



NOTICE OF THE SPECIAL MEETING OF THE
PLANNING AND ZONING COMMISSION

July 18, 2023 at 6:00 PM

Argyle Town Hall, 308 Denton Street, Argyle, TX 76226

AGENDA

Notice is hereby given of the Special Meeting of the Planning and Zoning Commission beginning at 6:00 PM, Tuesday, July 18, 2023, at Argyle Town Hall, 308 Denton Street, Argyle, TX 76226. The Items listed below are placed on the agenda for discussion and/or action.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

American Flag

Texas Flag: "Honor the Texas Flag; I pledge allegiance to thee Texas, one state under God, one and indivisible."

OPEN FORUM

This is an opportunity for the public to address the Planning & Zoning Commission on any matter of public business, except public hearings. Comments related to public hearings will be heard when the specific hearing begins. Each speaker is limited to five (5) minutes, unless the speaker requires the assistance of a translator, in which case the speaker is limited to ten (10) minutes, in accordance with applicable law. Each speaker shall approach the podium and state their name and address. Speakers shall address the governing body with civility that is conducive to appropriate public discussion. Speakers can address only the governing body as a whole and not individual city officials or employees. The public cannot speak from the gallery but only from the podium. Per the Texas Open Meetings Act, the Commission is prohibited from deliberating or taking action on any matter not listed on the agenda. The Commission may only: (1) make a statement of fact regarding the item; (2) make a recitation of existing policy regarding the item; or (3) propose the item be placed on a future agenda, in accordance with Council adopted procedures.

PUBLIC HEARING ITEM

1. Receive public comments, consider, and make recommendation on ordinance amendment (TDS-23-007) amending Article III, Zoning, of the Town of Argyle Town Development Standards, to require a Specific Use Permit in the Community Retail (CR) District for buildings larger than 40,000 square feet in size.

ADJOURN

Note: As authorized by Section 551.071 of the Texas Government Code (Consultation with Town Attorney), this meeting may be convened into closed Executive Session for the purpose of seeking confidential legal advice from the Town Attorney on any agenda item herein.

CERTIFICATION

I hereby certify the above Notice of Meeting was posted on the bulletin board at Argyle Town Hall, a place convenient and readily accessible to the general public at all times, and to the Town's website in compliance with Chapter 551, Texas Government Code, on **July 14, 2023, by 5:00 p.m.** and remained posted for at least 72 continuous hours preceding the scheduled time of said meeting.

Harrison Wicks

Harrison Wicks, MPA

Principal Planner



Persons with disabilities who plan to attend this public meeting and who may need auxiliary aid or services are requested to contact the Argyle Town Hall 48 hours in advance, at 940-464-7273, and reasonable accommodations will be made for assistance.



PLANNING AND ZONING COMMISSION STAFF REPORT

Meeting

Date: July 18, 2023

To: Chairman and Members of the Planning and Zoning Commission

From: Harrison Wicks, Principal Planner, Community Development

Subject: PUBLIC HEARING: TDS-23-007 Amendment to Article III Zoning

Purpose:

Receive public comments, consider, and make recommendation on an ordinance amendment (TDS-23-007) amending Article III, Zoning, of the Town of Argyle Town Development Standards, to require a Specific Use Permit in the Community Retail (CR) District for buildings larger than 40,000 square feet in size.

Background:

Town Council requested staff bring forward a town initiated zoning text amendment to require a Specific Use Permit (SUP) in the Community Retail (CR) Zoning District for buildings larger than 40,000 square feet in size. A new use is proposed as General Retail, Large Scale and the definition is below:

General Retail, Large Scale means a retail establishment 40,000 square feet or larger that does not fit the definition of any other land use classification. This 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, motor vehicle accessories, hardware, and food; and has no more than ten percent on-site manufacturing. The stores included in this group are known as department stores, home improvement stores, variety stores, general merchandise stores, general stores, etc. and render services incidental to the sale of such goods.

Below is the current definition and use chart for General Retail, High Intensity as shown in Section 14.1.5 Definitions and Section 14.3.62 Use Chart Matrix. The definition would need to be updated to allow for the General Retail, Large Scale use:

General Retail, High Intensity means a retail establishment greater than 5,000 square feet *and less than 40,000 square feet* that does not fit the definition of any other land use classification. This 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, motor vehicle accessories, hardware, and food; and has no more than ten percent on-site manufacturing. The stores included in this group are known as department stores, home improvement stores, variety stores,

general merchandise stores, general stores, etc. and render services incidental to the sale of such goods.

Non-residential Zoned Districts

Use	OR	LR	CR	VC	OT-1	OT-2	CF	BP
General Retail, High Intensity	S	S	P				S	P

(S= Specific Use Permit, P= Permitted)

Staff has updated the use chart to incorporate General Retail, Large Scale in order that projects with retail buildings totaling 40,000 square feet is size or larger would be required to apply for a specific use permit.

Non-residential Zoned Districts

Use	OR	LR	CR	VC	OT-1	OT-2	CF	BP
General Retail, High Intensity	S	S	P				S	P
<i>General Retail, Large Scale (Proposed)</i>	<i>S</i>	<i>S</i>	<i>S</i>				<i>S</i>	<i>S</i>

(S= Specific Use Permit, P= Permitted)

Staff has included this text amendment and new use for Planning and Zoning Commission consideration.

Attachments:

Exhibit A – Use Chart Matrix

Exhibit B – Definitions

EXHIBIT A

Sec. 14.3.62. - Use Chart Matrix.

14.3.62-1

A. Use Chart Matrix.

Legend for Use Chart		A, Agricultural	SF-2.5, Single-Family Residential Estate	SF-1, Single-Family Residential Estate	SF-20, Single-Family Residential	SF-10, Single-Family Residential	SF-7, Single-Family Residential	SFA, Single-Family Attached Residential	MF, Multifamily Residential	MH, Manufactured Home	OR, Office Retail	LR, Local Retail	CR, Community Retail	VC, Village Center	OT-1, Old Town 1	OT-2, Old Town 2	CF, Community Facilities	BP, Business Park	
P	Permitted in zoning district																		
	Prohibited in zoning district																		
S	Permitted in zoning district following approval of a Specific Use Permit (SUP)																		
Sec.	Permitted in PD, Planned Development District only																		
Sec.	Governed by indicated code section																		
No.	Use																		
1	Accessory Building/Structure (Agricultural)	P	P	P															
2	Accessory Building/Structure (Nonresidential)	P	P	P							P	P	P		P			P	P
3	Accessory Building/Structure (Residential)	P	P	P	P	P	P	P	P	P					P	P			
4	Agricultural Sales	P	P	P															

5	Airport or Landing Field																		
6	Ambulance Service (Private)																		S
7	Amusement Devices/Arcade												S						
8	Amusement, Commercial (Indoor)												S						
9	Amusement, Commercial (Outdoor)																		
10	Antenna (Commercial)	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>
11	Antenna (Noncommercial)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
12	Antique Shop (No Outside Sales or Storage)										P	P	P	P	P				
13	Armed Services Recruiting Center										P	P	P	P	P			P	P
14	Art Gallery/Museum/Dealer										P	P	P	P	P				
15	Artisan Workshop/Studio										S	P	P	P	P				S
16	Assisted Living Facility																		
17	Automatic Teller Machines (ATMs)										P	P	P	S	S			P	P

18	Barber Shop/Beauty Shop (Non-College)										P	P	P	P	P			
19	Bed and Breakfast Inn	S	S	S										S	S	S		
20	Broadcast Station (with Tower)																	S
21	Broadcast Towers (Commercial)	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>
22	Bulk Grain and/or Feed Storage	P																S
23	Cabinet Shop (Manufacturing)																	P
24	Carwash, Full-Service (Detail Shop) and Self-Service												S					P
25	Cellular Communications Tower (CCT)	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>	<u>Sec.</u> <u>14.3.72</u>
26	Cemetery and/or Mausoleum	S															S	S
27	Check Cashing Service												P					
28	Child Day Care Center (Business)										S	S	P	S	S			
29	Church/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
30	Civic Center (Municipal)																P	

31	Civic Club																	P	
32	Cleaning Plant (Commercial Laundry)																		S
33	Clinic (Medical)										S	S	S	S				S	
34	Club, Private—Class I													P					S
35	Club, Private—Class II																		S
36	College or University											P						P	S
37	Commercial Rodeo Grounds																		
38	Communication Equipment (Installation and/or Repair—No Outdoor Sales or Storage)																		P
39	Community Center (Public)	S	S	S	S	S	S	S	S	S		S	S	S				P	P
40	Community Home	P	P	P	P	P	P	P	P	P					P	P			
41	Consignment Shop												P	P	P	P			
42	Concrete or Asphalt Batching Plant (Temporary)										S		S					S	S

43	Contractor's Office/Sales (No Outside Storage, Including Vehicles)							S	S	S	S	S	S	S	S	S	S	S	S
44	Contractor's Temporary On-Site Construction Office	P	P	P	P	P	P	S	S	S	S	S	S	S	S	S	S	S	S
45	Convenience Store with Gas sales												S						P
46	Convenience Store without Gas sales										P	P	P						P
47	Crematorium																		
48	Dance Hall/Dancing Facility												S						
49	Dance/Drama/Music Schools (Performing Arts)									P	P	P	P	P					
50	Data Center																		P
51	Day Camp	S																	S
52	Depository Financial Institution (with Drive- Through)									P	P	P							
53	Depository Financial Institution (without Drive- Through)									P	P	P	P	P					
54	Dinner Theater											S	S	S					

55	Dispatch Service (No Outdoor Storage)												S	S					P
56	Distribution Center																		P
57	Dwelling—Accessory	P	P	P	S	S	S	S								S	S	S	
58	Dwelling—HUD-Code Manufactured Home									P									
59	Dwelling—Industrialized Home	P	P	P	P	P	P	P							P	P			
60	Dwelling—Multi-Family								P										
61	Dwelling—Single-Family, Attached							P	P						S	S			
62	Dwelling—Single-Family, Detached	P	P	P	P	P	P	P		P					P	P			
63	Earth Satellite Dish (Private, less than 3' in diameter)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
64	Electrical Generating Plant																		S
65	Electrical Substation																		S
66	Electrical Transmission Line	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
67	Electronic Assembly																		P

68	Emergency Care Clinic												S	S	S			S	
69	Exhibition Hall																		P
70	Exploration and Extraction of Hydrocarbons	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
71	Extended Stay Hotels/Motels (Residence Hotels)													S					P
72	Fairground																		
73	Family Home Adult Care	S	S	S	S														
74	Family Home Child Care	S	S	S	S														
75	Farms, General (Crops)	P	P																P
76	Farms, General (Livestock/Ranch)	P	P																P
77	Feed & Grain Store	S																	P
78	Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
79	Food or Grocery Store												P	P	S				
80	Food Processing																		S

