

ORDINANCE NO. 0058-18-ORD

AN ORDINANCE OF THE LEWISVILLE CITY COUNCIL, AMENDING CHAPTER 17, ZONING, SECTION 17-3, DEFINITIONS AND ADDITIONAL USE REGULATIONS, SECTION 17-22.8.1, MIXED-USE–SHOPPING CENTER (MU-SC) DISTRICT REGULATIONS, SECTION 17-22.8.2, MIXED-USE (MU) DISTRICT REGULATIONS, AND SECTION 17-22.8.3, MIXED-USE NINETY (MU-90) DISTRICT REGULATIONS, BY REPEALING AND REPLACING THEM IN THEIR ENTIRETY; ALTERING DEFINITIONS; ADDING AND DELETING USES AND RELATED REGULATIONS WITHIN THE VARIOUS MIXED USE DISTRICTS; AND AMENDING THE CONCEPT PLAN ADOPTION AND AMENDMENT PROCESS WITHIN THE VARIOUS MIXED USE DISTRICTS; PROVIDING FOR A REPEALER, SEVERABILITY, AND A PENALTY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Lewisville has determined that for the health, welfare and safety of its citizens certain amendments to the Lewisville City Code of Ordinances, Chapter 17, Zoning, Section 17-3, Definitions and additional use regulations, Section 17-22.8.1, Mixed-Use–Shopping Center regulations, Section 17-22.8.2, Mixed Use District regulations, and Section 17-22.8.3, Mixed-Use Ninety District regulations, are necessary;

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

SECTION 1. Chapter 17, Section 17-3 is hereby repealed in its entirety and in its place the attached new Section 17-3 is inserted as illustrated in Exhibit “A”.

SECTION 2. Chapter 17, Section 17-22.8.1 is hereby repealed in its entirety and in its place the attached new Section 17-22.8.1 is inserted as illustrated in Exhibit “B”.

SECTION 3. Chapter 17, Section 17-22.8.2 is hereby repealed in its entirety and in its place the attached new Section 17-22.8.2 is inserted as illustrated in Exhibit “C”.

SECTION 4. Chapter 17, Section 17-22.8.3 is hereby repealed in its entirety and in its place the attached new Section 17-22.8.3 is inserted as illustrated in Exhibit “D”.

SECTION 5. REPEALER. Every ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION 6. SEVERABILITY. If any section, sentence, clause, or phrase of this ordinance shall for any reason be held to be invalid, such decision shall not affect the validity of the remaining sections, sentences, clauses, or phrases of this ordinance, but they shall remain in effect.

SECTION 7. PENALTY. Any person, firm or corporation who violates any provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof in the Municipal Court, shall be subject to a fine of not more than \$2,000.00 for each offense, and each and every day such offense is continued shall constitute a new and separate offense.

SECTION 8. EFFECTIVE DATE. This ordinance shall become effective immediately upon its passage and publication as required by law.

SECTION 9. EMERGENCY. It being for the public welfare that this ordinance be passed creates an emergency and public necessity, and the rule requiring this ordinance be read on three separate occasions be, and the same is hereby waived, and this ordinance shall be in full force and effect from and after its passage and approval and publication, as the law in such cases provides.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
LEWISVILLE, TEXAS, BY A VOTE OF 5 TO 0, ON THIS THE 10th DAY OF
SEPTEMBER, 2018.**

APPROVED:

Rudy Durham, MAYOR

ATTEST:

Julie Worster, CITY SECRETARY

APPROVED AS TO FORM:

Lizbeth Plaster, CITY ATTORNEY

EXHIBIT A

New Section 17-3 (Definitions and additional use regulations)

EXHIBIT B

New Section 17-22.8.1 (Mixed-Use–Shopping Center District regulations)

EXHIBIT C
New Section 17-22.8.2 (Mixed-Use District regulations)

EXHIBIT D

New Section 17-22.8.3 (Mixed-Use Ninety District regulations)

