or occupied as a dwelling unit or residence by a single family, individual, or group of individuals.

**APARTMENT HOTEL** – Any building larger than an apartment house designed or built as a series of separate apartments to be occupied by persons living independently of each other.

**APARTMENT HOUSE** – Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or dwelling units or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

**APARTMENT SIGN** – A sign identifying the name of a multi-family dwelling complex not for transient use.

**APPROACH/DEPARTURE CLEARANCE SURFACE (SLOPE)** – An inclined plane that extends outward from the end of the runway of NAS Fort Worth for a distance of 25,000 feet, and rises at a rate of one foot above the runway (elevation 650 feet msl) for every 50 feet from the end of the runway. The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004, or later.)

**ARENA, RIDING** – An area, either indoor or outdoor, used for the riding or driving of horses or mules for pleasure or competition on a fee or other remuneration basis.

**AUTOMOBILE SALES AREA** – An open area of lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

**BALLOON** – An inflated device carried aloft or fixed to the ground used for the purpose of advertising or drawing attention.

**BANNER** – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or a building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution shall not be considered banners.

**BASEMENT** – A building story which is partly underground but having at least one-half of its height above the average level of the adjoining ground. A basement shall be counted as a story in computing building height.

**BEACON** – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same lot as the light source; also, any light with one or more beams that rotate or move.

**BILLBOARD** – A sign that identifies or communicates a commercial or non-commercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

**BLOCK** – An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets that intersect said street on the said side. In cases where platting is

incomplete or disconnected, the zoning administrative official shall determine the outline of the block.

**BOARD** – The Zoning Board of Adjustment as established in Section 29.

**BOARDING HOUSE** – A building other than a hotel, where lodging and meals for five or more persons are served for compensation.

**BREEZEWAY** – A covered passage one story in height and six feet (6') or more in width connecting a main structure and an accessory building. A breezeway shall be considered an accessory building.

**BUFFERYARD** – A bufferyard is a unit of land, together with a specified amount of planting thereon, and any structures which may be required between land uses to eliminate or minimize conflicts between them.

**BUILDABLE AREA** – The portion of a lot remaining after required yards have been provided.

**BUILDING** – Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire each portion so subdivided may be deemed a separate building.

**BUILDING FOOTPRINT** – The area of the building in contact with the ground.

**BUILDING, HEIGHT OF** – See Height of Building.

**BUILDING LINE** – A line parallel or approximately parallel to the street right-of-way line at a specific distance therefrom marking the minimum distance from the street right-of-way line that a building may be erected.

**BUILDING MARKER** – Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

**BUILDING OFFICIAL** – The administrative officer charged with the administration and enforcement of the City's building codes, or a duly authorized representative.

**BUSINESS** – Includes local retail, commercial, industrial, and manufacturing uses and districts as herein defined.

**CALIPER** – Diameter of the trunk measured one foot (1') above ground level.

**CANOPY TREES** – A perennial woody plant, single or multiple trunk, contributing to the uppermost spreading branch layer of a forest and may be commonly referred to as shade trees.

**CARPORT** – An open-sided shelter for automobiles which may be formed by the extension of a roof from the side of a building and which has no more than one of its sides enclosed.

**CELLAR** – A building story with more than one-half its height below the average level of the adjoining ground. A cellar shall not be counted as a story in computing building height.

**CERTIFICATE OF OCCUPANCY (OR PERMIT)** – An official certificate issued by the City through the administrative official which indicates conformance with or approved conditional waiver from the Building and Zoning Regulations and authorized legal use and occupancy of the premises for which it is issued.

**CITY COUNCIL** – The governing body of the City of Benbrook, Texas.

**CLINIC** – Offices for one or more physicians, surgeons, or dentists engaged in treating the sick or injured, but not including rooms for the abiding of patients.

**COLLECTOR STREET** – As defined by the City's latest approved Comprehensive Plan.

**COMMERCIAL AMUSEMENT CENTER, INDOOR OPERATIONS ONLY** – A facility providing for entertainment and amusement. Games contained in the facility may include skilled games or activities such as, but not limited to, shuffle boards, darts, bowling facilities, roller/ice skating rinks or dominoes. Any combination of these games may be used in the facility. Not included in this definition is an Amusement Arcade (Indoors).

**COMMERCIAL MESSAGE** – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

**COMMUNITY CENTER** – A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City, or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

**COMPREHENSIVE PLAN** – The Comprehensive Plan of the City of Benbrook, Texas, as adopted by the City Council of the City of Benbrook.

**COMPRESSION STATION, NATURAL GAS** – Those facilities within the City that compress natural gas after production-related activities occur and, under federal and state rules and regulations, are not exempt from City regulations and ordinances regarding construction standards, safety standards or reporting requirements.

**CONDITIONAL USE** – A use which would not be appropriate generally or without certain restrictions throughout a zoning district, but which, if controlled as to number, area, location or relation to the neighborhood would promote the health, safety and welfare of the community.

**CONDOMINIUM** – A multi-family dwelling facility within which designated units or apartments are conveyed fee simple title, with an undivided interest in the building's common elements, to include, but not be limited to, halls, stairs, elevators, roofs, parking space, and the land.

**CONICAL SURFACE** – An inclined plane that extends outward from the periphery of NAS Fort Worth for a distance of 7,000 feet, and rises at a rate of one foot above the runway (elevation 650 feet msl) for every 20 feet from the end of the runway. The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004 or later.)