81	Franchised Private Utility (Not Listed)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
82	Fraternal Organization										P	P		P	P		P		
83	Funeral Home												P						P
84	Furniture Manufacture																		P
85	Garden Shop (Inside Storage)											P	P	P					
86	Gas Transmission Line (Regulating Station)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
87	General Machine Repair (No Outdoor Storage)													S					P
88	General Retail, High-Intensity										S	S	P					S	P
89	General Retail, Low-Intensity										P	P	P	P	S			S	S
90	Golf Course	S	S	S	S	S	S	S	S	S	S	S	S						
91	Governmental Building (Municipal, State or Federal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
92	Gravestone/Tombstone Sales														P	P			P
93	Greenhouse (Nonretail/Hobby)	P	P	P	P	P	P	P											

94	Group Day Care Home												S				S	
95	Gymnastic or Dance Studio										S	P	P	P	P			S
96	Hatchery	S																
97	Hay, Grain, and/or Feed Sales	P											P					P
98	Heavy Machinery Sales and Storage																	P
99	Heliport																	
100	Helistop												S				S	S
101	Home Improvement Center											S	P					P
102	Home Occupation	P	P	P	P	P	P	P	P	P					P	P		
103	Hotel/Motel												P					
104	Independent Senior Living Facility																	
105	Kennels (Inside Pens)	S											S					
106	Kennels (Outdoor Pens)																	S

107	Kiosk												S	S	S				S
108	Laboratory Equipment Manufacturing																		P
109	Laundromat Washateria (Self-Service)													S					
110	Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
111	Livestock Sales	P																	
112	Machine Shop																		P
113	Mailing Service (Private)												P	P	S				P
114	Maintenance & Repair Service for Buildings																		P
115	Manufacturing or Assembly Processes other than Those Listed Elsewhere																		S
116	Maternity Home								P									P	
117	Memory Care Facility																		
118	Mini-Warehouse/Self-Storage																		P
119	Model Home	P	P	P	P	P	P	P											

120	Motion Picture Studio, Commercial Film																		P
121	Motion Picture Theater (Indoors)											S	S	S					P
122	Motor Vehicle Gasoline or Fuel Station												P						P
123	Motor Vehicle Rental																		P
124	Motor Vehicle Repair and Services, Major																		P
125	Motor Vehicle Repair and Services, Minor												S						P
126	Motor Vehicle Sales																		P
127	Museum											P		P	P			P	
128	Office Showroom/Warehouse																		P
129	Offices, Medical Services										P	P	P	P	P			P	
130	Offices, Professional and General Administrative										P	P	P	P	P			P	
131	Orchard/Crop Propagation	P	P																P
132	Park and/or Playground	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

133	Pawnshop																		P
134	Personal Service										P	P	P	P	P				S
135	Pharmacy										P	P	P	P	P				
136	Philanthropic organization										S	S	S	S	S		S		
137	Photo Studio										P	P	P	P	P				
138	Plant Nursery (Growing for Commercial Purposes)	P											P						P
139	Plant Nursery (Retail Sales)	P											P						P
140	Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
141	Post Office (Governmental)										P	P	P					P	
142	Propane Sales (Retail)																		S
143	Public Garage/Parking Structure										S	S	S	S	S				S
144	Radio/Television Tower (Commercial)																		P
145	Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

146	Recycling Kiosk													S					P
147	Research Lab (Nonhazardous)																		P
148	Restaurant (With Drive-Through)											S	S	P					P
149	Restaurant (Without Drive-Through)											P	P	P	P	P			P
150	Retirement Home																		
151	School, K through 12 (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
152	School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
153	School, Vocational (Business/Commercial Trade)													P					P
154	Security Monitoring Company (No Outside Storage)													P					P
155	Security Quarters as Associated with a Business (Live-In)																		P
156	Security Systems Installation Company													P					P
157	Sexually Oriented Business																		S

158	Sign Manufacturing													P					P
159	Special Event Venue																		
160	Sports Court (Lighted)	S	S	S	S	S	S	S	S	S				S				S	
161	Sports Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P				P		S	S		
162	Stables (As a Business)	P	P	S															
163	Stables (Private, Accessory Use)	P	P	P															
164	Stables (Private, Principal Use)	P	P	P															
165	Studio for Radio or Television (without tower)													P					P
166	Studio, Tattoo or Body Piercing													S					
167	Swimming Pool (Private)	P	P	P	P	P	P	P	P	P						P	P		
168	Temporary Outdoor Retail Sales/Commercial Promotion										S	S	S	S	S				S
169	Theater (Non-Motion Picture)												P	P	P				
170	Tool Rental (Indoor Storage)													P					P

171	Tool Rental (Outdoor Storage)													S					S
172	Travel Trailer/R.V. Park (Short-Term Stays)										P								
173	Urgent Care Clinic											S	S	S	S			S	
174	Used Merchandise; Furniture											P	P	P	P	P			P
175	Utility Distribution/Transmission Lines	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
176	Veterinarian (Indoor Kennels)											S	P	P					
177	Veterinarian (Outdoor Kennels)												S	S					
178	Warehouse/Office																		P
179	Wastewater Treatment Plant (Public)																		S
180	Water Supply Facility (Elevated Water Storage)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
181	Water Supply Facility (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
182	Welding Shop																		P
183	Wind Energy System	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S

184	Winery																	
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(Ord. No. 2022-14, § 2(Exh. A), 9-6-22)

Sec. 14.1.5. - Definitions.

In the interpretation of this ordinance [from which this section derived], the following words and terms are to be used and interpreted as defined hereinafter:

Abandoned Sign means any sign that for the last 90 continuous days does not identify or advertise a bona fide business, lessor, service, owner, product or activity, or for which no legal owner can be found or that pertains to a time, event or purpose that no longer exists.

Abandonment, as defined by the railroad commission, includes the plugging of the well and restoration of the drill site as required by Article VII.

Abut means to physically touch or border upon; to share a common property line but not overlap. See "Adjoining Lot or Land".

Access means having frontage on a paved road meeting the right-of-way and pavement dimensions set forth in the Official Thoroughfare Plan.

Access Controller means the facility controlling vehicular access to private street developments which may be a mechanism or a manned structure.

Accessory Building/Structure (Agricultural) means in the A, SF-2.5, and SF-1 districts, subordinate building that is detached from the primary on-site structure and is used for an agricultural-oriented purpose that is incidental to the main structure or use.

Accessory Building/Structure (Nonresidential) means in the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed 50 percent of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "Accessory Use").

Accessory Building/Structure (Residential) means in a residential district, a subordinate building that is detached from the primary on-site structure and is used for a purpose that is customarily incidental to the main structure.

Accessory Use means a use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be less than that used for the primary use).

Acreage, Gross means the total acreage of a subdivision, including areas dedicated to the public use such as street and alley rights-of-way.

Acreage, Net means the total acreage of a subdivision less those areas dedicated to public use such as street and alley rights-of-way. Easements, however, shall be included in net acreage calculations.

Address Sign means a sign denoting the street address number and/or name of the owner of property.

Adjoining Lot or Land means a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

Administrative Officers means any office referred to in this ordinance by title, i.e., Mayor, Town Attorney, Town Secretary, Town Engineer, Town Planner, etc., shall be the person so retained in this position by the Town, or his duly authorized representative.

Agricultural Sales means the advertisement for sale of crops such as hay (Coastal Bermuda, alfalfa, bluestem, etc.), other locally grown crops/produce grown or produced on the property, or livestock (cattle, horses, donkeys/mules, or other farm animals, except swine) raised or cared for on the property are subject to these regulations.

Airport or Landing Field means a premises where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

Alley means:

- (1) A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street;
- (2) A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes (Zoning definition).

All-Weather Surface means an improved, dust-free surface constructed of cement, asphalt, brick, gravel or other material in accordance with the Town of Argyle technical design requirements.

Alteration means any change in copy, content, color, size, shape, position, location, construction, or supporting structure.

Ambient Noise Level means the all-encompassing noise level associated with a given environment, being a composite of sounds from all sources at the location, constituting the normal or existing level of environmental noise at a given location.

Ambulance Service (Private) means provision of private (not operated by the Town of Argyle) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.

Amusement, Commercial (Indoor) means an amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, billiards hall, bingo facility, skating rink, martial arts club, gymnasium or health club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, indoor miniature golf, and other similar types of uses.

Amusement, Commercial (Outdoor) means an amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, skating rink, and other similar types of uses.

Amusement Devices/Arcade means any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent of the public floor area is devoted to four or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

Antenna (Commercial) means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves for commercial use that are external to or attached to the exterior of any building.

Antenna (Noncommercial) means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves for personal or private use that is either external to (attached to a pole or other support structure) or attached to the exterior of any building.

Antique Shop (No Outside Sales or Storage) means a building or part thereof for the display and retail sales of works of art, furniture and/or other artifacts of an earlier period, with all sales and storage occurring inside a building.

Applicant means the owner of land proposed to be subdivided, or his representative when written consent is obtained from the legal owner of the premises. The terms "applicant," "developer," and "subdivider" are used interchangeably in these Rules, Regulations and Procedures.

Applicant (for Article VII, Oil and Gas Drilling and Production) means a person to whom a permit or certificate for the drilling, operation and production of a well, or the installation or operation of a pipeline, is issued under this article, including, but not limited to, his or her heirs, legal representatives, successors or assigns.

Area, Lot means the net area of the lot and shall not include portions of streets and alleys.

Area of Sign means the area included within the outer dimensions of a sign, including those portions of the frame or support structure which:

- (1) Border or adjoin the face of the sign; or
- (2) Are of a size, dimension or configuration, which is intended to attract attention or are in excess of that necessary to support the sign. In the case of a multiple-faced sign, each face shall be deemed to be a separate sign for the purposes of determining sign area, i.e., each face is entitled to the allowable sign area. If a sign is placed on a wall or other surface, or if letters or other portions of the sign are supported individually, without any border, the area shall be computed by enclosing the entire sign within sets of parallel lines. The portion of the sign represented by a logo shall be calculated by enclosing the logo in geometrical figures from which the total area may be calculated.

Armed Services Recruiting Center means a building or part thereof designed, intended or used for the recruitment or reenlistment of individuals into any branches of the U.S. armed services.

Art Gallery/Museum/Dealer means an institution for the collection, display and/or distribution of objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public.

Artisan Workshop/Studio means an establishment 5,000 square feet or less used for the preparation, display, repair, and sale of individually crafted artwork, including but not limited to jewelry, sculpture, pottery, upholstery, leathercraft, hand-woven articles, small woodworking products, and related items.