Sec. 17-3. - Definitions and additional use regulations.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense shall include the plural and the singular; the words "shall" and "must" are mandatory and not directive; and the word "lot" includes the word "plot"; the term "used for" includes the meaning "designed for" or "intended for". Any use regulations set forth herein are in addition to those regulations found elsewhere in the zoning ordinance. Said words and terms as follows:

Accessory building, structure, or use shall mean one which: (a) is subordinate to and serves a principal building or principal use; (b) is subordinate in area, extent or purpose to the principal building or principal use served; (c) contributes to the comfort, convenience and necessity of occupants of the principal building or principal use served; and (d) is located on the same building lot as the principal use served. "Accessory" when used in the text shall have the same meaning as accessory use.

Use regulation: One accessory dwelling unit in a commercial building may be allowed as an accessory use when the occupant is the owner, manager, security guard, or other person employed full-time by the business so that the accessory dwelling unit is directly accessory to the business.

Accessory dwelling unit shall mean a detached, self-contained housing unit that is secondary to the main residence and is subordinate in area, extent, or purpose to the principal building or principal use served. An accessory building with shower/bath or kitchen facilities is considered an accessory dwelling unit and shall adhere to the regulations of this chapter.

Airport shall mean any area of land or water designed and set aside for the landing and take-off of aircraft, including all necessary facilities for the housing and maintenance of aircraft, including and not limited to, air traffic control facilities, terminal buildings and airport auxiliary facilities.

Alley shall mean a public right-of-way which affords a secondary means of access to abutting property.

Alternative energy shall mean energy sources that are renewable and are thought to be "free" energy sources. They all have lower carbon emissions, compared to conventional energy sources. These include biomass energy, solar energy, geothermal energy and hydroelectric energy sources.

Animal slaughter or processing shall mean a building or property used for the commercial slaughtering and or processing of animals for distribution to butcher shops or retail sales establishments such as grocery stores. A slaughterhouse is designed to accommodate the confinement and slaughtering of live animals and may include packing, treating, storage, or sale of the product on the premises.

Auction yard (vehicle) shall mean a place where operable motor vehicles are offered for sale to persons who bid on the vehicles in competition with each other.

Bar shall mean an establishment licensed by the state for the sale of alcoholic beverages that derives more than 75 percent of the establishment's gross revenue from the on-premises sale of alcoholic beverages for on-premises consumption.

Batch plant shall mean a manufacturing facility for the production of concrete.

Bed and breakfast shall mean an establishment offering the use of guest rooms to the transient public for compensation. The establishment must be owner-occupied and are limited to a maximum of five bedrooms. A minimum of one meal per day shall be served on the premises for the benefit of the guests of the bed and breakfast. A bed and breakfast is a nonresidential use.

Use regulation:

- a. Guests shall not stay in excess of 14 consecutive days.

Beverage container recycling collection unit shall mean a unit used for the commercial collection and temporary storage of empty beverage containers for recycling purposes conducted totally within an enclosed structure or container. This definition does not include home recycling containers or processing except for "can banks" that crush cans as they are deposited.

Use regulation: This use must be an accessory use to a supermarket.

Block shall mean a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, highways, streams or corporate boundary lines. There may be more than one numbered block as shown on a plat falling within a single block as herein defined.

Board shall mean the board of adjustment established by this chapter.

Brewery shall mean an establishment where beer or malt liquor is brewed.

Build shall mean to erect, convert, enlarge, reconstruct or alter a building or structure.

Buildable width shall mean the width of the building site left to be built upon after the required side yards are provided.

Building or structure shall mean any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

Building, detached shall mean a building surrounded by yards or open space on the same building lot.

Building height shall mean the number of stories contained in a building and/or the vertical distance from finished grade to roof peak.

Building line shall mean the rear line of a required front yard which is generally parallel to the street line forming the front lot line.

Building lot shall mean a single tract of land located within a single block which, (at time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. Therefore, a "building lot" may not coincide with a lot of record. A "building lot" may be subsequently subdivided into two or more "building lots", and a number of "building lots" may be cumulated into one "building lot", subject to the provisions of this chapter and the city's general development ordinance.

