ORDINANCE NO. 2225

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS, APPROVING AMENDMENTS TO THE CITY OF KELLER UNIFIED DEVELOPMENT CODE (UDC), ADOPTED BY ORDINANCE NO. 1746 DATED JULY 7, 2015, BY AMENDING ARTICLE THREE - DEFINITIONS, ARTICLE EIGHT - ZONING DISTRICTS AND ARTICLE NINE - DEVELOPMENT STANDARDS, AND BY AMENDING THE CITY OF KELLER CODE OF ORDINANCES SEC. 3-100 - DEFINITIONS AND SEC. 3-430, RELATING TO REGULATIONS FOR HORSES AND HORSE BOARDING; PROVIDING PENALTIES; AUTHORIZING PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE. (UDC-2504-0006)

WHEREAS, the City Council of the City of Keller, Texas, finds it to be in the best interest of the citizens to amend the Unified Development Code (UDC) as detailed in “Exhibit A” related to horse boarding; and

WHEREAS, the City Council of the City of Keller, Texas, finds it to be in the best interest of the citizens to amend the Code of Ordinances as detailed in “Exhibit B” related to horse boarding; and

WHEREAS, the City’s Planning and Zoning Commission and the City Council, in accordance with the Charter of the City of Keller, State Law, and the ordinances of the City of Keller, have given the required notices and have held the required public hearings regarding the amendments described in this ordinance; and

WHEREAS, the City Council does find that there is community support for said revisions to the UDC and the Code of Ordinances, and that the public requires the amendment;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KELLER, TEXAS:

Section 1: THAT, the above findings are hereby found to be true and correct and are incorporated herein in their entirety.

Section 2: THAT, in accordance with the Unified Development Code, the City Council of the City of Keller, Texas hereby authorizes approval of amendments to the City of Keller Unified Development Code (UDC), adopted by Ordinance No. 1746 dated July 7, 2015, by amending Article Three - Definitions, Article Eight - Zoning Districts and Article Nine - Development Standards, and by amending the City of Keller Code of Ordinances Sec. 3-100 - Definitions and Sec. 3-430, relating to regulations for horses and horse boarding; providing penalties; authorizing publication; and establishing an effective date.

Section 3: THAT, all sections shall be amended to read as detailed in “Exhibit A” and “Exhibit B” incorporated into this Ordinance by reference.

Section 4: THAT, all other ordinances in conflict herewith are hereby repealed.

Section 5: THAT, any person, firm, or corporation violating any of the provisions of this Ordinance, as read together with the Unified Development Code and accompanying map thereto, shall be guilty of a misdemeanor and upon final conviction therefore shall be fined in a sum not to exceed Two Thousand Dollars ($2,000.00). Each and every day such violation continues shall constitute a separate offense and shall be punishable as such hereunder.

Section 6: THAT, if any section, paragraph, clause, phrase, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this Ordinance.

Section 7: THAT, the City Secretary is hereby authorized and directed to cause publication of the descriptive caption and penalty clause hereof as an alternative method of publication provided by law.

Section 8: THAT, this Ordinance shall become effective thirty-days after the date of passage and adoption by the City Council of the City of Keller, Texas

AND IT IS SO ORDAINED.

Passed and approved by a vote of 6 to 1 on this the 20th day of May, 2025.

CITY OF KELLER, TEXAS

BY: _____
Armin R. Mizani, Mayor

ATTEST:

_____
Kelly Ballard, City Secretary

Approved as to Form and Legality:

_____
L. Stanton Lowry, City Attorney

Section 8.04 SF-36 - Single-Family Residential - 36,000 square-foot lots

1. *General Purpose and Description.* The SF-36, Single Family Residential District - 36,000 is intended to promote and encourage a suitable environment for family life on large parcels of land used for agricultural purposes and single-family homes. This District is intended to encourage more open space, permeable surfaces, and greater setbacks with characteristics of semi-rural areas.

2. *Permitted Uses:*

a. Those uses specified in this Section.

b. Single-family detached dwellings.

c. Farms, barns, livestock, nurseries, greenhouses, or gardens, limited to the propagation and cultivation of plants, provided no retail business is conducted on the premises except as provided under home occupation (see definition for Home Occupation). The property owner's privately owned horses, mules, donkeys and ponies shall have a maximum number allowed according to the acreage of the property. (See definition for Private Stable). The boarding or keeping of horses other than the owner's shall require a Specific Use Permit (SUP). A Commercial Stable SUP Application shall include the following:

1) Minimum amount of grazing area per animal. City Council reserves the right to set a maximum number of animals as part of the SUP approval.

2) Standards of Care Proposal, including detailed plan for fencing, shelter, sanitation and feeding of animals.

d. Municipally-owned facilities and uses.

e. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.

f. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official for non-compliance with the provisions of which the use was permitted.

g. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:

1) A detached private garage or an attached private garage, used in conjunction with the main building at the time of construction of the dwelling unit, within the regulations of the parking section (see Section 9.02 - Off-Street Parking and Loading Requirements) of this Code.

2) A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Structures for agricultural purposes only, such as shade structures, one hundred twenty (120) square feet or less are excluded from this maximum, but are included in consideration of maximum impervious coverage. The boarding or keeping of equine shall be a maximum of one (1) horse, mule, donkey or pony per acre. Accessory buildings one hundred twenty (120) square feet or less do not require a building permit but shall not exceed ten feet (10') in height and shall be a minimum of five feet (5') from the side and rear property lines. Accessory buildings greater than one hundred (120) square feet up to one-thousand two- hundred (1,200) square feet (including detached garage, workshop, pool house, etc.) are allowed with a building permit and must observe the setback requirements for the main structures. All accessory buildings greater than one- thousand two-hundred (1,200) square feet require a Specific Use Permit (SUP).

3) One antenna fifty feet (50') or less in height (amateur or CB radio) located in the rear yard.

4) Detached living quarters/accessory dwelling units shall only be considered by Specific Use Permit (SUP) and are required to be on a lot one-and-a-half (1.5) acres or larger. They may be used for domestic workers, as a guest house, as an in-law house (even with permanent residence), or as a temporary house while the main structure is built/renovated.

5) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

6) All accessory structures shall be constructed of materials complimentary to the main structure.

h. Swimming Pool (private).

i. Such uses as may be permitted under the provisions of a Specific Use Permits (SUP).

3. *Height Regulations.*

Maximum Height - Two and one-half (2½) stories, not to exceed thirty-five feet (35') for the main building. For height requirements for accessory buildings, see Section 9.06 - Accessory Buildings and Use Regulations. Modified building heights may be imposed for properties of exceptional topograghy or necessary finished floor elevations to aid in screening when standard heights create a looming effect over a neighboring property. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision.

4. *Area Regulations (see also Section 9.11 - Supplemental Regulations).*

a. *Size of Lots.*

1) **Minimum Lot Area** - Thirty-six thousand (36,000) square feet.

2) **Minimum Lot Width** - One hundred forty feet (140').

3) **Minimum Lot Depth** - Two hundred feet (200').

b. *Size of Yards.*

1) **Minimum Front Yard** - Thirty-five feet (35'), one hundred feet (100') for agricultural structures without a main building, sixty feet (60') for residential buildings with access on a thoroughfare.

2) **Minimum Side Yard** - Ten percent (10%) of the lot width but not more than fifteen feet (15'); fifteen feet (15') from street right-of-way; twenty-five feet (25') from a thoroughfare right-of-way.

3) **Minimum Rear Yard** - Twenty feet (20') adjacent to an alley; fifteen feet (15') if no alley.

Special exceptions for building setbacks may be made for properties of exceptional topograghy or necessary finished floor elevations to aid in screening when standard setbacks create a looming effect over a neighboring property. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision.

c. *Maximum Lot Coverage* - Thirty percent (30%) by main buildings; fifty percent (50%) including accessory buildings, driveways, and parking areas. (Amended by Ord. No. 1850 on July 18, 2017)

d. *Parking Regulations.*

1) A garage with a minimum capacity of two (2) cars shall be constructed on the same lot as the primary dwelling unit. The garage shall be maintained for parking and shall not be converted to living space.

2) Automobiles, motorcycles, pickup trucks, light load vehicles, recreational vehicles, and towed heavy load vehicles (trailers) may be parked anywhere within a lot provided they are parked on paved surfaces in accordance with Section 9.02 (B.2) of this Code or on gravel surfaces over compacted sub-grade except that light load and heavy load trailers and recreational vehicles shall be parked no closer than a distance of one-hundred feet (100') from the front street right-of-way. If covered by tarps or covers, automobiles, motorcycles, pickup trucks, and other self- propelled light load vehicles shall only be parked within side or rear yards.

3) Notwithstanding the locational criteria in 2) above, recreational vehicles may be temporarily parked on paved surfaces within one-hundred feet (100') of the front street right-of-way for loading and unloading and for guest stays. Loading and unloading time shall not exceed six (6) days. Guest stays shall not exceed twenty-eight (28) days in calendar year.

4) Agricultural equipment and vehicles are permitted and such vehicles do not have to parked on paved surfaces; these vehicles may be parked anywhere within a lot on gravel, grass, or any other type of surface.

5) No self-propelled heavy load vehicle (see definition for Heavy Load Vehicle) shall be parked or stored overnight within the lot of any residential district.

e. *Minimum Dwelling Unit Area* - Two thousand four hundred (2,400) square feet.

5. *Special Requirements.*

a. No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or mobile homes, may be used for on-site dwelling purposes unless approved by a Specific Use Permit (SUP).

b. Gravel driveways are permitted for properties one (1) acre in size and larger.

c. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.

d. Outside storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, garden materials, etc.)

e. Single-family homes with side entry garages have special setback requirements as established in Section 9.02 - Off-Street Parking and Loading Requirements.

f. Other Regulations - As established in Section 9.01 - Building Design and Development Standards.

SF-36 Zoning District Use Table

P = Permitted Uses

SUP = May Be Approved as Special Use Permit

Additional uses permitted only by Planned Development Districts are listed in Section 8.27(l)

- = Not Permitted

Use	SUP or P
Accessory building (detached) 1,200 sq. ft. or less	P
Accessory building (detached) in excess of 1,200 sq. ft	SUP
Accessory dwelling (detached) on lots 1.5 acres or larger	SUP
Amateur radio, TV, or CB antenna (50 ft. or less in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Assisted Living Facility (up to 6 residents) (Amended by Ord. No. 1809 on September 6, 2016)	P
Assisted Living Facility (7 or 8 residents) (Amended by Ord. No. 1809 on September 6, 2016)	SUP

Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Permit
Carport	SUP
Cemetery or mausoleum (new or expansion)	SUP
Child Care (Center)	SUP
Child Care (Home-based)	SUP
Detached SF dwelling	P
Farm, ranch, livestock, garden, orchard	P
Group home	SUP
Home occupations	P
Mobile home on individual lot	SUP
Modular home	P
Offices, City, County, State, and Other Governmental	P
Private park	P
Private street residential development (gated subdivision)	PD
Public park or playground	P
Religious institution	P
School, Private	SUP
School, Public	P
Stable (commercial) on two (2) acres or more	SUP
Stable (private)	P
Temporary field construction office	P

Tourist home (bed and breakfast)	SUP
Utility structures/sub-stations (Private or Franchised)	SUP
Utility structures/sub-stations (Public)	P
Wind Turbines	SUP

(Ord. No. 2072, § 2(Exh. A), 6-21-22; Ord. No. 2104, § 1, 12-6-22)

Section 8.05 SF-30 - Single-Family Residential - 30,000 square-foot lots

1. *General Purpose and Description.* The SF-30, Single Family Residential District - 30,000 is intended to provide for development of single-family detached dwelling units on lots of not less than thirty thousand (30,000) square feet. Other uses, such as religious and educational facilities, and open spaces, will be provided for to maintain a balanced, orderly, convenient, and attractive residential area.

2. *Permitted Uses.*

a. Those uses specified in this Section.

b. Single-family detached dwellings.

c. Municipally-owned facilities and uses.

d. Real estate sales offices during the development of residential subdivisions in which the office is located until eighty percent (80%) of the building permits of the platted lots in the subdivision are issued.

e. Temporary buildings for uses incidental to construction work on the premises, which said buildings shall be removed upon the completion or abandonment of construction work or by order of the Building Official for non-compliance with the provisions of which the use was permitted.

f. Detached accessory buildings and uses, customarily incidental to the above uses and located on the same lot therewith, but not involving the conduct of a retail business, as follows:

1) A detached private garage or an attached private garage, used in conjunction with the main building at the time of construction of the dwelling unit, within the

regulations of the parking section (see Section 9.02 - Off-Street Parking and Loading Requirements) of this Code.

2) A maximum of two (2) detached accessory buildings are permitted on any lot/tract. Structures for agricultural purposes only, such as shade structures, one hundred twenty (120) square feet or less are excluded from this maximum, but are included in consideration of maximum impervious coverage. Accessory buildings one hundred twenty (120) square feet or less do not require a building permit but shall not exceed ten feet (10') in height and shall be a minimum of five feet (5') from the side and rear property lines. Accessory buildings greater than one hundred (120) square feet up to one-thousand (1,000) square feet (including detached garage, workshop, pool house, etc.) are allowed with a building permit and must observe the setback requirements for the main structures. All accessory buildings greater than one-thousand (1,000) square feet require a Specific Use Permit (SUP). All accessory structures shall be constructed of materials complimentary to the main structure.

3) One antenna fifty feet (50') or less in height (amateur or CB radio) located in the rear yard.

4) Accessory dwelling units may be used for domestic workers, as a guest house, as an in-law house (even with permanent residence), or as a temporary house while the main structure is built/renovated.

5) Private open space or other private recreational amenities as part of a residential subdivision and not for commercial purposes.

g. Swimming Pool (private).

h. Such uses as may be permitted under the provisions of Specific Use Permits (SUP).

3. *Height Regulations.*

Maximum Height - Two and one-half (2½) stories, not to exceed thirty-five feet (35') for the main building. For height requirements for accessory buildings, see Section 9.06 - Accessory Buildings and Use Regulations. Special exceptions for building heights may be made for properties of exceptional topograghy or necessary finished floor elevations to aid in screening when standard heights create a looming effect over a neighboring

property. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision.

4. *Area Regulations (see also Section 9.11 - Supplemental Regulations).*

a. *Size of Lots.*

1) **Minimum Lot Area** - Thirty thousand (30,000) square feet.

2) **Minimum Lot Width** - One hundred forty feet (140').

3) **Minimum Lot Depth** - Two hundred feet (200').

b. *Size of Yards.*

1) **Minimum Front Yard** - Thirty-five feet (35'), sixty feet (60') for residential buildings with access on a thoroughfare.

2) **Minimum Side Yard** - Ten percent (10%) of the lot width but not more than fifteen feet (15'); fifteen feet (15') from street right-of-way; twenty-five feet (25') from a thoroughfare right-of-way.

3) **Minimum Rear Yard** - Twenty feet (20') adjacent to an alley; fifteen feet (15') if no alley.

Special exceptions for building setbacks may be made for properties of exceptional topograghy or necessary finished floor elevations to aid in screening when standard setbacks create a looming effect over a neighboring property. This determination will be made by the DRC. Decisions of the DRC may be appealed to the City Council for a final decision.

c. *Maximum Lot Coverage* - Thirty percent (30%) by main buildings; fifty percent (50%) including accessory buildings, driveways, and parking areas. (Amended by Ord. No. 1850 on July 18, 2017)

d. *Parking Regulations.*

1) A garage with a minimum capacity of two (2) cars shall be constructed on the same lot as the primary dwelling unit. The garage shall be maintained for parking and shall not be converted to living space.

2) Automobiles, motorcycles, pickup trucks, and other self-propelled light load vehicles may be parked anywhere within a lot provided they are parked on paved

surfaces in accordance with Section 9.02 (B.2) of this Code. If covered by tarps or covers, automobiles, motorcycles, pickup trucks, and other self-propelled light load vehicles shall only be parked within side or rear yards on paved surfaces. Towed light load vehicles (trailers) and recreational vehicles shall only be parked within side or rear yards on paved surfaces in accordance with Section 9.02 (B.2) of this Code.

3) Notwithstanding the locational criteria in 2) above, recreational vehicles may be temporarily parked on paved surfaces within front yards for loading and unloading and for guest stays. Loading and unloading time shall not exceed six (6) days. Guest stays shall not exceed twenty-eight (28) days in calendar year.

4) No heavy load vehicle (see definition for Heavy Load Vehicle) shall be parked or stored overnight within the lot of any residential district.

e. *Minimum Dwelling Unit Area* - Two thousand four hundred (2,400) square feet.

5. *Special Requirements.*

a. No permanent use of temporary dwellings, such as recreational vehicles, travel trailers, or mobile homes, may be used for on-site dwelling purposes unless approved by a Specific Use Permit (SUP).

b. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on two (2) acres or larger.

c. Outside storage is prohibited (except for materials for the resident's personal use or consumption, i.e. firewood, garden materials, etc.).

d. Single-family homes with side entry garages have special setback requirements as established in Section 9.02 - Off-Street Parking and Loading Requirements.

e. Other Regulations - As established in Article 9.01 - Building Design and Development Standards.

SF-30 Zoning District Use Table

P = Permitted Uses

SUP = May Be Approved as Special Use Permit

Additional uses permitted only by Planned Development Districts are listed in Section 8.27(I)

- = Not Permitted

Use	SUP or P
Accessory building (detached) 1,000 sq. ft. or less	P
Accessory building (detached) in excess of 1,000 sq. ft	SUP
Accessory dwelling (detached) on lots 1.5 acres or larger	SUP
Amateur radio, TV, or CB antenna (50 ft. or less in height)	P
Antenna: radio, TV, relay, microwave, or telecommunications (over 50 ft.)	SUP
Assisted Living Facility (up to 6 residents) (Amended by Ord. No. 1809 on September 6, 2016)	P
Assisted Living Facility (7 or 8 residents) (Amended by Ord. No. 1809 on September 6, 2016)	SUP
Athletic stadium or field operated by the city or school district	P
Batching plant (temporary)	Permit
Carport	SUP
Cemetery or mausoleum (new or expansion)	SUP
Child Care (Center)	SUP
Child Care (Home-based)	SUP
Detached SF dwelling	P
Farm, ranch, livestock, garden, orchard	P
Group home	SUP
Home occupations	P
Mobile home on individual lot	SUP

Modular home	P
Offices, City, County, State, and Other Governmental	P
Private park	P
Private street residential development (gated subdivision)	PD
Public park or playground	P
Religious institution	P
School, Private	SUP
School, Public	P
Temporary field construction office	P
Tourist home (bed and breakfast)	SUP
Utility structures/sub-stations (Private or Franchised)	SUP
Utility structures/sub-stations (Public)	P
Wind Turbines	SUP

(Ord. No. 2072, § 2(Exh. A), 6-21-22; Ord. No. 2104, § 2, 12-6-22)

Section 9.11 Supplemental Regulations

A. *Front Yards.*

1. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat (see Section 9.14 - Figure 4). Where single-family, duplex and townhome lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed (see Section 9.14 - Figure 6). The side and/or rear yards in the case of single-family, duplex and townhome uses shall be identified and the front of the structure shall not face the side or rear yard.

2. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Section 9.14 - Figure 5).

3. The front yard shall be measured from the property line to the front face of the building, covered porch, covered terrace or attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Section 9.14 - Figure 8).

4. Minimum front yard setbacks and lot widths for lots with predominate frontage on the curved radius of a dedicated cul-de-sac street shall be as follows:

Zoning District	Minimum Lot Width*	Minimum Front Yard
SF-36	120'	40'
SF-30	120'	40'
SF-25	120'	40'
SF-20	100'	40'

SF-15	90'	40'
SF-12	80'	40'
SF-10	70'	30'
SF-8.4	60'	30'
Townhome (2F)	60'	30'
*Measured at the front building line		

5. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding or landscaping three feet (3') or higher above the street center line obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection as follows:

a. At a street intersection, clear vision must be maintained for a minimum of twenty-five feet (25') across any lot measured from the corner of the property line in both directions (see Section 9.14 - Figure 22).

b. At an intersection with an alley, this clearance must be maintained for ten feet (10') (see Section 9.14 - Figure 22).

c. Shrubs and hedges three feet (3') or less in height, as measured from the centerline of the street, may be located in the visual clearance areas of all districts.

6. Gasoline service station pump islands may not be located nearer than eighteen feet (18') to the property line adjacent to a public street. Pump islands for a gasoline filling station may extend beyond the front building line but shall not be closer than fifteen feet (15') to any property line not adjacent to a public street provided that other requirements of this Code are met.

7. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

8. Satellite dishes are prohibited in the front yard area of any district. Only one satellite dish shall be permitted per residential lot or primary structure.

B. *Side Yards.*

1. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots platted after July 6, 1960 except that where one street exposure is designated as a side yard. In such case, a building line shall be designated on an approved plat with a minimum side yard of fifteen feet (15') or more. On lots which were official lots of record prior to the effective date of this Code, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.

2. Every part of a required side yard shall be open and unobstructed except for accessory buildings as permitted herein (see Section 9.06 for exceptions) and the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side yard. Air conditioning compressors and similar equipment are permitted in the side yard.

C. *Special Height Regulations.*

1. In the districts where the height of buildings is restricted to two (2) or two and one-half (2½) stories towers, antennas, and architectural features may extend for an additional height not to exceed fifty feet (50') above the average grade line of the building.

2. Amateur radio antennas and other transmitting and receiving devices of microwave or electromagnetic waves for broadcasting use, shall not interfere with radio or television reception of adjoining property owners, and shall comply with all regulations of the Federal Communications Commission (FCC). In no manner shall the use of such equipment infringe upon adjoining property owners. Satellite dishes and other similar antennas shall be permitted on the roof as long as satellite dishes do not exceed three feet (3') in diameter and antennas do not exceed fifty feet (50') in height as measured from the ground.

D. *Seasonal/Temporary Uses.*

1. Temporary locations for sale of merchandise are prohibited in the city limits of Keller unless approved by a Specific Use Permit (SUP).

2. Temporary sale of merchandise may be allowed as part of a special event.

3. Seasonal uses and sale shall be limited to may be allowed for 30 days, twice annually by permit in all zoning districts.

4. The following information is required for submittal to the Community Development Department for review at the time of application:

a. The full name of the person(s) applying for a permit, address and telephone number, if any, and, if the merchant is selling on behalf of an organization, the name and address of the parent organization.

b. A letter from the property owner which authorizes the merchant to use the property for the purpose of temporary outdoor sales. Such letter shall bear the property owner's name, address, phone number and signature.

c. A copy of a limited sales tax permit issued by the state or proof that the goods are not subject to such sales tax.

d. A statement of the type of goods or wares to be sold.

e. Provide a copy of a current health certificate of merchandise of edible quality is to be sold; however, this shall not apply to the sale of candy, nuts or other edibles prepared and packaged by a nationally recognized manufacturer or a Texas manufacturer meeting standards imposed by state and local health codes, if such packages are unbroken.

f. Submittal of two (2) sets of a site plan, drawn to scale and legible, indicating the following:

1) Stands, shelters, trailers, tents and buildings on the property.

2) Lighting and electrical equipment (temporary power pole, generator, etc.)

3) Location and number of parking spaces. Indicate if parking area is paved or unpaved. Indicate all drive approaches. Curb jumping or on-street parking is not permitted.

4) Location, type and size of signage. One (1) temporary sign is allowed and requires a sign permit (32 square foot maximum).

5) If a tent is to be erected, a separate tent permit is required.

6) Electrical permit application for all proposed work. All electrical work shall be performed by a licensed master electrician and shall comply with the electrical Ordinance.

7) Plumbing permit application for all proposed plumbing work. All plumbing work shall be performed by a licensed master plumber and shall comply with the plumbing Ordinance.

5. All required permits and inspections shall be completed prior to any seasonal sales lot opening for business.

6. At no time shall any fire lane or emergency access be blocked or obstructed.

7. Trees, stands, equipment, trash, signs, lighting and shelters shall be removed by permit holder.

8. Each temporary seasonal sales permit issued under this division shall be subject to cancellation for violation of any provisions applicable to this policy.

E. *Fruit/Vegetable Stands.* Fruit and vegetable stands shall be permitted only with a Specific Use Permit and shall follow the requirements of the Seasonal Use Permit prior to operation.

F. *Asphalt or Concrete Batching Plant (Temporary).* A temporary asphalt or concrete batching plant permit may be approved by the Development Review Committee, subject to the following conditions. Any exceptions to the following conditions shall require approval of the City Council.

1. The batching plant site shall comply with the applicable provisions of City, State and Federal laws.

2. The batch plant shall not be located within six hundred feet (600') of any inhabited residence, whether in Keller or an adjacent municipality.

3. Hours of operation will be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m., and Saturday, 9:00 a.m. to 5:00 p.m. Aggregate trucks shall be prohibited from hauling to or from the site on Sunday.

4. No portion of the batch plant or its operation shall be located on a public street.

5. The batch plant shall only furnish concrete, asphalt, or both to the specific project for which the temporary permit is issued. The placement of a temporary batching plant for a private project is restricted to the site of the project.

6. The temporary plant shall be operated in a manner that eliminates unnecessary dust, noise and odor (as illustrated by, but not limited to covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and maintain driveways and parking areas free of dust).

7. The site must be clear of all equipment, material and debris upon completion of the project.

8. All public improvements that are damaged during the operation of the temporary batching plant must be repaired or replaced within thirty (30) days of completion of the project.

9. Upon expiration of the temporary permit and cessation of activities, the Director of Public Works or his designee and permitee shall walk the site to verify compliance with these special conditions.

G. *Carnival or Circus (Temporary).* A temporary use permit for a carnival, circus or special event may be issued by the Building Official, subject to the following conditions:

1. Applications for a permit shall be made no less than ten (10) days prior to the date such temporary carnival, circus or special event shall commence operation.

2. The fee for such permit shall be five hundred dollars ($500.00). Non-profit organizations, school districts, and special events such as political rallies, tent meetings, festivals, revivals, bazaars, and other similar activities, shall be exempt from paying said fee.

3. The application for permit shall contain the following:

a. Name, address and telephone number of person, organization or company conducting the event.

b. Date or dates of the carnival, circus, or special event.

c. A plan showing in detail the different component parts of the temporary carnival, circus, or special event, including all shows, concessions, amusements, businesses and the location of each on the property.

d. A written lease or agreement from the owner of such property stating permission to the applicant to operate a temporary carnival, circus or special event on said property.

e. Proposed location and size of parking area.

f. Location and quantity of sanitary facilities.

g. The appropriate number of persons who are attending and, if applicable, the number and types of animals and vehicles that will constitute such event.

h. The location and orientation of loudspeakers or sound amplification devices, if any.

i. Proof of public liability insurance with minimum combined limits of one million dollars ($1,000,000). However, notwithstanding the foregoing, non-profit organizations, the Keller Independent School District, and special events, such as political rallies, tent meetings, festivals, revivals, bazaars, and other similar activities shall be exempt from providing proof of liability insurance, if there are no mechanical amusement rides or exotic animals, as defined in The City's Code of Ordinances.

j. Any other information that the City shall deem necessary under the standards for issuance.

4. Safe and orderly movement of normal traffic shall not be substantially interrupted.

5. The temporary use shall not impede the movement of fire fighting equipment or ambulances.

6. Waste from animals shall be removed daily from the premises. Animals shall not be kept closer than three hundred feet (300') to any residence or commercial establishment during non-operating hours of such event.

7. The application shall be reviewed by the Community Development, Police and Fire Departments for security, fire and safety related issues.

8. The permit will be valid for a maximum of five (5) days.

H. *Garage Sale.* A garage sale shall be subject to the following conditions:

1. A garage sale shall only be permitted as a temporary accessory use to a single-family detached or single-family attached dwelling.

2. An individual garage sale shall not exceed three (3) consecutive days.

3. The number of garage sales shall be limited to two (2) per calendar year per household.

4. Subdivision/community wide garage sales shall be allowed two (2) per calendar year.

5. Garage sale signs shall comply with sign regulations of this Code (see Section 9.05).

I. *Radio, Television, Telecommunication, and Microwave Towers.*

1. Notwithstanding any other provision of this Code, telecommunications antennas, when such are permitted by federal law and the laws of the State of Texas, shall be regulated and governed by the following use regulations and requirements:

a. *Telecommunications towers.*

1) Telecommunications towers shall be permitted only with an SUP in any zoning district after the applicant has filed an application in the form required by the City of Keller for such use.

2) The responses in the application to be submitted shall be complete and satisfy all of the requirements of the application before the application shall be considered to have been submitted and shall also include the following additional requirements:

a) Tower height, including antenna array, may not exceed one hundred twenty feet (120').

b) Telecommunications towers must be a minimum of two hundred feet (200') or three (3) to one (1) distance to height ratio, whichever is greater, from structures used for residential purposes.

c) New telecommunications towers must be a minimum distance of five thousand feet (5,000') from another telecommunications tower.

d) All guys and guy anchors are located within the buildable area of the lot according to the base zoning of the property on which the tower is proposed to be

located and not within the front, rear, or side yard setbacks and no closer than five feet (5') to any property line.

e) The base of the tower is enclosed by security fencing.

f) Equipment buildings must be similar in color and character to the main or adjoining building or structure or blend with the landscaping and other surroundings immediately adjacent to it and be screened by a wrought iron fence with evergreen hedge, or a masonry wall.

g) The tower is erected and operated in compliance with current Federal Communication Commission and Federal Aviation Administration rules and regulations and other applicable federal and state standards.

h) A telecommunications tower must be:

i. Used by three (3) or more wireless communications providers; or

ii. Designed and built so as to be capable of use by three (3) or more wireless communications providers including providers such as cellular or PCS providers using antenna arrays of nine (9) to twelve (12) antennas each within fifteen vertical feet (15') of each other with no more than three degrees (3°) of twist and sway at the top elevation and the owner of the tower and the property on which it is located must certify to the City that the antenna is available for use by another wireless telecommunications provider on a reasonable and nondiscriminatory basis and at a cost not exceeding the market value for the use of the facilities. If the property on which the tower is proposed to be located is to be leased, the portions of the actual or proposed lease that demonstrate compliance with the requirements of this paragraph shall be submitted with the SUP zoning application.

i) All towers will be of a tapering monopole construction, except that another type tower shall only be allowed upon a showing that it would cause less visual impact on surrounding property than a similar monopole structure.

j) No lettering, symbols, images, or trademarks large enough to be legible to occupants of vehicular traffic on any adjacent roadway shall be placed on or affixed to any part of a telecommunications tower, antenna array or antenna, other than as required by FCC regulations regarding tower registration or other applicable law.

k) The need for the requested site and the nature of any existing sites shall be documented as set forth in the application.

l) Telecommunications towers should be constructed to minimize potential safety hazards. Telecommunications towers shall be constructed so as to meet or exceed the most recent EIA-222 standards and prior to issuance of a building permit the Building Official shall be provided with a Texas registered professional engineer's certification that the tower's design meets or exceeds those standards. Guyed towers shall be located in such a manner that if the structure should fall along its longest dimension, it will remain within property boundaries and avoid habitable structures, public streets, utility lines and other telecommunications towers.

m) Telecommunications towers and equipment buildings shall be located to minimize their number, height and obtrusiveness to minimize visual impacts on the surrounding area and in accordance with the following requirements:

i. Ensure that the height of towers and monopoles has the least visual impact and is no greater than required to achieve service area requirements and potential collocation, when visually appropriate.

ii. Demonstrate that the selected site for a new monopole and tower provides the least visual impact on residential areas and the public rights-of-way. analyze the potential impacts from other vantage points in the area to illustrate that the selected site provides the best opportunity to minimize the visual impact of the proposed facility.

iii. Site telecommunication facilities to minimize being visually solitary or prominent when viewed from residential areas and the public rights-of- way. the facility should be obscured by vegetation, tree cover, topographic features, and buildings or other structures to the maximum extent practicable.

iv. Place telecommunication facilities to ensure that historically significant buildings and landscapes are protected. the views of and vistas from architecturally and/or historically significant structures should not be impaired or diminished by the placement of telecommunication facilities.

v. The commission may recommend a variance and the council may grant a variance to a requirement for telecommunications towers when it is determined that such a variance better accomplishes the city vision than would a strict application of the

requirement. such variance shall be no greater than necessary to accomplish those policies.

n) No signals or lights or illumination shall be permitted on a monopole unless required by the Federal Communications Commission, the Federal Aviation Administration, or the City of Keller.

o) If any additions, changes, or modifications are to be made to the monopole, the Development Review Committee (DRC) shall have the authority to require proof, through the submission of engineering and structural data, that the addition, change, or modification conforms to structural wind load and all other requirements of the current Building Code adopted by the City of Keller.

p) Telecommunication tower owners shall submit an annual report of service providers using the tower to the Planning Manager. Telecommunication towers which have not been used for a period of one year shall be removed from a site. The last telecommunication service provider to use a tower shall notify the Planning Manager or designee within thirty (30) days that use of a tower has been discontinued.

q) Back haul providers shall be identified and have all necessary approvals to operate as such, including holding necessary franchises, permits and certificates and the method of providing back haul, wired or wireless, shall be identified.

r) The applicant shall fully and accurately complete a questionnaire supplied them by The City of Keller designed to gather information to assist in making a decision regarding the SUP application. In order to assist the staff, the commission and the council in evaluating visual impact the applicant shall submit color photo simulations showing the proposed site of the tower with a photo-realistic representation of the proposed tower as it would appear viewed from the closest residential property and from adjacent roadways.

s) The tower complies with all ordinances of the City not in conflict with this section.

3) In addition to the usual application fee, the applicant shall reimburse the City for the actual cost to the City for the services of an engineer should one be required to review the application and provide engineering expertise, up to a maximum of five thousand dollars ($5,000.00).

b. *Antennas mounted on existing structures.*

1) *Antennas mounted on buildings.*

a) Roof-mounted telecommunications antennas are allowed on non-residential buildings in all zoning districts without further zoning proceedings, provided a non-whip antenna does not exceed the height of the building by more than ten feet (10') and is screened from view from any adjacent public roadway and provided a whip antenna does not exceed the height of the building by more than fifteen feet (15') and is located no closer than fifteen feet (15') to the perimeter of the building. Prior to installation of a roof- mounted antenna, the department of building inspections shall be provided with an engineer's certification that the roof will support the proposed antenna and associated roof-mounted equipment. Roof-mounted antennas and associated equipment may be screened with enclosures or facades having an appearance that blends with the building on which they are located or by locating them so that they are not visible from an adjacent public roadway. The application process is required for roof-mounted antennas.

b) Building-mounted telecommunications antennas of the nonwhip type are allowed on nonresidential buildings in all zoning districts without further zoning proceedings, provided the antenna is mounted flush with the exterior of the building so that it projects no more than thirty inches (30") from the surface of the building to which it is attached; and the antenna's appearance is such as to blend with the surrounding surface of the building. This may not be applicable if the extension of the antenna is fully incorporated into a steeple or other component of the building that exceeds thirty inches (30") and will be considered by the DRC on a case-by- case basis.

c) Associated equipment shall be placed either within the same building or in a separate building which matches the existing building in character and building materials or blends with the landscaping and other surroundings immediately adjacent to the separate building housing the equipment. Associated equipment for roof-mounted antennas may be located on the roof of the building if it is screened from view from any adjacent public roadway.

i. Telecommunications antennas are allowed without further zoning on existing utility and telecommunications towers and structures exceeding fifty feet (50') in height, provided that the antenna does not exceed the height of the structure by more than ten feet (10') if a non-whip type or fifteen feet (15') if a whip type. Existing utility and telecommunications towers and structures may be rebuilt if necessary to support the

load of the new antenna without further zoning if the rebuilt tower or structure is substantially similar in appearance to the existing tower or structure it replaces. Antennas installed on structures in the right-of-way require a license or other authorization from the City of Keller.

ii. Telecommunications antennas located on existing structures are not subject to the five-thousand-foot separation requirement.

iii. When an application for a building permit to locate a telecommunications antenna on an existing building or other structure is made, the applicant shall provide (as part of the application) the Department of Community Development with color photo simulations showing the site of the existing structure with a photo-realistic representation of the proposed antenna and the existing structure or any proposed reconstruction of the structure as it would appear viewed from the closest residential property and from adjacent roadways. The applicant shall also submit photographs of the same views showing the current appearance of the site without the proposed antenna.

3. Telecommunications antennas shall not be constructed or used within the City of Keller without all approvals and permits first having been secured.

4. Within thirty (30) days of the enactment of this Code and as part of their annual report each January thereafter, providers of personal wireless services, as that term is defined by federal law, operating in the City of Keller shall provide the City with any updates to the above documents.

5. It shall be an affirmative defense to prosecution for a violation of a provision of this section that compliance with the provision would prohibit or have the effect of prohibiting the provision of personal wireless services as defined by federal law. In addition, any entity that desires to erect or utilize telecommunication facilities that would be prohibited by the ordinances or regulations of the City dealing with zoning and land use may apply for such use and the City Council may, upon a showing that strict application of the regulation would prohibit or have the effect of prohibiting personal wireless service as defined by federal law, vary the subject regulation, consistent with the spirit and intent of this section, to the extent necessary to prevent the prohibition.