Assisted Living Facility means a facility licensed by the state for the aged or chronically or incurably ill persons in which four or more such persons not of the immediate family are provided with food, shelter or personal care for compensation. These facilities do not include hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. This use includes nursing/convalescent homes and care facilities. Authorized Agent means a person empowered by another by notarized statement or power of Attorney to represent, act for and transact business with the Town.

Automatic Teller Machines (ATMs) mean machines that disburse cash to individuals from accounts with banks, savings and loans or other such financial institutions.

Awning means a projecting overhang of a rigid frame but otherwise composed of flexible canvas, nylon or similar material.

Ballfield Sign means a temporary sign placed inside ballfield fencing, which is intended for advertising to raise funds for recreational or institutional programs, and which has copy on only one face with the copy facing toward the interior of the field.

Band Sign means a band of lettering across the entire width of the building, with a background, which are installed generally just above the first level glazing. May be composed of individual letters attached to a band background.

Banner means any sign of a lightweight fabric or similar material that is attached to a pole or building and providing a message, whether written or visual, including flags other than national, state or municipal flags or the flags of any nation recognized by the United States government.

Barber Shop/Beauty Shop (Non-College) means an establishment primarily engaged in providing personal grooming services such as haircuts, nail, and facial treatments generally provided by barber and beauty shops, intradermal cosmetic, or permanent/semi-permanent facial make-up services (microblading, micropigmentation, and similar cosmetic services) and nail and pedicure salons. This use shall specifically exclude tanning salons, tattoo parlors and shops, ear and body piercing shops, or body art studios, and those facilities for the training of individuals pursuing a license from the State of Texas to operate as a licensed barber or hairdresser.

Barn means a structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

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

Bed and Breakfast Inn means a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five rooms for transient guests for compensation, generally for a period not to exceed seven days.

Benchmark—Elevation means a permanent benchmark that identifies the vertical elevation above mean sea level or other approved level.

Billboard. (See "Pole Sign and Off-Premises Sign").

Blade sign. (See "Projecting Sign").

Block means (1) An area bounded by streets, or a combination of streets, public parks, railroad rights-of-way, or corporate limits; or if said word is used as a term for measurement, it shall mean the distance along a side of a street between the nearest two streets which enter said street on the said side. When necessary, the Town Planner shall determine the outline of the block in cases where platting is incomplete or disconnected. (2) (Zoning) An area within the Town enclosed by streets and occupied by or intended for buildings: or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side. In cases where the platting is incomplete or disconnected, the Director of Planning, or his/her designee, shall determine the outline of the block.

Blowout Preventer means a mechanical, hydraulic, pneumatic or other device or combination of such devices secured to the top of a well casing, including valves, fittings and control mechanisms connected therewith, which can be closed around the drill pipe, or other tubular goods which completely close the top of the casing and are designed for preventing blowouts.

Bond or Surety means an instrument wherein the principal (developer or his authorized agent) and Surety Company bind themselves to perform all covenants, conditions and agreements by the principal to the Town of Argyle. Any form of security including a cash deposit, surety bond, collateral, property, or instrument of credit wherein the principal (developer or his authorized agent) and surety Company bind themselves to perform all covenants, conditions and agreements by the principal to the Town of Argyle in an amount and form satisfactory to the Town. All bonds shall be approved by the Town Council wherever a bond is required by the Subdivision Ordinance.

Broadcast Station (with Tower) means a building or group of buildings used to broadcast television or radio programming including the associated tower.

Broadcast Towers (Commercial) means a structure, that is intended to send and/or receive radio and television communications for a commercial business or operation.

Building means:

- (1) Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or moveable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building;
- (2)

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

(3) (Signs) Any structure used or intended for supporting or sheltering any use or occupancy.

Building Height means the vertical distance from finished grade to the top of the highest roof beams on a flat or shed roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs.

Building, Main/Primary/Principal means a building in which the principal use of the lot on which it is situated is conducted.

Building Official means:

- (1) The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the Town of Argyle;
- (2) (Signs) That person designated as such according to the zoning ordinance of the Town, and, if no one is so designated, then the person charged with the administration of the zoning and building codes of the Town.

Building Setback Line means a line parallel or approximately parallel to the street right-of-way line or lot line at a specific distance therefrom, marking the minimum distance from the street right-of-way line or lot line that a building may be erected.

Building Site means:

- (1) Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance and having direct access to a public street;
- (2) See "Lot" definition (Zoning).

Bulk Grain and/or Feed Storage means the storage of grain and/or feed in above-ground containers for subsequent resale to distributors or retail dealers or outlets.

Business Identification Sign means a sign displaying the name of the business to which it pertains and/or the names or description of the products or services sold or offered by such business at the site on which the business and sign are located. Business identification signs may include ground signs, projecting signs and/or wall signs. Signs identifying multiple buildings within the property such as a medical complex or retail complex must submit a site plan for approval.

Cabinet Shop (Manufacturing) means a building or premises used for the construction of cabinets, chests, and shelves, including the inside display of samples or items for retail or wholesale sale.

Canopy Sign means a sign that is incorporated as part of a canopy or awning.

Capital Improvements means facilities of a permanent nature, such as streets, drainage, sanitary sewer, etc.

Caretaker's or Guard's Residence means a residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

Carport means a structure that is open on a minimum of two sides and designed or used to shelter vehicles. Also called "covered parking area."

Carwash:

Carwash, Full-Service (Detail Shop) means washing, waxing or cleaning of motor vehicles or light duty trucks where the owner of the vehicle does not actually wash the vehicle. The owner either leaves the vehicle and comes back to retrieve it later, or the owner waits in a designated area while employees of the carwash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

Carwash, Self-Service means washing, waxing or cleaning of motor vehicles or light duty trucks where the owner of the vehicle causes the vehicle to become washed. One type of unattended carwash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

Cellular Communications Tower (CCT) means an exterior transmitting or receiving device mounted on or within a support structure, building or structure and used in communications that radiate or capture wireless communications signals.

Cemetery and/or Mausoleum means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Certificate of Occupancy means an official certificate issued by the Town through the Building Official which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

Changeable Electronic Variable Message Sign means a sign which permits light to be turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light-emitting diode) or digital sign, and which varies in intensity or color. A CEVMS sign does not include a sign that is located within the right-of-way, that functions as a traffic-control device, and that is described and identified in the Manual on Uniform Traffic Control Devices (MUTCD) approved by the Federal Highway Administration as a National Standard.

Check Cashing Service means a building or part thereof designed, intended or used for the cashing of personal, employment or any other checks for remuneration.

Child Day Care Center (Business) means a commercial institution or place designed for the care or training of six or more unrelated children under 14 years of age for less than 24 hours a day. Also referred to as "Day Care".

Child Day Nursery is also referred to as "Day Nursery." See "Family Home (Child Care in Place of Residence)."

Church/Place of Worship means a building or part thereof used for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

Civic Center (Municipal) means a building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

Civic Club means an association of persons united by some common interest of or relating to the community or civil affairs and the premises in which meetings and/or administrative activities of the civic club are conducted.

Cleaning Plant (Commercial Laundry) means an industrial facility where fabrics are cleaned with substantially non-aqueous organic solvents on a commercial or wholesale basis.

Clinic (Medical) means a building or part of a building used solely for the purpose of consultation, diagnosis and treatment of human patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms,

treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for inpatient care or operating rooms for surgery.

Club, Private means Class I and Class II:

Class I means facilities where food, beverages, including alcoholic beverage, entertainment, or meeting space is provided to specific members only.

Class II means a facility as defined as a Club, Private—Class I except such establishment derives 35 percent or more of the establishment's gross revenue from the on-premises sale or service of alcoholic beverages and the establishment is not a fraternal or veteran's organization or the holder of a food and beverage certificate issued by the State of Texas.

Collector Street. See "Street, Collector."

College or University means an academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

Commercial Rodeo Grounds means a building or premises used as a location for an outdoor western event featuring but not limited to competition between individuals in numerous horse and cattle related events in addition to the incidental uses related thereto.

Commission means the Planning and Zoning Commission of the Town of Argyle.

Communication Equipment (Installation and/or Repair—No Outdoor Sales or Storage) means a business or facility for the service and repair of equipment related to the transmission of verbal or technical information/communications and related ancillary or secondary structures and uses, excluding outdoor sales and storage and including sales of new or repaired equipment.

Community Center (Public) means a building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

Community Development Director means the person appointed by the Town Administrator to provide planning and development-related services, including the administration and enforcement of the provisions of the Town Development Standards and other related Town ordinances.

Community Home means a place where not more than six persons who are disabled as specified by V.T.C.A., Human Resources Code § 123.002 are provided room and board, as well as supervised care and rehabilitation by not more than two persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see V.T.C.A., Human Resources Code ch. 123).

Community or Social Building means a building or part thereof used for recreational, social, educational, and cultural activities generally owned, maintained and operated by a homeowners' association for the enjoyment of its resident members.

Comprehensive Plan means:

- (1) Policies in graphic and text form adopted by the Town Council to govern the general location recommended for land uses, transportation routes, public and private buildings, streets, alleys, squares, parks, and other public and private development and improvements. One plan may cover the entire Town and all of its functions and services, or the comprehensive plan may consist of a combination of plans governing specific geographic areas which together cover the entire Town and all of its functions and services. The Comprehensive Plan includes, but is not limited to, the Zoning Ordinance, the Land Use Plan, Thoroughfare Plan, and Floodplain Map and Street Lighting Plan;
- (2) Document adopted by the Town that consists of graphic and textual policies which govern the future development of the Town and which consists of various components governing specific geographic areas and functions and services of the Town (Zoning).

Concrete or Asphalt Batching Plant (Permanent) means a permanent manufacturing facility for the production of concrete or asphalt.

Concrete or Asphalt Batching Plant (Temporary) means a temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

Consignment Shop means the use of any building or part thereof for the display and sale on consignment of new or used clothing, bicycles, small household appliances, furniture or home decor items.

Construction Plans means the maps or construction drawings accompanying a subdivision plat that show the specific location and design of all required or proposed improvements to be installed in the subdivision.

Construction Sign means a sign stating the names of the general contractor and, if desired, those individuals or businesses directly connected with a construction project. For the purposes of construction signs, a "general contractor" shall be an individual, firm, corporation, or other entity that has lawfully obtained a building permit from the Town for new construction, remodeling, repair, or an addition to a residence or business.

Contractor's Shop/Sales (No Outside Storage, Including Vehicles) means a building or part of thereof used for any general contractor or builder where equipment, materials, and vehicles associated with the business are stored inside. Outside storage of materials, equipment or vehicles is prohibited.