Building, mixed-use shall mean a building used partly for residential use and partly for community facility and/or commercial use. A mixed-use building is a commercial use.

Building, principal shall mean a building in which the principal use of the lot on which it is located is conducted. All residential uses, except bona fide servant's quarters, are principal uses.

Building, residential shall mean a building which is arranged, designed, used, or intended to be used, for residential occupancy by one or more families or lodgers.

Car wash shall mean a building, or portion thereof, containing facilities for washing automobiles using automated methods including chain conveyor, blower, steam cleaning device, or other mechanical devices. A self-service type carwash is also considered a car wash.

Carports shall mean an accessory structure which is not fully enclosed but is designed or used for the storage of motor vehicles for the occupants of the building to which it is an accessory.

Cemetery shall mean land used or intended to be used for the interment of human remains and may include the following accessory uses if operated within the boundaries of said cemetery: a crematorium, mausoleum, columbarium, necessary sales and maintenance facilities and mortuaries.

Chapter 748 operation shall mean a residential child-care operation that provides child care, including treatment services and/or programmatic services, for 13 or more children or young adults, which is regulated by Chapter 748, Title 40, of the Texas Administrative Code.

City shall mean the City of Lewisville, Texas.

Clinic shall mean the office of one or more medical doctors, dentists, optometrists, or similar members of the medical professions.

Columbarium shall mean a structure designed for the purpose of interring cremated human remains in sealed compartments.

Commercial amusement (indoor) shall mean an amusement or entertainment enterprise wholly enclosed and operated within a building that is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line. This includes, but is not limited to, bowling alleys, skating rinks, health clubs, racquetball clubs, indoor tennis courts, gymnasiums, swimming pools, teen clubs, dance halls and movie theaters.

Commercial amusement (outdoor) shall mean an enterprise offering entertainment or games of skill to the general public for a fee or charge or to members and guests of a private association wherein any portion of the activity takes place in the open. Typical uses include, but are not limited to: private sports fields, batting cages, a golf driving range, paint ball facility, archery range and miniature golf course, amusement park, water park, rodeo grounds, drive-in theater, go-cart tracks.

Commission, planning shall mean the Planning and Zoning Commission of the City of Lewisville, Texas.

Communication towers and related devices: A communications tower is a structure primarily intended to support transmission equipment for telephone, radio and other communication purposes. Communication towers are typically categorized as monopole (freestanding), lattice (self-supporting or anchored with guy wires or cables). Related devices shall be defined as follows:

Antenna: A signal transmission or receiving device for radio, television, telephone or other electronic signals including accessory mechanical equipment and accessory structures used solely for housing accessory equipment. An antenna may stand alone or be attached to a building, structure, rooftop, monopole or lattice tower.

Communication dish: Any dish-shaped device used for transmission or receiving of radio, television, telephone or other electronic signals, including accessory mechanical equipment attached to a tower and accessory structures used solely for housing of the accessory equipment. A communications dish shall be considered an antenna.

Lattice tower: A lattice structure used to support antennas or communications dishes, including accessory mechanical equipment attached to the tower and accessory structures used solely for housing of the tower or accessory equipment.

Monopole tower: A pole (not exceeding 42 inches in diameter) used to support antennas or communications dishes, including accessory mechanical equipment attached to the pole and accessory structures used solely for housing of the monopole or accessory equipment.

Monopole platform: That portion of a monopole tower, located on or near the top of the tower, supporting directional, transmitting and receiving antennas. Such platforms may not have a horizontal cross section area greater than 196 square feet. The depth shall not exceed four feet.

Convenience store shall mean any retail establishment offering for sale a limited line of groceries and household items intended for the convenience of the neighborhood.

Council shall mean the City Council of the City of Lewisville, Texas.

Court shall mean an open, unoccupied space, bounded on more than two sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanent open space.

Crematorium shall mean a building, structure or part thereof used for the purposes of the cremation of human remains. A crematorium is an accessory use to a cemetery, columbarium or mortuary.

Criminal/penal institution shall mean a facility used primarily for conducting the affairs of the criminal justice system, including federal, state, county, and municipal courts, public safety departments and detention facilities.