J. *Handicap Accessibility.* All non-residential buildings and parking areas shall conform to the Americans with Disabilities Act (ADA) of 1991, as may be amended, accessibility guidelines or the Uniform Federal Accessibility Standards.

K. *Minimum Dwelling Unit Area.* Minimum dwelling unit areas specified in this Code shall be computed exclusive of breezeways, garages, open porches, carports, and accessory buildings.

L. *Performance Standards.*

1. In all zoning districts, any use indicated in the permitted use list shall conform in operation, location, and construction to the performance standards as administered by the City, County, State, or Federal agencies. All uses, including those, which may be allowed by Planned Development (PD) or Specific Use Permit (SUP), shall conform in operation, location, and construction to appropriate performance standards for noise, smoke, and particulate matter, odorous matter, fire, or explosive hazard material, toxic and noxious matter, vibration, and glare.

2. All Federal and State pollution, noise, and requirements for toxic waste disposal shall be observed.

N. *Assisted Living Facilities (ALF) (7 or 8 residents) in Single-Family Residential Districts.* (Amended by Ord. No. 1809 on September 6, 2016)

1. *General Purpose and Description.* Assisted Living Facilities (ALF) in single-family residential areas are intended to promote and encourage alternative and suitable living environments for an aging population and provide another option to maintain family life in Keller. Assisted Living Facilities shall maintain its residential character to blend within residential neighborhoods.

2. *Number of Residents.* The regulations listed within this section shall apply to Assisted Living Facilities consisting of more than six (6) residents. The maximum number of residents within an Assisted Living Facility shall be eight (8) persons.

3. *Location of Assisted Living Facilities (ALF).*

a. A Specific Use Permit is required for Assisted Living Facilities consisting of 7 or 8 residents for all properties in any SF zoning districts.

b. No Assisted Living Facility shall be located within one-half (1/2) mile of another Assisted Living Facility, measured from property line to property line.

4. *Floor Area Requirements.*

a. Minimum house size for an Assisted Living Facility is two thousand four hundred (2,400) square feet.

b. A minimum bedroom floor area per person shall be required. Floor area requirements shall be measured from interior walls of all rooms, excluding closets, stairs, and thickness of walls, toilet rooms, mechanical rooms, laundry, and corridors.

c. A minimum of one hundred twenty (120) square feet of interior living space shall be provided per facility resident. Interior living space shall include sleeping space and all other interior space accessible on a regular basis to all facility residents.

d. A full bathroom with toilet, lavatory, and tub or shower, shall be provided for every bedroom.

5. *New Construction/Redevelopment.* All Assisted Living Facilities, either new construction or conversion of an existing single- family residence, shall meet all development standards listed under this section of the UDC.

6. *Building Exterior.*

a. When located in a residential zoning district, all parts of the structure shall be maintained in a character consistent with the residential neighborhood in which it is located in terms of gross floor area, building design and lot coverage.

b. Assisted Living Facilities shall meet the residential construction standards for residential structures in Section 9.01 (A.1) of the UDC.

c. Assisted Living Facilities shall meet the height requirements within its respective zoning district.

7. *Landscaping.*

a. A minimum of two (2) large canopy trees with a minimum three-inch (3") caliper shall be planted in the required front yard of all new single-family uses and in the required side yard adjacent to a street of all new single-family uses on corner lots.

Existing trees of equal or greater size within the required front yard may be counted toward this requirement.

b. All Assisted Living Facilities shall comply with the tree preservation requirements for non-residential developments as stated in Section 10.01 (C.3) of the UDC.

8. *Screening/Fencing.* Residential fencing shall be required and shall be in accordance with residential fencing standards in Section 9.07 of the UDC.

9. *Accessory Uses.*

a. All accessory structures shall be constructed of materials complimentary to the main structure and shall be subject to the requirements stated in Section 9.06.

b. Open Space/garden.

c. No on-site dumpster shall be permitted on the property.

10. *Parking.*

a. Driveways shall be paved with concrete or all-weather surface.

b. All parking shall be in accordance with the residential parking standards as stated in Section 9.02 of the UDC.

c. All residential structures shall be returned to its original state prior to its conversion to an Assisted Living Facility if being converted back to a single-family residence.

11. *Signage.*

a. No external (detached monument or attached building) signage shall be allowed.
b. No temporary signage shall be allowed.

12. *Site Lighting.* Lighting shall be in accordance with the residential lighting and glare standards in Section 9.12(C) of the UDC.

13. *Dumpster.* No on-site dumpster shall be permitted on the property.

14. *Fire Protection.*

a. Commercial kitchen are not required. A hood suppression system is required in all kitchens.

b. Fire suppression system shall be required for all Assisted Living Facilities, regardless of occupancy and/or building square footage. The type of fire suppression system shall be in accordance with International Fire Code (IFC) requirements.

c. Fire hydrant location and coverage requirements for residential structures as stated in Section 5.16 of the UDC shall be required.

15. *Site Plan Requirement.*

a. All Assisted Living Facilities are required to submit a Site Plan application and meet the application requirements per Section 4.15 of the UDC.

b. All site plans shall be considered for approval by the City Manager or his/her designee if it complies with best professional practices and meets all applicable requirements of this Code for development.

c. Any variances would be required to be considered by the Planning and Zoning Commission for recommendation and City Council for approval.

O. *Food Trucks, Food Truck Courts and Mobile Vendors.* The purpose of this ordinance is to encourage the operation of Food Trucks in the City of Keller. Though the ordinance does not regulate the use of Food Trucks for private events in residential areas, it does address the use of food trucks, mobile vendors, and food truck courts on private commercial property and on City-owned and/or managed property. To operate in residential areas, food trucks must obtain a state-required fire inspection and Keller Fire Department permit.

Special Event Review Team (SPERT) refers to the group of city employees responsible for reviewing and approving special event permit applications to ensure events are in keeping with city guidelines and policies.

Overnight for the purposes of this section shall mean that sales and/or the distribution of goods shall be limited to the hours between 6:00 a.m. and midnight. A food truck or mobile vendor may set up one (1) hour prior to 6:00 a.m. and must depart by no later than one (1) hour after midnight.

A. *General Operating Requirements:*

1. Food truck or mobile vendors shall obtain a renewable, annual Food Truck and Mobile Vendor Unit permit from the City of Keller before operating in the City.

2. A fire inspection must be conducted and passed every six (6) months per NFPA 96 (National Fire Protection Association).

3. Food trucks and mobile vending units may operate for up to eight (8) days per month at the same location unless approved by a Specific Use Permit to operate longer.

4. All Food Trucks and Mobile Vendor Units shall meet the City of Keller requirements of the most recently adopted applicable International Code Council building codes including the Fire and Electrical Codes.

5. Electricity shall be from a generator or an electrical outlet. The generator shall be located no less than twenty-five (25) feet from any other food truck, mobile vendor unit, and/or combustibles.

6. Temporary connections to potable water are prohibited unless specifically designed for food truck hook-ups utilizing food grade water hoses (i.e. Bates Street). Otherwise, water shall be from an internal tank.

7. A drive-through service is not permitted as part of Food Truck, Mobile Vendor, or Food Truck Court operations.

8. Food Trucks and Mobile Vendor Units shall be removed from the location on a daily basis and may not be parked overnight unless approved by a SPERT permit. This provision applies to food trucks servicing residential areas as well as all other areas in the City. However, restaurants that also have a food truck service may store their food trucks (when not operating) on the same site as the restaurant as long as the food truck is parked to the side or behind the building and parking requirements for the restaurant can still be met.

9. Food Trucks and Mobile Vendor Units shall not operate less than ten (10) feet from another food truck, mobile vendor unit or structure.

10. Food Trucks and Mobile Vendor Units shall not operate:

a) Within twenty-five (25) feet of any intersection;

b) Within twenty-five (25) feet of any stop sign, flashing beacon, yield sign, or other traffic control signal located on the side of a roadway;

c) Within five (5) feet of any public driveway, wheelchair ramp or bicycle ramp;

d) In any manner that impedes an exit or entrance of an operating building.

e) In any manner that obscures traffic sight visibility. This includes placement of merchandise, advertising, and/or seating.

f) Further than one hundred fifty (150) feet from paved fire apparatus access.

11. All Food Trucks and Mobile Vendor Units shall be equipped with a lidded trash receptacle. The trash receptacle must be placed outside next to the food trucks and mobile vendor units for use by the patrons of the unit. The area, including a 50-foot radius around the Food Trucks and Mobile Vendor Units, shall be kept clean and free from litter, garbage, and debris.

12. Except as otherwise limited by the City of Keller Code of Ordinances or other City Codes, an individual food truck operator or mobile vendor may utilize outside seating consisting of a portable table and a seating capacity not to exceed eight (8). No furniture or any other objects can be placed in the street, sidewalk, or any right-of-way (ROW).

13. Owners of any food truck or mobile vendor unit must sign a notarized statement that they acknowledge and accept a minimum amount of $1,000,000 liability insurance, that covers the food truck or mobile vendor, must be maintained at all times and that proof of such insurance coverage can be required to be provided to the City upon three (3) working days' notice to the owner. This requirement may be met with an additional rider on the related automobile insurance.

B. *Food Truck Courts.*

1. Food Truck Courts shall only be permitted by a specific use permit (SUP) in a commercially zoned district (NS, R, C, TC, OTK, KR, LI, and MU-PD). Food Truck Courts shall meet the zoning district regulations in which they are located. Developments that incorporate Food Trucks, Mobile Vendor Units, and/or Food Truck Courts shall be part of an approved Planned Development.

2. The Certificate of Occupancy shall be obtained and maintained by the Food Truck Court rather than individual vendors.

3. Water and wastewater hook-ups for all food trucks will be provided and must be utilized. Hose hook-ups to potable water must be of food grade quality.

4. Food Truck Courts shall provide restrooms and seating for guests.

5. If the Food Truck Court operates in conjunction with another facility with bathrooms, those bathrooms will suffice for this requirement as long as they meet the current building codes related to capacity for both the facility and the Food Truck Court at full capacity and are accessible during the same operating hours as the Food Truck Court vendors' operating hours.

C. *Provisions for Private Commercial Property (Non-Residential Zoning Districts).*

1. All Food Trucks and Mobile Vendor Units must be located on a parcel which is appropriately zoned for commercial development and use.

2. Food Trucks and Mobile Vendor Units may not stay overnight.

3. Food Trucks and Mobile Vendor Units shall be located on an individual private parcel, adjacent to or where, within three hundred (300) feet, an existing permanent business operates in a building with a certificate of occupancy.

4. Food Trucks and Mobile Vendor Units, including any applicable seating, may operate in parking spaces if the required parking for the center remains in compliance with Keller Unified Development Code Section 9.02 Off-Street Parking and Loading Requirements.

D. *Provisions for City-Owned and/or Managed Property.*

1. A Hold-Harmless Agreement is required to be completed with the City of Keller if the food truck or mobile vendor unit is to be located on City of Keller property.

2. The City Manager or his/her designee shall have the authority to manage the operation for Food Trucks and Mobile Vendor Units on city-owned and/or managed property. Such property includes but is not limited to Town Hall, Bates Street, Sports Park, Bear Creek Park, and Old Town.

3. SPERT Permits (Special Permit for Events Review Team) identify the person responsible for each particular event. All Food Trucks and Mobile Vendor Units that are associated with each particular event come under the umbrella of the SPERT permit. Therefore, each vendor does not have to submit an individual permit request for a SPERT event. However, any trucks or vendors participating in a SPERT will need to be registered with the City. (See A.(1) and (2), above.)

E. *Fees*. Food Truck and Mobile Vendor permit fees are located in Appendix C - Fee Schedule of the City of Keller Unified Development Code.

(Ord. No. 1891, 6-5-18; Ord. No. 2058, § 3(Exh. A), 4-5-2022; Ord. No. 2104, § 2, 12-6-22)

Section 3.01 Definitions

Words and terms used in this section shall be given the meanings set forth in this Code. For the purpose of this Code, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. The word "shall" is always mandatory, while the word "may" is merely directory.

A

1. *Abandoned Structure* - Any structure used or intended for supporting or sheltering any use or occupancy which is discontinued for, or which remains vacant for a period of six (6) months. Abandonment shall involve the intent of the user or owner to discontinue a nonconforming operation and the actual act of discontinuance.

2. *Access Easement (Public)* - An easement designated on the Final Plat or by separate document, which provides access to lots or between lots. The City of Keller or utility companies shall at all times have the right of ingress and egress to and from and upon their designated easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. The easement shall meet all of the requirements set forth by the City (i.e., construction standards, width, and function) but is privately maintained.

3. *Access Easement (Private)* - An easement designated on the Final Plat or by separate document, which provides access to lots or between lots. The easement shall meet all of the requirements set forth by the City (i.e., construction standards, width, and function) but is privately maintained.

4. *Accessory Building* - A subordinate building, either attached or detached, located on the same lot as the main building, the use of which is secondary or supportive to that of the dominant use of the building or premises. Accessory buildings may include parking garages, adjacent farm structures, home workshops and tool houses, storage sheds, home greenhouses, etc. An accessory dwelling or garage apartment shall mean the same as accessory building except it may be used for residential purposes but not leased or rented.

5. *Accessory Dwelling Unit* - A second single-family residential living unit located on the same lot as the primary living unit, which provides independent provisions for living, sleeping, eating, cooking, and sanitation. The secondary living unit is only for use by family members, relatives, or domestic worker hired by the homeowner and shall not be rented or leased. This unit may either be attached or detached from the primary unit. A mobile home or HUD-Code manufactured home shall not be considered an accessory dwelling unit.

6. *Accessory Use* - A use customarily incidental, appropriate and subordinate to the principal use of land or building(s) and located upon the same lot.

7. *Administrative Officers* - Any office referred to in this Article or Code, by title, i.e., City Manager, City Attorney, City Secretary, City Planner, Director of Community Development, City Engineer, Director of Public Works, etc., shall be the person so retained in this position by the City, or his duly authorized representative.

8. *Administrative or corporate headquarters* - See Office, Professional and General Administrative

9. *Advertising Sign or Structure* - See Signs.

10. *Agricultural Use* - The use of land to produce plant or animal products, such as the growing of crops, raising and pasturing of livestock, or farming. It does not include the processing of plant or animal products after harvesting or the production of timber or forest products.

11. *Agricultural Vehicles and Equipment* - Any self-propelled or towed vehicle or equipment designed to be operated primarily in a farm field or farm premises or in the transportation of feed, fertilizer, produce, livestock, and related agricultural goods, regardless of manufacturer's Gross Vehicle Weight Rating (GVWR) or Maximum Loaded Trailer Weight (MLTW). Agricultural Vehicles and Equipment include farm tractors and

implements; utility, livestock, and horse trailers; trucks; and other similar agricultural light load and heavy load vehicles.

12. *Airport* - A place where an aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

13. *Alley* - A minor public right-or-way not intended to provide the primary means of access to abutting lots, which is primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

14. *Antenna* - Any structure or device used to collect or radiate any portion of the radio, microwave, or electromagnetic waves, including both directional antennas, such as panels, and dishes, and omnidirectional antennas, such as whips, but not including satellite earth stations.

15. *Antique Shop, Sales in Building* - A retail establishment engaged in the selling of works of art, furniture or other artifacts of an earlier period, with all sales and storage occurring inside a building.

16. *Apartment complex* - A group of three or more multi-family structures under singular ownership.

17. *Architect* - A person who is trained and certified to design buildings and in many cases also supervises their construction.

18. *Architectural Metal* - Architectural sheet metal is a specialized type of metal roofing, typically involving steep slopes. These roofs feature custom fabricated sheet metal flashing and trim. Architectural metal may involve various gauge metals and various types of metals, ranging from pre-finished galvanized steel and aluminum to copper, stainless steel, lead and coated copper.

19. *Artwork* - A specific piece of art, including, but not limited to, a sculpture, monument, mural, painting, fountain, or stained glass.

(Amended by Ord. No. 1763 on October 20, 2015)

20. *Articulation* - The use of varying depth of wall planes in the vertical and horizontal dimension, varied roof planes, different materials, and other design features to create an aesthetically pleasing building facade.

21. *Arcade (architectural feature)* - A covered passageway or gallery that is integral to the building with arches or other regular and decorative openings along one or both sides.

22. *Assembly of light electronic instruments and devices (enclosed building)* - A light manufacturing use where electrical and electronic equipment are, processed, assembled, treated and packaged, predominantly from previously prepared materials, finished products or parts, including incidental storage and sales.

23. *Assembly of products including packaging* - A light manufacturing use where general products are, processed, assembled, treated and packaged, predominantly from previously prepared materials, finished products or parts, including incidental storage and sales.

24. *Assembly of radios/audio/visual equipment/communication equipment* - A light manufacturing use where radios, audio equipment, visual equipment and other similar products are, processed, assembled, treated and packaged, predominantly from previously prepared materials, finished products or parts, including incidental storage and sales.

25. *Assisted Living Facilities* - A housing facility for people with disabilities. These facilities provide supervision or assistance with activities of daily living (ADLs); coordination of services by outside health care providers; and monitoring of resident activities to help to ensure their health, safety, and well-being. Facilities may be large apartment-like settings or private residences. (Refer to Texas Health & Safety Code and Texas Department of Aging and Disability Services for Assisted Living Facilities for most current regulations).

(Amended by Ord. No. 1809 on September 6, 2016)

26. *Athletic Stadium or field operated by the city or a school district* - An open-air facility designed for athletic events and competition with space for spectators. Accessory uses and structures include bleachers, stands, concession stands

27. *Automobile* - A self-propelled passenger vehicle designed for use on streets and highways for the conveyance of people and goods.

28. *Automobile Electric Recharging Station* - An electric vehicle charging station, also called EV charging station, electric recharging point, charging point, charge point and

EVSE (Electric Vehicle Supply Equipment), is an element of infrastructure, either public or private, that supplies electric energy for the recharging of plug-in electric vehicles, including all-electric cars, neighborhood electric vehicles and plug-in hybrids.

29. *Automobile Fueling Station* - Any building, land area, or other premises (or portion thereof) used or intended to be used for the retail dispensing or sales of automobile fuels. Lubricants, and automobile accessories.

30. *Automobile Garage* - A structure designed for the parking of automobiles, motorcycles, and light load vehicles.

31. *Automobile Parking Lot* - An area designed for the parking of automobiles, motorcycles, and light load vehicles.

