

CHAPTER 2 - DEFINITIONS

- A. Certain words in this ordinance are defined for the purpose hereof as follows:

Words in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular; the word building includes the word structure; the word lot includes the word plot; the word shall is mandatory and directive.

- B. Definitions

Abut or Abutting. To be separated by common property lines, lot lines, or an alley; adjacent, adjoining, contiguous, or touching.

Amended by Ord. 14-20 on 11/10/2014

Accessory Building. A detached building, other than an accessory dwelling, on the same lot with the principal building, the use of which is clearly incidental to the principal building or use of land. A building containing an accessory use will be considered an integral part of the principal building when it has any part of the wall in common with the principal building or is under the extension of the principal building roof and is designed as an integral part of the principal building. Accessory buildings include cabanas, covered patios, gazebos, barns, greenhouses, and other similar buildings.

Amended by Ord. 13-02 on 1/28/2013; Ord. 15-01 on 3/3/2015

Accessory Dwelling Units. A separate and complete dwelling that is occupied by family members or caretakers contained on the same lot as the primary detached single family dwelling.

Amended by Ord. 15-01 on 3/3/2015

Accessory Structure. A structure detached from the principal structure. This includes accessory buildings, accessory dwelling units, carports, fences, arbors, swimming pools, private tennis courts, outdoor paved game surfaces, donation boxes, and other similar structures.

Amended by Ord. 15-01 on 3/3/2015

Accessory Use. A use that is (1) subordinate in area, extent, and purpose to the principal use, (2) contributes to the comfort, convenience, or necessity of the principal use, and (3) is located on the same lot and in the same zoning district as the principal use.

Amended by Ord. 15-01 on 3/3/2015

Addition. The creation of any new portion of a building which results in a vertical or horizontal extension of the building, or results in any new gross floor area that was not present in the building prior to construction of the addition.

Amended by Ord. 13-02 on 1/28/2013

Adjacent. Touching, adjoining, contiguous or abutting.

Advertising. Any promotion of commodities or services whether on-site or off-site. Prices and specials are considered as advertisement. Display of gasoline prices and telephone numbers shall not be considered as advertisement, but as a disclosure for public information.

Agriculture. The production, keeping or maintenance, for sale, lease, or personal use, of plants and animals useful to man, including but not limited to: forages and sod crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, horses, ponies, mules, or goats or any mutations or hybrids thereof, including the breeding and grazing of any or all such animals; bees and apiary products; fur animals; trees and forest products; fruits of all kinds, including grapes, nuts and berries; vegetables; nursery, floral, ornamental, and greenhouse products; or lands devoted to a soil conservation or forestry management program. All agricultural uses which include animals shall be maintained in compliance with the Sunnyvale Code of Ordinances 2.1302, including prohibitions therein.

Airport or Heliport. An area reserved or improved for the landing or take-off of aircraft, including rotary wing aircraft, which may include hangars, fueling, rental, repair and servicing facilities for such craft as well as facilities for passengers.

Amended by Ord. No. 12-05 on 4/23/2012

Alley. A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

Animal Feed Processing and Storage. A large-scale manufacturing operation that prepares or produces foods for animal consumption such as livestock feeds, foods and snacks for domestic animals, and other similar animal-consumables primarily for commercial or wholesale customers for off-site distribution and consumption. Includes dry and cold storage of animal foods products, unless such is incidental to another primary use such as a pet store, stable or agricultural operation. Can include incidental retail sales of animal food products produced on the premises. Does not include the preparation or manufacture of products for consumption by humans (see definition for Food Processing and Storage), or the slaughtering of any type of animal.

Amended by Ord. No. 12-05 on 4/23/2012

Alternative Financial Establishment. A check cashing business, payday advance or loan business, or a car title loan business. Does not include a bank or financial institution. With respect to a check cashing business, does not include a grocery store, a convenience store, or a similar retail business that cashes checks or money orders, or that issues money orders or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided that the check cashing service does not constitute 50% or more of the trade of that business (as measured by gross receipts on an annual basis).

Amended by Ord. No. 12-06 on 4/23/2012

Arbor. A standalone structure designed with lattice used to support climbing plants. Includes such similar structures as a pergola.

Amended by Ord. No. 15-01 on 3/3/2015

Car Title Loan Business. An alternative financial establishment that makes small, short-term consumer loans that leverage the equity value of the customer's motor vehicle as collateral by taking physical possession of title to the vehicle, by executing a sale-leaseback agreement with the customer, or by executing the power of attorney with the customer, by means of which the borrower's failure to repay the loan or make interest payments to extend the loan allows the car title loan business to take possession of the vehicle from the customer.

Amended by Ord. No. 12-06 on 4/23/2012

Check Cashing Business. An alternative financial establishment that, for a fee or other payment taken out of the proceeds of the transaction, provide payment to the customer – regardless of the existing checking or other relationship between the establishment and the customer – of an amount of money equal to the face of a check, draft, warrant, written authorization for an electronic transfer of money, or similar representation of payment owed by a third-party to the customer. With respect to a check cashing business, the term does not include: a grocery store, a convenience store, or a similar retail business that cashes checks or money order or issues money order or money transfers for a minimum flat fee as a service incidental to its main purpose of business, provided the check cashing service does not constitute 50% or more of the trade of that business (as measured by gross receipts on an annual basis).