Day nursery or day care center shall mean any child care arrangement which provides child care on a regular basis for more than six children.

Development or to develop shall mean the construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. To "develop" is to create a development.

Display shall mean a formal exhibition of goods done in a manner so as to cause the goods to be favorably seen. An outside display area requires the retail items, except living plants, to be placed on asphalt or concrete.

Distillery shall mean an establishment where alcoholic liquor is distilled.

District shall mean a zoning district which is a part of the city wherein regulation of this chapter is uniform.

Dwelling shall mean a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings and multiple-family dwellings, but not including hotels, motels or lodging houses.

Dwelling, attached shall mean one which is joined to another dwelling at one or more sides of a party wall or walls.

Dwelling, detached shall mean one which is entirely surrounded by open space on the same building lot.

Dwelling, multifamily shall mean a building or portion thereof constructed for and/or occupied by three or more families and containing three or more dwelling units located upon the same building lot, or on a building constructed with at least one dwelling unit above another dwelling unit.

Dwelling, single-family shall mean a building containing only one dwelling unit and/or occupied by only one family.

Dwelling, two-family shall mean a building containing two dwelling units and/or occupied by only two families.

Dwelling unit shall mean one or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single-family or group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided, but each installation of kitchen facilities consisting of at least a stove or cooking device and a sink shall constitute a separate dwelling unit unless such facilities are provided in a bona fide servants' quarters as herein defined. Individual units in extended-stay hotels which meet these requirements are considered dwelling units.

Electrical energy generating plant shall mean a facility belonging to a privately owned utility company franchised to serve the city.

Excavation or gravel pit shall mean an area where minerals, gravel, or other similar materials are excavated or quarried below the natural grade of the surface.

Family shall mean one or more persons, each related to the other by blood, marriage or adoption; or a group of not more than five persons (excluding servants) who are living together in a dwelling unit.

Flea market (outdoor) shall mean a swap shop, or similar activity by whatever name, where the use involves the setting up of two or more booths, tables, platforms, racks, or similar display areas for the purpose of selling, buying, or trading merchandise, goods, materials, products, or other items offered for sale outside an enclosed building. Fundraising events sponsored by religious, charitable, educational, social or political organizations are not a flea market.

Garage, auto repair shall mean a building or portion thereof whose principal use is for the repair, servicing, equipping, or maintenance of motor vehicles or motor vehicle components,

including engines, radiators, starters, transmissions, brakes, tires and wheels, seats, and similar components.

Garage, private shall mean an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

Garage, public shall mean a building or portion thereof, other than a private or storage garage, designed or used for storing motor driven vehicles.

Gas and oil drilling accessory uses shall mean gas and oil drilling uses not specified within the city's gas drilling ordinance, which may include and is not limited to, a centralized natural gas compression facility, centralized water collection facility, centralized natural gas lift facility.

Gasoline service station or *service station* shall mean any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. If the dispensing, sale or offering for sale is incidental to a public garage, the premises shall be classified as a public garage.

Grocery store shall mean a store where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offers other home care and personal care products, and which are substantially larger and carry a broader range of merchandise than convenience stores.

Heavy machinery sales and storage shall mean 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.

Heliport shall mean an area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

Helistop or *helipad* shall mean a landing pad for occasional and infrequent use by helicopters. No on-site servicing of or fueling is allowed.

Home occupation shall mean a business, occupation, or profession conducted within a residential dwelling unit on a residentially zoned lot by the resident thereof, and which shall have the following characteristics:

Use regulations:

- (1) The activity shall employ only members of the immediate family of the resident of the dwelling unit;
- (2) There shall be no external evidence of the occupation detectable at any lot line, said evidence to include advertising signs or displays, smoke, dust, noise, fumes, glare, vibration, electrical disturbance, storage of materials or equipment, or traffic or parking of vehicles in a manner evidencing the conduct of business; and
- (3) Said home occupation shall not have a separate entrance for the business and shall not include continual visits by the general public.
- (4) Home occupations must be registered with the City of Lewisville.