32. *Automobile Parts and Sales* - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, boats, motorcycles, and light load vehicles.

33. *Automobile, Rental* - Renting of automobiles, motorcycles, and light load vehicles.

34. *Automobile Repair, Heavy Load Vehicles* - Repair or reconditioning of engines, air conditioning systems and transmissions for heavy load vehicles, including wrecker services; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust-proofing.

35. *Automobile Repair, Major* - Automotive repair uses (including Auto Repair, moderate uses) for automobiles, boats, motorcycles, and light load vehicles that require heavy machinery and/or can be expected to generate noises and vapors not compatible with adjacent residential or retail uses. Examples include general repair or reconditioning of engines, air conditioning systems and transmissions for automobiles, boats, motorcycles, and light load vehicles (but not for heavy load vehicles), wrecker services; collision services, including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; upholstery; undercoating and rust-proofing.

(Amended by Ord. No. 1828 on January 17, 2017)

36. *Automobile Repair, Minor* - Those automotive repair uses (including Auto Repair, sales and service uses) for automobiles, boats, motorcycles, and light load vehicles that generate mild noise and some vapors but generally support regularly required vehicle maintenance. Examples include tires and tubes; diagnostic services; minor motor

services such as grease; tune-ups; emergency road service; oil and filter changes; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; and normal servicing of air-conditioning systems.

(Amended by Ord. No. 1828 on January 17, 2017)

37. *Automobile Repair, Sales and Service* - Automobile repair uses that include light servicing or repair of automobiles, boats, motorcycles, and light load vehicles that does not generate noise or excess vapors and where services could be performed within a completely enclosed structure. These uses may incorporate retail sales. Examples include technology upgrades, windshield repairs and replacement, radio and electronic repairs and replacement, some customization or adding or accessories, battery replacement, spark plug replacement, some diagnostic services, and adding of fluids.

(Amended by Ord. No. 1828 on January 17, 2017)

38. *Automobile Sales* - The display, sale and servicing, including repair work, of automobiles (including motorcycles).

39. *Automobile Salvage* - See Wrecking Yard

40. *Automobile Storage* - The storage or impoundment, on a lot or tract, of operable automobiles, motorcycles, and light load vehicles for the purpose of holding such vehicles for sale or distribution.

41. *Awning* - A roof-like structure, usually made of canvas that provides an architectural projection and weather protection, usually over a storefront, window, door or deck, and is supported by the building to which it is attached.

B

42. *Back Haul* - As it pertains to the telecommunication industry - the obligation to carry packets to and from that global network. A non-technical business definition of backhaul is the commercial wholesale bandwidth provider who offers Quality of Service (QOS) guarantees to the retailer. It appears most often in telecommunications trade literature in this sense, whereby the backhaul connection is defined not technically but by who operates and manages it, and who takes legal responsibility for the connection or uptime to the Internet or 3G/4G network.

43. *Back-lighting* - The light source is behind the sign to illuminate the letters with a glowing effects.

44. *Bakery (retail)* - A place for baking or selling baked goods directly to consumers, including donut shops.

45. *Bakery and Confectionery Works (Commercial)* - A manufacturing facility for the production and distribution of baked goods and confectioneries to retail outlets.

46. *Balcony* - A projection from a second story or higher on a building where occupancy can go outside.

47. *Bank, Savings and Loan, or Credit Union* - An establishment for the retail custody, loan, exchange or issue of money, the extension of credit, and/or facilitating the transmission of funds. This classification does not include those institutions engaged in the on-site circulation of cash money and check-cashing facilities, bail bond brokers or pawn shops. Accessory uses may include automatic teller machines, drive-thru services, offices, and parking.

48. *Bar* - Any establishment which derives seventy-five percent (75%) or more of the establishment's gross revenue from the on premise sale of alcoholic beverages. It may or may not include a dance hall.

49. *Barbed Wire* - Wire fencing material with sharp barbs that is used primarily to secure livestock.

50. *Reserved.*

51. *Base Zoning District* - Within a Planned Development the base zoning district is the district to which all regulations default if not specifically addressed in the Planned Development Ordinance.

52. *Basement (or Cellar)* - A story partly or wholly underground. This definition of "Basement" does not apply to the provisions of Section 1612 IBC for flood loads.

53. *Batching Plant (temporary)* - A facility for the production or concrete, asphalt or similar materials needed for a single construction project and intended to be removed on the completion of said project.

54. *Bed & breakfast (also Tourist Home)* - A dwelling occupied as a permanent residence by an owner or renter which serves breakfast and in which sleeping

accommodations is not more than five (5) rooms are provided or offered for transient guests for compensation.

55. *Block* - A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Director of Community Development shall determine the outline of the block.

56. *Block Length* - For a residential subdivision, that distance of a block face measured along the centerline of a right-of-way from one street intersection to another or to the midpoint of a cul-de-sac or to a ninety-degree (90?) turn.

57. *Boarding House* - A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided.

58. *Boat, rental* - An establishment where boats and other watercraft may be leased or rented.

59. *Boat, sales* - An establishment where boats and other watercraft are sold. This will include new and used boats.

60. *Boat, repair and service* - An establishment that provides maintenance and repair to boats and watercraft that is comparable to the types of repairs in Automobile Repair, Minor.

61. *Bookbindery* - An establishment where books are bound for wholesale distribution including the printing, embossing and other binding processes.

62. *Brewery with retail sales* - A building or establishment for the brewing and selling of beer. A brewery may also sell food.

63. *Brewery with entertainment* - An indoor and/or outdoor area in which beer is brewed, served and provides entertainment. A brewery may also sell food.

63. *Brick Material* - Brick material used for masonry construction shall be hard fired (kiln fired) clay or slate material that meets the latest version of ASTM standard C216, Standard Specification for Facing Brick (Solid Masonry Unit Made of Clay or Shale), and shall be Severe Weather (SW) grade, and Type FBA or FBS or better. Unfired or under fired clay, sand, or shale brick are not allowed.

64. *Buildable Area* - That portion of a building site exclusive of the required yard areas on which a structure or building improvements may be erected and including the actual structure and driveway.

65. *Building* - Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel.

66. *Building Bay* - The space between architectural elements, or a recess or compartment.

67. *Building Elevation* - A two-dimensional representation of the façade of a building or structure.

67.1. *Building Footprint* - The area of the site covered by the building including area and dimensions.

68. *Building Height* - The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or a deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof (see Section 9.14 - Figure 9).

68.1. *Building Line.* - Building Setback Line (see definition below).

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

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

71. *Building Pad* - The actual foundation area of a building area and the area within eight feet (8') of the foundation that is used for construction and grade transition.

72. *Building Setback Line.* - The line within a property defining the minimum required horizontal distance between a building or other structures and the property line and/or adjacent street line (measured from right-of-way line). (see Section 9.14 - Figure 1).

C

73. *Caliper* - The diameter of a tree, measured at a point six (6) inches above the ground line. If the resulting measurement is no more than four (4) inches, the measurement is made at a point twelve (12) inches above the ground line.

74. *Canopy* - A roof-like structure that shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

75. *Canopy Tree* - Same as a Large Tree.

76. *Carnival or Circus* - A temporary event that is characterized by mechanical rides, games of skill or chance, entertainment, and/or food.

77. *Carport* - A structure open on a minimum of two sides designed or used to shelter vehicles.

78. *Car Wash* - Structure used to wash motorcycles, automobiles and light load vehicles.

79. *Cemetery* Property used for the interring of the human dead.

80. *Certificate of Occupancy* - An official certificate issued by the City through the Building Official which indicates conformance with the zoning regulations and authorizes legal use of the premises for which it is issued; may be referred to as an Occupancy Permit.

81. *Child Care (refer to Texas DFPS - Child Care Minimum Standards for most current regulations)* - Any establishment whose sole purpose is to provide regular care for children in the absence of their parents for less than 24 hours per day, at a location other than the child's home, except as otherwise provided by DPFS.

82. *City* - The City of Keller, Texas, together with all its governing and operating bodies. References to the "City" shall mean the City of Keller.

83. *City Council* - The governing body of the City of Keller, Texas.

84. *City Engineer* - "City Engineer" shall apply only to such registered professional engineer who has been specifically employed by the City.

85. *City Manager* - The person holding the position of City Manager as appointed by the City Council according to the City Charter.

86. *Clear-Cutting* - The removal of all of the trees or a significant majority of the trees within an area.

87. *College or University* - An institution for higher, post-secondary, learning whether private or public and where students may reside on-campus.

88. *Co-location (of cellular towers)* - Placement of an antenna on an existing Telecommunication Tower, Stealth Telecommunication Tower, transmission tower, building, light or utility pole or water tower or other structure, where the antenna are located on the existing structure.

89. *Columns* - An upright pillar, typically cylindrical and made of stone or concrete, supporting or appearing to provide structural support to an entablature, arch, or other structure.

90. *Commercial Wedding/Corporate Event Venue* - A commercial establishment that rents out its facilities for weddings, special occasions or for a gathering that is sponsored by a business for its employees, business partners, clients and/or prospective clients.

91. *Commission* - The Planning and Zoning Commission of the City of Keller, Texas.

92. *Community Center* - A building or complex of buildings that house cultural, recreational, athletic or entertainment facilities owned and/or operated by a governmental agency or private non-profit agency.

93. *Compatibility, Architectural and Design* - Compatibility as used in defining architectural character can be achieved by usage or coordinated and complementary attributes such as building materials, colors, building forms, architectural detailing, landscaping, lighting, outdoor furnishings and other amenities.

94. *Compatibility, Land use* - Compatibility as used in defining land uses that are complimentary with regard to the impact generated on the physical environment (i.e. noise, light, traffic, parking, odors, etc.).

95. *Composite Decking*- "Wood-plastic polymer products (such as Trex) typically used for fencing and decking. These products are made out of a mix of recycled wood fibers and recycled plastic.

96. *Concrete Block* - A concrete masonry unit (CMU) - also called concrete brick, concrete block, cement block, besser block, breeze block and cinder block - is a large rectangular brick used in construction.

97. *Concrete Masonry Units(CMUs)* - Concrete masonry units used for masonry construction shall meet the latest version of the following applicable specifications: ASTM C90, Standard Specification for Hollow Load Bearing Concrete Masonry Units; ASTM C145, Standard Specification for Solid Non-load Bearing Masonry Units; ASTM C129, Standard Specification for Hollow and Solid Non-load Bearing Units. Concrete masonry units shall have an indented, hammered, split face, or other similar approved architectural finish as approved by the City Council. Lightweight concrete block or cinder block construction is not acceptable as an exterior finish.

98. *Concrete Panel Construction* - Concrete finish or pre-cast (tilt wall) construction shall be painted, fluted, exposed aggregate, or other approved architectural concrete finish. Smooth or untextured concrete finishes are not acceptable.

99. *Construction Yard (Temporary)* - A storage yard or assembly yard for building materials and equipment directly related to a specific construction project and subject to removal at completion of construction.

100. *Contractor's Shop* - A building, part of a building, for storage of materials, equipment, tools, products, and vehicles that are used on a regular basis for various types of contract work including accessory office.

101. *Contractor's Yard* - An outside area for storage of materials, equipment, tools, products, and vehicles that are used on a regular basis for various types of contract work including accessory office.

101.1 *Consumable hemp product (CHP)* - Any product processed or manufactured for consumption that contains hemp, including food, a drug, a device and a cosmetic as those terms are defined by Section 431.002 in the Texas Health and Safety Code. Some examples of CHPs include: Cannobidiol (CBD) Oil, CBD gummies, food and drinks infused with CBD, over-the-counter drugs containing CBD, and topical lotions and cosmetics that contain CBD.

102. *Convenience store with gas pumps* - Any building, land area or other premises, or portion thereof, used or intended to be used for the retail sales of goods in combination with the sales of automobile fuels, lubricants, and automotive accessories.

103. *Copy shop or printing shop* - See Printing or Copy Shop.

104. *Cornices* - A projecting shelf along the top of a wall, along the exterior trim at the meeting of a roof and wall, or at the uppermost division of an entablature.

105. *Council* - Same as City Council.

106. *Country Club (Private)* - A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

107. *County* - Tarrant County, Texas, together with all its governing and operating bodies. References to the "County" shall mean Tarrant County unless expressly stated otherwise.

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

109. *Critical Root Zone (CRZ)* - The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line (see Section 10.02 - Exhibit D).

110. *Cul-de-Sac* - A street having but one outlet to another street, and terminated on the opposite end by a vehicular turnaround.

111. *Cut/Fill* - Areas where the natural ground level has been excavated (cut) or fill brought in.

D

112. *Dance Hall* - An establishment open to the general public for dancing.

113. *Dead End Street* - A street, other than a cul-de-sac, with only one outlet.

114. *Dedication* - Intentional transfer by a property owner to the public of ownership of, or an interest in, land for a public purpose. Dedication may be effected by compliance with statues relating to dedication of land, by formal deed of conveyance, or by any other method recognized by the laws of the State of Texas.

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

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

117. *Developer/Builder* - Any person, business, corporation, association, or entity responsible for or involved in the land development of the subdivision or addition, including the construction of infrastructure or building of structures for residential or non-residential occupancy. In most contexts the term Developer, Subdivider, and Property Owner are used interchangeably in these regulations.

118. *Development* - Any subdivision of land; any consolidation or accumulation of tracts of land; any material change in the use or appearance of any parcel of land; any activity that affects lot lines, easement locations, number of lots, setbacks, locations of structures, dedications of streets or utilities; or the act of building structures or improvements on land.

119. *Development Review Committee (DRC)* - A committee comprised of staff members, but not limited to from the departments of Community Development, Economic Development, Development Services, Fire, Parks & Recreation, and Public Works to review development applications and tree removal permits for compliance with this Code (see Article Nine- Development Review Committee Members (DRC).

120. *Director of Public Works* - The individual hired for "Director of Public Works" position by the City Manager.

121. *Distillery* - a facility that manufactures, purifies, and refines distilled spirits.

121.1 *Domestic Animal* - any animal other than livestock that lives and breeds in a tame condition including, but not limited to: dogs, cats, small birds, domesticated hares and rabbits, and other animals kept as pets.

122. *Donation Center* - A center for the donation of new and used clothing, wearing apparel, small appliances and furniture.

123. *Drainage Way*-A natural or man-made drainage pathway located on or adjacent to property. The drainage way may or may not be deemed "floodplain" or "floodway" by the Federal Emergency Management Agency (FEMA). A drainage way may be located on

any property in the City of Keller, regardless whether said property has been secured within the confines of a legal Plat.

124. *Drilling* - The process of construction of a mining installation of cylindrical shaped reservoir, such as a hole, blasthole, or mineshaft, by crushing the rock at the mine face. As a rule, drilling is carried on within the earth's crust (less frequently, within artificial materials such as concrete, asphalt, and others) that allow the extraction of minerals from those reservoirs. In a number of cases drilling involves the shoring-up of hole walls (mainly for deep holes) by means of tubular casings, with the injection of cement suspension into the annular gap between the casings and the hole walls. The field of application of drilling is varied: it includes searching and prospecting for minerals; the study of rock characteristics; the extraction of liquid, gaseous, and solid (by leaching and melting) minerals through working holes; the conducting of blasting operations; the excavation of solid minerals; the artificial securing of rock (by freezing, bituminizing, cementing, and other methods); the draining of flooded mineral deposits and swampy areas; the exposure of deposits; the laying of underground communications equipment; and the construction of pile foundations.

125. *Drip Line* - A vertical line run through the outermost portion of the canopy of a tree and extending to the ground (see Section 10.02 - Exhibit D).

126. *Driveway* - An area usually paved with asphalt or concrete to allow access of automobiles to a property from a road or Public Right-of-Way.

127. *Driveway Approach* - The portion of the driveway that falls within the public right-of-way.

128. *Driving school* - A facility for the instruction of driving light load vehicles. Facilities may include offices, classrooms, and storage of vehicles.

129. *Dry Cleaning Plant* - An industrial facility, including commercial laundry, where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

130. *Dry Cleaning, Retail* - A retail center customers drop-off and pick-up laundry to be dry cleaned, where chemical cleaning is not performed on-site but is shipped out for the cleaning process..

131. *Dwelling* - Any building or portion thereof, which is designed or used as living quarters

E

132. *Earth tone colors* - Warm, muted colors inspired by the colors of the earth, soil, and certain minerals and containing some brown. Earth tones have flat finishes to increase the natural appearance of the colors.

133. *Easement* - The word "easement" shall mean a designated area, conveyed by plat or separate instrument, for restricted use on private or public property upon which the grantee shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths that may endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements.

134. *Eave* - The portion of the roof that projects past the outer wall.

134.1 *E-cigarette* - An electronic cigarette or any other device that simulates smoking by using a mechanical heating element, battery, or electronic circuit to deliver nicotine or other substances to the individual inhaling from the device described in Section 161.081 in the Texas Health and Safety Code.

134.2 *E-cigarette content* - a consumable liquid solution or other material aerosolized or vaporized during the use of an electric or other device described in Section 161.081 in the Texas Health and Safety Code.

135. *EIFS (Exterior Insulating Finishing System)* - a non-load bearing, exterior wall cladding system that consists of an insulation board attached either adhesively or mechanically, or both, to the substrate; an integrally reinforced base coat; and a textured protective finish coat.

136. *EIA-222* - Electronics Industries Association Standard 222, "Structural Standards for Steel Antenna Towers and Antenna Support Structures".

137. *Electrical Fencing* - A fence constructed of wire or other materials that conduct electricity that is designed to provide an electric shock to any humans or animals that touch the fence.

138. *Electrical Substation* - A subsidiary station in which electric current is transformed.

139. *Elevations* - Drawings that depict one vertical planes of a structure.

140. *Emergency Access Easement*- An area created by plat or separate instrument filed with the office of the county clerk other than a dedicated street or place, or an alley, which is maintained free and clear of buildings, structures and other obstructions for the purpose of providing free passage of service and emergency vehicles.

141. *Engineer* - A person duly licensed by the Texas Board of Professional Engineers as a Professional Engineers, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications..

142. *Entertainment Facility, Indoor* - Any building, room, place or establishment of any nature or kind and by whatever name called, where amusement devices are operated for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as bowling, skating, laser tag, miniature golf, musical devices, coin operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. Provided, however, the term "amusement device", as used herein, shall not include sexually oriented businesses.

143. *Entertainment Facility, Outdoor* - Any place or establishment of any nature or kind and by whatever name called, where amusement activities are provided for a profit, whether the same be operated in conjunction with any other business or not, including but not limited to such amusement devices as paint ball, miniature golf, musical devices, driving range, skating, laser tag, or other similar amusement activities. Provided, however, the term "amusement device", as used herein, shall not include sexually oriented businesses.

