

## ARTICLE 11

### DEFINITIONS

#### Section 11-101. General Interpretation

The words and terms used, defined, interpreted, or further described in this Ordinance may be construed as follows:

- (A) The particular controls the general.
- (B) The word ‘shall’ is always mandatory and not directory. The word ‘may’ is permissive.
- (C) Words used in the present tense include the fixture unless the context clearly indicates the contrary.
- (D) Words used in the singular include the plural and words used in the plural include the singular unless the context clearly indicates the contrary.

#### Section 11-102. Words and Terms

The following list of specific words and terms is defined as follows:

- (A) Accessory Use, or Structure, or Building. An “accessory use or structure” is one customarily a part thereof; which is clearly incidental and secondary to the permitted use and which does not change the character thereof, including, but not limited to, garages, guest house or living quarters for servants, bathhouses, greenhouses, or tool sheds.
- (B) Alley. A minor right-of-way dedicated to public use, which gives 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.
- (C) Balcony. An outdoor extension of the main structure which may be covered, but is open to the elements.
- (D) Board of Adjustment. The zoning Board of Adjustment of the Town of Talty, Texas.
- (E) Breezeway. A covered passage, one story in height, connecting a main structure and an accessory structure.

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(F) Building. Any structure built for the support, shelter, or enclosure of persons, chattels, or movable property of any kind and which is affixed to the land.

(O) Building Height. The vertical distance measured from the average elevation of the finished grade along the front of the building

- (1) To the highest point of the roof surface, if a flat roof;
- (2) To the deck line of a mansard roof; or
- (3) To the mean height level between eaves and ridge for a gable, hip or gambrel roof

(II) Building Inspector. The designated ‘Building Inspector’ of the Town of Talty.

(I) Carport. An open building for parking only of motor vehicles belonging to the occupant of the same premises.

(J) Town. The Town of Talty, Texas.

(K) Clinic. Offices for one or more physicians, surgeons, dentists, or other practitioners of the healing arts, but not including rooms for the abiding of patients.

(L) Club. Any membership organization including a lodge catering exclusively to members and their guests and whose facilities are limited to meeting, eating and recreational uses, and further, whose activities are not conducted principally for monetary gain.

(M) Common Property. A parcel of land, together with the improvements thereon, the use and enjoyment of which are shared by the owners and occupants of the individual building sites.

N) Comprehensive Plan. The comprehensive plan for the Town of Talty, Texas, which has been officially adopted to provide long-range development policies for the Town and which includes, among other things, the plan for land use, circulation, and public facilities.

(O) Conditional Use. A use which, although not permitted outright in a particular district, may be permitted by the Board of Aldermen upon recommendation by the Planning and Zoning Commission in accordance with the standards and procedures of this Ordinance.

(P) Court. An open, unoccupied space bounded on more than two (2) sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building.

An outer court is a court having one (1) side open to a street, alley, yard or other permanently open space.

(Q) Day Nursery. A place where children are kept for care between the hours of 7:00 AM and 12 midnight.

(B.) Density. The number of dwelling units per gross acre of land devoted to housing and related open space.

(S) District. An area or areas for which the regulations and requirements governing use, lot, and bulk of building and premises are uniform.

(T) Dwelling. Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

Dwelling. HUD-Code Manufactured Home. A structure, constructed on or after June 15, 1976 according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

(U) Dwelling. Single-Family. A detached principal building other than a mobile home designed for or occupied as a dwelling exclusively by one family as an independent living unit (also duplex).

(V) Easement. Authorization by a property owner for the use by the public, a corporation, or persons, of any designated part of his property for specific purposes.

(W) Employees. All persons, including proprietors, working on the premises during the largest shift at peak season.

(X) Family. A single individual doing his own cooking and living upon the premises as a separate, independent housekeeping unit; or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth or marriage; or a group of not more than three (3)

unrelated persons doing their own cooking and living together upon the premises as a single housekeeping unit. Single persons of eighteen (18) years of age or older not living with parents or legal guardian are considered to be unrelated to each other.

(Y) Fence or Wall. A free-standing structure of metal, masonry, composition, or wood, or any combination thereof resting on or partially buried in the ground and rising above ground level used for confinement, screening, or partition purposes.

(Z) Frontage. That portion of a lot, parcel, tract or block abutting upon a street,

(A1) Garage, Private. An enclosed building for parking only of motor vehicles belonging to the occupant of the same building.

(B1) Grade (Ground Level). The average of the finished ground level at the center of all walls of the building or at the center of the structure.

(C1) Guest House. An accessory structure which is physically detached from a single-family dwelling unit, does not contain cooking facilities, is serviced through the same utility meters or connections as the principal use, and is intended for occupancy only by guest(s) of the family residing in the single-family dwelling.

(D1) Kindergarten. school for children of pre-elementary school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

(E1) Lot. A parcel of land of at least sufficient size to meet minimum requirements for use, coverage and area, and to provide required yards and other open spaces. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of the following provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirement of this Ordinance:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portion of lots of record, or of portions of lots of record; and

(E1) Lot Area. Total horizontal area within the lot lines of a lot.