A business, occupation or profession conducted within a dwelling unit and which does not meet the aforesaid characteristics shall be construed to be a commercial activity and shall therefore be cause for the city to order a cease to all such activity within said dwelling unit.

Hospital shall mean a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Hotel, motel or inn shall mean an establishment offering lodging, the use of guest rooms or sleeping accommodations, to the transient public for compensation. Hotels, motels or inns furnish customary hotel services and may contain a restaurant, club, lounge, banquet hall, meeting rooms and other accessory uses. A hotel, motel or inn is a nonresidential use. For purposes of this chapter, if more than 20 percent of the guest rooms of the establishment are occupied by a person who has the right to use or possess a guest room for at least 60 consecutive days without interruption, then the use of such establishment shall be classified as residential. Residential usage shall not be permitted in a nonresidential zoned area.

Iron/steel foundry shall mean a facility of a portion of a facility that melts scrap, ingot, and/or other forms of iron and/or steel and pours the resulting molten metal into molds to produce final or near final shape products for introduction into commerce. Research and development facilities, operations that only produce noncommercial castings, and operations associated with nonferrous metal production are not included in this definition.

Junk or salvage yard shall mean a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to, scrap iron and other metals, papers, rags, rubber tires and bottles. A "junk yard" does not include such uses conducted entirely within an enclosed building. A "junkyard" includes an automobile wrecking yard and automobile parts yard.

Kennel (indoor) shall mean an establishment with indoor pens in which more than four dogs or domesticated animals are housed, groomed, boarded or trained for commercial purposes.

Kennel (outdoor) shall mean an establishment with outdoor pens in which more than four dogs or domesticated animals are housed, groomed, boarded or trained for commercial purposes.

Kiosk shall mean a small freestanding building or structure of 750 square feet or less intended for commercial business operation. The structure as defined may be manned or automatic without an attendant.

Landfill, construction/demolition shall mean an engineered land burial facility for the disposal of nonbiodegradable waste resulting from road building, construction, remodeling, repair or demolition of structures.

Landfill, sanitary shall mean an engineered land burial facility for the disposal of nonhazardous and nonmedical farm, residential, institutional, commercial or industrial solid waste which is so located, designed, constructed, and operated to contain and isolate the solid waste so that it does not pose a substantial present or potential hazard to human health or the environment.

Loading space shall mean a space within the main building or on the same lot therewith providing for the standing, loading or unloading of trucks, together with access and maneuvering

areas provided on the same building lot as the principal use for which the loading space is intended.

Lot area shall mean the area of a horizontal plane intercepted by the vertical projections of the front, side, and rear lot lines of a building lot.

Lot area per dwelling unit shall mean the lot area required for each dwelling unit located on a building lot.

Lot, corner shall mean a building lot situated at the intersection of two streets, the interior angle of such intersection not to exceed 135 degrees.

Lot depth shall mean horizontal distance between the front lot line and the rear lot line of a building lot measured at the respective mid-points of the front lot line and rear lot line within the lot boundary.

Lot, interior shall mean a building lot other than a corner lot.

Lot line shall mean a boundary of a building lot.

Lot line, front shall mean that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots either street line may be selected as the front lot line providing a front and rear yard are provided adjacent and opposite, respectively, to the front lot line.

Lot line, rear shall mean that boundary of a building lot which is most distant from and is, or most nearly, parallel to the front lot line.

Lot line, side shall mean that boundary of a building lot which is not a front lot line or a rear lot line.

Lot of record shall mean an area of land designated as a lot on a plat of a subdivision recorded, pursuant to Statutes of the State of Texas, with the County Clerk of Denton County, Texas.

Lot, through shall mean a building lot not a corner lot, both the front and rear lot lines of which adjoin street lines. On a "through lot" both street lines shall be deemed front lot line.

Lot width shall mean the minimum distance between the side lot lines of a building lot measured along a straight line at the rear of the required front yard and parallel to the street line or a line tangent thereto.

Mausoleum shall mean cemetery property used for the interring of the dead and where human bodies are interred above ground in staked vaults.