144. *Equestrian Trail* - A path or walkway designed for the riding of horses.

145. *Erosion* - The wearing a way of dirt and sediments over time.

146. *Escrow* - Most commonly money held in trust by a third party to be turned over to the grantee only upon fulfillment of a condition.

147. *Excavation or Gravel Pit* - An area were minerals, gravel, or other similar materials are excavated or quarried below the natural grade of the surface.

148. *Exhibition Area* - An area or space either outside or within a building for the display of topic-specific goods or information.

149. *Exposed Concrete* - A building material that is a mix of cement and aggregate where the aggregate is exposed and visible.

150. *Exposed Metal* - A building material made from any number of metals that is visible and not coated in some other way.

F

151. *Facade* - The faces or elevations of a building visible from a public way or space; usually limited to the front face of a building in an urban environment.

152. *Family* - One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

153. *Family Home* - See Child Care

154. *Farm, Ranch, Livestock, Garden or Orchard** - An area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals such as 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 and not including any type of agriculture or husbandry specifically prohibited by Code or law. See Code of Ordinances for Livestock definition.

155. *Feed Store* - An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

156. *Feeder or Transmission Line* - Those high voltage electric supply lines that emanate from substations used to distribute power through an area to an unspecified number of customers.

157. *Fence* - A barrier for the purpose of enclosing space or separating parcels of land. The term "fence" does include retaining walls.

a. *Barbed wire* - A fence that utilizing wire and barbs to provide an enclosure for agricultural purposes.

b. *Chain Link* - A fence of heavy steel wire that is woven to form a pattern of large diamond-shaped spaces.

c. *Electric* - An electric fence is a barrier that uses electric shocks to deter animals or people from crossing a boundary. The voltage of the shock may have effects ranging from discomfort to death.

d. *Masonry* - A fence constructed or stone, brick, cement based stucco or other masonry material.

e. *Picket* - A fence made of wooden pickets so that there are gaps between boards. This fence is usually four (4) feet in height or less and used for ornamental as well as security and privacy purposes.

f. *Tubular Steel* - A manufactured metal fencing.

g. *Wrought Iron* - A fence built of iron or tubular steel that has been fabricated into ornamental posts.

h. *Wood* - A fence made of wood pickets so there are no gaps between the boards. These fences are usually between 6 and 8 feet in height and used for privacy purposes.

158. *Field Construction Office* - A building or structure, of 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.

159. *Filing Date* - The filing date is when the city verifies that application is complete from an ordinance compliance point of view. Meaning that a complete application has been filed, reviewed by the Development Review Committee (DRC), received corrections to any deficiencies found by the DRC, and the plat is ready to forward to the Planning and Zoning Commission.

160. *Final Plat (also record plat or filing plat)* - The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor with the subdivision location referenced to a survey corner and all boundaries, corners, and curves of the land division sufficiently described so that they can be reproduced without additional references. The final plat of any lot, tract, or parcel of land shall be recorded in the records of Tarrant County, Texas. An amended plat is also a final plat.

161. *Fitness Center* - Any recreational facility where all activities are contained within an enclosed building which is open to the general public for a fee or charge. Such facilities may include, but are not limited to, aerobic exercise, tennis, swimming or racquet facilities, gymnasium, weight room, sauna or other associated recreational activities; to include dance studio, gymnastics and aerobic center; A space in which people learn or rehearse dance routines or aerobic exercise. The term is typically used to describe a space that has either been built or equipped for the purpose. A dance studio or aerobic center normally includes a smooth floor covering or, if used for tap dancing, by a hardwood floor.

162. *Flat Roof* - A roof with no or minimal slope. A mansard or parapet wall is used with a flat roof to screen rooftop equipment from public view.

163. **Flea Market* - An outdoor, or partially indoor premise where the main use is the sale of new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment, in small quantities, in broken stalls, lots or parcels, not in bulk, for the use or consumption by the immediate purchaser in a building, open air, or partly enclosed booths or stalls not within a wholly enclosed building. The term flea market shall not be deemed to include wholesale sales establishments or rental services establishments, but shall be deemed to include personal service establishments, food services establishments, retail services establishments, and auction establishments.

*(This definition does not pertain to retail sidewalk sales or garage sales. Arts and crafts shows or sales held by non-profit organizations are also not included under this definition.)

164. *Flood Plain* - Any land area susceptible to being inundated by water from any source, as defined by the Federal Emergency Management Agency.

165. *Floodway* - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

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

167. *Florescent colors* - Colors which absorb and convert visible spectrum light along with wavelengths of ultraviolet rays and other colors lower in the visible spectrum and colors designed to resemble florescence.

168. *Florist Shop* - A retail establishment for the display and retail sale of flowers, small plants and accessories.

168.1 *Food Truck* means any vehicle, trailer, or apparatus from which edible food products are cooked, prepared or assembled with the intent to sell such items to the general public, provided further that food trucks may also sell other edible food products and beverages that have been prepared or assembled elsewhere.

168.2 *Food Truck Court* means a property used or developed to accommodate one or more food trucks and/or mobile vendor units as one of the uses of the property while accommodating areas on the property for entertainment or recreational opportunities. Food Truck Courts must have a valid certificate of occupancy, in addition to all other applicable permits and inspections.

168.3 *Food Truck Operator* means any person, firm, corporation or other entity engaged in the selling or offering for sale any and all food or food products outdoors from a food truck.

169. *Foot-candle* - Unit of light density incident on a plane (assumed to be horizontal unless otherwise specified), and measurable with an illuminance meter, a.k.a. light meter.

170. *Franchise utilities* - Utilities traditionally franchised (whether or not a franchise is currently required) including, but not limited to electric, gas, telecommunications and cable

171. *Fraternal Club, Lodge, or Civic Club* - 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.

172. *Freeboard* - The vertical distance between the upstream design water surface and the proposed improvements.

173. *Freight, rail or truck terminal yard* - Use of property or buildings for the temporary parking of motor freight vehicles, rail cars, or trucks of common carriers, during loading and unloading and between trips, including necessary warehouse space or outdoor storage space for storage of transitory freight

174. *Front Yard* - See Yard, Front.

175. *Fuel Pumps/Sales* - 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, electric vehicle (EV) recharging station, lubricants, and automotive accessories.

176. *Funeral Home or Mortuary* - A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

177. *Furniture, Home Furnishings, and Equipment Stores* - This group includes selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, and room decor.

178. *Furniture restoration, wholly enclosed in a building* - Repairs damage on all types and styles of wood furniture, surfaces and cabinets. Often uses chemical products that have odor and require adequate ventilation.

G

179. *Gable Roof* - A roof with two sloping sides and a gable at each end.

180. *Gambrel Roof* - A roof with two sides, each of which has a shallower slope above a steeper one.

181. *Garage, Parking* - Any building, or portion thereof, not related to single family, used for the storage of four (4) or more automobiles in which any servicing provided is incidental to the primary storage use, and where repair facilities are not provided.

182. *Garage, Private* - An enclosed (on at least three (3) sides) accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests.

183. *Gasoline Service or Filling Station* - See Fuel Pumps/Sales.

184. *General Manufacturing* - (see Industrial, Manufacturing).

185. *General Retail Stores* - This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, grocery, apparel and accessories, furniture and home furnishings, small wares, small appliances

(including minor repairs of those appliances), hardware, and food; and has no more than 10% on-site manufacturing The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see Retail Stores and Shops).

186. *Glass Walls* - Glass walls shall include glass curtain walls or glass blocks construction. Glass curtain wall shall be defined as an exterior wall that carries no structural loads, and which may consist of the combination of metal, glass, or other surfacing material supported in a metal framework.

187. *Golf Course* - An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

188. *Government* - The legally recognized governing body the United States of America, the State of Texas, Tarrant County and/or the City of Keller.

189. *Grade* -A gradient or slope.

190. *Greenhouses and nurseries* - A wholesale establishment, including a building, part of a building or open space, for the growth, display and/or sale of large plants, shrubs, and trees, and other materials used in indoor or outdoor planting.

191. *Grocery store or food market* A retail establishment selling meats, fruits, vegetables, bakery products, dairy items and similar products for human consumption off-premises.

192. *Gross Vehicle Weight Rating* - The actual weight of a vehicle plus the manufacturer's maximum allowable weight of passengers, fluids, cargo, and optional equipment that may be carried by the vehicle.

193. *Group Home* - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation.

194. *Gunsmith (repair only)* - A facility licensed by the Bureau of Alcohol, Tobacco, Firearms and Explosives, for the repair or maintenance of firearms.

H

195. *Habitable Structure* - A structure designed for human residence or conduct of business. A habitable structure shall not include a barn, shed, or detached garage.

196. *Half Story* - See Story, Half.

197. *Halfway House* - A facility for the housing, rehabilitation and/or training of six (6) or more persons, who are on probation or parole or are pre-released inmates from correctional institutions or other persons found guilty of criminal offenses; or for the housing, rehabilitation, training, counseling or treatment of six (6) or more persons for alcohol chemical or drug abuse and/or dependencies. "Halfway house" shall not include a hospital licensed by the State of Texas or a state licensed physician's office which office does not have facilities for patients to stay overnight.

198. *Heavy Load Vehicle* - A pickup truck having a manufacturer's Gross Vehicle Weight Rating (GVWR) of greater than fourteen thousand (14,000) pounds; any other self-propelled vehicle having a manufacturer's Gross Vehicle Weight Rating (GVWR) of greater than eleven thousand (11,000) pounds, such as tractor-trailers, buses, box vans, and other similar vehicles; or any towed vehicle with a manufacturer's Maximum Loaded Trailer Weight (MLTW) greater than eleven thousand (11,000) pounds or more than two (2) axles, such as flatbed trailers, utility trailers, and cargo trailers. Heavy Load Vehicle does not include Recreational Vehicles or Agricultural Vehicles and Equipment. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise. For dispute resolution, the owner shall provide proof of the weight of vehicle.

199. *Heavy Machinery Sales, Service, and Storage* - A building or open area used for the display, sale, rental or storage of heavy machinery, either machines in general or a group of machines which function together as a unit.

200. *Heliport* - 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.

201. *Helistop* - The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

202. *High Risk or Hazardous Industrial Use* - Facility or area for activities or products that have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the

activity or use is conducted. High-impact uses include but are not limited to the following activities:

a. Manufacture and/or bulk storage and testing of explosives, fireworks, or munitions.

b. Refining petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms, or other similar facilities.

c. Manufacture, storage, compounding, or handling of radioactive materials or wastes.

d. Manufacture, blending, or mixture of pesticides, certain acids, and fertilizer.

e. Stockyards, feed pens, livestock sales with barns, and/or shipping facilities. Rendering of animal fats, slaughtering or processing of animals, and industrial manufacturing processes using the following raw materials: bones, garbage, offal, and dead animals.

f. Refining of raw materials, such as, but not limited to chemicals, rubber, wood, or wood pulp, into other products.

203. *Hike and Bike Trail* - A smooth path designated for pedestrians and cyclists.

204. *Hip Roof* - A roof having sloping sides on all ends.

205. *Home Occupation* - Any occupation or activity carried on principally by the inhabitants of a dwelling which is clearly secondary to the use of the dwelling for dwelling purposes, provided that: the existence of the occupation or activity does not change neighborhood character or substantially increase traffic to and from the dwelling; no trading in merchandise or selling of goods or services is carried out on a regular basis; no merchandise is displayed; and no mechanical equipment is used except types that are customary for purely domestic or household purposes and which do not create obnoxious conditions such as noise, odor, smoke or electrical interference. Uses that are not considered Home Occupations include beauty and barber shops, tearooms or restaurants, rest homes or clinics, bed and breakfast facilities, cabinet repair shops, metalworking shops, auto repair shops, and Commercial Stables.

206. *Home Owners Association (HOA)* - Means an incorporated or unincorporated association that:

a. is designated as the representative of the owners of property in a residential subdivision;

b. has a membership primarily consisting of the owners of the property covered by the dedicatory instrument for the residential subdivision; and

c. manages or regulates the residential subdivision for the benefit of the owners of property in the residential subdivision.

207. *Homestead property* - An individual residential property that has been declared as a homestead in accordance with the Texas State Law.

208. *Hospitals* - A facility for providing health services primarily for in-patient medical or surgical care for the sick and injured and including facilities such as laboratories, out-patient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.

209. *Hotel*- A commercial establishment offering temporary, paid lodging on a short or long-term basis and providing four or more room units where linen and housekeeping services are provided, not to exceed 180 consecutive days. This definition also applies to extended stay hotels. Non-emergency access to rooms shall be provided through interior, space-conditioned corridors.

210. *HUD-Code Manufactured Home* - A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development for code manufactured homes.

211. *Human Scale (also Pedestrian Scale)* - The proportional relationship of the physical environment (buildings, trees, parking lots, streets, etc.) to human dimensions.

I - J

212. *Illumination* - Quantity of light, measured in foot-candles.

213. *Improvements (public and private)* - Any structural, material, or physical change incident to servicing or furnishing facilities for a subdivision such as, but not limited to, grading, street pavements, curb and gutter, driveway approaches, sidewalks and pedestrian ways, water mains and lines, sanitary sewers, storm sewers, culverts, bridges,

utilities, lakes, waterways, canals, permanent street monuments, and other appurtenant construction; demolition of structures, planting and landscaping; removal of trees and other vegetative cover.

214. *Impervious:* Not allowing entrance or passage. Often referring to a surface that will not allow rain water to pass through.

215. *Indoor Gun Range* - Any indoor facility open to the public and occupying all or a portion of a building where firearms are discharged for testing or recreation purposes.

216. *Industrial, Manufacturing* - Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

217. *Ingress and Egress* - A place or means of access; an entrance and exit, respectively.

218. *Installation* - When used in reference to manufactured housing, installation means the construction of the foundation systems, whether temporary or permanent, and the placement and erection of a manufactured home or manufactured home components on the foundation system and includes supporting, blocking, leveling, securing, anchoring, and proper connection of multiple or expandable sections or components, and minor adjustments.

219. *Intersection* - The point at which two paths cross, primarily streets, alleys, or sidewalks.

220. *J-Swing Garage* - Garages upon which the entry point from the street is located in front of the house and the garage door is perpendicular to the front of the house. See Section 9.13 for illustration.

221. *Junkyard* - See salvage yard or wrecking yard

K

221.1 *Kennels, Grooming Only* - An establishment whose business is the cleaning, styling and appearance maintenance of animals or the handling of animals in preparation for these services. No boarding or overnight stays permitted.

222. *Kennels (Indoor Pens Only)* - An establishment with indoor pens only in which one (1) or more dogs or domesticated animals are, groomed, bred, boarded, trained or sold for commercial purposes. (See definition for Domestic Animal)

223. *Kennels (Indoor and Outdoor Pens, or Outdoor Pens Only)* - An establishment with outdoor pens in which one (1) or more dogs or domesticated animals are housed, groomed, bred, boarded, trained or sold for commercial purposes. (See definition for Domestic Animal)

224. *Kiosks* - A small, free-standing, one-story structure having a maximum floor area of three hundred fifty (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 twenty-five (25) square feet.

225. *KISD* - Keller Independent School District

L

226. *Land Planner* - Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments. Such proficiency often has been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and who may be a member of the American Institute of Certified Planners (AICP).

227. *Landscape Architect* - A professional registered with the State of Texas as a Landscape Architect and who plans and designs environments through effective placement of structures, vehicular and pedestrian ways, and plantings.

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

229. *Lateral/distribution lines (Section 5.22)* - Those electric or telephone lines used to distribute power from a feeder line to a single subdivision. These electric lines are normally connected to a feeder line through a sectionalizing device such as a fuse.

230. *Laundromat (or Self-Serve Washateria)* - A facility where patrons wash, dry or dry clean clothing and other fabrics in machines operated by the patron.

231. *Leasehold* - A property held by lease. A leasehold property is a piece of real property (including either land or buildings) owned by one party, the lessor, who then legally grants another party, the lessee, the right to use the property for a period of time. The lessor does not give the lessee any actual ownership rights in the property, only possessive rights. There are several different types of leaseholds, each with its own rules.

232. *Letter of Credit (Section 6.01)* - A document from a bank guaranteeing that a seller will receive payment in full as long as certain delivery conditions have been met. In the event that the buyer is unable to make payment on the purchase, the bank will cover the outstanding amount.

233. *Library* - an organized collection of sources of information and similar resources, made accessible to a defined community for reference or borrowing.

234. *Light Load Vehicle* - A pickup truck having a manufacturer's Gross Vehicle Weight Rating (GVWR) of fourteen thousand (14,000) pounds or less; or any other self-propelled vehicle having a manufacturer's Gross Vehicle Weight Rating (GVWR) of eleven thousand (11,000) pounds or less. Light Load Vehicle also includes any towed vehicle with a manufacturer's Maximum Loaded Trailer Weight (MLTW) of eleven thousand (11,000) pounds or less, and/or having no more than two axles, such as boat trailers, motorcycle trailers, utility trailers, and cargo trailers. A Light Load Vehicle may not have more than two (2) axles. Light Load Vehicle includes Automobiles and Motorcycles, but not Recreational Vehicles or Agricultural Vehicles and Equipment.

235. *Light Manufacturing* - Manufacturing of finished products or parts (20% or more of the predominant business), predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing.

236. *Lightweight Masonry Siding* - See Siding, Lightweight Masonry.

237. *Limits of Construction* - Delineation on the graphic exhibit, which shows the boundary of the area within which all construction activity will occur.

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

239. *Loading Dock* - A platform for loading or unloading trucks or freight trains.

240. *Logo* - A symbol or other design adopted by an organization to identify its products, uniform, vehicles, etc.

241. *Lot* - Any tract, plot of land, portion of a subdivision, or other parcel of land intended as a unit for the purpose, whether immediate or future, of transfer of ownership, or possession, or for building development, or intended to be occupied by one main building and the required parking, or a group of main buildings, and accessory building and uses, including such open spaces as are required by the Code, and other laws or Ordinances, and having its principal frontage on a public street or officially approved place. Lots or tracts under one ownership shall be considered as one lot for the purpose of development. (see Section 9.14 - Figure 1).

242. *Lot Area* - The total area, measured on a horizontal plane, included within lot lines (see Section 9.14 - Figure 2).

243. *Lot, Corner* - A lot which has at least two adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°) (see Section 9.14 - Figure 4).

244. *Lot Coverage* - The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs. Lot coverage may include other impervious surfaces as called out in this Code.

245. *Lot Depth* - The mean horizontal distance between the front and rear lot lines (see Section 9.14 - Figure 2).