**CONVALESCENT HOME** – Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.

**COURT** – An open, unoccupied space, bounded on three (3) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

**DAY CARE NURSERY** – A place where twelve (12) or more children are left for care a part of the twenty-four (24) hours of the day.

**DAY CARE HOME, FAMILY** – A place meeting the requirements and registered as a Registered Family Home with the Texas Department of Human Services where twelve (12) or less children are left for care for less than twenty-four (24) hours a day.

**DIRECTIONAL SIGN** – A sign that directs traffic.

**DIRECTORY SIGN** – A sign identifying the names of the tenants and the number of the building, suite or room in which they are located.

**DISTRICT (ZONING)** – A section of the City of Benbrook, Texas, for which the regulations governing the area, height, or use of the land and buildings are uniform.

**DRIVE-IN RESTAURANT OR REFRESHMENT STAND** – Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

**DWELLING, ONE FAMILY** – A detached residential dwelling unit other than a mobile home, designed for and occupied by one family only.

**DWELLING, TWO FAMILY** – A detached residential building containing two dwelling units, designed for occupancy by not more than two families.

**DWELLING, THREE FAMILY** – A detached residential building containing three dwelling units, designed for occupancy by not more than three families.

**DWELLING, FOUR FAMILY** – A detached residential building containing four dwelling units, designed for occupancy by not more than four families.

**DWELLING, MANUFACTURED HOME** – Manufactured Home means a structure that was constructed after June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty square feet or more, 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 system, and bearing a seal issued in accordance with Section 5521f V.A.T.C.S.

**DWELLING, MOBILE HOME** – 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 (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty square feet or more, 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 system.

**DWELLING, MODULAR** – A dwelling unit constructed on-site in accordance with applicable State and City codes and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. For purposes of this ordinance, a modular dwelling may be located anywhere a detached single family dwelling is permitted.

**DWELLING, SUBSIDIARY** – A separate living quarters with separate kitchen facilities which is in addition to the principal dwelling unit on a single-family lot.

**DWELLING UNIT** – One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

**EFFICIENCY APARTMENT** – An apartment having a combination living and bedroom, including independent cooking facility (no separate bedroom).

**ELECTRONIC MESSAGE CENTER SIGN** – A sign displaying public service information, any similar public interest information and/or related advertising for a general business located on the same premises through electronically controlled intermittent light impulses. (see also Sign, Changeable Copy)

**ENHANCED PAVEMENT** – Any permeable or nonpermeable decorative pavement material intended for pedestrian or vehicular use. Enhanced pavement includes brick or stone pavers, grass pavers and stamped or stained concrete.

**ENTRYWAY SIGN** – A permanent sign identifying a subdivision or development project by name located at the entrance(s).

**FAMILY** – One (1) or more persons who are related by blood, marriage, adoption, or foster assignment living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than three (3) (excluding servants) living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a non-profit cost-sharing basis.

**FENCE** – Any construction or screening shrubs greater than thirty inches (30") in height and of any material the purpose of which is to provide protection from intrusion (both physical and visual), to prevent escape, or to mark a boundary. A wall that is not part of a building shall be considered a fence. Dikes and retaining walls for the purpose of diverting water and retaining soil are not classified as a fence.

**FLAG** – Displays on cloth or other flexible material attached on only one (1) side.

**FLASHING** – Operation that creates flashing light, change in light intensity, color or copy, or intermittent light impulses.

**FLOODPLAIN** – An area identified by the Federal Emergency Management Agency as possibly being flood prone or below the base flood elevation (the one-percent annual flood or 100 year floodplain). The issuance of building permits for construction of any structure within such floodplain is regulated by a separate ordinance (Chapter 15.40 of the Benbrook Municipal Code, as amended) governing the safeguards, preventive actions against flooding, types of uses permitted in flood prone areas, etc.

**FLOOR AREA** – The total (gross) square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, porches, carports or garages that are not designed for residential or business occupancy.

**FLOOR AREA RATIO (FAR)** – An indicated ratio between the numbers of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building(s) floor area by the lot area.

**FRONTAGE** – All the property abutting on one side of the street between two intersecting streets, measured along the street line.

**GARAGE, PRIVATE** – An enclosed accessory building for storage only of motor vehicles, boats, travel trailers, and household goods owned and used by the owners or tenants of the premises.

**GARAGE, PUBLIC** – A building or portion thereof designed or used for the storage, sale, hiring, care or repair of motor vehicles, which is operated for commercial purposes.

**GARAGE, STORAGE (PARKING)** – A building or portion thereof, other than a private garage, used exclusively for parking or storage of self-propelled vehicles, but with no other services provided except facilities for washing.

**GARAGE SALE** – An occasional sale at retail open to the public and conducted on a residential premise in a residential district, or in a community facility district, for the purpose of disposing personal property by a person who does not hold himself out as engaging in, or does habitually engage in, the business of selling such property at retail. The term includes, but is not limited to all sales entitled “lawn”, “yard”, “room”, “backyard”, “patio”, or “rummage” sale. The term does not include situations where no more than three (3) specific items are offered for sale and all advertisements of such sale specifically name those products to be sold.

**GASOLINE PRICE SIGN** – An outdoor advertising display with changeable copy letters and numerals or an electronic display without movement visible from off the premises and intended to have a change of message no more frequently than once a day that displays the current price of diesel fuel or gasoline for sale.

**GRADE** – The measure of vertical and elevation above some reference point, usually mean sea level. Grade is measured as follows:

- a. For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street;
- b. For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalk at the center of all walls adjoining the street;
- c. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior wall of the building.