Amended by Ord. No. 12-06 on 4/23/2012

Payday Advance or Loan Business. An alternative financial establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, in which the check or debit is held for an agreed-upon term or until the customer's next payday, and then cashed or debited unless the customer repays the loan within the agreed time frame.

Amended by Ord. No. 12-06 on 4/23/2012

Antenna. Any system of wires, poles, rods, panels, whips, cylinders, reflecting discs, or similar devices used for transmitting or receiving electromagnetic waves when such system is either external to or attached to the exterior of a structure, or is portable or moveable.

Amended by Ord. 13-02 on 1/28/2013

Automobile (also “Auto”). A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people, including the following: passenger cars, light-duty (i.e., passenger) vehicles such as pick-ups and sports utility vehicles, passenger vans and mini-vans, and other similar light-duty vehicles, not including heavy load vehicles (i.e., trucks).

Amended by Ord. No. 427 on 5/22/2006

Auto Repair (Minor). Minor repairs and maintenance services for automobiles, excluding heavy load vehicles (i.e., trucks), including the following services: replacement of parts, tires (as an accessory use, not primarily a “tire store”) and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; minor tune-ups; emergency road services, including a maximum of one (1) light-duty, automobile tow vehicle (i.e., wrecker) that may be kept on-site for these services; replacement of starters, alternators, hoses, belts and brake parts; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems (excluding replacement, reconditioning and rebuilding of such systems); installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping (excluding painting), cellular telephones and similar accessories; and other similar minor services for automobiles, except heavy load vehicles (i.e., trucks), but not including any operation named under “Auto Repair (Major)” or any other similar use. *(See Section 19.22 of this Ordinance for special design criteria for automotive repair facilities in certain zoning districts.)*

Amended by Ord. No. 427 on 5/22/2006

Auto Repair (Major). General repairs for automobiles, excluding heavy load vehicles (i.e., trucks), including any of the following services: general repair, reconditioning and/or replacement of engines, air-conditioning systems, transmissions or any other major automotive mechanical systems; wrecker service, including more than one (1) light-duty, automobile tow vehicles (i.e., wreckers) that may be kept on-site for these services; any collision repair services including body, frame or fender straightening, repair, replacement or painting-preparation work; customizing; painting; vehicle steam cleaning; undercoating and rustproofing; those uses listed under “Auto Repair (Minor)” or other similar uses. *(See Section 19.22 of this Ordinance for special design criteria for automotive repair facilities in certain zoning districts.)*

Amended by Ord. No. 427 on 5/22/2006

Bakery, Commercial. A large-scale food manufacturing operation that produces baked goods for human consumption such as bread, buns, biscuits, tortillas, ice cream cones, cakes, pies and other baked products of which flour or meal is the principle ingredient primarily for commercial or wholesale customers for off-site distribution and consumption. Can include incidental retail sales of baked goods produced on the premises. Does not include the baking or preparation of products for consumption by animals (see definition for Animal Feed Processing and Storage).

Amended by Ord. No. 12-05 on 4/23/2012

Bank or Financial Institution. An establishment such as a bank, savings and loan association, or credit union that is regulated by federal or state law; that accepts and maintains deposits from individuals, businesses or other institutions; that makes both short and long term loans including loans secured by collateral other than personal property; and that provides related financial services to its customers.

Amended by Ord. No. 12-06 on 4/23/2012

Barn. An accessory building used exclusively for the storage of grain, hay, or other agriculture related products and/or for the sheltering of livestock or farm equipment.

Amended by Ord. 13-02 on 1/28/2013; Ord. No. 15-01 on 3/3/2015

Base density. The density specified for the base district for residential developments other than planned residential developments.

Base district or base zoning district. The underlying residential zoning district with which a Planned Residential Overlay District may be combined.

Basement. That portion of a building between floor and ceiling, which is partly below and partly above the grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. A basement shall not be counted as a story in computing maximum number of stories allowed.

Berm. An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

Block. An area within the Town enclosed by streets and occupied by or intended for buildings; or, if said work is used as a term of measurement, it shall mean the distance along a side or street between the nearest two streets which intersect said street on said side.

Board. The word Board shall mean the Board of Adjustment.

Breezeway. A structure for the principal purpose of connecting the primary structure or building on a property with other primary structures or accessory structures on the same lot.

Amended by Ord. No. 15-01 on 3/3/2015

Brewery or Distillery. A commercial or industrial scale establishment that annually brews more than 5,000 barrels of ales, beers, meads or other alcoholic beverages (other than wine – see definition for Winery), and that has all applicable local, state, and federal permits and licenses for such alcoholic beverage production.

Amended by Ord. No. 12-05 on 4/23/2012

Buffer. A strip of land, identified on a concept plan, site plan, development plan, established to protect one type of land use from another land use which is incompatible. Normally, a buffer is landscaped and kept in open space uses.