246. *Lot, Double Frontage* - A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot (see Section 9.14 - Figure 6).

247. *Lot, Flag* - Flag lots are lots that do not meet the minimum lot width and frontage requirements of the established zoning districts of the City of Keller or this Code because the sole point of access to a street is a narrow projecting strip of land. See Section 5.13(C) and (I).

248. *Lot, Interior* - A lot other than a corner lot.

249. *Lot Frontage* - The dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

250. *Lot Line, Front* - The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall have a choice in designating which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is not a rear lot line and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines (see Section 9.14 - Figure 3).

251. *Lot Line, Rear* - The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero (see Section 9.14 - Figure 3).

252. *Lot, Reverse Frontage* - A corner lot, the rear of which abuts the side of another lot.

253. *Lot Line, Side* - Any lot line not the front or rear lot line.

254. *Lot Lines or Property Lines* - The lines bounding a lot as defined herein.

255. *Lot of Record* - A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Tarrant County or a lot subdivided by metes and bounds description prior to its date of annexation.

256. *Lot Width* - The horizontal distance between side lot lines measured along a line that is parallel to the front lot line, and measured from the point on the building line (building setback line) that is closest to the front lot line (see Section 9.14 - Figure 1). For irregular-shaped lots see Section 5.13 (C).

257. *Luminaries* - An artificial light.

M

258. *Main Building* - The building or buildings on a lot that is occupied by the primary use.

259. *Maintenance Bond* - A bond that basically functions as an insurance policy on a construction project to make sure a contractor will either correct any defects that arise or that the owner is compensated for those defects.

260. *Mansard Roof* - (Also called a French roof or curb roof) is a four-sided gambrel-style hip roof characterized by two slopes on each of its sides with the lower slope, punctured by dormer windows, at a steeper angle than the upper.

261. *Masonry, Masonry Façade* - Exterior masonry application to include natural and manufactured stone material, fibrous cement products, stucco, brick material, granite, or marble.

262. *Master Plan or Comprehensive Plan* - The term "Master Plan" shall mean the comprehensive plan of the City and adjoining areas adopted by the City Council and the Planning and Zoning Commission, including all its revision. This plan consists of graphic and textual policies which govern the future development of the City and indicates the general location and specific geographic areas recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

263. *Maximum Loaded Trailer Weight* - The actual weight of a trailer plus the manufacturer's maximum allowable weight of cargo and equipment that may be carried by the trailer.

264. *Mausoleum* - Property used for the interring of the dead and where bodies are interred above ground in staked vaults.

265. *Medical Facilities*

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

b. *Dental, Medical, or Chiropractic Clinic* - A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

c. *Dental Office or Doctors Office* - Same as dental or medical clinic.

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

e. *Minor Emergency Care Clinic* - (also known as Urgent Care Medicine clinic) an establishment providing immediate medical service offering outpatient care for the treatment of acute and chronic illness and injury. There is some overlap in the scope of practice between minor emergency and all existing medical specialties that involve direct patient care. Because of the convenience of minor emergency centers, patients choose these facilities when they are unable to see their usual doctor in a timely fashion or choose not to go to a hospital emergency department. (aaucm.org)

f. *Nursing Home* - A home or living quarters where elderly or handicapped persons are provided with lodging, meals and nursing care.

g. *Optometrist* - A person that practices or is in the profession of examining the eyes, by means of suitable instruments or appliances, for defects in vision and eye disorders in order to prescribe corrective lenses or other appropriate treatment.

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

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

265.1. *Medical Spa* - An establishment that includes spa services and non-invasive medical cosmetic procedures. All medical procedures must be conducted under the supervision of a medical professional licensed in Texas.

266. *Mechanical Equipment* - Any machinery designed or manufactured for permanent installation in one place, either outside of a building or inside of a mechanical equipment building or room.

267. *Metal Walls* - Metal walls shall include profiled panels, deep ribbed panels, and concealed fastener systems. Exterior finish shall be film laminated or baked on enamel painted to the wall manufacturer's standards.

268. *Metal Recycling Collection Center* - A facility for the collection and temporary storage of recyclable metal materials

269. *Miniature Golf, Driving Range, and Putting Course* - See Entertainment, Outdoor.

270. *Mixed-Use Residential* - A development that contains both residential and non-residential uses in which the ground floors of buildings that front public or private streets shall have a minimum of sixty percent (60%) non-residential uses. Non-residential uses may occupy upper floors. The ground floors of interior buildings not fronting public or private streets may have 100% residential uses.

271. *Mobile Home* - A structure or dwelling that was constructed and designed to be transported on its own chassis on the highway in one or more sections by a prime mover 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 in accordance with Texas Manufactured Housing Standards (Article 5221f V.T.C.S.).

272. *Mobile Home Display and Sales* - The offering for sale, storage, or display of trailers or mobile homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

273. *Mobile Home Park* - A parcel of land not less than five acres nor greater than twenty-five (25) acres which has been designed, improved, or intended to be used or rented for occupancy by one or more mobile homes or trailer houses in designated spaces.

274. *Mobile Home Space* - A plot of ground within a mobile home park, trailer court, or mobile home subdivision designed for the accommodation of one mobile home.

274.1 *Mobile Vendor* means any person, firm, corporation or other entity engaged in the selling or offering for sale any and all goods, services, wares, beverages or merchandise from a mobile vending unit.

274.2 *Mobile Vending Unit* means any vehicle, cart, trailer, conveyance, or apparatus used for the displaying, storing or transporting of articles offered for sale by a mobile vendor.

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

276. *Modular Home (or Industrialized Housing)* - "Modular home" means a structure or building module as defined, under the jurisdiction and control of the Texas Department of Labor and Standards and that is installed and used as a residence by a consumer, transportable in one or more sections on a temporary chassis or other conveyance device, and designed to be used on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. The term does not include a mobile home as defined in the Texas Manufactured Housing Standards Act (Article 5221f V.T.C.S.); nor does it include building modules incorporating concrete or masonry as the primary structural component.

277. *Monuments and Headstones Sales with Outside Storage* -The use of any land area for the outside display and sale of monuments and headstones for cemetery grave markings.

278. *Motel*- See Hotel.

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

280. *Motorcycle Sales Services* - See Automobile Sales

281. *Motor Vehicle* - Any self-propelled vehicle, such as automobiles, motorcycles and light load and heavy load vehicles.

282. *Multi-Use Building* - Also Mixed Use - a combination of complimentary uses (such as retail sales, restaurants, upper floor residential dwelling, etc.) that would be in separate buildings under traditional zoning.

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

284. *Municipal/Public Domain Property* - Any area, land, building, structure, and/or facility, which is owned, used, leased, or operated by the City of Keller, Texas or property in which the City has a legal or equitable ownership interest. Examples of this would include City Hall, rights-of-way, easements, trails, public parks, County property, Corp. of

Engineers property, State of Texas rights-of-way, library, fire stations, water tower sites, or similar properties.

285. *Mural* - A mural is any piece of artwork painted or applied directly on a wall, expressed in a form and manner as to provide aesthetic enjoyment for the viewer. A distinguishing characteristic of mural painting is that the architectural elements of the given space are harmoniously incorporated into the picture and it shall not contain text.

a. *Private Mural* - An approved mural on a private structure provided with private funding and visible from publicly accessible space such as streets, sidewalks, trails, etc.

b. *Public Mural* - An approved mural on a public structure or on a private structure within a public purpose agreement provided with public funding and visible from publicly accessible space such as streets, sidewalks, trails, etc.

286. *Museum or Art Gallery* - A building in which objects of historical, scientific, artistic, or cultural interest are stored and exhibited. Art galleries may also sell the exhibits.

N

287. *New Car Dealer* - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles.

288. *Newspaper Printing* - See Printing.

289. *Nonconforming Use* - A building, structure, or use of land lawfully occupied at the time of the effective date of this Code or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

290. *Nonconforming Structure* - A structure that does not comply with the zoning category of the property on which it rests.

291. *Non-Residential Development* - Any real estate development for the purposes other than the provision of housing.

292. *Non-Whip Antenna* - An antenna which is not a whip antenna, such as dish antennas, panel antennas, etc.

O

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

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

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

296. *Office, City, County, State, and Other Governmental* - A room or group of rooms used for the provision of executive, management, or administrative services for conducting the affairs of official governmental agencies. This will include administrative, proprietary and fiduciary activities.

297. *Office-Showroom/Warehouse* - An establishment with a minimum of seventy-five percent (75%) 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.

297. *Office Warehouse* - An establishment that includes an office front and warehouse space behind, beside or above.

298. *Officially Approved Place of Access* - Access, other than a dedicated street, to a property which is approved by the City of Keller.

299. *Off-Site Facilities or Improvements* - Off-site facilities or improvements in excess of those required for service to the site. These include all oversizing for streets, sewer lines, water lines, storm drainage, as well as increasing the capacity of facilities, such as water storage tanks and waste water treatment plants.

300. *Oil or Gas Extraction* - The recovery of oil or natural gas, by means of drilling or digging a hole in the earth from which petroleum flows or is pumped. Also includes the means necessary to encourage recovery such as fracking.

301. *On-Site Facilities or Improvements* - On-site shall mean those existing or proposed facilities or improvements constructed within the property boundaries of the plat. On-site shall also mean those existing or proposed facilities required to be constructed or improved immediately adjacent to the property that are required to serve the development. These facilities include streets, water lines, sewer lines, storm drainage, curb and gutter, and any other construction or reconstruction to serve the property.

302. *Open Space* - An outdoor, unenclosed area located on the ground or on a roof, balcony, deck, porch, or terrace designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but not including roads, parking areas, driveways, or other areas intended for vehicular travel.

303. *Open Space, Common* - Open space within a development, not within individually owned lots or dedicated for public use, but which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space does not include areas utilized for streets, alleys, driveways, private roads, or adjacent parkways located between the curb and sidewalks. However, the area of recreational activities such as swimming pools, tennis courts, shuffleboard courts, etc., may be included as common open space.

304. *Open Space, Private* - Open space within a development that is contained within individually owned lots and that is designated and intended primarily for the private use of residents or occupants of the lot on which the private open space exists. Private open space does not include areas utilized for streets, alleys, driveways, private roads, off-street parking, or loading areas.

305. *Optical Store* - A retail establishment that sells contact lenses and eyeglasses.

306. *Optician or Optometrist* - See Medical Facilities.

307. *Outpatient Substance Use Treatment Program for Adolescents* - Program licensed through the Texas Department of State Health Services providing substance use treatment for adolescents age 13-19.

308. *Outside Display* - Outside temporary display of finished goods specifically intended for retail sale but not displayed outside overnight.

309. *Outside Storage* - The keeping, displaying, or storing, outside a building, of any goods, material, merchandise, or equipment on a lot or tract for more than twenty-four (24) hours. Also referred to as open storage. This includes vending machines, ice machines, newspaper machines, and other similar machines.

310. *Outside Storage of Building Materials and Hardware Sales* - Materials, tools, and hardware customarily used in the construction of buildings and other structures, including facilities for storage outside a building and sale of ready-mix concrete.

311. *Overlay Zoning District* - A zoning district which is applied over one or more previously established zoning districts, establishing additional or stricter standards and criteria for covered properties in addition to those of the underlying zoning district.

312. *Overnight Delivery and Service Center* - A office/distribution center that sends and receives packages by the truckload. Generally involves a customer service center and a service bay with unloading docks.

P - Q

313. *Pad Site* - The location of the proposed or actual footprint of a primary building as shown on a grading plan, site plan, or a plot plan. For purposes of initial tree removal, the maximum area of proposed pad site for residential lots as shown on a grading plan, shall not exceed one hundred fifty percent (150%) of the minimum dwelling unit allowed in the zoning district.

314. *Paint Shop* - A commercial establishment where painting services are performed.

315. *Parcel* - Any unplatted or portion of an unplatted tract of land.

316. *Park or Playground* - A recreation facility, recreation center, or park owned or operated by a public agency such as a City or School District and available to the general public.

317. *Parking Lot* - An off-street, ground level area, usually surfaced and improved, for the temporary storage of motor vehicles.

318. *Parking Space* - See Article Five - Subdivision Design Improvement Requirements and Design and Technical Construction Standards (DTCS) and Section 9.14 - Figures 14-18.

319. *Patio Home (Zero Lot Line Dwelling)* - A lot which is designed in such a manner that the side yard and adjacent use easement make maximum use of available land area to preserve an open, yet private, use of the side yard.

320. *Pavement Width* - The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion face-to-face of the curbs. Where there are no curbs, it is measured from the edge of the hard surface.

321. *Pawn Shop* - An establishment where money is loaned on the security of personal property pledged in the keeping of the persons engaged in the business (pawnbroker) and goods may be purchased by the pawnbroker on condition that the goods may be redeemed or repurchased by the seller for a fixed price within a fixed period (Per Texas Finance Code Sec 371.003) and that have been licensed to transact business by the Consumer Credit Commissioner under Chapter 371, Finance Code (per Texas Local Government Code 211.0035). Retail sales also take place of primarily used items.

322. *Pedestrian Scale* - See Human scale.

323. *Permanent* - Intended to exist or function for a long, indefinite period without regard to unforeseeable conditions.

324. *Permanent Cosmetics* - The intradermal application of inks for the purpose of applying permanent make-up aka micropigmentation for the purpose of enhancing natural features (i.e. eyebrow fill-in, eyeliner, lipliner, etc.)

325. *Permeable Paving* - A range of sustainable materials and techniques for permeable pavements with a base and subbase that allow the movement of stormwater through the surface. In addition to reducing runoff, this effectively traps suspended solids and filters pollutants from the water.

326. *Permeable Surfaces* - A surface material that allows water to percolate into the soil to filter out pollutants and recharge the water table.

327. *Permit* - An official document giving someone authorization to do something.

328. *Person* - Any individual, association, firm, corporation, governmental agency, or political subdivision.

329. *Pet Shop* - A retail establishment offering small animals, fish or birds for sale as pets and where all such creatures are housed within the building.

330. *Pharmacist or Drug Store* - A store where medicinal drugs are dispensed and sold.

331. *Photometric Plan* - A drawn plan showing the measurement of light, in terms of its perceived brightness to the human eye.

332. *Pier (Town Center Zoning "break facades with masonry piers")* - A solid support designed to sustain vertical pressure, in particular.

333. *Planned Development District* - Planned associations of uses developed as integral land use units such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated or integral land use units either by a single owner or a combination of owners.

334. *Planning & Zoning Commission(P & Z)* - A board, appointed by the City Council as an advisory body, authorized to recommend changes in the zoning and other planning functions as delegated by the City Council. Also referred to as the "Commission."

335. *Plant Nursery Retail* - A retail establishment that grows small trees, shrubs and herbaceous plants, usually designed for sale to the walk-in public.

336. *Planting Strip* - Grassy or unpaved section of right-of-way between the property line/right-of-way and the edge of the street pavement.

337. *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 Keller and approved by the City of Keller and recorded in the plat records of Tarrant County.

338. *Platted Lot* - A lot within a subdivision recorded in the plat records of Tarrant County.

339. *Plaza* - A public square, marketplace, or similar open space in a built-up area.

340. *Portable Building Sales* - An establishment which displays and sells structures capable of being carried and transported to another location, but not including mobile homes.

341. *Porte-cochère* - A roofed structure located on the same lot, which extends from the roof of the principal building over an adjacent driveway that is designed to let vehicles pass from the street to an interior courtyard and used for the shelter of those getting in and out of vehicles.

342. *Portico* - a porch leading to the entrance of a building, or extended as a colonnade, with a roof structure over a walkway, supported by columns or enclosed by walls.

343. *Preliminary Site Evaluation* - The graphic expression of the proposed overall plan for subdividing, improving, and developing a tract shown by superimposing a scale drawing of the proposed land facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of proposed development.

344. *Premises* - A lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the County. Includes any buildings or structures situated thereon.

345. *Preservation* - The state of being preserved, especially to a specified degree; to keep safe from harm or injury; protect or spare; to keep up; maintain

346. *Primary Use* - The principal or predominant use of any lot or building.

347. *Principal Building* - Same as Main Building.

348. *Printing or Engraving, Commercial* - The production of books, newspapers, or other printed material; print made from an engraved plate, block or other surface.

349. *Printing or Copy Shop* - An establishment that reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than four thousand (4,000) square feet. A printing company shall be any printing business which operates in a space of four thousand (4,000) square feet or larger.

350. *Printing, Newspaper* - A paper that is printed and distributed usually daily or weekly and that contains news, articles of opinion, features, and advertising.

351. *Private Club* - An establishment providing social and/or dining facilities which may serve alcoholic beverage service, to an association of persons, and otherwise falling with the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

352. *Private Recreation Facility or Private Park* - A recreation facility operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

353. *Private Street Residential Development* - Any development that contains a group of lots that have no frontage on a publicly dedicated street and are accessible by way of a private street or access easement. Such subdivisions may also limit access to lots or dwelling units by the use of a gate, security guard or other active means of limiting access.

354. *Produce Stand* - A seasonal use for which the primary purpose and design is to sell fruit, vegetables, and similar foods. No cooking of produce occurs on the site.

355. *Professional Service* - Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

356. *Property Owner's Association* - See Homeowner's Association.

357. *Protective Fencing* - Temporary chain link fence, temporary wire fence, orange vinyl construction fencing, snow fencing or other similar fencing with a minimum four-foot (4') height.

358. *Public Art* - Any art displayed, performed, or demonstrated in City Parks, rights-of-ways, on the interior or exterior or any city facility.

(Amended by Ord. No. 1763 on October 20, 2015)

359. *Public or Municipal Building or Facility* - Any building (except a building used primarily for general office purposes) which is owned, leased, primarily used and/or primarily occupied by the State of Texas, the United States, the City of Keller, or any subdivision or agency of the State of Texas, the United States or the City of Keller, or by any public or quasi-public utility.

R

360. *Railroad or Bus Passenger Station* - Any premises for the transient housing or parking of motor-driven buses and trains and the loading and unloading of passengers.

361. *Railroad Team Track, Freight Depot or Docks* - A facility/place for the loading and unloading of materials on trains.

362. *Railroad Track and Right-of Way* - The right-of-way and track used by a railroad, but not including railroad stations, sidings, team tracks, loading facilities, dockyards, or maintenance areas.

363. *Real Estate Sales Offices* - An office occupied by real estate agents and administrative staff.

364. *Rear Yard* - (See Yard, Rear).

365. *Recess* - Architectural reference to a small space created by building part of a wall further back from the rest.

366. *Recording Date* - The date the plat is filed with the Office of County Clerk of Tarrant County.