Any wall approximately parallel to and not more than five feet (5') from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Building Inspector shall establish such sidewalk level or its equivalent for the purpose of these regulations.

**GROUND COVER** – Low growing, dense spreading plants typically planted from containers.

**HEIGHT OF BUILDING** – The vertical distance of a building or structure measured from the highest adjoining sidewalk or ground surface within a five-foot (5') horizontal distance of the exterior wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. Height shall exclude chimneys, cooling towers, ventilators, elevator bulkheads, penthouses, tanks, water towers, radio antennae, ornamental cupolas, domes or spires, belfries, parapet walls or other appurtenances not exceeding ten feet (10') in height above the top of the roof and not intended for human occupancy.

**HEIGHT OF YARD OR COURT** – The vertical distance from the lowest level of such yard or court to the highest point of any boundary wall.

**HIGH INTENSITY LIGHTING** – Light, which when measured at ten feet (10') from the source exceeds 11,000 lumens.

**HOBBY** – An accessory use housed in a dwelling or in an accessory building in which the residents of the premise engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof and from which no compensation, revenue, or value may be derived, and in which no goods may be publicly displayed, offered for sale or advertised for sale, nor any sign be used in connection therewith.

**HOME OCCUPATION** – An occupation conducted in a dwelling unit, provided that:

- a. A home occupation shall be permitted only when it is an accessory use to a dwelling unit;
- b. A home occupation shall not involve any external structural alteration of the main building;
- c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty percent (20%) of the total floor area of the dwelling unit shall be used in the conduct of the home occupation;
- d. Only one employee other than occupants of the residence may be employed in the home occupation. A person who receives a wage, salary or percentage of the profits directly related to the home occupation shall be considered an employee for the purposes of this section, provided that this definition shall not include the coordination or supervision of employees who do not regularly visit the dwelling for purposes related to the business;
- e. No outdoor storage of materials, goods, supplies or equipment shall be allowed;
- f. A person who engages in a home occupation shall not place a sign or display on the premises;
- g. A home occupation shall not involve more than one (1) patron on the premises at one time;
- h. Any outdoor activities associated with a home occupation shall be screened from the neighboring property by a solid fence of at least six feet (6') in height.
- i. A home occupation may include the sale of products on the premises provided that the business has a valid sales tax permit and that compliance is maintained with all other conditions specified herein; and
- j. A home occupation shall produce no offensive noise, vibration, smoke, electrical interference, dirt, odors, heat, or solid waste in excess of that normally found in residential areas. No toxic, explosive, flammable, combustible, corrosive, radioactive, or other hazardous materials shall be used or stored on the site for business purposes.

**HOTEL** – One or more buildings containing individual living or sleeping units specially designed as temporary quarters for transient guests, including provisions for meals and personal services. A hotel includes a tourist hotel, a motor hotel, and a motel, but does not include an apartment hotel.

**JUNK** – The term "junk" is defined to mean and shall include scrap iron, scrap tin, scrap brass, scrap copper, scrap lead or scrap zinc and all other scrap metals and their alloys, and bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobiles or airplane tires, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition; subject to being dismantled for junk.

**JUNKED VEHICLE** – A vehicle that is inoperable as defined in Chapter 10.44 of the Benbrook Municipal Code (1985, as amended).

**KENNEL** – Any lot or premises on which six (6) or more dogs, cats, or other domestic animals, at least four months of age, are housed or accepted for boarding, trimming, grooming and/or bathing for which remuneration is received.

**KINDERGARTEN** – A school other than a public school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

**LANDSCAPE ARCHITECT** – A person registered as a Landscape Architect in the State of Texas pursuant to state law.

**LANDSCAPE AREA** – An area which is covered by natural grass, ground cover, or other natural plant materials.

**LAWN GRASSES** – Thin bladed surface growing plants typically planted from seed, sprigs or plugs.

**LEGAL NON-CONFORMING USE, BUILDING OR YARD** – A use, building or yard existing legally at the time of the passage of this ordinance which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building or yard established after the passage of this ordinance which does not conform to regulations of the district in which it is situated shall be illegal.

**LICENSED IRRIGATOR** – A person duly licensed by the State of Texas to design and install irrigation systems.

**LIVESTOCK** – Animals typical of those that may be kept or raised on a farm or ranch, including but not limited to hoofed animals (horses, cows, sheep, goats, etc.), ratites (ostriches, emus, etc.), poultry (chickens, ducks, geese), and fur-bearers (rabbits, minks, etc.).

**LIVING UNIT** – Same as Dwelling Unit

**LOADING SPACE, OFF-STREET** – Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space.

**LOT** – An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed or recorded. (See Lot of Record)

**LOT COVERAGE** – The percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot.

**LOT FRONTAGE** – The length of street frontage between property lines

**LOT LINES** – The lines bounding a lot as defined:

- a. **LOT LINE, FRONT** – The boundary between a lot and the street on which it fronts.

- b. **LOT LINE, REAR** – The boundary line which is opposite and most distant from the front street line; except that in the case of uncertainty the Building Inspector shall determine the rear line.
- c. **LOT LINE, SIDE** – Any lot boundary line not a front or rear line thereof. A side line may be a party lot line, a line bordering on any alley or place or side street line.