Building. Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind.

Building or Garden Materials Sales and Storage. The indoor and outdoor sale of building materials that are primarily oriented toward the wholesale building construction industry (e.g. lumber, drywall, bricks, landscaping and building exterior stones, roofing, paint, electrical supplies, plumbing fixtures, concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward retail home improvement supplies. Materials offered for sale shall be palletted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale and storage of uncontained materials (see definition for Bulk Materials Sales and Storage). At least fifty percent (50%) of the operation shall occur fully enclosed within a building(s), and the operation may include the outdoor display and storage of new and unused materials for sale of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance; outdoor display and storage exceeding this amount may be approved by CUP if such is allowed in the applicable district. (Also see definitions for Outside Display and Outside Storage.)

Amended by Ord. No. 12-05 on 4/23/2012

Building Line. Any line parallel or approximately parallel to the street line and beyond which buildings may be erected.

Building Official. The officer or other designated authority charged with the administration and enforcement of this Ordinance.

Bulk Materials Sales and Storage. The indoor or outdoor storage and sale of uncontained inanimate matter such as rock (including a granite “slab yard”), stone, sand, aggregates, powders, composts, wood chips, soils and other building and road construction related materials. Can include retail and wholesale sales of materials

Amended by Ord. No. 12-05 on 4/23/2012

Business. Includes retail, commercial and manufacturing uses and districts as herein defined.

Cabana. Also known as a pool house is a shelter with an open side facing a swimming pool, which may include dressing room and restroom facilities, outdoor grills and supportive kitchen facilities, or entertainment space. A cabana does not provide for accessory dwelling units or guest sleeping quarters.

Amended by Ord. No. 15-01 on 3/3/2015

Caliper. A standard of measure of tree size for newly planted trees.

Amended by Ord. No. 404 on 1/10/2005; by Ord. No. 14-23 on 11/10/2014

Carport. A structure open on a minimum of 3 sides and used to offer limited protection to vehicles from the elements. The structure can be either freestanding or attached to a building.

Amended by Ord. No. 15-01 on 3/3/2015

Car Wash, Automated. Washing, waxing or cleaning of automobiles or light duty trucks (i.e. no heavy loaded vehicles) involving an automated self-service (drive-through or rollover) wash bay(s) and apparatus. May be attended or non-attended.

Amended by Ord. No. 12-05 on 4/23/2012

Car Wash, Full Service. Washing, waxing or cleaning of automobiles or light duty trucks (i.e. no heavy loaded vehicles) where employees of the establishment wash, dry, wax and/or detail vehicles for a fee.

Amended by Ord. No. 12-05 on 4/23/2012

Car Wash, Self-Service. Washing, waxing or cleaning of automobiles or light duty trucks (i.e. no heavy load vehicles) involving self-service wand-type wash bays (usually open-air). May be attended or non-attended.

Amended by Ord. No. 12-05 on 4/23/2012

Cellar. See basement.

Certificate of Occupancy. An official certificate issued by the Town through the Chief Building Official which indicates conformance with or approved conditional waiver from the zoning regulations and authorizes legal use of the premises for which it is issued.

Change of Use. Any change in the nature or character of the use of a building or structure. A residential change of use includes, but is not limited to, the elimination of any dwelling unit, the reduction in the floor area or habitability of a dwelling unit, or the reduction in the floor area or habitability of bedroom or sleeping quarters in a group living accommodation or residential hotel, when a new use is to replace a previous use.

A residential change of use does not include the establishment of a home occupation in compliance with this chapter. A commercial change of use includes a change to a different category of commercial or manufacturing use, but does not include changes between uses that are classified in the same category of commercial or manufacturing use.

Amended by Ord. 13-02 on 1/28/2013

Charitable Use. A use that is conducted by a charitable institution, organization, or association organized for charitable purposes and conducted for charitable purpose only, as defined under state or federal tax laws.

Amended by Ord. 13-02 on 1/28/2013

Childcare Center of Facility. A facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than 24 hours a day.

Amended by Ord. 13-02 on 1/28/2013

Church. A place of assembly and worship by a recognized religion including synagogues, temples, churches, instruction rooms, and the place of residence for ministers, priests, rabbis, teachers and directors of the premises.

Clear Cutting. The act of cutting down, removing all or a substantial part of, or damaging trees or other vegetation that will cause the tree or trees to decay and/or die, which includes but is not limited to chemical, physical, compaction, or grading damage.

Amended by Ord. No. 14-23 on 11/10/2014

Clinic, Medical. An institution or station for the examination and treatment of ill or afflicted out-patients.

Commercial Amusement. Establishments engaged in providing entertainment for a fee and including such activities as dance halls; studios; theatrical productions; bands, orchestras, and other musical entertainment; bowling alleys and billiard and pool establishments; commercial facilities such as arenas, rings, rinks, and racetracks; coin-operated devices; amusement parks; membership sports and health clubs; amusement and bathing beaches; swimming pools; riding academies; carnival operations; expositions; game parlors; and horse shows.