367. *Recreation Center* - A place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

368. *Recreational Vehicle (RV)* - Any self-propelled or towed portable, mobile living unit used for temporary human occupancy away from the place of permanent residence of the occupants including motorhomes, travel trailers (bumper-tow and fifth-wheel), camping trailers, and truck campers, regardless of manufacturer's Gross Vehicle Weight Rating (GVWR) or Maximum Loaded Trailer Weight (MLTW). A recreational vehicle park is an area or commercial campground for RVs and similar vehicles or trailers to reside, park, rent, or lease on a temporary basis.

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

370. *Rental, Home Furnishings and Appliances* - A building or a portion of a building used for the display and rental of home furnishings, electronics and appliances.

371. *Rental, Tool and Machinery Rental Shop* - A building or a portion of a building used for the display and rental of tools, machinery and instruments.

372. *Rental, Trailer* - The display and offering for rent of trailers designed to be towed by light load vehicles

373. *Rental, Truck and Bus* - 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.

374. *Replatting* - "Replatting" is the resubdivision of any part or all of any block or blocks of a previously platted subdivision, additional lot, or tract.

375. *Research and Scientific Laboratories* - A workplace for the conduct of scientific research.

376. *Residence* - Same as a dwelling; also, when used with District, an area of residential regulations.

377. *Residential Development or Area* - An area of land developed for use in which housing predominates, as opposed to industrial and commercial areas. Housing may vary significantly between, and through, residential areas. These include single-family housing, multi-family residential, or mobile homes. These are delineated by zoning regulations.

378. *Residential District* - District where the primary purpose is residential use.

379. *Residential Dwelling* - Any building or portion thereof, which is designed or used as living quarters for one or more families.

a. *Dwelling, Multi-Family* - Any structure divided by common walls creating more than two, attached dwelling units designed or used as living quarters for one family per dwelling unit on a rental versus ownership basis.

b. *Dwelling, Condominium* - Any structure divided by common walls creating more than two, attached dwelling units designed or used as living quarters for one family per dwelling unit on an ownership versus rental basis.

c. *Dwelling, Manufactured Home* - 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 as that term is defined by 24 C.F.R. Section 3282.8(g).

d. *Dwelling, Single-Family Detached* - Any structure not attached to another structure or having shared walls, which is designed or used as living quarters for one family.

e. *Dwelling, Two-Family or Duplex* - Any structure divided by a common wall creating two, attached dwelling units.

f. *Dwelling, Townhouse* - A dwelling that is part of a structure containing three or more dwellings, each designed and constructed for occupancy by one (1) family, with each dwelling attached by a common wall to another with a minimum length of attachment of twenty feet (20'), in which each dwelling is located on a separate platted lot; except that twenty percent (20%) of the total dwellings in a single-family attached (townhouse) project may be included in structures containing only two (2) dwellings.

380. *Restaurant, Cafe or Cafeteria* - An eating establishment where customers are primarily served at tables or self-served and food is consumed on the premises.

381. *Restaurant Drive Thru/Drive-In Type* - An eating establishment where 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.

382. *Retail or Service, Incidental* - The rendering of incidental retailing or services incidental to the primary use. In the Office District, such uses include a barber or beauty shop, smoke shop, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than 15% of the main use.

383. *Retail Stores and Shops* - This major group includes retail stores which sell primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. and rendering services incidental to the sale of such goods.

383.1 *Retail sales of CHP, tobacco, e-cigarettes, or non-traditional smoking-related products* - An establishment primarily engaged in the selling of CBD, consumable hemp product, tobacco, e-cigarettes, and/or non-traditional smoking-related products to the general public for personal or household consumption or the onsite smoking of such.

384. *Retail Sales of Used Goods and Merchandise* -An establishment engaged in the selling of used goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

385. *Retaining Wall* - A wall that holds back earth or water.

386. *Retirement Home and/or Nursing Home* - See Medical Facilities.

387. *Right-of-Way* - A strip of land acquired by reservation, dedication, forced dedication, prescription, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary sewer, and other similar uses.

388. *Roller Skating Rink (private)* - See Entertainment

389. *Roof Pitch* - A numerical measure of the steepness of a roof.

390. *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.

391. *Rooming House* - See Boarding House.

S

392. *Salvage or Reclamation of Products* (Also see Wrecking Yard) - The reclamation and storage of used products or materials.

393. *Sand, Gravel, Stone or Petroleum Extraction* - The process of extracting sand, gravel, stone, petroleum, or other minerals from the earth. See also Drilling.

394. *Satellite Dish Antenna*

a. Satellite television reception dish shall mean a round, parabolic apparatus capable of receiving communications from a transmitter relay located in planetary orbit.

b. Usable satellite signals shall mean satellite signals, from the major communication satellites that, when viewed on a conventional television set, are at least equal in picture quality to those received from local commercial television stations or by way of cable television.

395. *School* - An institution designed for the teaching of students (or "pupils") under the direction of teachers.

a. *Private, Primary or Secondary* - A school under the sponsorship of a private agency or corporation other than a public or religious agency, having a curriculum generally equivalent to public elementary or secondary schools. This includes parochial schools supported by a particular church or parish.

b. *Private, Business or Trade* - A higher-level learning institution that specializes in providing students with the vocational education and technical skills they need in order to perform the tasks of a particular job.

c. *Public* - A school under the sponsorship of a public agency providing elementary or secondary curriculum.

d. *University or College* - An educational institution designed for instruction, examination, or both, of students in many branches of advanced learning, conferring degrees in various faculties, and often embodying colleges and similar institutions.

396. *Scientific and Industrial Research Laboratories* - Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

397. *Screened* - Shielded, concealed, and effectively hidden from view by a person standing at ground level on an abutting site, or outside the area or feature so screened..

398. *Screening Wall* - A wall, which provides a visual barrier and is opaque.

399. *Seasonal Uses* - Seasonal uses include the sale of Christmas trees, produce stands, and other temporary uses which occur at certain times of the year.

400. *Security Fencing* - A combination of eight foot (8') fence composed of chain link, wire mesh fabrics or wire mesh panels and fence toppings like barbed wire, concertina wire or spikes topping together.

401. *Selective Thinning* - The removal of selected trees from within a densely forested area.

402. *Self-Storage* - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

403. *On Site Sewage Treatment System* - A small-scale sewage treatment system common in areas with no connection to main sewage pipes provided by local governments or private corporations. An aerobic septic system is a small-scale sewage treatment system similar to a septic tank system, but which uses an aerobic process for digestion rather than just the anaerobic process used in septic systems.

404. *Service Area* - 1. a roadside area where services are available to motorists. 2. The area covered by the signal of a broadcasting station.

405. *Service Line (Section 5.22)* - Those electric lines used to connect between the utilities' supply system or lateral lines and the end-users meter box. Also called Utility lines.

406. *Sexually Oriented Uses* - In accordance with Texas Local Government Code, Sec. 243.002: Establishments and businesses a sex parlor, nude studio, modeling studio, love parlor, adult bookstore, adult movie theater, adult video arcade, adult movie arcade, adult video store, adult motel, or other commercial enterprise the primary business of which is the offering of a service or the selling, renting, or exhibiting of devices or any other items intended to provide sexual stimulation or sexual gratification to the customer. (Refer to Ordinance No. 643)

407. *Shared access* - Lots have "mutual" driveways that both lot owners share to access property. Generally preserved in an access easement.

408. *Shed Roof* - A roof having a single slope.

409. *Shopping Center* - A group of primarily retail and service commercial establishments planned, constructed and managed as a total entity with customer and employee parking provided on-site, provision for goods delivery separated from customer access, provision of aesthetically appropriate design and protection from the elements.

410. *Siding, Lightweight Masonry* - Single-faced, cellulose fiber-reinforced cement building boards. These boards are available in various finish textures, and are generally supplied unprimed for subsequent application of an appropriate primer to be covered with an exterior grade acrylic, latex, polyvinyl alcohol, semi-gloss or flat paint or similar exterior wall covering.

411. *Side Entry Garage* - garages upon which the entry point from the street is on the side of the house and garage door is perpendicular to the front of the house. On corner lots, the garage door may be parallel to the street and have a side entry. See Section 9.13 for illustration.

412. *Side Yard* - See Yard, Side.

413. *Signs*

a. *Billboard* - A non-premise sign over two-hundred (200) square feet in area.

(Amended by Ord. No. 1799 on July 5, 2016)

b. *Development* - A sign constructed on an ongoing or future development that advertises the future development, the funding company, the construction company, the utility company(s), the developer, the property owner, and/or any other advertisement typical to ongoing or future construction.

c. *Effective Area* - The area enclosed by drawing a rectangle of horizontal and vertical lines which fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from viewpoint, which gives the largest rectangle of that kind, including both sides as the viewpoint is rotated horizontally around the site. The effective area for attached signs shall mean the sum of the areas of the minimum imaginary rectangles enclosing each word attached to any particular facade or side Section 9.13, Figure 19.

d. *Entry-way or Portal* - A sign installed by the city and generally used to inform travelers they have arrived in Keller or to a specific area within Keller.

e. *Fence Wrap (Mesh Screen)* - An opaque type fence that includes graphics, typically printed on a flex mesh or flex vinyl material, that is be used to block a construction site from view of the public while advertising the future use of the property.

f. *Flags* - Cloth or fabric devices moved by the wind that are mounted to a pole and display messages, emblems, or insignia.

(Amended by Ord. No. 1799 on July 5, 2016)

g. *Flashing or Moving Sign* - A permanent sign (other than banners or flags) which is animated, changes messages, revolves, swings, or is otherwise designed to move by mechanical means or by the force of wind.

h. *Landmark* - An object or feature of a landscape or town that is easily seen and recognized from a distance, especially one that enables someone to establish their location.

i. *Luminance* - The brightness of a sign or a portion thereof expressed in terms of footcandles. For the purposes of this chapter, luminance shall be determined by the use of an exposure meter calibrated to standards established by the National Bureau of Standards.

j. *Murals* - See Mural.

k. *Premises* - A lot or unplatted tract, or a combination of contiguous lots or unplatted tracts if the lot or tract, or combination, is under single ownership and is reflected in the plat records of the County.

l. *Searchlights* - A powerful outdoor electric light with a concentrated beam that can be turned in the required direction.

m. *Sign* - Any device, flag, banner, light, figure, letter, word, message, symbol, plaque, or poster visible from outside the premises on which it is located and designed to inform or attract the attention of persons not on that premises, including searchlights.

n. *Sign, Abandoned* - A sign which, for at least six (6) continuous months, does not identify or advertise a bona fide business, lessor, service, owner, product, or activity; for

which no legal owner can be found; or which pertains to a time, event, or purpose which no longer applies.

o. *Sign, address* - Any sign which is commonly associated with illustrating the street address, as issued by the governing body.

p. *Sign, Attached* - Any sign attached to, applied on, or supported by, any part of a building (such as a wall or roof) which encloses or covers usable space. (Also called wall sign)

q. *Sign, Detached* - Any sign connected to the ground which is not an attached sign, inclusive of signs on movable objects, except signs on vehicles which are moving or are parked only temporarily, incidental to their principal use for transportation. (Also termed "pole signs" or "free-standing sign")

r. *Sign, Wind Device* - Any flag, hot air balloon, banner, pennant, streamer, or similar device that moves freely in the wind and designed to inform or attract the attention of persons not on that premises.

s. *Sign, Dilapidated or Deteriorated* - A sign where any portion of the finished material, surface, or message portion of the sign is visibly faded, flaked, broken off, missing, cracked, splintered, defective, or is otherwise visibly deteriorated or in a state of disrepair so as not to substantially appear as it was intended or designed to appear when originally constructed, or whose elements or the structural support or frame members are visibly bent, broken, dented, or torn, twisted, leaning, or at angles other than those at which it was originally erected (such as may result from being blown or by the failure of a structural support).

t. *Sign, Electronic Message Board* - A sign with characters, letters, or other content that can be changed, altered, or rearranged electrically or electronically without physically altering the permanent physical face or surface of a sign.

u. *Sign, Hanging* - A small signboard, as one indicating a professional office. Sometimes referred to as a shingle sign.

v. *Sign, Hazardous or Nuisance* - Any sign that is located in a manner that poses a hazard or nuisance; or illuminated with intensity to cause glare or brightness to degrees that could constitute a hazard or nuisance. This includes moving, flashing, intermittently lighted, changing colors, beacons, revolving or similarly constructed signs.

w. *Sign, Illuminated* - Any sign with internal illumination.

x. *Sign, Message Board* - A sign with removable characters, letters, or other content that can be changed, altered, or rearranged without physically altering the permanent physical face or surface of a sign. The message of a message board sign can only be varied manually and not by electrical, electronic, or non-physical other means.

y. *Sign, Monument* - A sign that is supported by a base of at least 75% of the sign width and is independent from any building (see Section 9.13 - Figure 12).

z. *Sign, Movement Control* - A sign which directs vehicular or pedestrian movement within or onto the premises on which the movement control sign is located.

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

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

cc. *Sign, Panel/Face* - That portion of the sign, excluding the supporting structure, where copy can be placed.

dd. *Sign, Political* - Any type of non-premises sign which refers only to the issues or candidates involved in a political election.

ee. *Sign, Portable* - A sign designed to be readily moved from one location to another and which does not rely on a building or fixed foundation for its structural support. This definition shall include but is not limited to signs commonly referred to as mobile or trailer sign, T-frame, A-frame, sandwich board and sidewalk signs. Includes signs on vehicles left in one location for extended periods of time.

ff. *Sign, Projecting* - Any sign which extends out or beyond the face of the building more than eighteen inches (18") measured to the inside face of the sign.

gg. *Sign, Sandwich Board* - A specific kind of portable sign with an A-frame design.

hh. *Sign, Sidewalk, Street, etc.* - a specific kind of portable sign.

ii. *Sign, Shingle* - A small type of projecting sign that is attached to the wall with a post from which the sign hangs.

(Amended by Ord. No. 1799 on July 5, 2016)

jj. *Sign, State Law* - Any type of which is regulated by the State of Texas.

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

ll. *Signs, Temporary* - A sign temporarily supplementing the permanent signs on the premises.

mm. *Sign, Unified-Lot* - A sign located on a premise consisting of two or more contiguous lots and/or tracts of land that the owners have agreed to treat as one lot for the limited purpose of providing shared signage.

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

oo. *Weekend Directional Signs* - Temporary signs used during the weekend, often for real estate purposes.

pp. *Way-finding* - Signs used to convey the locations of destinations or attractions to travelers and direct them to these destinations or attractions.

457. *Site Plan* - A scaled drawing that shows building, parking, landscaping, and all other infrastructure improvements.

458. *Skirting (in relation to manufactured dwellings)* - To border, wrap, or cover with a skirt or something suggesting a skirt in appearance or function; to pass along or around the border or edge of a manufactured house.

459. *Small Engine Repair Shop* - Shop for repair of lawnmower, chain saws, lawn equipment, and other machines with one-cylinder engines.

460. *Smart House Facilities* - A residence that has appliances, lighting, heating, air conditioning, TVs, computers, entertainment audio & video systems, security, and camera systems that are capable of communicating with one another and can be controlled remotely by a time schedule, from any room in the home, as well as remotely from any location in the world by phone or internet.

460.1. *Spa* - An establishment that offers grooming, massage and/or cosmetology services performed by persons licensed to perform those services in Texas and may include the retail sale of goods incidental to the services of the spa.

461. *Soffit Boards, Lightweight Masonry* - Single-faced, cellulose fiber-boards have a smooth, unsanded surface and are generally supplied already primed with an opaque acrylic, latex, polyvinyl alcohol, semi-gloss or flat paint or equivalent exterior wall covering.

462. *Solar Panel* - A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

463. *Sound* - Vibrations that travel through the air or another medium and can be heard when they reach a person's or animal's ear.

464. *Special Event* - An event or gathering open to the public, with or without ticket purchase, in areas or venues not specifically designated for that purpose and which requires a temporary exception to otherwise applicable rules or requirements. Any event or gathering that requires:

a. The temporary complete or partial closure of a public street;

b. The temporary closure or restriction of access to public property;

c. The temporary offer of merchandise, food, or beverages on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;

d. The temporary erection of a tent on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;

e. The temporary erection of a stage, band shell, portable building, grandstand, or bleachers on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;

f. The temporary use, for other than storage, of a trailer or van on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy;

g. The temporary use of equipment to amplify and transmit sound, which exceeds ambient (background) sound pressure levels at the property lines; or

h. The placement of portable toilets on public property or on private property where not otherwise permitted by the Code or the applicable certificate of occupancy.

465. *Special Exception* - A use of property that is allowed under a zoning ordinance under specified conditions.

466. *Specific Use Permit* - Formal permission to allow a specific exception to the zoning regulations from a list of acceptable exceptions for a particular parcel of land in a district of a particular zoning character.

467. *Stable, Commercial* - A stable used for the boarding or keeping of horses other than the owner's, allowed only by Specific Use Permit.

468. *Stable, Private* - An area used solely for the owner's private purposes for the safe keeping of horses, mules, donkeys or ponies that must be at least one (1) acre in size. The ratio of horses to land shall be no more than one horse per each one-half (1/2) acre. Property acreage in regard to allowed horses is rounded up to the nearest one-half (1/2) acre.*

*For example: A property less than one (1) acre would not be permitted any horses. A one (1) acre property would be permitted two (2) horses. A one and three-quarter (1.75) acre property would be permitted four (4) horses.

469. *Stealth Tower* - Wireless communication towers that are disguised in order to blend in with their surroundings.

470. *Stone Material* - Masonry construction using stone material may consist of granite, marble, limestone, slate, river rock, and other hard and durable naturally occurring all- weather stone. Cut stone, cast stone, manufactured stone, and dimensioned stone techniques are considered stone material.

471. *Storage Yard* - A land area used for outdoor storage of materials, equipment, tools, products, and vehicles.

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

473. *Story, Half* - A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) 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.

474. *Street* - A public right-of-way, however designated, which provides vehicular access to adjacent land.

a. *Major Thoroughfares* (Also arterial streets, primary thoroughfares, etc.) provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways or highways leading to other communities.

b. *Collector Streets* (Also feeder streets, secondary thoroughfares, etc.) provide vehicular circulation within neighborhoods and from minor streets to major thoroughfares.

c. *Local Residential Streets* (Also minor thoroughfares or streets, etc.) are primarily for providing direct vehicular access to abutting residential property.

475. *Street Edge* - The back of curb. In areas with no curb, the intended end of pavement at the street shoulder area.

476. *Street Furniture* - Objects placed or fixed in the right-of-way for public use, such as mailboxes, road signs, and benches.

477. *Street, Intersection* - Any street which joins another street at an angle, whether or not it crosses the other.