**LOT MEASUREMENT** – (See Figure 4-1)

- a. Area of the lot shall be the area of the lot within the lot lines, expressed in square feet or acreage, including easements, and shall not include portions of any public street or alley.
- b. Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot line in the rear (the mean horizontal distance between the front and rear lot line).
- c. Interior Area is the area of the lot remaining after subtracting out the area included in the bufferyards.
- d. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

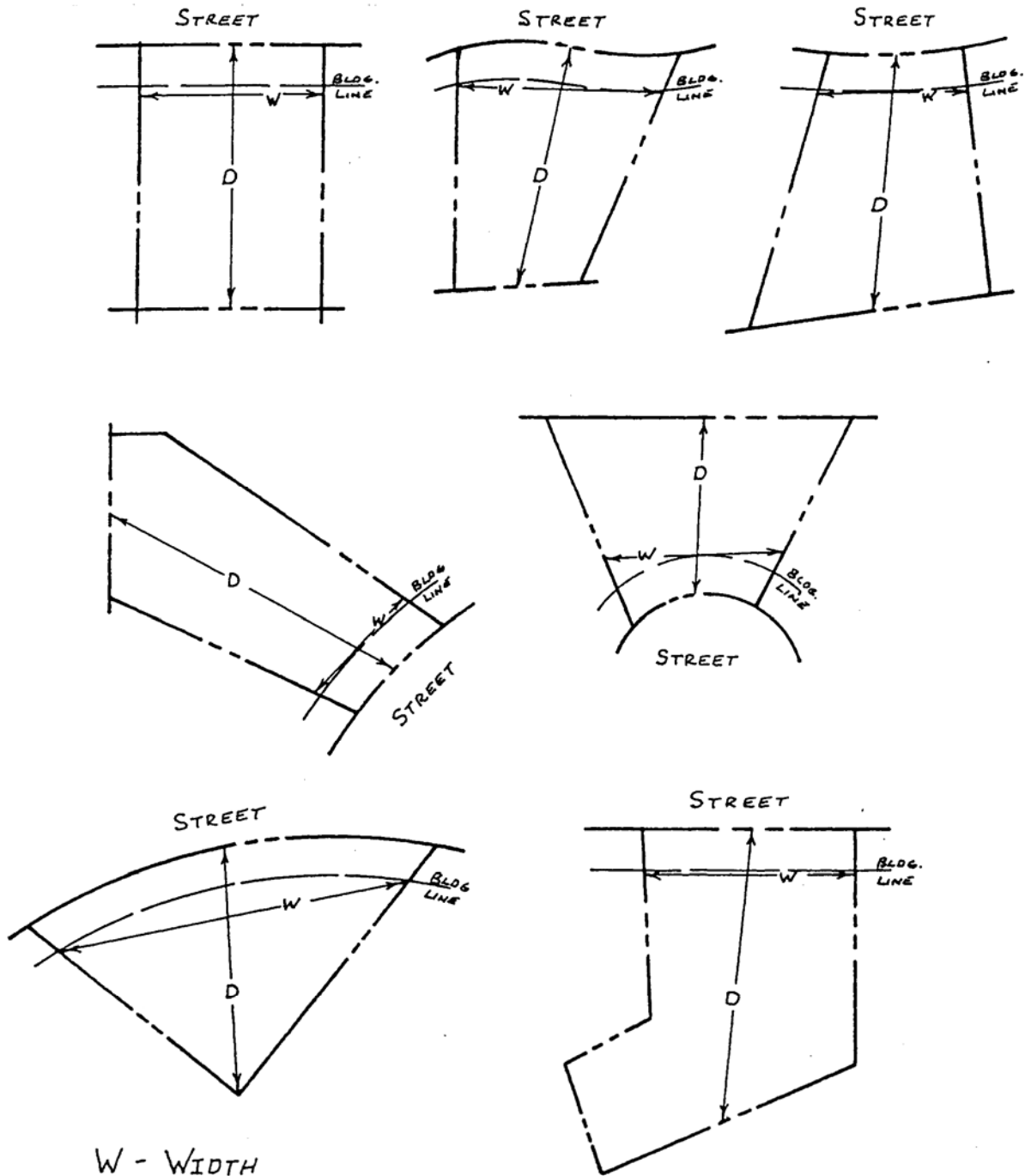
**LOT OF RECORD** – A lot which is part of a subdivision recorded in the office of the County Clerk.

**LOT TYPES** – (See Figure 4-2)

- a. Corner Lot -- A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension, unless otherwise specified by the Planning Director.
- b. Interior Lot -- A lot other than a corner lot with only one street frontage and whose side lot lines do not abut upon any street.
- c. Through Lot -- A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as "double frontage" lots.
- d. Cul-de-Sac Lot -- A lot whose frontage is along the turn around portion of a street that has only one opening and terminates with a turn around at the closed end.