Contractor's Temporary On-Site Construction Office means a structure or shelter used by a contractor in connection with the contractor's activities during the construction of a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

Convenience Store (With or Without Gasoline Sales) means retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any motor vehicle repair services.

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

Covenant means an agreement to do or refrain from doing certain acts.

Coverage means the lot area covered by some type of impervious surface, which includes buildings located thereon, overhanging roofs, and parking areas. Also see "Impervious Surface".

Crematorium means a building fitted with the proper appliances for the purposes of the cremation of human remains and includes everything incidental or ancillary thereto.

Crosswalk means a public right-of-way, four feet or more in width between property lines, which provides pedestrian circulations.

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

Dance/Drama/Music Schools (Performing Arts) means a school to train and educate individuals in the subjects of dance, drama, and music and including those ancillary activities relating to said training and education.

Dance Hall/Dancing Facility means an establishment open to the general public for dancing (any sales of alcoholic beverages for on-premise consumption are prohibited).

Data Center means a facility composed of networked computers and storage that businesses and other organizations use to organize, process, store and disseminate large amounts of data. Data Center can also mean space within a building, or a group of buildings used to house real and personal property consisting of networked computers and data and transaction processing equipment and related infrastructure support equipment, including, without limitation, power and cooling equipment, used primarily to provide, as a service to persons other than the company operating the data center, data and transaction processing services, outsource information technology services and computer equipment colocation services, or, used primarily to provide, to a single user, including the user's affiliates, customers, lessees, vendors and other persons authorized by the user, data and transaction processing services.

Day Camp means a premises that receives children for the purposes of providing temporary care, or guidance, or both temporary care and guidance, for a period not to exceed 24 hours where the children are under 18 years of age in the case of a day camp for children with a developmental handicap, under ten years of age in all other cases, but does not include part of a public school, separate school, private school or a school for trainable retarded children under an appropriate statute.

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

Dedication means a gift or donation of property or interest in property by the owner to the public.

Density means:

- (1) The number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use;
- (2) 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.

Depository Financial Institution (with Drive-Through) means an establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds in which a portion of the premises utilizes a drive-through to serve patrons. Examples include but are not limited to banks, saving and loans, credit unions, and establishments for the provision of services to investors for the investment of funds into the stock market, mutual funds, insurance programs, or other such similar markets or products and for the provision of advice for the investment of funds.

Depository Financial Institution (without Drive-Through) means an establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds. Examples include but are not limited to banks, saving and loans, credit unions, and establishments for the provision of services to investors for the investment of funds into the stock market, mutual funds, insurance

programs, or other such similar markets or products and for the provision of advice for the investment of funds.

Detached means having no physical connection above the top of the floor line of the first floor with any other building or structure.

Detention Pond means a pond or impoundment designed to store stormwater runoff for controlled release during or immediately following the storm event.

Developer means an individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by the Subdivision Ordinance, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

Development Identification Sign means a sign that identifies a future development.

Development Review Committee means the advisory body of the Town as established in this ordinance.

Dinner Theater means a building or part of a building that is used for the commercial showing of films or presentation of live entertainment in conjunction with offering food and beverages for on-site consumption.

Directional Sign means an off-premises sign whose content is limited exclusively to the identification (for commercial purposes) of a specific premise or occupancy located elsewhere, and which tells the location of or route to that premises or occupancy.

Dispatch Service (No Outdoor Storage) means a business engaged in providing off-site services, where the business' primary offices, vehicles, and equipment are located on-site with little to no walk-in traffic, including but not limited to cleaning and maid, plumbing, pest control, vehicle service, and locksmithing services.

Distribution Center means a building or facility used for the storage and distribution of wholesale items/products.

District means a section of the Town for which regulations, including height, area and use, governing the section have been established and are uniform.

Drainage Plan means an engineering study evaluating stormwater runoff and flows that recommends drainage improvements necessary to comply with design standards adopted by the Town.

Drill Site means the area used for drilling, completing, or reworking a well.

Drilling means any digging or boring of a new well to develop or produce oil or gas or to inject gas, water, or any other fluid or substance into the earth. Drilling means and includes the reentry of an abandoned well. Drilling does not mean or include the reentry of a well that has not been abandoned.

Dwelling means: (1) Any building or portion thereof, which is designed for or used for residential purposes; (2) Any building or portion thereof which is designed or used as a living quarters for one or more families (Zoning).

Dwelling—Accessory means a separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is attached to the primary residence, or detached extension to an existing single-family structure, and is subordinate and customarily incidental to the main dwelling.

Dwelling—HUD-Code Manufactured Home means, per Section 1201.003(12) of the Texas Occupation Code, a structure that is:

- (1) Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- (2) Built on a permanent chassis;
- (3) Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- (4) Transportable in one or more sections; and
- (5) In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet;

Additionally, HUD-Code Manufactured Homes are regulated by the Manufactured Housing Division of the Texas Department of Housing and Community Affairs. Manufactured Homes are provided with a red label certifying the structure meets the standards specified by the Texas Department of Housing and Community Affairs.

Dwelling—Industrialized Home means, per Section 1202.002 of the Texas Occupation Code, a residential structure that is:

- (1) Designed for the occupancy of one or more families;
- (2) Constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent site; and
- (3) Designed to be used as a permanent residential structure when the module or the modular component is transported to the

permanent site and erected or installed on a permanent foundation system.

Additionally, Industrialized Homes consist of a blue decal issued by the Texas Department of Licensing and Regulation signifying that the home has been built to comply with Section 1202.002 of the Texas Occupation Code. Industrialized Homes are regulated by the Texas Department of Licensing and Regulation. This agency provides a modular home with the blue decal signifying that the home has been built to the model code standards required.

Dwelling—Multi-Family means more than four dwelling units on a single lot designed to be occupied by more than four families living independently of one another, exclusive of hotels or motels.

Dwelling—Single-Family, Attached means a dwelling or unit designed and constructed for occupancy by one family which is located on a lot or within a building that is physically connected to another dwelling or unit located on the same or an adjacent lot or tract, including but not limited to duplexes, townhomes, triplexes, and quadraplexes.

Dwelling—Single-Family, Detached means a dwelling designed and constructed as a freestanding structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

Earth Satellite Dish (Private, Less than Three Feet in Diameter) means a satellite dish used for the reception of television and/or radio transmissions intended for private use and not exceeding three feet in exterior diameter of the satellite dish.

Easement means:

- (1) The word "easement" shall mean an area for restricted use on private property upon which any public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of these easements. Any public utility shall at all times have the right of ingress and egress to and from and upon the said 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;
- (2) A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Educational Facilities means public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency, and such federally funded educational programs for preschool children as the Head Start Program.

Electrical Generating Plant means the use of land, building or structure or part thereof for the generation of electric power.

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

Electrical Transmission Line means a high voltage line used to transmit electrical current to or between electrical substations or long distances and customarily associated with towers.

Electronic Assembly means a building or part thereof for the assembly of electronic goods or electronic components.

Emergency means response by the appropriate Town Department to an alarm or call requiring immediate action in the interest of the public health and safety.

Emergency Care Clinic means a building or part thereof used solely for the purpose of emergency treatment of human patients by one or more legally qualified medical professionals, together with their qualified assistants, and without limiting the generality of the foregoing, the building may include administrative offices, waiting rooms, treatment rooms, and laboratories directly associated with the clinic, but shall not include accommodations for overnight or extended stays for patients.

Engineer means a person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans and specifications for subdivision development.

Entry Turnaround means an opening, or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to reenter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Environmentally Sensitive Areas means floodplains, protected and specimen trees, riparian areas, streams and crossings, waters of the U.S. and any other areas deemed environmentally sensitive.

Erosion Control means structural and nonstructural techniques to prevent the erosion and sedimentation of soil from rainfall and/or runoff.

ETJ—Extraterritorial Jurisdiction means that property which lies within the Jurisdiction of the Town of Argyle for enforcing subdivision plat regulations.

Exhibition Hall means a building designed for the display of topic-specific goods, services or information.

Exploration means geologic or geophysical activities, including but not limited to surveying and seismic exploration, related to the search for gas or other subsurface hydrocarbons.

Exploration and Extraction of Hydrocarbons means activities related to the exploration and extraction of oil and gas including the drilling of wells in accordance with the Town of Argyle rules, regulations, and ordinances for the drilling of oil and gas wells.

Extended Stay Hotels/Motels (Residence Hotels) means a building or group of buildings on the same site used to accommodate the traveling public for gain or profit, by supplying them with sleeping accommodations (with or without meals) and private kitchen facilities within some or all rooms.

Face, Sign Face, or Face of a Sign means any plane or other side of a sign which is painted or stained or lighted or has lettering or is illustrated, separately or in combination, to attract attention. In the case of a side other than a plane, the area thereof shall be computed as including only the minimum single display surface, which is visible from any one position from which persons might usually view the same.

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

Family means one or more persons related by blood, marriage, or adoption; or a group not to exceed four persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

Family Home Adult Care means a facility that provides daily or regular care in the caretaker's own residence for not more than four elderly or handicapped adults who are not related by blood, marriage, or adoption to the homeowner. No room and board or other such accommodations for overnight or extended stay or facilities for outside employment are allowed at the facility. This facility shall conform to V.T.C.A., Human Resources Code ch. 42, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Services.

Family Home Child Care means a facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility

shall not exceed 12 at any given time. No room and board or other such accommodations for overnight or extended stay or facilities for outside employment are allowed at the facility. This facility shall conform to V.T.C.A., Human Resources Code ch. 42, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Services.

Farms General (Livestock/Ranch, Crops) means an area used for growing usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm animals such as horses, cattle, and sheep and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal or garbage to swine or other animals and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

Feed and Grain Store means the use of any building or other premise for the display and retail sale of feed and grain and related accessory items.

Final Plat means 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 references 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. Angular measurements and bearings shall be accurate to the nearest tenth of a foot. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Records of Denton County, Texas.

Fire Code means the fire code adopted by the town, as amended.

Fire Station means a facility designed to provide public protection from the dangers of fire.

Flashing Sign means any sign which, in whole or in part, moves, rotates, flashes, reflects, blinks, or appears to do any of the foregoing, or which simulates motion in any manner. For the purposes of Article IV, moving signs shall be considered but not limited to the following: banners, pennants, flags, captive balloons, market quotations, signs which change color, and signs where the intensity of lighting changes, or appears to change, including flashers and blinkers.

Floodplain means:

- (1) An area identified by the Federal Emergency Management Agency as a one percent or greater chance of flooding (the 100-year floodplain). The issuance of building permits for construction of any structure within such floodplain is regulated by a separate ordinance governing the safeguards, actions to prevent flooding, types of uses permitted in floodprone areas, etc.;
- (2) An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the Town of Argyle (Zoning).