478. *Street Yard* - The area between the building front or building line and the front property (right-of-way) line.

479. *Streetscape* - All the visible features of an area of street, often considered in terms of their aesthetic appeal.

480. *Structure* - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of Building).

481. *Structural Alterations* - Any change in the supporting members of a building, such as load bearing walls or partitions, columns, beams, or girders, or any substantial change in the roof or in the exterior walls.

482. *Storage Container* - Unmodified, stackable metal containers enclosed on all sides, originally designed and built to serve for commercial shipping. Storage Containers include, but are not limited to cargo containers, shipping containers, semi-truck trailers, and any other portable metal container used to store personal property of any kind.

483. *Storage or Wholesale Warehouse* - A building used primarily for the storage of goods and materials.

484. *Street Network* - A system of interconnecting lines and points that represent a system of streets or roads for a given area.

485. *Stucco* - Fine plaster used for coating wall surfaces or molding into architectural decorations.

486. *Studios for Photographer, Musician, and Artist* - A building or portion of a building used as a place of work by a photographer, musician or artist.

487. *Studios for Radio and Television* - A building or portion of a building used as a place for radio or television broadcasting.

488. *Subdivider* - Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of that owner, such as a developer of land sought to be divided.

489. *Subdivision*- A division or resubdivision of any tract of land situated within the corporate limits, or within the extraterritorial jurisdiction of such limits, for the purpose of transfer of ownership, layout of any subdivision of any tract of land or any addition, or for the layout of building lots, or streets, alleys or parts of other portions for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto.

490. *Substandard Street* - An existing street or highway that does not meet the minimum specifications in the Thoroughfare Standards Ordinance and City Construction Standards and Specifications, or if a State Highway or F. M. Highway does not meet the minimum standard specifications of the State Department of Highways and Public Transportation and is not constructed to the ultimate extent for the type of roadway it is designated for in the Major Thoroughfare Plan.

491. *Surveyor* - A licensed state land surveyor or a registered professional land surveyor, as authorized by the Texas statutes to practice the profession of surveying.

T

492. *Tattoo Shop* - The establishment for the application of intradermal inks for the purpose of applying permanent art, aka micropigmentation, to the body.

493. *Telecommunications* - The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

494. *Telecommunications Antenna* - An antenna used to provide a telecommunications service.

495. *Telecommunications Service* - The offering of telecommunications for a fee directly to the public, or to such classes of users as to be effectively available directly to the public, regardless of the facilities used.

496. *Telecommunications Tower* - A structure more than ten (10) feet tall, built primarily to support one (1) or more telecommunications antennas.

497. *Telephone Line and Exchange* - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage or repair yards.

498. *Temporary* - Used or lasting for only a specified, narrow period of time; not permanent.

499. *Temporary Building* - Any non-residential pre-manufactured structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

500. *Theater (Drive-In)* - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

501. *Theater (Indoor)* - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

502. *Throat Length* - With regard to streets, the distance between the street and the internal traffic lane at driveway locations.

503. *Tire Dealer, No Open Storage* - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

504. *Tire Dealer, With Open Storage* - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

505. *Tire Re-Treading and Capping* - The process by which tires are treated with a new tread.

506. *Trade and Commercial Schools* - Establishments, other than public or parochial schools, private primary or secondary schools, or colleges, offering training or instruction in a trade, art or occupation.

507. *Trailer Court* - (see Mobile Home Park).

508. *Trailer* - Any towed or non-self-propelled vehicle to be pulled behind an automobile or truck that is designed for hauling animals, produce, goods or commodities, including boats.

509. *Trailer Home* - (See Mobile Home).

510. *Trailer or Mobile Home Space* - (See Mobile Home Space)

511. *Trailer, Travel or Camping* - A portable or mobile living unit used for temporary human occupancy away from the place of residence of the occupants and not constituting the principal place of residence of the occupants or designed to be towed behind another vehicle.

512. *Transportation and Utility Structures/Facilities* - Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations,

telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

513. *Trash Compactor* - is a container used to compact trash or recycling material.

514. *Tree* - Any self-supporting woody perennial plant that will attain a trunk diameter of two inches (2") or more when measured at a point four and one-half feet (4.5') above ground level and normally an overall height of at least fifteen feet (15') at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oaks.

515. *Tree, Canopy* - The extent of the outer layer of leaves of an individual tree or group of trees.

516. *Tree, Marginal* - A tree that is not listed on the tree lists provided in Article 8 of this code; or trees that are on this list that have been determined to be at or near the end of their life span due to age, damage, or disease.

517. *Tree Mitigation Plan* - A plan that requires replacement of trees or payment of funds into a tree replacement fund for those areas/trees that are subject to tree protection. The mitigation plan shall provide for a 1:1 caliper inch replacement ratio of protected trees removed on a property. Tree replacement may take place on the same lot that tree removal took place or within the development that tree removal took place.

518. *Tree, Park* - Trees in public parks and all areas owned by the City to which the public has free access to as a park.

519. *Tree, Protected/Quality* - A tree that is listed within this Code and has a diameter of three inches (3") or greater measured at eighteen inches (18") above ground; an understory tree that has a diameter of two inches (2") or greater measured at eighteen inches (18") above ground (see Section 10.02 - Exhibit A). For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus half (1/2) the diameter of each additional trunk (see Section 10.02 - Exhibit E).

520. *Tree, Replacement* - A quality tree of a minimum of three inches (3") in caliper measured at one foot (1') above ground, and a minimum of seven feet (7') in height at the time of planting (see Section 10.02 - Exhibit I).

521. *Tree Removal* - Any activity causing the trees to be removed, damaged, cut, injured, or destroyed.

522. *Tree, Street* - Trees located adjacent to streets within the rights-of-way or within landscaping easements.

523. *Tree, Survey* - A survey of protected or quality trees indicating size, type and location of trees, done by a professional land surveyor, civil engineer, landscape architect, or arborist.

524. *Tree Topping* - The severe cutting back of limbs to stubs larger than three inches (3") in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

525. *Tree, Under Story* - A tree that the City has determined has significant positive characteristics worthy of preservation and that does not typically attain great size (see Section 10.02 - Exhibit A).

526. *Truck* - A light or heavy load vehicle (see definitions for Light Load Vehicle and Heavy Load Vehicle).

527. *Truck and Bus Repair* - An establishment providing major and minor automobile repair services to heavy load vehicles.

528. *Truck Parking Lot* - Area for parking heavy load vehicles.

529. *Truck Terminal* - An area and building where cargo is stored and where trucks, including tractors and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

530. *Truck Sales (Heavy Trucks)* - The display, sale or rental of new or used heavy load vehicles in operable condition.

531. *Truck Stop* - Any building, land, area, or premise, or portion thereof used for the retail dispensing or sales of fuels, lubricants and accessories commonly utilized by heavy load vehicles, but not including those uses listed under Major Automobile Repair, as applying to heavy load vehicles.

532. *Tubular Steel* - A form of Cold-formed steel (CFS) it is the common term for products made by rolling or pressing thin gauges of sheet steel into goods. Cold-formed steel goods are created by the working of sheet steel using stamping, rolling, or presses to deform the sheet into a usable product. Cold worked steel products are commonly used in all areas of manufacturing of durable goods like appliances or

automobiles but the phrase cold form steel is most prevalently used to described construction materials. Cold-formed steel construction materials differ from other steel construction materials known as hot-rolled steel. The manufacturing of cold-formed steel products occurs at room temperature using rolling or pressing. The strength of elements used for design is usually governed by buckling. The construction practices are more similar to timber framing using screws to assemble stud frames.

U

533. *Upholstery, boats and cars* - An establishment for the production and sale of soft coverings for boats and cars.

534. *Upholstery, furniture and cabinets* - An establishment for the production, display and sale of cabinets, furniture and soft coverings for furniture

535. *Usable Open Space* - An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation and meets the requirements of Section 8.13(6).

536. *Use* - The purpose for which land or buildings are or may be occupied.

537. *Used Car Dealer* - Retail sales or offering for sale of used automobiles or light load vehicles.

538. *Utility Distribution/Transmission Lines* - Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

539. *Utility Duct Bank (Section 5.11(G))* - A group of conduits designed to protect and consolidate cabling to and from buildings. In a duct bank, data and electrical cables are laid out within PVC conduits that are bundled together; these groupings of conduit are protected by concrete and metal casings. Duct banks are often buried, allowing contractors to consolidate the wiring for a building into centralized underground paths.

411. *Utility Lines* - Lines of service (such as a supply of electricity or water) that is provided to the public. See Feeder or Transmission Line.

545. *Utility Service (defined in Section 5.22)* - The facilities of any person, firm, or corporation providing electric, telephone, TV cable, or any other such item or service for public use but not provided by the City of Keller.

546. *Utility Structures* - Structural facilities constructed and operated by private utility companies or other governmental entities (other than the City of Keller), including but not limited to, power substations, telephone exchanges, sewage treatment plants, sewage pumping stations, water pumping stations, water storage tanks, and water treatment plants.

V

547. *Vacating Plat* - A document that functions to legally void a prior plat or portion of a plat and is approved by the City of Keller and recorded in the plat records of Tarrant County.

548. *Variance* - Any deviation from any part of this code. Hearing and approving authority for each type of variance is provided in specific sections.

549. *Veterinarian Clinic* - An establishment where animals and pets are admitted for examination and medical treatment .

550. *Veterinarian Clinic with Outdoor Pens* - A veterinary clinic that includes animal boarding facilities that are not wholly enclosed within a building.

551. *Veterinarian Clinic with Supplemental Services* - A veterinarian clinic that also offers additional services such as boarding, grooming, training, and daycare. This type of facility may have indoor and/or outdoor pens, and must be approved via a Specific Use Permit.

551.1 *Visibility Area (Corner Clearance, Visibility Easement)* - An area preserved free of obstructions (signs, landscape, etc.) to maintain clear visibility for vehicles at intersection stop locations, and vehicles on the major roadway within a set of given dimensions.

W - X

552. *Wallpaper, Flooring, and Carpet Supply* - A wholesale or retail distributor of wall and floor coverings.

553. *Warehouse Uses without Outside Storage* - A large building where raw materials or manufactured goods may be stored before their export or distribution for sale. Generally include loading docks/bays for commercial truck deliveries.

554. *Waste Container* - is a container used for trash or recycling purposes, including but not limited to fryer grease recycling bin or vessel.

555. *Whip Antenna* - An Omni-directional dipole antenna of cylindrical shape which is no more than six (6) inches in diameter.

556. *Wholesale Distribution Center and Warehousing* - an establishment offering wholesaling, storage or warehousing services not classified in any other land use category. Typical uses include, but are not limited to, wholesale distributors, storage warehouses, moving and storage firms, and trucking and shipping operations. A facility that is usually smaller than a firm's main warehouse and is used for receipt, temporary storage, and redistribution of goods according to the [retail] customer orders as they are received [no sales to the general public]. Also called branch warehouse or distribution warehouse. Generally include loading docks/bays for commercial truck deliveries.

556. *Wholesale and Retail Uses without Outside Storage* - A commercial use devoted to the sale of goods and commodities in larger lots to retail outlets, stores and manufacturers wholly enclosed inside the building.

557. *Window* - An opening in the wall of a building that is fitted with glass in a frame to admit light or air and allow people to see out.

558. *Window Head* - Horizontal beam or accent stone used as a finishing piece over a window.

559. *Window Sill* - A horizontal accent piece or shelf between the window frame and the glass.

560. *Wind Turbines* (Also referred to as Wind Energy Conversion System WECS) - any device that is capable of converting wind energy to a form of electricity, including wind chargers or windmills.

561. *Winery* - A building or property that produces wine, an establishment where wine is made or a business involved in the production of wine.

562. *Wrecking Yard (Junkyard or Auto Salvage)* - Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Y

563. *Yard* - An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Code that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used (see Section 9.14 - Figure 8).

564. *Yard, Front* - A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building (see Section 9.14 - Figure 8).

565. *Yard, Rear* - The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard (see Section 9.14 - Figure 3).

566. *Yard, Side* - The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building (see Section 9.14 - Figure 3).

Z

567. *Zoning District* - A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

568. *Zoning District Map* - The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of this Code.

(Ord. No. 1883, § 2(Exh. A), 5-1-2018; Ord. No. 1959, § 2(Exh. A), 12-3-2019; Ord. No. 1972, § 2(Exh. A), 6-16-2020; Ord. No. 1982, § 2(Exh. A), 9-1-20; Ord. No. 2003, § 2, 3-16-21; Ord. No. 2058, § 3(Exh. A), 4-5-22; Ord. No. 2061, § 2, 5-3-22; Ord. No. 2072, § 2, 6-21-22; Ord. No. 2083, § 2(Exh. A), 8-2-22; Ord. No. 2104, § 2, 12-6-22; Ord. No. 2158, § 2(Exh. A), 3-5-24)

Sec. 3-430. Livestock at large; impoundment.

The animal control officer shall take into custody any livestock found at large in the city. The animal control officer shall have the discretion of impounding the livestock and transporting to a storage facility or containing the livestock at the location until the owner of the livestock can be located and recover the livestock. Discretion shall be based on such practical considerations as number of livestock, apprehension, containment and hazards to the community.

Due to such considerations as number of livestock involved, size and difficulty of livestock handled, and transportation requirement, the animal control officer may use a livestock collection and holding service franchised with the City of Keller or a Tarrant County constable to collect and hold livestock found at large. Disposition of the livestock will be determined by the Tarrant County constable.

For the purposes of this section only, the term livestock includes horses.

(Ord. No. 1675, § 2, 1-7-14)

Sec. 3-100. Definitions.

The following words and phrases, for the purpose of this chapter, shall have the following meanings:

Adequate fencing. A fence which contains livestock or any other animal upon the owner's or occupier's property and prevents same from escaping.

Animal. Unless otherwise stated, includes any living creature including, but not limited to, dogs, cats, cows, horses, birds, fish, mammals, reptiles, insects, fowl and livestock, but specifically excluding human beings.

Animal control authority or *animal services*. The Colleyville, Keller, Southlake, and Roanoke Regional Animal Services.

Animal control officer. The person or persons designated by the chief of police to represent and act for the city in the impoundment of animals, controlling of stray animals and as otherwise required in this chapter.

Animal shelter. Colleyville, Keller, Southlake Regional Animal Services and Adoption Center

At large. An animal that is not confined to the premises of its owner by a containment device of sufficient strength and/or height to prevent an animal from escaping therefrom, inside the house or other enclosure, or secured on said premises by a leash of sufficient strength to prevent the animal from escaping from said premises, and so arranged that the animal will remain upon said premises when the leash is stretched to full length in any direction. An animal shall not be considered "at large" when held and controlled by some person by means of a leash or chain of proper strength and length to control the action of the animal or while confined within a vehicle.

Auction. Any place or facility where animals are bought, sold or traded, except for those facilities otherwise defined in this chapter. This definition does not apply to individual sales of animals by owners.

Cats. The word "cats" when used herein shall mean cats of all ages, both male and female.

Collar. Any neck restraint constructed of nylon, leather, or similar material, specifically designed to be used for an animal.

Custodian. A person or agency which feeds, shelters, harbors, owns, has possession or control of, or has the responsibility to control an animal.

Dangerous dog. Means a dog that:

(1) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than a private enclosure;

(2) Commits unprovoked acts toward a person in a place other than a private enclosure and those acts cause that person to reasonably believe that the animal will attack and cause bodily injury to that person; or

(3) Makes an unprovoked attack on a domesticated animal that causes bodily injury to the animal and occurs in a place other than a private enclosure, commercial kennel, animal shelter, or city-designated dog park.

Dogs. The word "dogs" when used herein shall mean dogs of all ages, both male and female.

Exotic animals. Any animal not normally considered domesticated including, but not limited to, nonvenomous snakes, nonvenomous lizards, or any other wild animal not capable of doing serious bodily harm to humans as determined by the City.

Fowl. Chickens, turkeys, pheasant, peacocks, quail, geese, ducks or similar feathered animals, regardless of age, sex or breed.

Livestock. Mules, donkeys, cattle, goats, sheep, Asian pot bellied pigs, swine, ostriches, emus and llamas, regardless of age, sex or breed. (This definition does not pertain to horses. Horses are defined under Private Stables and Commercial Stables in the Unified Development Code.)

Local rabies control authority (LRCA). The officer designated by the municipal or county governing body under the Texas Health and Safety Code, § 826.017.

Nuisance. Whatever is dangerous to human life or health. Whatever renders the ground, the water, the air or food, a hazard or injury to human life or health or that is or threatens to become detrimental to the public health, or contributes to urban blight or decay.

Owner. Any person who has care, custody, and control of any animal, harbors or keeps any animal in his possession, or who permits any animal to remain on or about his premises.

Pet shop. Any person, partnership or corporation, whether operated separately or in connection with another business enterprise except a licensed kennel, that buys, sells or boards any species of pets.

Possession. Actual care, custody, control or management of a certain animal.

Premises.

(1) A parcel of land (one (1) or more contiguous lots) owned, leased or controlled by one (1) or more persons; or

(2) A building or part of a building.

Private enclosure. A fenced area, building, structure, or dwelling unit on private property where a dog is being kept, which is not open to the general public and is reasonably certain to prevent the dog from leaving the enclosure on its own. Commercial kennels, animal shelters, and city-designated dog parks are specifically excluded from the definition of *private enclosure*.

Prohibited animals or *hazardous animal.* Any animal not normally considered domesticated and capable of (or inclined to do) serious bodily harm to humans or other animals or fowl as determined by the city. These animals include (but are not limited to) any venomous lizard or snake, boa constrictor, python, emperor scorpion, bat, raccoon, skunk, fox, bear, elephant, kangaroo, non-human primate, including monkey and chimpanzee, antelope, deer, wolf or wolf-hybrid, lion, tiger, ocelot, bobcat or any other large cat, alligator, crocodile, feral swine, and their allies.

Properly fitted. With respect to a collar, a collar that measures the circumference of a dog's neck plus approximately one inch.

Restraint. A chain, rope, tether, leash, cable, or other device that attaches a dog to a stationary objector trolley system.

Secure enclosure. Means a fenced area or structure that is:

(1) Locked;

(2) Capable of preventing the entry of the general public, including children;

(3) Capable of preventing the escape or release of the animal; and

(4) Clearly marked as containing a dangerous animal.

Stray animal. An animal which is not on a leash or enclosed in a fenced yard.

Vaccination. An injection of any vaccine for rabies approved by the state veterinarian and administered or supervised by a licensed veterinarian.

(Ord. No. 1675, § 2, 1-7-14; Ord. No. 2093, § 2, 10-4-22)