(G1) Lot, Corner. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street and where, in either case, the interior angle formed by the intersection of street lines does not exceed one-hundred-thirty-five (135) degrees.

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(H1) Lot Coverage. The percent of the total lot area available for bulk or buildings.

(I1) Lot Depth. The average horizontal distance between front and rear lot lines.

(J1) Lot, Double Frontage. A lot which runs through a block from street to street and which has two (2) nonintersecting sides abutting on two (2) or more streets.

(K1) Lot, Interior. A lot other than a corner lot.

(L1) Lot Line, Front. The property line dividing a lot from the right-of-way of the street. For a corner lot, the shortest street right-of-way line shall be considered as the front line.

(M1) Lot Line, Rear. Except on a double frontage lot, the property line opposite the front lot line.

(N1) Lot of Record. A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk,

(O1) Lot Line, Side. Any lot line other than a front or rear lot line.

(P1) Lot Width. The distance on a horizontal plane between the side lot lines of a lot, measured at right angles to the line establishing the lot depth of the established building setback line.

(Q1) Nonconforming Structure or Use. A lawful existing structure or use at the time this Ordinance or any amendments thereto becomes effective which does not conform to the requirements of the zone in which it is located.

(RI) Off-Street Loading Space. A space located outside of a public street or alley for the discharge of passengers or a space directly accessible to the building it serves for bulk

pick-up and deliveries of delivery vehicles.

(S1) Off-Street Parking Area. Any parking area located wholly within the limits of one or more lots.

(T1) Open Space. Land in a predominately natural state which is free of any structures which are not directly related to the function of the open space.

(U1) Parking Space. A rectangular area containing not less than two hundred square feet with maneuvering and access space required for the standard American automobile to park within the rectangle.

(V1) Patio. A surface area which is uncovered and open to the elements.

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(W1) Permitted Use. A use specifically allowed in one (1) or more of the various districts without the necessity of obtaining a use permit.

(X1) Personal Service Shop. An establishment for the purpose of supplying limited personal services such as, but not limited to, barber, shoe, boot, or “beauty” shops.

(Y1) Planning and Zoning Commission. The officially appointed Planning and Zoning Commission of the Town of Talty, Texas.

(Z1) Porch. A building or part of the main building which is covered, but is open to the elements.

(A2) Premises. A general term meaning part or all of any lot, parcel, or tract, or part or all of any building or structure or group of buildings or structures located thereon.

(B2) Private Utility. Any utility other than a municipally-owned and operated utility including telephone, electric, gas and other privately owned and operated utilities.

(C2) Property Line. The boundary of any lot, parcel, or tract as the same is described in the conveyance to the owner, and shall not include the streets or alleys upon which the said lot, parcel, or tract may abut.

(D2) **Public Hearing.** A meeting called by a public body for which the Public notice has been given and which is held in a place in which the general public may attend to hear issues and to express their opinions.

(E2) **Retail.** Sale to the ultimate consumer for direct consumption and/or use and not for resale.

(F2) **Right-of-way, Public.** All streets, roadways, sidewalks, alleys, and all other areas reserved for present or future use by the public, as a matter of right, for the purpose of vehicular or pedestrian travel.

(G2) **Rooming Unit.** A room providing minimal housing accommodations for a roomer; arranged primarily for sleeping and study in which may be included a private bath but shall not include any kitchen equipment such as refrigerator, sink or cooking device.

(H2) **Screening.** Decorative fencing, evergreen hedges or earth berms maintained for the purpose of concealing from view the area behind such screening. When fencing is used for screening, it shall be not less than six (6) nor more than eight (8) feet in height.

(I2) **Servants' Quarters.** A dwelling unit located on the same lot or grounds as the main

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building, and used by servants employed on the premises and not rented or otherwise used as a separate domicile, and serviced through the same utility meters or connections as the principal use to which it is accessory.

(J2) **Setback line.** A line or lines designating the area outside of which buildings may not be erected.

(K2) **Sign.** A sign is any object or device or part thereof situated outdoors or indoors which is used to advertise, identify display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images. Signs do not include the following: (1) Flags of nations, or an organization of nations, states and cities, fraternal, religious and civic organizations; (2) Merchandise, pictures or models or products or models of products or services incorporated in a window display; (3) Time and temperature devices not related to a product; (4) National, state, religious, fraternal, professional and civic symbols or crests;

(5) Works of art which in no way identify a product; and (6) Scoreboards located on athletic fields. If for any reason it cannot be readily determined whether or not an object is a sign, the Board of Adjustment shall make such determination.

(L2) Sign, Advertising. A sign which directs attention to a business commodity, service or entertainment conducted, sold, or offered at a location other than the premises on which the sign is located or to which it is affixed,

(M2) Sign, Animated. Any sign or part of a sign which changes physical position by any movement or rotation.