Commercial Use. The categories of commercial uses of property include retail products store, personal/household service, food service establishments, entertainment establishment, office, tourist hotel, automobile uses, live/work units, mixed use development, wholesale use, parking lot and any use listed as a sub-category of the above uses; or any other use determined to be a business activity (except home occupations).

Amended by Ord. 13-02 on 1/28/2013

Commission. The Planning and Zoning Commission of the Town of Sunnyvale, also referred to as Town Planning Commission, Plan Commission, or Zoning Commission.

Community Home. A community-based residential home providing 24 hour care in a protected living arrangement for not more than six (6) residents with physical or mental disabilities and two (2) supervisors pursuant to Tex. Human Resources Code Ann. ' 123.001 *et seq.* This classification is limited to homes for the care of persons suffering from orthopedic, visual, speech, or hearing impairments, Alzheimer=s disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, or emotional illness.

Comprehensive Plan - The planning document described in Chapter 211 of the Texas Local Government Code.

Conditional Use. Use by permit in a zoning district which specifies certain conditions under which the permit may be issued upon application and approval.

Contractor's Shop. An indoor office and warehouse storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and maintenance, swimming pools, fencing and other similar contractors. Includes no outdoor display or storage other than the parking of motorized vehicles and fully enclosed trailers that are directly associated with the business that operates on the premises (open/flatbed trailers are also allowed only if empty, or if loaded with equipment or materials for time periods not exceeding forty-eight hours per occurrence on only a periodic and not continuous basis provided that any such loaded trailers are parked within an area that is screened in accordance with Section 20.5 of the Zoning Ordinance).

Amended by Ord. No. 12-05 on 4/23/2012

Contractor's Storage Yard. An office and storage facility for materials, equipment, tools, products and vehicles used in the conduct of a construction-related business such as those specializing in welding, plumbing, electrical, heating and air conditioning, roofing, paving, pest control, janitorial, major appliance repair and service, masonry, carpet installation and cleaning, windows and glass (including automotive glass), landscaping installation and maintenance, swimming pools, fencing and other similar contractors. May include the outdoor display and storage of usable materials normally associated with the business (i.e. not unrelated scrap, junk, trash, etc.) of up to fifty percent (50%) of the total enclosed building square footage provided such is screened in accordance with Section 20.5 of the Zoning Ordinance. May also include the parking of motorized vehicles and any type of trailer that are directly associated with the business that operates

on the premises (open/flatbed trailers are allowed only is parked within an area that is screened in accordance with Section 20.5 of the Zoning Ordinance.)

Amended by Ord. No. 12-05 on 4/23/2012; Ord. No. 14-20 on 11/10/2014

Council. The Town Council of the Town of Sunnyvale also referred to as Town Council.

Corner Lot. A lot which has at least 2 adjacent sides abutting for their full lengths on a street, provided that the interior angle at the intersection of such 2 sides is less than 135 degrees.

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

Coverage. The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Critical Root Zone (CRZ). A region measured outward from the trunk of a tree representing the essential area of the roots that must be preserved for the tree's livelihood. The critical root zone is measured as one (1) foot of radial distance outward from the trunk of every inch of the tree caliper, and may not be less than a radius of eight (8) feet.

Amended by Ord. No. 14-23 on 11/10/2014

Day-Care Center. A facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than 24 hours a day.

Deck. A structure, without a roof directly adjacent or attached to a principal structure, which has an average elevation of twenty-four (24") inches or greater from finished grade.

Amended by Ord. 13-02 on 1/28/2013; Ord. No. 15-01 on 3/3/2015

Density. The number of dwelling units per gross usable acre of land.

Depth of Rear Yard. The mean horizontal distance between the rear line of the building other than accessory buildings and the rear lot line.

Depth of Lot. The mean horizontal distance between the front and rear lot lines.

Diameter-At-Breast-Height (DBH). A form of measurement of an existing protected and/or exempted tree trunk. Diameter is measured at 4.5 feet above the ground level. Trees that split into multi-trunks below 4.5 feet shall use the largest individual trunk measured 4.5 feet above the natural grade level to determine the diameter.

Amended by Ord. No. 14-23 on 11/10/2014

Director of Development Services. The Director of the Development Services or their authorized designee.

Amended by Ord. No. 14-23 on 11/10/2014

Donation Box. An unattended booth, receptacle or combination thereof designed with a door, slot, or other opening that is intended to accept and/or store donated items.

Amended by Ord. No. 15-01 on 3/3/2015

Dripline. The periphery of the area underneath a tree that would be encompassed by perpendicular lines dropped from the outermost edges of the canopy of the tree.

Amended by Ord. No. 14-23 on 11/10/2014

Driveway. A vehicular access way connecting an off-street parking space or parking lot with a public or private street.

Amended by Ord. 13-02 on 1/28/2013

Dwelling, Duplex. A detached building having dwelling units for and occupied by not more than two (2) families.