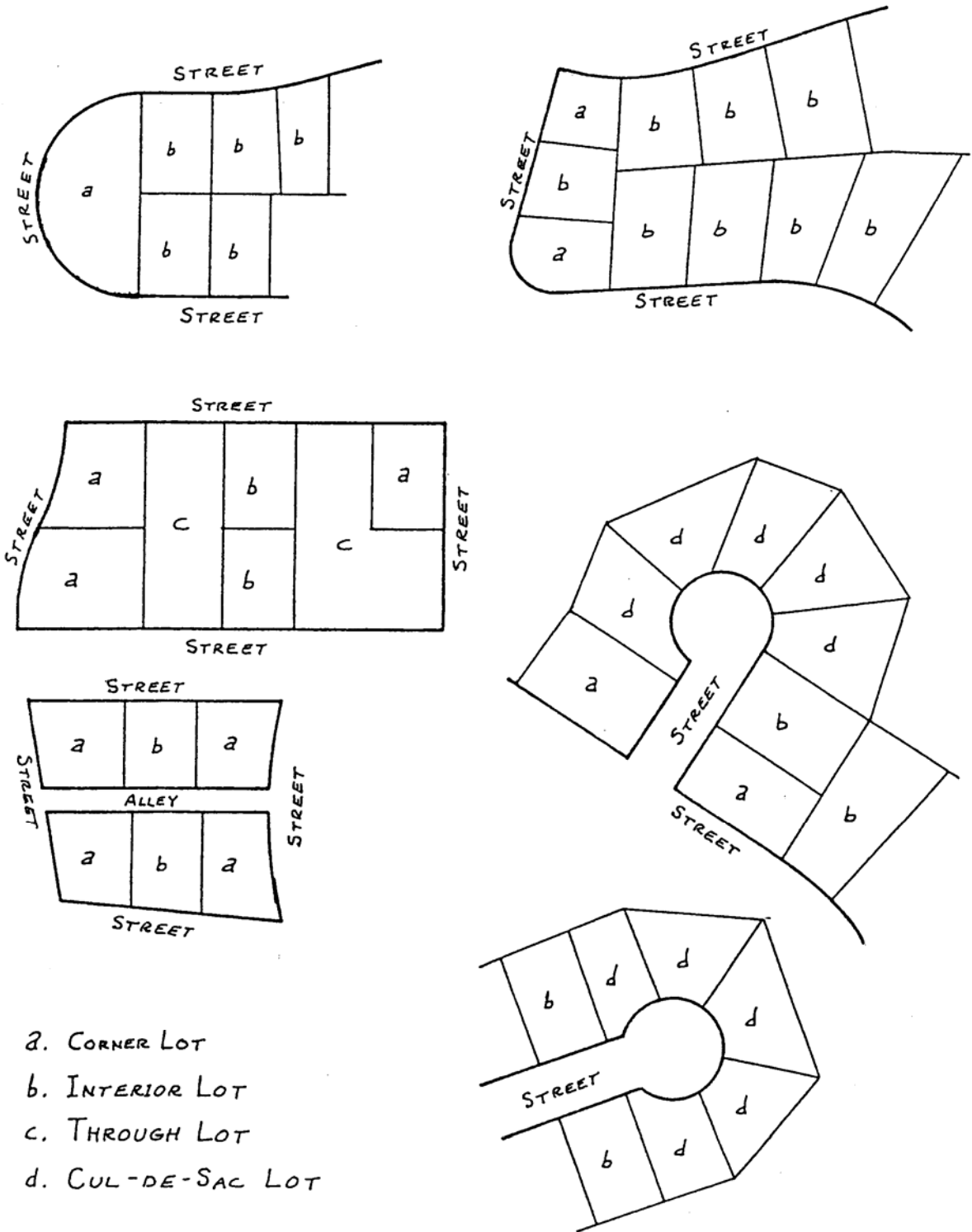
**MAIN (PRINCIPAL) BUILDING** – The building or buildings on a lot which are occupied by the primary use.

Figure 4-1  
LOT MEASUREMENTS



W - WIDTH  
D - DEPTH

Figure 4-2  
LOT TYPES



**MARQUEE** – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and construed to provide protection from the weather.

**MENU BOARD** – A sign displaying the menu for a drive-up window for a fast food restaurant.

**MINI WAREHOUSE** – A totally enclosed facility involving one or more buildings and multiple individual units the purpose of which is exclusively for the storage of goods. Retail or wholesale, offices, manufacturing, fabrication, service, repair, or any other type of commercial or business enterprise is expressly prohibited from this type facility. Storage of hazardous and flammable materials as designated by the Fire Marshal are expressly prohibited from this type facility.

**MOBILE HOME** – See "Dwelling, Mobile Home".

**MOBILE HOME PARK OR SUBDIVISION** – A parcel of land upon which mobile homes are placed or located for purposes of occupancy.

**MODEL HOME SIGN** – Sign identifying a single-family residence owned by the builder as being displayed for public view.

**MOTION** – The moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a message center as hereinafter defined.

**MOTOR VEHICLE COLLECTOR** – A person who owns one or more antique or special interest vehicles; and acquires, collects or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve as an antique or special interest vehicle for historic interest.

**MULTI-TENANT GROUND SIGN** – A ground sign with provisions for separate sign copy for two (2) or more separate tenants located within the same development.

**NON-CONFORMING USE** – A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.

**NUDE MODEL STUDIO** – "Nude Model Studio" means any place where a person appears in a state of nudity or displays "specified anatomical areas" to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. "Nude model studio" shall not include a person appearing in a state of nudity who did so in a modeling class operated:

1. by a proprietary school licensed by the State of Texas; a college, junior college, or university supported entirely or partly by taxation;
2. by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
3. in a structure:
  - a. that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
  - b. where in order to participate in a class a student must enroll at least three days in advance of the class; and

- c. where no more than one nude model is on the premises at any one time.

**NUDITY, STATE OF NUDITY** – "Nudity" or "State of Nudity" means less than completely and opaquely covered:

1. human genitals, pubic region or pubic hair; or
2. human buttock; or
3. female breast or breasts below a point immediately above the top of the areola; or
4. any combination of the foregoing.