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge the base flood as defined by the Federal Emergency Management Agency without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe means the area within the floodplain but outside of the floodway.

Floor Area means the total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding any space where the floor-to-ceiling height is less than six feet, carports, residential garages, and breezeways.

Floor Area Ratio (FAR) means the floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 12 in [Section 14.3.95](#)).

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

Food Processing means a manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

Force Main means a pipe which conveys water or wastewater under pressure.

Franchised Private Utility (Not Listed) means a utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the Town of Argyle.

Fraternal Organization means 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.

Front Yard. See "Yard, Front."

Funeral Home means 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.

Furniture Manufacture means the use of land, buildings and structures for the purpose of manufacturing, assembling, making, preparing, finishing, warehousing or storing or adapting for sale furniture items including facilities for the wholesale and retail sale of furniture.

Garage, Private means an enclosed (on at least three sides) accessory building, or a part of a main building, used for storage of motor vehicles and used solely by the occupants and their guests. Also called "enclosed parking space".

Garage Sale or Estate Sale Signs means signs advertising the sale by the owner of items of personal property and containing only the words "garage sale" or "estate sale" and the date of posting.

Garden Shop (Inside Storage) means a facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building. Outside storage is prohibited.

Gas—(For Oil and Gas Drilling and Production in Article VII) means gas or natural gas, as such term is used in the rules, regulations, or forms of the railroad commission.

Gas Transmission Line (Regulating Station) means a high pressure line used to transport gas between substations or over long distances.

Gas Well means any well drilled for the production of gas or classified as a gas well under the Texas Natural Resources Code or by the railroad commission.

Gas Well Permit means a gas well permit applied for and issued or denied under Article VII authorizing the drilling, production, and operation of one or more gas wells.

Gathering Station means the site where the gathering lines for all the wells converge.

General Machine Repair (No Outdoor Storage) means an establishment engaged in the repair and service of products or machines completely within a building including, but not limited to refrigerators, air-conditioning units, furniture, large equipment, household appliances, and lawnmowers, but not including motor vehicle repair or the rebuilding of motor vehicle components.

General Retail, High Intensity means a retail establishment greater than 5,000 square feet that does not fit the definition of any other land use classification. This 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, motor vehicle accessories, hardware, and food; and has no more than ten percent on-site manufacturing. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. and render services incidental to the sale of such goods.

General Retail, Low Intensity means a retail establishment of 5,000 square feet or less that does not fit the definition of any other land use classification. This 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, motor vehicle accessories, hardware, and food; and has no more than ten percent on-site manufacturing. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. and render services incidental to the sale of such goods.

Geotechnical Testing means testing by a qualified professional testing laboratory to determine the engineering characteristics of soil, rock and/or fill material.

Glass Frontage means that total area of the front and side of a building facing or abutting a public street or courtyard or parking area utilized by a particular business and consisting of windows, show windows or other glass-covered space.

Golf Course means an area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses or other ancillary country club uses such as a dining room, swimming pool, tennis courts or similar recreational or service uses available to members and their guests; the golf course may be privately or publicly owned and operated.

Governmental Building (Municipal, State or Federal) means a building or portion thereof used for the purposes of local or other government administration.

Government Employees in Pursuit of Their Official Duties means a government employee, such as the following, but not necessarily limited to; police, fire, code enforcement, public works, town engineer, planning, building inspections, and other local, county, state, and/or Federal employees; i.e., postal workers, school districts (e.g. school buses), and/or their designee/contractor in the process of addressing functions and activities that relate to the public health, welfare, and safety.

Grade means: (1) For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of all walls adjoining the street. For buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street lane is to be considered as adjoining the street. Where no sidewalk has been constructed, the Town Engineer shall establish such sidewalk level or its equivalent for the purpose of these regulations; (2) For signs, the level of the public sidewalk at the closest distance to the sign, or ground level at the wall to which a sign may be attached, whichever is higher.

Gravestone/Tombstone Sales means a building or site that is engaged in the selling of gravestones and tombstones, including the retail sale of flowers and other items related to the sale of gravestones and tombstones.

Gravity Flow Main means a pipe which conveys water or wastewater by gravity.

Greenbelt means an open space area consisting of primarily natural features, that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

Greenhouse (Non-Retail/Hobby) means a building whose roof and sides are made largely of glass or other transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of plants for personal use.

Ground Sign means a sign which is supported by one or more uprights, braces, pedestals or other solid foundation in or upon the ground. It may be a two-faced sign and shall also include signs sometimes referred to as "freestanding signs" or "monument signs."

Group Day Care Home means a facility that provides care for seven to 12 children less than 14 years of age less than 24 hours a day.

Gymnastic or Dance Studio means a building or part thereof used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

Hatchery means an establishment with facilities for the hatching of eggs for poultry or fish.

Hay, Grain, and/or Feed Sales means a building or open area used for the display and sale of hay, grain, and/or feed.

Hazardous Materials Management Plan means the hazardous materials management plan and hazardous materials inventory statements required by the fire code.

Head-In Parking means parking in which the vehicle must back out into a public right-of-way in order to exit the parking stall.

Heavy Load Vehicle means a self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

Heavy Machinery Sales and Storage means a building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

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

Helistop means the same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Hike and Bike Trail has a minimum eight-foot wide concrete surface or other approved surface and is a trail within a designated trail right-of-way or easement which serves as a linkage for residential access to recreational and educational areas and facilities.

Home Improvement Center means materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales.

Home Occupation means an occupation carried on in the home by a member of the occupant's family, without the use of a sign to advertise the occupation, without structural alterations to the building or any of its rooms, and which does not involve open storage and which does not create a nuisance to abutting residential property such as emission of odor, increased traffic or generation of light and smoke. (See Sec. 14.3.77. Home Occupation Regulations)

Hotel/Motel means a facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

HUD Regulations means the Mobile Home Construction and Safety Standard Act, 42 U.S.C.S., § 5401 et seq., as the same now exists or as is amended.

Illuminated Sign or *Lighted Sign* shall be used interchangeably and shall refer to any sign which has a source of light, either internal or external, for the purpose of illuminating such sign.

Impervious Surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water.

Incidental or Accessory Retail and Service Uses means any use different from the primary use but which complements and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than 15 percent of the main use.

Independent Senior Living Facility means a facility containing dwelling units, accessory uses, and support services specifically designed for occupancy by persons 55 years of age or older. Such facilities may include accommodations for people who are fully ambulatory or who require no medical or personal assistance or supervision, as well as accommodations for people who require only limited or intermittent medical or personal assistance.

Infrastructure means facilities and services needed to sustain manufacturing, residential, commercial and all other land use activities. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.

Injection Well means a hole or bore to any formation or strata for the purpose of disposing of salt water or other related liquids or byproducts of oil and gas drilling, production or operation.

Institutional Sign means a sign relating to a school, church, hospital, university or similar institution.

Junk means any manufactured good, appliance, fixture, furniture, machinery, vehicle, personal property or other thing or part thereof, whether of value or valueless, that is demolished, discarded, dismantled, dilapidated, or so worn, deteriorated, or in such condition as to be generally unusable and/or inoperable. Without limiting the generality of the aforementioned, anything that is water-soluble, primarily organic, or not typically associated with junkyard activities may not be considered junk.

Kennels (Indoor Pens) means an establishment with indoor pens in which more than four dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

Kennels (Outdoor Pens) means an establishment with outdoor pens in which more than four dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

Kiosk means a small, freestanding, one-story accessory structure having a maximum floor area of 100 square feet and used for retail 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 50 square feet.

Kitchen, Residential means generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, microwave oven and/or refrigerator) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

Laboratory Equipment Manufacturing means a facility that makes or produces equipment or products used for research or testing.

Landscape Plan means a plan showing the proposed landscape improvements to be made on a site.

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

Land Use Map means part of Comprehensive Plan showing current land use.

Land Use Plan means part of Comprehensive Plan showing future land use.

Lane Width means street right-of-way required for vehicular traffic.

Laundromat Washateria/Self-Service means a building or part thereof where patrons wash, dry and/or dry clean clothing and other fabrics in machines on the premises that are operated by the patron/general public.

Library (Public) means a building containing printed, pictorial, video or audio material for public use for purposes of study, reference or recreation.

Lift Station means a pumping facility which conveys water or wastewater vertically or under pressure through a force main.

Light Load Vehicle means a self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than 32 feet in length), campers, farm equipment, and other similar vehicles but not including motor vehicles and motorcycles.

Livestock Sales means a building, site, or yard for the display and sale of livestock for retail or wholesale sales.

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

Local Utility Line means the facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

Lost Pet Sign means a sign indicating the loss of a pet, giving a description thereof and the telephone number of the owner.

Lot means:

(1)

An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvements; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record;

- (2) A designated parcel, tract, or area of land established by plat, subdivision, or otherwise permitted by law (as specified in V.T.C.A., Local Government Code ch. 212), to be separately owned, used, developed, or built upon. (Zoning). See Illustration 14 in Section 14.3.95.

Lot area means the total net area within lot lines and not including portions of streets and alleys.

Lot, Corner means a lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees. See Illustration 13 in Section 14.3.95.

Lot Depth means the mean horizontal distance between the front and rear lot lines. See Illustration 14 in Section 14.3.95.

Lot, Double Frontage means a lot having frontage upon two non-intersecting streets, as distinguished from a corner lot. See Illustration 9 in Section 14.3.95.

Lot, Flag means a lot having access to a street by means of a stem or a narrow strip of land connecting the lot to the street; the stem or narrow strip generally has a depth greater than its street frontage.

Lot Frontage means that dimension of a lot or portion of a lot abutting onto a street.

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

Lot, Key means a corner lot whose exterior side is adjacent to the front yard of another lot.

Lot Line means a line of record bounding a lot that divides one lot from another lot or from a public or private street or any other public space. See Illustration 8 in Section 14.3.95.

Lot of Record means a lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Denton County, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to June 18, 1963.

Lot Orientation means the compass reading for a line drawn from a point midway between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback.

Lot Width means the horizontal distance between the side lines of a lot measured parallel to the front lot line at the minimum required building setback line. See Illustration 14 in [Section 14.3.95](#).

Machine Shop means a facility for the machining of metals but not including forging.

Mailing Service (Private) means a building or part thereof for the drop-off and pick-up of parcels for parcel delivery services for a fee, including standard and overnight delivery, and the rental of postal boxes with 24-hour access for customers.

Main Building means the building or buildings on a lot which are occupied by the primary use.