Dwelling, Multifamily. A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

Dwelling, Single Family, Attached. One (1) of two (2) or more buildings having a common or party wall separating dwelling units.

Dwelling, Single Family, Detached. A detached building containing not more than one (1) dwelling unit entirely surrounded by open space on the same lot.

Dwelling. Any building or portion thereof other than a mobile home or manufactured home providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, and cooking.

Distribution Center, Large. A large-scale (i.e. over ten (10) shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes large-scale long-distance moving companies, and often includes the loading and unloading of cargo on a regular basis from trucks or rail cars. With the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is

allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions of Outside Display, Outside Storage and Private Track.)

Amended by Ord. No. 12-05 on 4/23/2012

Distribution Center, Small. A small-scale (i.e. ten (10) or fewer shipping truck bays) warehousing and distribution operation having a building(s) used primarily for the storage and distribution of non-consumable and non-compostable goods, merchandise, supplies or equipment including wholesalers that display, sell and distribute merchandise to business representatives. Includes small-scale moving companies, and often includes the loading and unloading of cargo on a regular basis from truck or rail cars. Within the exception of parking areas, loading docks and outside scales (if provided), all portions of the operation shall take place entirely within an enclosed building. Includes no outside display, outside storage or private track facilities, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for Outside Display, Outside Storage, and Private Track.)

Amended by Ord. No. 12-05 on 4/23/2012

District. A section of the Town for which the regulations governing the area, height or use of the building are uniform.

Double Frontage Lot. A lot having a frontage on 2 nonintersecting streets, as distinguished from a corner lot.

Easement. A privilege or right of use or enjoyment granted on, above, under or across a particular tract of land by one owner to another.

Electronic Cigarette/Vaping Store, Retail. A business establishment which is dedicated to the storage, mixing, display and/or retail sale of electronic cigarettes and/or e-vaping devices, nicotine-enriched solutions and/or other liquid products that are manufactured for use with e-cigarettes and/or e-vaping devices.

Amended by Ord. No. 15-03 on 2/9/2015

Equestrian Center. A building, land or facilities regularly used for equestrian activities, including but not limited to the boarding, training, hiring, selling, showing, competing or exhibition of horses or ponies.

Exemption Area. An area in which is clearly exempt from all tree replacement and protection requirements.

Amended by Ord. No. 14-23 on 11/10/2014

Family. A family is an individual, or two (2) or more persons related by blood, marriage, or adoption; a group of not more than six (6) unrelated persons living together as a single housekeeping unit; or a group of not more than ten (10) unrelated persons, a majority of

whom are 60 years of age or older and are self-caring and self-sufficient, who participate in the daily operation of the household and live together as a single, non-profit housekeeping unit in a dwelling unit.

Family Home. A home that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (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 children, but the total number of children, including the caretaker's own, does not exceed twelve (12) at any given time.

Fence. A structure made of wood, metal, masonry, or other material forming a physical barrier which supports no load other than its own weight, or a hedge, which is designed to delineate, screen or enclose a lot, yard, open space area or other land area.

Amended by Ord. 13-02 on 1/28/2013

Fence, Barbed-Wire. One or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, tear, cut, or snag. The term barbed wire excludes razor ribbon.

Amended by Ord. No. 15-01 on 3/3/2015

Fence, Stockade. A fence constructed of vertical wood strips, with no intervening spaces, providing a complete visual barrier.

Amended by Ord. No. 15-01 on 3/3/2015

Flag (Panhandle) Lot. A lot having access to a street or alley by means of a parcel of land having a depth greater than the width of its frontage, and having a width less than the minimum required lot width, but not less than 12 feet.

Flood Fringe. That area in the flood plain which is not the floodway.

Flood plain. Any land susceptible to being inundated by water from any source.

Floodway. The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Front Facing Garage. A building or part thereof, enclosed on two sides or more that is designed, used or intended to be used for the parking and storage of vehicles or any structures that shelters more than two vehicles.

Amended by Ord. 13-02 on 1/28/2013

Front Lot Line. The narrower side of the lot abutting a street. Where two lot lines abutting streets are of equal length, the owner shall designate which shall be the lot frontage. For a lot which has a boundary line which does not abut the front street line, is

not a rear lot line, and lies along the same general orientation as the front and rear lot lines, said lines shall be considered a front lot line in establishing minimum setback lines. If any alley exists on a corner lot, the front yard shall be opposite the alley (a side yard may not be designated adjacent to any alley).

Floor Area. The total enclosed area of all floors in a building with a clear height of more than six (6) feet, measured to the outside surface of the exterior walls. Parking facilities, driveways, breezeways, carports, residential garages, and airspace above the atria ground floor are excluded from floor area calculations. Enclosed loading berths and off-street maneuvering area are also excluded, but not the dock area itself.

Floor Area Ratio (FAR). The floor area of a main building or buildings on a lot, divided by the lot area.