**OCCUPANCY** – The use or intended use of the land or buildings by proprietors or tenants.

**OPEN SPACE** – Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

**OVERLAY DISTRICT** – A set of zoning requirements that are described in the text, are mapped, and are imposed in addition to those of the underlying zoning district. Development within the overlay zone must conform to the requirements of both the underlying district and the overlay zone, or the more restrictive of the two. The zoning classification will typically be shown as a suffix to the underlying district (e.g. CF-NAS.)

**PARKWAY** – That area within the public right-of-way (ROW) between the back of curb or edge of pavement and the right-of-way line.

**PARKING SPACE, OFF-STREET** – For the purposes of this ordinance, an off-street parking space shall consist of an indoor or outdoor space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

**PAVING SETBACK** – A line parallel or approximately parallel to the street right-of-way at a specified distance therefrom marking the minimum distance from the street right-of-way line that any pavement, including parking lots and necessary maneuvering areas, may be constructed, except for approved driveway and pedestrian access.

**PENNANT** – Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**PERMEABLE PAVEMENT** – A paving material that permits water penetration.

**PERMITTED USES** – Any use allowed in a zoning district and subject to the restrictions applicable to that zoning district.

**PERSON** – "Person" means an individual, proprietorship, partnership, corporation, association, or other legal entity.

**PLANNING AND ZONING COMMISSION** – The agency appointed by the City Council as an advisory body to it and which is authorized to recommend changes in the zoning ordinance and fulfill the functions authorized by the City Council and State Law.

**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 Benbrook and subject to approval by the Planning and Zoning Commission. Reference to a plat in this ordinance means an official plat of record that has been approved by the Planning and Zoning Commission and filed in the plat records of Tarrant County.

**PREMISES** – Land together with any buildings or structures occupying it.

**PRIVATE DRIVE (STREET OR PLACE)** – An open, unoccupied space, other than a street or alley, permanently established or reserved or dedicated in private ownership as the principal means of vehicular access to property abutting thereon.

**PRIVATE CLUB** – An association of persons meeting regularly for their mutual benefit or for the promotion of some common purpose, supported jointly through payment of membership dues, all members having the right to vote on policies and business.

**READER BOARD** – A changeable copy sign with strips attached to the face of the sign to hold removable displays, letters and numerals for the purpose of identifying products sold or services provided by the related business tenant on the same premises. An electronic display without movement and intended to have a change of message no more frequently than once a day may be considered a reader board.

**REAL ESTATE SIGN** – A sign that advertises a parcel of land or a structure for rent, lease or sale. An apartment sign as defined in this Chapter shall not be deemed to be a real estate sign.

**RECREATIONAL EQUIPMENT, MAJOR** – Major recreational equipment is defined to include boats, trailers and boat trailers, travel trailers, pick-up campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, horse trailers, utility trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

**RECREATIONAL VEHICLE** – A vehicle towed or self-propelled on its own chassis or attached to the chassis of another vehicle and designed or used for temporary dwelling, recreational or sporting purposes. The term recreational vehicle shall include, but shall not be limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, converted trucks and buses, and boats and boat trailers.

**RECREATIONAL VEHICLE CAMPING AREA** – Any development, site, parcel or tract of land designed, maintained or intended to be used for the purpose of providing short term (14 days or less) occupancy of camper vehicles, recreational vehicles, tents, or trailers.

**REFLECTIVE** – A sign having copy or background made of reflective surfaces made to shimmer.

**RESIDENCE** – Same as dwelling; also when used with the word District, an area of residential regulations.

**REVERSED FRONTAGE** – Reversed frontage is a lot abutting two or more streets at their intersection. A reversed frontage lot shall be deemed to front on that street at which it has its greatest frontage unless otherwise specified by the Planning Director.

**ROOF SIGNS** – A sign attached to a building that projects above or over the roof of a building.

**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.

**ROOMING HOUSE** – A building other than a hotel where lodging for three (3) but not more than twelve (12) persons is provided for definite periods for compensation pursuant to previous arrangements.

**SCREENING DEVICE** – A fence, wall, hedge or other device that is solid, made of durable material and without holes, penetrations or other openings other than those required for passage and which is designed to prevent persons from seeing through. A screening device shall be at least six feet (6') in height but no more than eight feet (8') in height unless otherwise specifically permitted by the provisions of this ordinance or unless approved as a variance by the Board of Adjustment.

**SCREENING SHRUBS** – Evergreen shrubs that maintain their foliage year round, and of sufficient mass and spacing to be opaque or that shall become opaque after twelve (12) months and which shall be maintained in an opaque condition.

**SEASONAL COLOR** – Landscape areas used for annual and perennial flowers intended to maintain year-round color accents.

**SETBACK** – The distance from the property line to the nearest part of the building, structure or sign, measured perpendicularly to the property line. See also "Building Line."

**SEXUALLY ORIENTED BUSINESS** – "Sexually Oriented Business" means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or nude model studio.

**SHOWROOM WAREHOUSE** – A sales and office facility for a product that by nature of the bulk dimensions of the product requires a larger than normal storage area ratio to sales and office area to maintain a normal operating product inventory. A showroom warehouse is specifically not intended to be a wholesale distribution center.

**SHRUBS** – Plants which grow vertically in a multi-branched growth pattern.

**SIGN** – A presentation of letters, numbers, figures, pictures, emblems, insignias, lines or colors or any combination thereof, displayed for the purpose of information, direction or identification, or to advertise or promote a business, service, activity, interest or product.