Mining shall mean all or any part of the process involved in the mining of minerals by removing overburden and mining directly from the mineral deposits, open pit mining or minerals naturally exposed, mining by auger method, dredging and quarrying, underground mining, and surface work incidental to an underground mine.

Mining, accessory use shall mean any use customarily incidental, appropriate, and subordinate to mining located on the same site, such as stockpiling, sorting, screening, washing, crushing, batching and maintenance facilities.

Mini-storage warehouse or self-service storage facility shall mean small individual storage units for rent or lease, restricted solely to the storage of household and personal property (no commercial storage).

Use regulation: The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Mobile home park shall mean any premises on which one or more mobile homes are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more mobile homes whether such vehicles stand on wheels or on rigid supports. A trailer park is a mobile home park.

Mobile homes shall mean modular buildings which are designed for living or sleeping purposes with only wheels as a foundation which can be moved only by towing and were not designed to be self-propelled. A trailer coach is a mobile home.

Modular home shall mean a factory-built dwelling unit, attached or detached, which is wholly or partially constructed away from its building lot and moved to a building lot where it is affixed or situated as a permanent building. A modular home is a residential use. A mobile home shall not be construed to be a modular home.

Motor freight terminal shall mean a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.

Motor vehicle shall mean a self-propelled vehicle not operating on stationary rails or tracks. This includes and is not limited to, automobiles, motorcycles, trucks, boats, recreational vehicles, four wheelers and buses.

Motor vehicle sales shall mean the use of land for the display or sale of two or more new or used motor vehicles on commercially zoned property.

Nightclub shall mean an establishment operated as a place of entertainment, characterized by any of the following as a principal use of the establishment:

- (1) Live, recorded or televised entertainment, including but not limited to performances by magicians, musicians or comedians; and/or
- (2) Dancing.

"Nightclub" shall not include theaters, auditoriums and stadiums with fixed row seating, private clubs, bars, teen clubs, or establishments defined elsewhere in this chapter as a sexually-oriented business.

Nonconforming structure shall mean a structure or building that is not in conformance with current zoning or general development ordinances, but which was legally established at a prior date at which time it was in conformance with the then applicable standards. A nonconforming structure may be continued subject to the provisions of this chapter.

Nonconforming use shall mean a use that are not in conformance with current zoning or general development ordinances, but which was legally established at a prior date at which time it was in conformance with the then applicable standards. A nonconforming use may be continued subject to the provisions of this chapter.

Noxious matter shall mean any material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Open area shall mean that part of a building lot, including courts or yards which:

- (1) Is open and unobstructed from its lowest level to the sky;
- (2) Is accessible to all residents upon a building lot; and
- (3) Is not part of the roof of that portion of the building containing dwelling units.

Open storage or *outside storage* shall mean the storage of any vehicles, equipment, machinery, supplies, commodities, raw materials, semi-finished materials, finished materials, building or construction materials or any similar items, when not accessory to an existing residential use, which are located outside a fully enclosed building and without regard to being formally displayed for sale. Such storage shall also be considered as a storage yard.

Parking space shall mean a surface area, enclosed or unenclosed sufficient in size to store one automobile together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress or egress of any automobile.

Plant nursery (retail sales) shall mean a building or site used for the propagation and retail sale of plants, shrubs, trees and garden supplies.

Private club shall mean an entity that has obtained a private club permit through the Texas Alcohol and Beverage Commission.

Private utility plants or sub-stations (including alternative energy) shall mean the generation, transmission, or distribution of electricity, gas, or steam, water and the like.

Public governmental agencies shall mean only the City of Lewisville, the Lewisville Independent School District, Denton County (within Denton County), Dallas County (within Dallas County), the State of Texas, and the United States Federal Government.

Public park shall mean any publicly owned park, playground, beach, parkway, greenbelt or roadway within the jurisdiction and control of the city.

Racing shall mean a facility or area with a course laid out for racing horses or automobiles and necessary accessory uses, including but not limited to, retail sales, automobile maintenance, veterinarian supplies and shops, exercise areas and stables.