Food Processing and Storage. A large-scale manufacturing operation that prepares or produces foods and non-alcoholic beverages for human consumption such as grain milling, fruit and vegetable packing, fats and oils rendering, and the manufacture of cereals, sugars, syrups, candies and other confections, packaged and frozen foods, dairy products, seafoods, snack foods, nuts, coffees and teas, seasonings, condiments, packaged meats, soft drinks, bottled water and other non-alcoholic beverages, ice, and other similar human-consumables primarily for commercial and wholesale customers of off-site distribution and consumption. Includes dry and cold storage of food products, unless such is incidental to another primary use such as a grocery store or a restaurant. Can include incidental retail sales and food products produced on the premises. Does not include the preparation or manufacture of products for consumption by animals (see definition for Animal Feed Processing and Storage), or the slaughtering of any type of animal other than sea life.

Amended by Ord. No. 12-05 on 4/23/2012

Front Yard. An open, unoccupied space on a lot facing a street upon which the structure shall face and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and main building or any projection thereof other than the projection of the usual steps or eave overhang.

Furniture and Appliance Cleaning and Repair. An indoor establishment that cleans, repairs and refurbishes common household appliances, furnishings and electronics either on-site or at the customer's location. Includes furniture reupholstering and the cleaning and repair of carpets, rugs and draperies, but does not include automotive reupholstering or repairs or refurbishing of any type of appliance or equipment which has an internal combustion engine (such as cars, trucks, motorcycles, lawnmowers, etc.). Includes no outdoor display or outdoor storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see definitions for Outside Display and Outside Storage.)

Amended by Ord. No. 12-05 on 4/23/2012

Garage. A building or part thereof, enclosed on two sides or more that is designed, used or intended to be used for the parking and storage of vehicles or any structure that shelters more than two vehicles.

Amended by Ord. 13-02 on 1/28/2013

Garage, Public. A building or portion of a building used for repair, care or servicing of motor-driven vehicles, or where motor-driven vehicles are equipped for operation or kept for hire or sale, but not including the open storage of trucks, trailers and vans.

Amended by Ord. 13-02 on 1/28/2013

Garage, Storage. A building or portion thereof used for the storage of more than five (5) passenger motor vehicles and trucks of not more than one and one half (1 1/2) ton capacity.

Amended by Ord. 13-02 on 1/28/2013

Gasoline Filling Station. Any establishment dispensing motor vehicle fuel from storage tanks, pipes, compressors, batteries or electrical transmission facilities, into vehicles including, but not limited to, gasoline, diesel fuel, gasohol hydrogen, compressed natural gas, electricity or any combination thereof.

Amended by Ord. 13-02 on 1/28/2013

Golf Course. A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways, and hazards, and that may include a clubhouse and shelter.

Grade. 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 (5) feet from a street line 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.

Gross Usable Acres. The number of acres of land in a development site computed by subtracting from the total number of acres the number of acres occupied by (1) floodway, (2) 75% of any land area encumbered by a reservation of record, restricting all or a portion of the property from development, or encumbered as a power line easement, and (3) any other form of unusable open space.

Group Day-Care Home. A facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age for less than 24 hours a day.

Group Home. A family-based facility providing 24 hour care in a protected living arrangement. This classification includes homes for the physically and mentally impaired, homes for the developmentally disabled, congregate living facilities for persons over sixty (60) years of age or older, maternity homes, foster homes, homes for juvenile delinquents, and halfway houses.

Heavy Machinery Sales, Rental, Storage, and Repair. An establishment for the indoor or outdoor display, sales, rental, storage and repair and servicing of heavy machinery including tractors and other farm machinery, bulldozers, street graders, paving machines and similar construction-related heavy equipment. Does not include the temporary parking or positioning of equipment that is being, or soon will be, used in conjunction with a properly permitted construction site, provided that such equipment is promptly removed when active construction on the site is completed.

Amended by Ord. No. 12-05 on 4/23/2012

Height. The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or, if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, tanks, water towers, radio and television towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

Height of Building, Maximum. The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher or, if no street grade has been established, to: the highest point of the roof's surface if a flat surface; in the cases of sloped, hipped, gambrel, shed or gabled roof's the highest point on any ridge, in the case of a roof with parapet walls, to the top of the parapet wall. Building height restrictions also apply to structures.

Amended by Ord. 13-02 on 1/28/2013

Helistop. 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. Does not include refueling, maintenance, repairs or overnight storage of helicopters.

Amended by Ord. No. 12-05 on 4/23/2012

Hobby Shop. An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreation activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue

may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.

Home Improvement Center. The indoor retail sale of building materials that are primarily oriented toward home improvements (e.g. lumber, drywall, paint, electrical supplies, plumbing fixtures, prepackaged concrete and mortars, doors, windows, siding, landscaping materials, tools, hardware, etc.) rather than toward the wholesale building construction industry. Materials offered for sale shall be palletted, bagged, crated, packaged or similarly contained, and shall be loadable either by hand or by using a forklift or other warehouse lifting device – does not include the sale or storage of uncontained materials (see definition for Bulk Materials Sales and Storage). Includes no outdoor display or storage, unless such is allowed (by right or by CUP) and approved in the zoning district wherein the business is located. (Also see the definitions for Outside Display and Outside Storage.)