**SIGN, ABANDONED** – Any sign:

- a) which, for at least six (6) continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product or activity; or
- b) for which no legal owner can be found; or
- c) which pertains to a time, event, or purpose which no longer applies.

**SIGN, ANIMATED** – Any sign having a conspicuous and intermittent variation in illumination, or physical position of any or all of its parts, or that uses movement or change of lighting to depict action or create a special effect or scene. Signs that have a video or other electronic screen that changes graphics and/or text less frequently than eight times per day (other than time and temperature) shall be considered as Changeable Copy Signs under this ordinance.

**SIGN, BENCH** – A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

**SIGN, BUILDING** – Any sign attached to, applied on or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space, as contrasted to a freestanding sign.

**SIGN, CABINET/CAN** – A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

**SIGN, CANOPY** – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**SIGN, CHANGEABLE COPY** – A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or surface of the sign, including electronic and LED signs. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for the purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of time and temperature shall be considered a "time and temperature" portion of a sign and not a changeable copy sign for the purposes of this ordinance.

**SIGN, CONTRACTOR** – A temporary sign providing information about future development or current construction on a site and the parties involved in the project or identifying an architect, engineer, contractor, subcontractor, and/or material supplier who participates in construction on the property on which the sign is located.

**SIGN, DETACHED** – Any sign that is not attached, 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.

**SIGN, DEVELOPMENT** – A temporary sign providing information about future development on a site and the parties involved in the project or identifying an real estate agent who represents property or lots on which the sign is located.

**SIGN, DILAPIDATED OR DETERIORATED** – Any sign:

- (a) Where any portion of the finished material, surface, or message portion of the sign is visibly faded so as to no longer be clearly read, 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
- (b) Whose elements or 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 member).

**SIGN, DIRECTIONAL** – An off-premise sign whose content is limited exclusively to the identification (for commercial purposes) of a specific premises or occupancy located elsewhere, and which tells the location of or route to that premises or occupancy.

**SIGN, FREESTANDING** – Any sign supported by structures or supports that are placed on, anchored in, the ground and that are independent from any building or other structure. Pole signs, pylon signs and monument signs are examples of freestanding signs.

**SIGN, INCIDENTAL** – A sign, generally informational, that has a purpose secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone," and

other similar directives. No sign with a commercial message greater than one square foot (1 SF) shall be considered incidental.

**SIGN, INTEGRAL ROOF** – Any sign erected or constructed as an integral or essentially integral part of a normal roof structure of any design, such that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six inches.

**SIGN, MARQUEE** – Any sign attached to, in any manner, or made a part of a marquee.

**SIGN, MONUMENT** – A free-standing sign having a low profile and made of stone, concrete, metal, routed wood planks or beams, brick or similar materials, including individual lettering, which repeats or harmonizes with the architecture of the establishment it serves. Monument signs must include a monument base. A monument sign may contain the name, logo, address, product or service of the establishment, and a changeable copy panel.

**SIGN, NONCONFORMING** – Any sign that was lawfully constructed and maintained prior to the effective date of this ordinance and which does not conform to the requirements of this ordinance.

**SIGN, PAINTED WALL** – A sign applied to a building wall with paint and which has no sign structure.

**SIGN, POLE** – A sign that is mounted on a pole or other support so that the bottom edge of the sign face is more than six feet above grade.

**SIGN, POLITICAL** – A sign identifying and urging voter support for a particular election issue, political party, or candidate for public office.

**SIGN, PORTABLE** – Any sign not permanently attached to the ground or other permanent structure, or a sign designed to be transported, including but not limited to, signs designed to be transported by means of wheels; signs converted to A-frame or T-frame; menu or sandwich board signs; and umbrellas used for advertising.

**SIGN, PROJECTING** – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

**SIGN, PYLON** – A freestanding sign other than a pole sign, permanently affixed to the ground by two columns or supports with the sign face contained entirely between the two columns.

**SIGN, REAL ESTATE** – A temporary sign that relates to the sale, lease, or rental of property or buildings, or to construction activities on a site.

**SIGN, RESIDENTIAL** – Any temporary sign located in a district zoned for residential uses that may include political matter, notice of sale or rent of the property upon which it is located, advertisement for home contractors, or other messages not otherwise prohibited.

**SIGN, ROOF** – Any sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically above the highest portion of the roof.

**SIGN, SUSPENDED** – A sign that is suspended from the underside of a horizontal plane surface and is supported by such a surface.

**SIGN, TEMPORARY** – Any sign that is used only temporarily and is not permanently mounted.

**SIGN, VEHICLE** – Any sign attached to or painted on vehicles parked and visible from the public right-of-way.

**SIGN, WALL** – Any sign attached parallel to, but within six inches of, a wall, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such a wall or building, and which displays only one sign surface. For the purpose of this section, awnings, canopy fascias and mansards extending along a building side shall be considered a part of the wall. Lighted signs in a window affixed to a window, or otherwise located for the purpose of being viewed from the exterior of a building through a window shall also be considered a wall sign.

**SIGN, WINDOW** – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**SIGN ALTERATION** – Any change of copy, sign face, color, size, shape, illumination, position, location, construction, or supporting structure of any sign.

**SIGN AREA** – The area of the smallest individual rectangle, triangle or circle or combination of not more than two contiguous rectangles, triangles or circles which will encompass all elements of the sign which form an integral part of the display, including background, borders and structural trim. The area of a double face sign shall be construed to be the area of the largest single face of the sign, provided that the interior angle formed by the two faces does not exceed thirty degrees (30°).