Recreation area shall mean a privately owned park, playground or open space maintained by a community club, property owners association or similar organization.

Recreational vehicle (RV) park (private) shall mean a parcel of land which is used solely for the rental or lease of lots for transient campers, trailers, motor homes, or temporary parking of any other recreational vehicle that is not a mobile home or HUD-code manufactured home. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included.

Recycling center shall mean a facility where recyclable materials, such as newspapers, magazines, books, and other paper products, glass, metal are recycled, reprocessed, and treated in order to return such products to a condition where they may be reused. Processing means the preparation of material for shipment, or an end user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing. Processing facilities include storage and loading areas located entirely on the processing center site. Recycling of tires and shingles shall not be allowed.

Residential storage building shall mean a detached structure used for on-site storage of items related solely to residential purposes and located in any single-family or two-family zoning district.

Rest home or *nursing home* shall mean a private facility for the care of children, the aged or infirmed, or a place of rest for those suffering bodily disorders. Such homes do not contain facilities for surgical care or the treatment of disease or injury.

Self-service storage facility. See "*Mini-storage warehouse*".

Servant's quarters shall mean an accessory building or portion of a main residential building located on the same lot as the principal residential building, occupied only by such persons and their families as are employed full-time by the occupants of the principal residence.

Service station. See "*Gasoline service station*".

Shooting range, indoor shall mean a facility designed to be used for shooting at targets with rifles, pistols or shotguns, and which is completely enclosed within a building or structure.

Shooting range, outdoor shall mean an area or structure specially designed for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm.

Stadium shall mean a commercial structure with tiers of seats rising around a field or court, intended to be used primarily for the viewing of athletic events. Stadiums or sports arena may also be used for entertainment and other public gathering purposes, such as conventions, circuses or concerts.

State licensed vehicle storage facility shall mean a garage, parking lot, or other facility owned or operated by a person other than a governmental entity for storing or parking ten or more vehicles per year.

Use regulation: No vehicle shall be stored at said facility for more than 30 days.

Stockpiling shall mean holding on land of material or products such as any soil, sand, gravel, clay, mud, debris, vegetation, or any other material, organic or inorganic, in a concentrated state.

Storage yard shall mean an outside location for storing items without regard to being formally displayed for sale. Areas which are used for infrequent and temporary storage for a period of 30 days or less per year shall not be deemed as storage yards.

Use regulations:

- (1) Storage yards must be screened in accordance with the requirements of the city's general development ordinance.
- (2) Any variance request involving the requirements or standards relating to such required screening devices shall be considered by the city council in accordance with the city's general development ordinance.

Story shall mean that part of a building between the surface of a floor and the ceiling immediately above.

Street shall mean a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building

lot or to an accessory parking or loading facility or to allow vehicles to take or discharge passengers at the entrance to a building shall not be considered a street.

Street line shall mean the right-of-way of a street.

Structure. See "*Building*".

Theater, drive-in shall mean an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles. This definition does not include an adult theater.

Toxic materials shall mean those materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

Use of property shall mean the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained and shall include any manner of such activity with respect to the standards of this chapter.

Use, principal shall mean the main use of land or buildings as distinguished from a subordinate or accessory use.

Winery shall mean an establishment that produces wine.

Wrecker services shall mean a business that provides wrecker or towing service to vehicles that are stored at a state licensed vehicle storage facility.

Yard shall mean an open space on the same building lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations of the zoning district in which such building is located.

Yard, front shall mean a yard extending along the whole length of the front lot line between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter box, unenclosed porches and driveways.

Yard, rear shall mean a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies, unenclosed porches or driveways.

Yard, side shall mean a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance, measured at the building line, between any building or projections thereof except steps or driveways and the side lot line.

Zoning district map shall mean the map or maps incorporated into this chapter as a part hereof by reference thereto.

(Ord. No. [4206-09-2015\(Z\)](#), § 1, 9-14-15; Ord. No. [4230-12-2015\(Z\)](#), § 1, 12-7-15)