Amended by Ord. No. 12-05 on 4/23/2012

Home Occupations. Any occupation or activity carried on principally by the inhabitants of a dwelling which is clearly incidental and secondary to the use of the dwelling for dwelling purposes, which does not change the character thereof, and which is conducted entirely within the main building; provided that no trading in merchandise or selling of goods or services is carried out on a regular basis and in connection with which there is no display of merchandise and no mechanical equipment is used, except such as is customary for purely domestic or household purposes and does not create obnoxious noise or other conditions such as odor, increased traffic, smoke or electrical interference. A beauty or barber shop, tearoom or restaurant, rest home or clinic, child-care center, bed and breakfast facility, or cabinet, metal or auto repair shop are examples of uses that are not home occupations.

Home Workshop. See Hobby Shop.

Hospital. An institution or place where sick or injured in-patients are given medical or surgical care, either at public (charity) or private expense.

Hotel or Motel. A building or arrangement of buildings designed and occupied as a temporary abiding place of individuals who are lodged with or without meals, in which the rooms are usually occupied singularly for hire, and in which there are six (6) or more sleeping rooms.

Industrial or Manufacturing, Light. An indoor establishment engaged in light assembly or manufacturing or finished non-consumable products or parts, predominately from previously prepared materials including the fabrication, manufacture, assembly, storing and packaging of such products parts. All portions of the operation except loading and unloading are conducted within a fully enclosed building. Does not include industrial processing from raw materials, and does not include any type of use that involves

processing or storage of consumable products (see Food Processing and Storage and Animal Feed Processing and Storage).

Amended by Ord. No. 12-05 on 4/23/2012

Interior Lot. A lot other than a corner lot.

Key Lot. A corner lot that is so designated that the lots located directly behind it face the side street of the corner lot whether or not separated by an alley shall be considered a key lots.

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

Laboratory. An indoor facility for testing and analyzing scientific problems including soil testing concrete compression testing, medical testing, prototype design and development and other types of product research and testing.

Amended by Ord. No. 12-05 on 4/23/2012

Land Development Activities. Any land or vegetation change including but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting/filling of land, construction, paving or any other installation of impervious surface cover.

Amended by Ord. No. 14-23 on 11/10/2014

Land Disturbing Activities. Any land or vegetation change including but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, and transporting/filling of land and that does not include construction, paving or any other installation of impervious surface cover.

Amended by Ord. No. 14-23 on 11/10/2014

Landscape Architect. A person who is licensed and registered to engage in the practice of landscape architecture in the State of Texas.

Amended by Ord. No. 14-23 on 11/10/2014

Landscape Nursery or Tree Farm (wholesale). An establishment for the cultivation and propagation, display, storage and sale (mostly wholesale, but can include a limited amount of retail sales) of large plants, shrubs, trees and other living vegetative materials used in indoor or outdoor landscape plantings. Can also include the contracting for installation and maintenance of landscaping as an accessory use.

Amended by Ord. No. 12-05 on 4/23/2012

Laundry and Rug Cleaning Plant, Commercial. A commercial-scale establishment that is six thousand (6,000) square feet or larger in size, and that launders or dry cleans

garments, linens, rugs, carpets and other textiles on a bulk, commercial or wholesale basis (i.e. not retail). Includes a uniform supply service. Rug and garment alterations, repair and dyeing may be offered in relation to this use.

Amended by Ord. No. 12-05 on 4/23/2012

Leather and Allied Products Manufacturing. An indoor establishment engaged in transforming animal hides into leather by tanning or curing, and fabricating the leather into finished non-consumable products or into materials that will be further assembled by others into finished products. Includes the manufacture of similar products such as rubber footwear, textile luggage and plastic purses and wallets from other materials such as rubber, plastics and textiles that are thought of as “leather substitutes”. Also includes the processes of tanning, curring, dressing, dyeing and finishing of leather, hides and furs. Does not include the slaughtering of any type of animal, and does not include any type of use that involves processing or storage of consumable products (see Food Processing and Storage and Animal Feed Processing and Storage).

Amended by Ord. No. 12-05 on 4/23/2012

Living Area. That portion of the dwelling unit utilized for living purposes within the exterior walls of the structure and does not include porches, breezeways, garages and carports.

Loading Dock. The elevated portion of a building designed to accommodate the loading and unloading of semi-tractor/trailers.

Lot. Land occupied or to be occupied by a building and its accessory buildings, and including such open spaces as are required under this Ordinance, and having its principal frontage upon a public street or officially approved place.

Lot Area. The area of the lot shall be the horizontal area of the lot as measured between lot lines, not including portions of streets and alleys.

Lot Coverage. The area of a parcel or lot covered by main buildings (including overhangs) as well as accessory structures and accessory buildings. Parking areas and others such as sidewalks are not counted in the calculation of lot coverage.

Amended by Ord. No. 15-01 on 3/3/2015

Lot Depth. The average horizontal distance between the front and rear lot lines.