(N2) Sign, Arcade. A wall or projecting sign attached to the roof or wall of an arcade and totally within the outside limits of the structural surfaces which are delineating the arcade.

(O2) Sign, Bulletin Board. A sign that indicates the name of an institution or organization on whose premises it is located and which contains the name of the institution or organization, the name or names of persons connected with it, and announcements of persons, events or activities occurring at the institution. Such sign may also present a greeting or similar message.

(P2) Sign, Business. A sign which directs attention to a business or profession conducted, or to a commodity or service sold; offered or manufactured, or an entertainment offered, on the premises where the sign is located or to which it is affixed.

(Q2) Sign, Construction. A temporary sign indicating the names of architects, engineers, construction of a structure or project only during the construction period and only on the

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premises on which the construction is taking place.

(R2) Sign, Flashing. Any directly or indirectly illuminated sign either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

(S2) Sign, Ground. A sign supported by poles, uprights or braces extending from the ground, or an object on the ground but not attached to any part of any building.

(T2) Sign, Identification. A sign giving the name and address of a building, business, development or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol.

(U2) Sign, illuminated. A sign lighted by or exposed to artificial lighting either by lights on the sign or directed towards the sign.

(V2) Sign, Nameplate. A sign giving the name and/or address of the owner or occupant of a building or premises on which it is located, and, where applicable, a professional stabs.

(W2) Sign, Projecting. A sign other than a wall sign which projects from a wall and is supported by a wall.

(X2) Sign, Real Estate. A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures, or a portion thereof located thereon.

(Y2) Sign, Roof. A sign which projects above the roofline or is located on the roof of a building or structure.

(Z2) Sign, Wall. A sign attached to, painted on, or erected against a wall of a building which extends no more than twelve (12) inches from the wall surface upon which it is attached and whose display surface is parallel to the face of the building to which the sign is attached.

(A3) Sign, Window. A sign which is applied or attached to or located within three (3) feet of the interior of a window, which sign can be seen through the window from the exterior of the structure.

(B3) Stable, Private. A building designed for the keeping of horses or mules owned by the occupants of the premises and not kept for remuneration hire or sale.

(C3) Street. The entire width between the boundary lines of every way which-provides for

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public use for the purpose of vehicular and pedestrian traffic and placement of utilities.

(D3) Street, Arterial. Any street serving major traffic movements which is designed

primarily as a traffic carrier between cities or between various sections of the Town, which forms part of a network of through streets, and which provides service and access to abutting properties only as a secondary function. Said access shall be avoided wherever practical.

(E3) Street, Collector. Any street designed primarily to gather traffic from local or residential streets and carry it to the arterial system.

(F3) Street Cul-de-sac. A local street having one end open to vehicular traffic and having one end closed and terminated by a turnaround.

(G3) Street, Dead End. A street, other than a cul-de-sac, having only one outlet.

(H3) Street, Freeway. Any divided street or highway with complete access control and grade -separated interchanges with all other public streets and highways.

(I3) Street Frontage. A local street lying parallel to and adjoining an arterial street or freeway right-of-way, which provides access to abutting properties and protection from through traffic.

(J3) Street, Half. A street bordering one or more property lines of a subdivision tract to which the sub-divider has allocated only a portion of the ultimate and intended street width.

(K3) Street, Local. Any street designated primarily to provide access to abutting property.

(L3) Structure. Anything constructed; the use of which requires permanent location on the ground.

(M3) Structure Principal. The principal structure which fulfills the purpose for which the building plot is intended.

(N3) Structural Alteration. Any change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders or any structural change in the roof

(O3) Travel Trailer. A vehicular portable structure built on a chassis designed to be

towed by a standard automobile and designed to be used as a temporary living facility for travel and recreational purposes, having a body width not exceeding eight (8) feet and a length not exceeding 28 feet, but not necessarily having all sanitary facilities within the trailer.

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(P3) Use. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

(Q3) Use, Principal. The main use of land or structures as distinguished from a subordinate or accessory use.

(R3) Variance. A legal modification of the district provisions such as a yard lot width and lot depth, signs, setbacks and off-street parking and loading regulations granted due to the peculiar conditions existing within a single piece of property.

(S3) Vision Clearance Area. A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in the regulations. The third side of a triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lot lines and intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures or temporary or permanent obstructions exceeding two and one-half (2.5) feet in height measured from the top of the curb or existing grade.

(T3) Yard. A redefined open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

(U3) Yard, Front. The yard between the side lot lines measured horizontally at right angles to the front lot line to the nearest point of the principal structure.

(V3) Yard, Rear. The yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the principal structure.

(W3) Yard, Side. The yard between a building and the side lot line measured horizontally at right angles to the side lot line from the side lot line to the nearest point of the main building.

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DULY PASSED by the Board of Aldermen  
of the Town of Talty on the \_\_\_\_\_  
day of \_\_\_\_\_,  
1999.

APPROVED

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Town Attorney