Maintenance and Repair Service for Buildings means a building or part thereof used by a service that provides routine maintenance and services for commercial buildings and grounds. Said services shall include janitorial, landscaping, mowing, heating and air-conditioning, and other services related to the routine maintenance of buildings and grounds. This use shall exclude the exterior storage of vehicles and equipment.

Master Plan means the comprehensive plan of the Town and adjoining areas as adopted by the Town Council and the Planning and Zoning Commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

Maternity Homes means a facility designed to provide for the physical and emotional needs of expectant mothers and may include accommodations for the long-term occupancy of patients.

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

Memory Care Facility means a health facility used for or customarily occupied by persons afflicted with memory loss attributed to Alzheimer's or dementia, for a period exceeding 24 hours, housing, food service, and one or more personal services, which may include assisting residents with personal care tasks and nursing care, for four or more persons designed to provide a safe, structured environment.

Minimum Floor Area Per Dwelling Unit means minimum floor area per dwelling unit, as specified in each residential zoning district category within this Zoning Ordinance, is defined as the calculated air-conditioned floor area exclusive of breezeways, garages, open porches, carports and accessory buildings.

Mini-Warehouse/Self-Storage means 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.

Mobile Sign means any sign attached to a trailer, skid or similar mobile structure, where the primary use of such structure is to provide a base for such sign or to constitute the sign itself. This provision shall not be interpreted to include identification signs on vehicles used for business purposes, nor shall it be interpreted to include bumper stickers.

Model Home means 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 within the same subdivision.

Monument Sign means a sign which is supported by one or more uprights, braces, pedestals or other solid foundation in or upon the ground. It may be a two-faced sign with a maximum 30-degree angle between the two sign faces. Lighting may be from landscape lighting or may be internal to the structure of the monument sign.

Motion Picture Studio, Commercial Film means a building and site for the use as a place for the filming, developing, and editing of motion pictures, commercials, and similar products and the ancillary uses related thereto.

Motion Picture Theater (Indoors) means an indoor place where motion pictures are shown to the public for a fee.

Motor Vehicle means any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses and excluding any vehicle defined as a "Heavy Load Vehicle" herein.

Motor Vehicle Gasoline or Fuel Station means any facility, equipment, or fixture, including a canopy, used for retail dispensing of motor vehicle fuels primarily to passenger vehicles. Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than 48 hours.

Motor Vehicle Rental means a facility for the rental of automobiles, light trucks, or vans, including incidental parking and servicing of vehicles for rent or lease.

Motor Vehicle Repair and Services, Major means an establishment engaged in the general repair, rebuilding, or reconditioning of engines, motor vehicles, or trailers, including, but not limited to body work, framework, welding, overall painting, and tire replacement and disposal.

Motor Vehicle Repair and Services, Minor means an establishment engaged in minor repairs of engines, motor vehicles, or trailers that does not require the removal of the engine head or pan, engine, transmission, or differential of a vehicle, including, but not limited to minor repair or maintenance, oil changing, minor interior upholstery work, glass repair and tinting, and any sales of parts to be installed on-site through these services. Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than 48 hours.

Motor Vehicle Sales means the retail sales of new or used motor vehicles or light load vehicles, including, as an accessory use, the service of new or used vehicles.

Moveable Type Sign means sign that includes or exhibits any moving or scrolling type.

Municipal Facility or Use means any area, land, building, structure and/or facility which is owned, used, leased or operated by the Town of Argyle, Texas, including police and fire department facilities.

Museum means an institution for the collection, display and distribution of objects of art or science and open to the general public.

Neon Signs means any exposed neon or other gas-filled luminous tube signs located outside a building or structure, or located inside the building and clearly visible from the street frontage.

New Well means a new well bore or new hole established at the ground surface, and shall not include the reworking of an existing well that has not been abandoned. Additional horizontal or directional wells from the same well bore or hole shall be considered a new well.

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

Notice to Proceed means a written authorization permitting the developer to proceed with construction of the approved public facilities.

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

Office Showroom/Warehouse means an establishment with no more than 25 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Offices, Medical Services means an establishment where patients receive consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by primary care doctors, dentists, or similar practitioners of medical and healing arts for humans. These facilities are different from a medical clinic in that they primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention.

Offices, Professional and General Administrative means an establishment used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services such as real estate, insurance, property management, investment, legal, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and

associations. Uses do not include extensive outdoor functions, such as parking lot storage of goods or company vehicles, or significant impacts on traffic circulation on off-peak hours.

Off-Premises Sign means any sign located on a site, lot or tract which directs attention to a business, profession, commodity or service conducted, sold or offered on any other site, lot or tract, except otherwise as stated in this ordinance. Off-premises sign shall not include an overhead ranch style entry sign located on an immediately adjacent parcel that provides ingress and egress to the site, lot or tract and which the applicant has either title or easement rights to.

Oil means oil, as such term is used in the rules, regulations, or forms of the railroad commission.

Oil Well means any well drilled for the production of oil or classified as an oil well under the Texas Natural Resources Code or by the railroad commission.

Open Space, Private means within a subdivision, private open space is private property under common ownership designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Private open space does not include streets, alleys, utility easements, public parks or required setbacks. Private open space within a specific lot is the area included in any side, rear or front yard or any unoccupied space on the lot that is left open and unobstructed to the sky except for the ordinary projections of cornices, eaves or porches.

Open Space, Public means within a subdivision, public open space is property which has been designated for park land, recreation, or wildlife conservation areas which have been dedicated to, and accepted by, the Town of Argyle or other Federal, State, or Municipal governmental entity.

Operation Site means the area used for development and production and all related operational activities of oil and gas after drilling activities are complete or sites used for salt water injection operations related to oil and gas drilling or production.

Operator means for each well, the person listed on the railroad commission Form W-1 or Form P-4 for an oil or gas well. Operator includes the mineral lessee.

Orchard/Crop Propagation means an area used for growing usual farm products, vegetables, fruits, trees, and grain and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including any type of agriculture specifically prohibited by ordinance or law.

Outdoor Sales means any primary use of a premises whereon goods, materials, or merchandise is displayed for the purpose of sale, and which the display area is greater than 30 percent of the gross floor area of the principal building.

Outside Storage means the permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours. Also referred to as open storage.

Owner of Record means legal owner or owners of the land.

Paint Shop means a commercial establishment where painting services are performed (but not motor vehicle-related painting services).

Parcel means any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

Park means land dedicated to, or purchased by, the Town or other Federal, State, or Municipal governmental entity for the purpose of providing public recreation or open space areas.

Park and/or Playground means a recreation facility, park, playground or open space that contains passive or active recreational amenities that are lighted and are not required by the Town of Argyle Zoning Ordinance of Subdivision Regulations.

Parking Lot means an off-street (i.e., not on a public street or alley), ground level area, paved in accordance with Town of Argyle parking lot standards, for the short- or long-term storage of motor vehicles.

Parking Space means an area meeting the dimensional requirements prescribed by this ordinance, surfaced with an all-weather surface together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress. The space shall not be located within a public street or alley, nor shall head-in parking adjacent to a public street or alley, wherein the maneuvering is done on a public street or alley, be classified as off-street parking in computing the parking requirements for any use.

Party in Interest means owner of record or authorized agent.

Pavement Width means the portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the faces of curbs.

Pawnshop means a building or part thereof used for an establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

Person means any individual, association, firm, corporation, governmental agency, or political subdivision. Includes both the singular and plural and means an individual person, corporation, association, partnership, receiver, trustee, guardian, executor, administrator, and a fiduciary or representative of any kind.

Personal Service means an establishment primarily engaged in the provision of frequent or recurrent needed services of a personal nature in which walk-in patrons receive services on-site, including but not limited to laundry and dry-cleaning establishments, tailoring shops, shoe repair or cobblers, and accessory retail sales of products related to the provided services.

Petition means a written request.

Petroleum Specialist means a qualified oil and gas consultant familiar with and educated in the oil and gas industry that has been retained by the Town.

Pharmacy means a retail outlet that dispenses drugs by prescription.

Phased Development means a plat presented by the developer that proposes that only part of the tract is to be developed and presented to the Planning and Zoning Commission; the remainder of the tract to be developed at a later date.

Philanthropic Organization means an organized body or society for promoting a charitable, benevolent, or educational objective, and the building or buildings for carrying on the work of such an organization. This shall include a welfare or health care center.

Photo Studio means a building or part thereof used for portrait and commercial photography, including developing and processing of film, sale of film and photographic equipment and repair or maintenance of photographic equipment.

Pipeline Easement Map means a map indicating all gathering line easements. The easements must be located separately from the utility easements.

Planned Development means subdivision that consists of a variety of land use types, incorporating a single or variety of types of residential dwelling units, public open spaces, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, which is to be developed as a single entity, under unified control. In tracts within a single zoning district, the planned development suffix allows for flexibility in subdivision while preserving the overall density.

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

Planning and Zoning Commission means a board which is appointed by the Town Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the Town Council. Also referred to as the "Commission".

Planning Staff. See "Town Planner."

Plant Nursery (Growing for Commercial Purposes) means a place where young trees or other plants are grown for transplanting or for sale, and may also include the sale of related accessory supplies.

Plant Nursery (Retail Sales) means a shop used for the propagation and retail sale of plants, shrubs, trees, and garden supplies.

Plat means:

- (1) A plan of a subdivision of land creating lots or tracts and showing all essential dimensions and other information necessary to comply with the subdivision standards of the Town of Argyle, and subject to approval by the Town in accordance with this ordinance;
- (2) A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the Town of Argyle, and which is approved by the Town of Argyle and recorded in the plat records of Denton County. (Zoning)

Platted Lot. See "Lot" and "Lot of Record."

Pole Sign means any sign that is supported by and placed upon poles, standards, or structures so as to elevate the sign above ground elevation, but not including wall signs and excluding flags. Pole sign shall not include an overhead ranch style entry sign located on the same or an immediate adjacent parcel that provides ingress and egress to the site, lot or tract and which the applicant has either title or easement rights to.

Police Station means a facility designed to provide public protection from the dangers of crime.

Policy means a statement or document which has been enacted by the governing body of the Town that forms the basis for enacting legislation or making decisions.

Political Sign means a temporary sign indicating the name and/or picture of an individual seeking election or appointment to a public office, or relating to a forthcoming public election or referendum.

Post Office (Governmental) means a local branch of the U.S. Postal Service engaged in the distribution of mail and incidental services.

Preliminary Plat means a formal document showing the detailed concept of the subdivision, presented with the required accompanying material to the Planning and Zoning Commission for approval. 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 division on a topographic map and showing in plan existing and proposed drainage features and 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.

Premises means land together with any buildings or structures situated thereon.