**SIGN COPY** – Any combination of letters or numbers, which is intended to inform, direct or otherwise transmit information.

**SIGN HEIGHT** – The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot be reasonable determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the main building on the lot, which ever is lower.

**SIGN SETBACK** – The minimum distance required between any property line and any portion of a sign or sign structure.

**SPACING** – Spacing shall be measured along a straight line, being the shortest distance between two (2) signs.

**SPECIAL EXCEPTION** – A special exception is a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, would be wholly compatible with conditions affecting the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions if approved by the Board of Adjustment (See Section 26).

**SPECIAL INTEREST VEHICLE** – A motor vehicle of any age that has not changed from original manufacturers specifications, and because of its historic interest, is being preserved by a hobbyist.

**SPECIFIED ANATOMICAL AREAS** – "Specified Anatomical Areas" means human genitals in a state of sexual arousal.

**SPECIFIED SEXUAL ACTIVITIES** – "Specified Sexual Activities" means and includes any of the following:

1. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts; or
2. sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; and
3. masturbation, actual or simulated; or
4. excretory functions as part of or in connection with any of the activities set forth in 1 through 3 above.

**STABLE OR BARN (COMMERCIAL)** – A structure or building used for the boarding and quartering of horses, cows or other domestic livestock on a fee or other remuneration basis.

**STABLE OR BARN (PRIVATE)** – A structure or building used for quartering horses, cows or other domestic livestock of the property owner.

**STORY** – That part of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

**STREET** – A public way between two right-of-way lines, other than an alley or private drive, which has been dedicated or deeded to the public and accepted by the City for public use and affords a principal means of access (vehicular or otherwise) to property abutting thereon, as well as for utilities and sidewalks.

**STREET FRONTAGE** – The distance for which a lot line of a lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

**STREET LINE** – The right-of-way of a street

**STRUCTURE** – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

**STRUCTURAL ALTERATIONS** – Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls, excepting such repair or replacement as may be required for the safety of the building, but not including openings in bearing walls as permitted by the City Building Code.

**THOROUGHFARE** – As defined in the City's latest approved Comprehensive Plan.

**TOURIST HOME OR DUDE RANCH** – A dwelling in which accommodations are provided or offered for transient or temporary guests for compensation

**TOWER** – any structure that is designed and constructed primarily for the purpose of supporting one or more antennae, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, personal telecommunications towers and similar structures.

**TOWNHOUSE** – A single family dwelling facility constructed in a series, or group of units having common walls, each on a separate lot of record.

**TRANSITIONAL SURFACE** – Inclined planes that connect the Approach/Departure Clearance Surface (Slope), the Conical Surface, and the Horizontal Surface (a horizontal plane at 1,150 feet msl.) The horizontal extent is defined in the latest adopted edition of the Air Installations Compatible Use Zones (AICUZ) report for NAS Fort Worth JRB (2004 or later.)

**TRAVEL TRAILER** – A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by a passenger motor vehicle or other prime mover and not requiring a special permit for moving on the highway as contrasted to a mobile home.

**UNDERSTORY/ACCENT TREES** – Small evergreen or deciduous perennial woody plants which would grow below the top layer of the forest and typically has unique branching, textural or seasonal color characteristics.

**UTILITY FACILITIES** – Any water supply, water treatment, water pumping, water storage or other water facility; any sewerage treatment or pumping facility; any electrical generating facility, electrical transmission, switching facility, or electrical substation; any telephone exchange or other similar telephone communication facility; any natural gas pumping or storage facility; or any cable television receiving or transmission facility, when owned and operated by the City of Benbrook the Benbrook Water Authority, or any utility or communications concern operating under a franchise approved by the City Council.

**VARIANCE** – A variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. Except as specifically authorized in Section 28 and 29, a variance is authorized only for height, area, and size of structure or size of yards and open spaces. The establishment or expansion of a use otherwise prohibited shall not be allowed by variance except as provided in Section 28 and 29, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.

**YARD** – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility.

**YARD, FRONT** – A yard extending between side lot lines across the front of a lot adjoining a public street. (See Figure 4-3)

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Planning Director may waive the requirement for the normal front yard and substitute a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of reversed frontage corner lots, a front yard of the required depth shall be provided on either frontage, and a second front yard of the depths required for second front yards in the district shall be provided on the other frontage.

In the case of corner lots with more than two frontages, the Planning Director shall determine the front yard requirements, subject to the following limitations:

- a. At least one front yard shall be provided having the full depth required generally in the district;

- b. No other front yard on such lot shall have less than the minimum required second front yard for corner lots.

Depth of required front yards shall be measured at right angles to the front lot line.

**YARD, SIDE** – A yard extending from the rear line of the required front yard to the front of the required rear yard, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. (See Figure 4-3)

Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

**YARD, REAR** – A yard extending across the rear of the lot between lot lines. In the case of through lots there will be no rear yards, but only front and side yards. All other lots will have rear yard. (See Figure 4-2)

Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

In cases where a rear lot line is not evident, or if evident but not parallel to the front building line, the minimum rear yard requirement shall be the distance from the rear-most point of the lot along a line from that point drawn perpendicular to a line drawn from the foremost points of the two side lot lines, providing that the rear yard is parallel to at least one lot line along the rear of the lot.

**YARD, SPECIAL** – A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the administrative official shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

Figure 4-3  
YARD ORIENTATION