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

Principal Building. See "Main Building."

Private Access Amenity Plan means a detailed plan to be submitted by the applicant that contains all of the key elements for the private access development, including but not limited to, private access control mechanisms, screening wall(s), signage, and landscaping.

Private Access Permit Process means the entire process culminating in Town Council approval, based upon recommendations of the Planning and Zoning Commission and Town staff.

Private Deed Restrictions means written stipulations which the developer imposes on buyer of property in the subdivision, such as, but not limited to, lot size, setback lines, building size, accessory buildings permitted and land use.

Private Street Lot means a separate lot owned by the property owners' association whereupon a private street is constructed.

Private Streets means a platted street providing limited local traffic circulation among adjacent lots which is privately owned and maintained, contained within a private street lot, and constructed in accordance with the requirements of this Ordinance.

Professional Service means work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

Prohibited Sign (see Unlawful Sign) means a sign which is not allowed for use in any Zoning District of the Town of Argyle.

Projecting Overhang means a permanent roof-like extension from a portion of the building below the roofline composed of rigid material and which has a sign attached thereto.

Projecting Sign means a sign which projects from and is supported by a wall of a building with the display surface of the sign in a plane other than a plane parallel to the wall.

Propane Sales (Retail) means a building or site for the retail sales of propane including facilities for the storage of inventory, vehicles, and equipment for the delivery to customers. All propane storage facilities must be in full compliance with all applicable local, state, and federal standards.

Property Owners' Association means an organization established for the ownership, care, and maintenance of private streets and other private facilities.

Protective Sign means any sign which is commonly associated with safeguarding the safety and security of any premises, including, but not limited to, "beware of dog," "no trespassing," and "no solicitors."

Public Facilities means any facilities authorized or franchised by the Town for the public welfare, usually including public utilities, governmental buildings, and public schools.

Public Garage/Parking Structure means an area or structure devoted to the parking or storage of cars and trucks of less than one ton capacity which may include, in the case of a parking structure only, a facility for servicing motor vehicles provided that such facility is an internal function for use only by motor vehicles occupying the structure.

Public Improvements means facilities such as streets or drainage systems which are dedicated for public use.

Public Open Space Easement means an easement that restricts construction or plantings so that open space and/or sight visibility is maintained.

Public Utility and Storm Sewer Easement means an easement upon a private street not having the same width as the lot which is intended to contain a privately owned and maintained pavement as well as publicly owned and maintained water lines, sanitary sewer lines, storm sewers and such other utility or franchise infrastructure as can be reasonably accommodated.

Public View means areas that can be seen from any public street.

Radio/Television Tower (Commercial) means a structure that is intended for transmitting or receiving commercial television or radio broadcasts.

Railroad Commission means the railroad commission of the state.

Real Estate Sign means a sign indicating that the premises on which the sign is located, or any portion thereof, is for sale, lease, or rent, and containing any of the following information: a description of the premises offered for sale, lease, or rent, special facilities or appurtenances, and the name, address and telephone number of the owner, broker, or other person offering the same for sale, lease, or rent. The sign may include information with respect to the availability of special financing and information indicating a pending contract or the fact that the property is sold.

Rear Yard. See "Yard, Rear."

Recreational Vehicle (RV) means a self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence.

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

Rectory/Parsonage means a building used as a residence, operated as a single housekeeping unit, solely by and for a group of individuals who have been ordained in conjunction with a religious affiliation or have professed vows in a religious order and who live together as a community under the direction of a resident pastor or superior, without more than two persons occupying any one bedroom.

Recycling Kiosk means a small, freestanding, one-story accessory structure having a maximum floor area of 100 square feet and used for the collection of recyclable resources, such as newspapers, glassware, and metal cans, that are to be taken to another site for processing.

Replating means the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Research Lab (Non-Hazardous) means an indoor facility that includes laboratories and experimental equipment for medical testing, prototype design and development, and product testing. Non-hazardous waste is any solid waste, special waste, or septage that is not otherwise classified as a hazardous waste, biomedical waste, or low-level radioactive waste.

Residence means same as a dwelling; also, when used with district, an area of residential regulations.

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

Residential Use means a dwelling unit or group of dwelling units; includes dwelling units within the second story of a building wherein other parts of the building are used for a nonresidential purpose, such as a retail establishment or office.

Restaurant (with Drive-Through) means an establishment designed and constructed to serve food for consumption on the premises, in a motor vehicle or for carry-out for off-premises consumption and which establishment may or may not have on-premises dining room or counter.

Restaurant (without Drive-Through) means an establishment serving food, including cafeterias, to the general public in specific, designated dining areas or for carry-out for off-premises consumption and shall not include drive-through establishments where food is delivered to or eaten in motor vehicles.

Resubdivision means a change in an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line.

Retail or Service, Incidental means the rendering of incidental retailing or services incidental to the primary use. In the Office/Retail district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than 15 percent of the main use.

Retention Pond means a pond or other impoundment designed to store stormwater runoff permanently.

Retirement Home means a development providing self-contained dwelling units designed to provide personal care services for the elderly. Units may be renter or owner occupied. To qualify as a retirement housing, a minimum of 80 percent of the total units shall have a household head 55 years of age or greater.

Reworking means recompletion, redrilling or reentry of an existing well within the existing borehole or by deepening or by sidetrack operations.

Right-of-Way means lands dedicated and publicly owned for use as a street, alley or crosswalk.

Roadbed Width means portion of street available for vehicular traffic.

Roof Sign means a sign located upon and above the roof of any building, or located so that any portion of the sign extends above the roof of any building to which it is attached.

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

Salvage Storage Yard means the reclamation and storage of used products or materials.

Sand, Gravel or Stone Storage (Including Sales) means the process of storing and/or selling sand, gravel, stone, topsoil, compost or other products from the earth.

Sanitary Sewer Collection System/Line means non-pressurized, gravity flow sanitary sewer system line.

School K through 12 (Private) means a facility, including all attached playgrounds, dormitories, stadiums and other appurtenances that are part of the facility, that are under the sponsorship of a private agency having a curriculum generally equivalent to public elementary or secondary schools and licensed or approved by the State, but not including trade or commercial schools, used for the primary purpose of instruction or education, including primary and secondary schools.

School K through 12 (Public) means a facility, including all attached playgrounds, dormitories, stadiums and other appurtenances that are part of the facility, that are under the sponsorship of a public agency and licensed or approved by the State for the primary purpose of instruction or education, including primary and secondary schools.

School, Vocational (Business/Commercial Trade) means a for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, or offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

Scientific and Industrial Research Laboratories means facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials (hazardous or non-hazardous) or equipment.

Screened means shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

Seasonal Uses includes the sales of items such as Christmas trees, pumpkins, snow cones, fresh produce, and other items which are typically only available at certain times of the year.

Security Monitoring Company (No Outside Storage) means a business offering services for the monitoring of residences or places of business for security purposes and including all ancillary structures and uses, except outside storage, to support the primary security monitoring services. Outside storage is specifically prohibited.

Security Protection Sign means a sign indicating that the premises are protected by a security alarm system.

Security Quarters as Associated with a Business (Live-In) means an accessory dwelling in a nonresidential district for the sole use and occupancy of a person or persons employed by a business located on the premises on a full-time basis, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

Security Systems Installation Company means a business that installs home or business security monitoring systems.

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

Sewage Pumping Station means a municipal facility for the collection and movement of wastewater/sanitary sewer discharges through the Town of Argyle wastewater/sanitary sewer system and which is fully licensed to operate by the Texas Commission on Environmental Quality (TCEQ).

Sexually Oriented Business means a business or operation as defined by Section 14.3.78.A. of this Code.

Sheltered Care Facility means a nonprofit or for-profit boarding home for the sheltered care of persons with special needs, which, in addition to providing food and shelter, may also provide some combination of personal care, social or counseling services, and transportation.

Side Yard. See "Yard, Side."

Sidewalk means a paved pedestrian way generally located within public street right-of-way, but outside of the roadway, and built in accordance with Town specifications.

Sign means any writing, name, number, figure, character outline, emblem, graphic, window etching, stained or painted glass, mark, logo, mural, symbol, spectacle, display, delineation, announcement, advertising, billboard, signboard, flag, banner, pennant, bunting, device, appliance, or structure erected for the purposes of supporting a sign, or any other thing of similar nature designed to attract attention outdoors,

in or on any face or wall, window, or storefront of any building, or on any pole or other form of support or structure, and shall include all parts, portions, units, and materials composing the same, together with the frame, background, and support or anchorage thereof. The following shall not be deemed to be included within the definition of "sign":

- (1) Signs of a duly constituted governmental body, including, but not limited to, traffic or similar regulatory devices, other devices required by law, and warnings at railroad crossings;
- (2) Signs required to be maintained by law or governmental order, rule, or regulation provided that the total surface area of all such signs on any one lot or parcel does not exceed ten square feet or as required by state law;
- (3) Signs placed by a public utility for the safety, welfare, or convenience of the public, such as signs identifying high voltage, public telephone, or underground cable;
- (4) Signs not more than two in number and noticing or soliciting the sale or lease of a vehicle to which such signs are attached if such signs are nine inches by 12 inches or less;
- (5) Signs located inside a building or structure provided the sign is not so located as to be visible and readable without intentional and deliberate effort from outside the building or structure;
- (6) Barber poles of the traditional type and design not exceeding three feet in height (vertical portion of the pole) and not erected so as to extend more than 12 inches from the front of the building to which it is attached;
- (7) Noncommercial decorations in a residential zone commemorating a generally recognized seasonal event or occasion for periods not to exceed 30 days; and
- (8) Commemorative or historical markers which have been approved by the Town council.

Sign Manufacturing means a building or part thereof for the construction or manufacture of signs, banners and similar advertising products.

Site means all of that contiguous ground area legally assembled into or as part of one building or business location, or one residence. The terms "site" and "premises" are synonymous with each other.

Sketch Plat means a sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the Planning and Zoning Commission, Engineer, or others who are consulted prior to the preparation of the preliminary plat.

Special Event Venue means a property with an indoor or outdoor venue used to host private social events where food and drink are served and may include live entertainment but does not provide overnight accommodations. Private social events may include weddings, cultural, or religious/nonreligious occasions. This definition does not include the use of a residence as a place to host a private social event such as a wedding ceremony.

Sports Court (Lighted) means a surface designed and constructed for playing a sports game including but not limited to tennis, basketball, hockey, etc., along with all fencing, nets and related appurtenances including lighting for nighttime play.

Sports Court (Private/Not Lighted) means a surface designed and constructed for playing a sports game including but not limited to tennis, basketball, hockey, etc., along with all fencing, nets and related appurtenances but excluding lighting for nighttime play.

Stables (as a Business) means a building used for the boarding or quartering of livestock pursuant to the Code of Ordinances of the Town of Argyle on a fee or other remuneration basis.

Stables (Private, Principal or Accessory Use) means a building for the quartering of livestock pursuant to the Code of Ordinances of the Town of Argyle for the sole use and enjoyment of the landowner.

Stacking Area means a setback measured from the public street right-of-way to the access controller.

Steep Slope means areas that contain slopes over 15 percent grade and are characterized by increased runoff and erosion hazards.

Stop Work Order means a written or verbal directive to cease construction activity.

Storage or Wholesale Warehouse means a building or part thereof used primarily for the storage of goods and materials.

Storefront Width, in a single-tenant building, means the width of the full frontage of the building structure. Wall signage, if used, shall be centered on the building, or on an articulation of the building. In a multi-tenant building, the storefront width shall be that width of the building leased to or owned by an individual tenant. Wall signage, if used, shall be centered above the storefront width of each tenant.

Story means that portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The height for the first story shall be considered to be 15 feet in height, and the height of the second story and other subsequent stories shall be considered to be 12 feet in height. The definition of a story does not include parapets, gables and other normal roof structures.

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

Street means a public right-of-way, however designated, which provides vehicular access to adjacent land:

- (1) Arterial Streets or Major Thoroughfares provide vehicular movement from one neighborhood to another, to distant points within the urban area or to freeways leading to other communities.
- (2) Collector streets provide vehicular circulation within neighborhoods and from local streets to Major Thoroughfares. Due to similarity of traffic volume and wheel loadings, streets through commercial and industrial areas are frequently constructed to same design as Arterial Streets.
- (3) Local streets provide direct vehicular access to abutting residential property. Local streets include residential and residential estates designations.
- (4) A "private street" is a vehicular access way under private ownership and maintenance, that has not been dedicated to the Town and accepted by the Town.

Street Frontage means the length of the wall of the building facing the street upon which it fronts. A building shall face one street only. Additionally, a building or business shall be considered as fronting on the street upon which the main entrance or address of such building or business is located, unless such business shall be located within a courtyard or facing a parking area with its main public entrance fronting on the courtyard or parking area, in which case the business shall be considered as fronting on such courtyard or parking area.

Street, Internal means generally any street whose entire width is contained within a development.

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

Street Lighting Plan means the officially adopted plan, a part of the Comprehensive Plan, that identifies the required locations of streetlights.

Street, Perimeter means any street which abuts a development or one whose width lies partly within a development and partly without, unless otherwise defined by the Town Engineer.

Street Width means the shortest distance between the lines which delineate the rights-of-way of a street.

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

Structure means:

- (1) Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, billboards, and poster panels;
- (2) 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"). (Zoning)

Studio for Radio or Television means a building or part of a building used as a place for radio or television broadcasting.

Studio, Tattoo or Body Piercing means any place or establishment that is operated for the principal business or primary purpose of marking the skin with indelible pigment or other such substance so as to produce a permanent design, mark or similar feature on the skin or to pierce the body to accommodate jewelry or any other such similar adornment or item.

Subdivider means any person or any agent thereof who, having an interest in land, causes it, directly or indirectly, to be divided or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivision" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided.

Subdivider's Agreement means a written contractual agreement between the Town and the Developer establishing the terms and conditions for approval and acceptance of the public improvements required for a development.

Subdivision means any land, vacant or improved, which is divided into two or more lots, blocks, parcels, sites, units, plots, or interests for the purpose of offer, sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and conditions, including resubdivision.

Subdivision Entry Sign may consist of a monument sign, allowing only the name of the subdivision or community therein. The monument sign may be incorporated as part of an entry feature. The subdivision entry sign must be approved in conjunction with Site Plan approval.

Surety Company means an entity which undertakes to pay money or to do any other act, in event that his principal fails therein and is bound with the principal for the payment of a sum of money, or for the performance of some duty or promise.

Surveyor means a person licensed by the State, or Registered Public surveyor, as authorized by the State Statutes to practice the profession of surveying.

Swimming Pool, Private means a swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the Town of Argyle Code of Ordinances.

Telephone and *Exchange/Switching Station* means a line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

Temporary means used or lasting for only a limited period of time; not permanent.

Temporary Building means any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

Temporary Field Office or *Construction Yard* or *Office* means a structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year for a specific time and location as determined may be issued by the Building Official and shall be subject to review and renewal for reasonable cause.

Temporary Outdoor Sales/Retail Promotion means an activity conducted by either an existing and legally conforming business or use or by a community service organization for the purposes of promoting business sales and/or raising funds for community service or for the purpose of promoting any special event, any community educational campaign, any membership drive or any other similar promotion intended to be conducted only for a fixed period of time with the intent to discontinue such activity upon the expiration of the time period.

Theater (Non-Motion Picture) means a building or part of a building designed for the presentation of live entertainment.

Thoroughfare Plan means the officially adopted plan, a part of the Comprehensive Plan, that identifies and classifies the existing and proposed thoroughfares in the Town.

Tool Rental (Indoor Storage) means a building or part thereof for the rental of tools and the sale of hardware customarily used in the construction, maintenance or repair of buildings or the maintenance of private property (i.e. - tree trimming, lawn mowing, etc.). This use shall exclude the outside storage and display of tools. This use shall also include the sale of new and reconditioned tools.

Tool Rental (Outside Storage) means a site for the rental of tools and the sale of hardware customarily used in the construction, maintenance or repair of buildings or the maintenance of private property (i.e. - tree trimming, lawn mowing, etc.). This use shall also include the sale of new and reconditioned tools.

Town means:

- (1) The Town of Argyle, Texas, together with all its governing and operating bodies;
- (2) The Town of Argyle, Texas; sometimes referred to as the "Town".

Town Administrator means the person duly approved by the Town Council and charged with the responsibility of administering the Town's departments.

Town Council means:

- (1) The Town Council of the Town of Argyle, Texas;
- (2) The governing body of Argyle, Texas.

Town Engineer shall apply only to such Registered Professional Engineer or firm of Registered Professional Consulting Engineers that has been specifically designated as such by Resolution of the Town Council.

Town Inspector means the firm or person that has been specifically retained by the Town Council to provide inspection services for public improvements or buildings.

Town Planner. See "Community Development Director."

Tract means:

- (1) An undivided parcel of land having access to a public street which can be subdivided into lots;
- (2) A single individual parcel or lot. (Zoning)

Tractor Sales. See "Heavy Machinery Sales and Storage."

Trailer, Travel or Camping means a portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

Travel Trailer/RV Park (Short-Term Stay) means any premises that is used in whole or in part for the parking of travel trailers or recreational vehicles for use as a temporary dwelling or sleeping space for one or more persons by the day, week, or for a longer period of time with or without compensation.

Truck means a light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

Truck or Transport Terminal or Yard means a building or premises used as an origin or destination point for the loading, unloading, or transferring of goods transported by truck, or which provides containerized freight handling facilities, or rail truck services, and/or where local pick-up, delivery and transitory storage of goods incidental to the primary function of the motor freight shipment is provided.

Urgent Care Clinic means a walk-in or by appointment clinic providing medical service and offering outpatient care for the treatment of acute and chronic illness and injury by a primary care physician, or other legally qualified medical professionals, together with their qualified assistants. The building may include administrative offices, waiting rooms, treatment rooms, and laboratories directly associated with the clinic, but shall not include accommodations for overnight or extended stays for patients, and not be open 24 hours.

Use means the purpose for which land or buildings are or may be occupied in a zoning district.

Used Merchandise, Furniture means a building or part thereof used to display and offer for retail sales used merchandise or furniture. Outdoor storage and permanent outdoor sales are prohibited.

Utility Distribution/Transmission Lines means facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the Town or private utility company.

Utility Easement means an interest in land granted to the Town, to the public generally, and/or to a private utility corporation, for installing and maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

Vacation means to cancel, rescind, or render an act that has the effect of voiding a subdivision Plat or a portion thereof as public easement, right-of-way or other dedication.

Variance means an adjustment in the application of the specific regulations of this Ordinance to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment can grant a variance.

Vested Rights means a right complete and consummated, and of such character that it cannot be divested, defeated or canceled without the consent of the person, or by the unilateral act of another person.

Veterinarian means a building or part thereof used by an establishment where animals and pets are admitted for examination and medical treatment and that may have indoor and/or outdoor kennels or pens.

Wall Sign means a sign which is affixed to (or painted on) an exterior wall of any building or structure with the display surface of the sign in a plane parallel to the plane of said wall.

Warehouse/Office means a building or part thereof used for the storage of goods, wares, merchandise, substances or articles and may include facilities for wholesale or retail commercial outlet and offices for the administrative/management functions related to the warehousing operation. This use shall not include facilities for a truck or transport terminal or yard.

Wastewater Treatment Plant (Public) means a Town-owned facility that is licensed by the State and is constructed to treat raw sewage from a sewage collection system in any manner so as to make it acceptable for discharge into a stream or public watercourse.

Water Supply Facility (Elevated Water Storage) means a water storage tank or similar structure that is constructed in a manner so as to be elevated above the ground and is used to contain water for public use.

Water Supply Facility (Private) means a facility owned by an individual, entity or organization other than the Town that is licensed by the State and is constructed to treat raw water in a manner so as to make it suitable for consumption.

Welding Shop means a facility for the welding of metals and not including forging.

Well means a hole or bore to any horizon, formation, or strata for the purpose of producing oil, gas, or other liquid hydrocarbons.

Wind Energy System. See Section 14.3.73.B.9. of the Town Zoning Ordinance.

Winery means a facility used for the manufacturing, bottling, labeling and packaging of wine and if necessary, may include the manufacturing and importation of grape brandy for fortifying purposes only. A winery may include the following accessory uses: a vineyard for the growing, cultivation or planting of grapes or other fruits, a tasting room to dispense wine for on-premises consumption, meeting or banquet facilities, restaurants, retail gift shops and retail sales area of wine for off-premises consumption.

Yard means:

- (1) A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from 30 inches above the general ground level of the graded lot upward. Provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding 30 inches, may be permitted in any yard subject to height limitations and requirements limiting obstructions of visibility;
- (2) An open space at grade between the principal building(s) and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this ordinance.

(Ord. No. 2010-01, § 3, 1-12-10; Ord. No. 2010-17, § 2, 10, 10-26-10; Ord. No. 2011-12, 6-28-11; Ord. No. 2020-06, § 2, 3-24-20; Ord. No. 2022-14, § 2(Exh. A), 9-6-22; Ord. No. 2023-07, § 2, 3-28-23)