Lot Lines. The lines bounding a lot as defined herein.

Lot of Record. Any lot which has been recorded in the deed record of Dallas County lawfully created prior to the effective date of these revised zoning regulations shall be deemed a lot of record.

Lot Width. The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line.

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

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

Manufacturing. Processing and fabrication of parts or material into finished or semi-finished products for resale and/or distribution.

Mini-warehouse. A structure containing separate, individual and private storage spaces of varying sizes leased or rented on individual leases for varying periods of time.

Mobile Home. A dwelling designed to be transported on its own chassis on the highway in one or more sections by a prime mover and which is constructed with a base section so as to be independently self-supporting and not requiring a permanent foundation for year-round living.

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

Motor Freight Terminal. A premises where cargo is stored and where trucks, including tractor trailer units, load and unload cargo on a regular basis. Includes facilities for the temporary indoor storage of loads and cargo prior to shipment, or that are transferring from one mode of transportation to another (such as onto trucks and rail cars), and may include the parking and storage of trucks and cargo trailers on a regular basis, and may also include on-site fuel tank(s) for use by the operation only (i.e. no retail or external fuel sales) if such are approved by the Fire Department and Building Official.

Amended by Ord. No. 12-05 on 4/23/2012

Motor Vehicle. Same as “Automobile”.

Amended by Ord. No. 427 on 5/22/2006

Nonconforming Use. The use of any land, building, or structure which does not conform with currently applicable use regulations, but which complied with use regulations in effect at the time the use was established.

Non-Disturbance Area. An area in which no development activity or vehicular traffic associated with the construction or development of land occurs.

Amended by Ord. No. 14-23 on 11/10/2014

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

Office. A building used primarily for conducting the affairs of a business, profession, service, industry, or government or like activity, and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, and child care facilities.

Open Space. An outdoor or unenclosed area designed and accessible for outdoor living, recreation, pedestrian access, or landscaping, but excluding parking facilities, driveways, utility, or service areas.

Outside Display or Sales. Outside temporary display or finished goods that are specifically intended for retail sale.

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

Parking Lot. An all-weather surfaced area consisting of parking spaces, access driveways, designated fire lanes and other areas commonly used by motor vehicles.

Parking Space. An area of not less than one hundred eighty (180) square feet (measuring approximately 9 feet by 20 feet) not on a public street or alley, surfaced with reinforced concrete, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress.

Patio. A level, landscaped and /or surfaced area (also known as a terrace) directly adjacent to a principal building at or within three (3) feet of finished grade and not covered by a permanent roof.

Amended by Ord. No. 15-01 on 3/3/2015

Patio Cover. A roofed structure supported by columns, which may be attached to or detached from the principal structure, located over a patio and is open on at least three (3) sides.

Amended by Ord. No. 15-01 on 3/3/2015

Patio Home. A type of zero-lot-line, single-family detached dwelling on a separately platted lot, designed in a manner such that the side yard area is used for patios, landscaping and other outdoor living features.

Place. An open, unoccupied space reserved for purposes of access to abutting property.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the Town of Sunnyvale, Texas and subject to approval by the Planning and Zoning Commission and filed in the plat records of Dallas County, Texas.

Planned Residential Development. A residential development project approved through establishment of a Planned Residential Overlay District, which contains a mix of dwelling types and/or lot sizes at higher density than otherwise would be authorized within the base zoning district, which incorporates common or public open space as an integral component of the development and which is designed to achieve specific performance standards which vary according to the base zoning district in which the property is located and, for some zoning districts, according to whether the project proposes incentive-level or bonus-level densities.

Portable On-Demand Storage Container. A transportable, fully-enclosed box-like container that is (1) designed for temporary storage of personal property items, wares and/or materials and merchandise; (2) typically rented to owner or occupants of property for temporary use; and (3) delivered and removed by truck.

Amended by Ord. No. 15-01 on 3/3/2015

Porte-Cochere. A structure attached to a residence that provides passage through a building or screen wall designed to let vehicles pass from the street to an interior courtyard, not exceeding one-story in height, and open on two (2) sides.

Amended by Ord. No. 15-01 on 3/3/2015

Premises. Land together with any buildings or structures situated thereon.

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

Principal Building. A building or buildings in which the primary or predominant use of the lot is conducted. May also be referred to as the principal structure.

Amended by Ord. No. 15-01-3/3/2015

Printing or Publishing House. An establishment whose primary service is long-run printing including, but not limited to, book, magazine and newspaper publishing.

Amended by Ord. No. 12-05 on 4/23/2012

Private Garage. An accessory building or portion thereof in which privately owned motor-driven vehicles are stored by occupants of the premises, not more than one (1) of which may be a vehicle exceeding or larger than one (1) ton capacity, and which is not used as a home occupation or other business.

Private Stables. A stable with a capacity for not more than four (4) horses or mules.

Private Track. A railroad track located outside of a rail carrier's right-of-way, yard or terminals, where the carrier does not own the rails, ties, roadbed or right-of-way, and that is used for off-loading or on-loading goods or materials to or from rail cars, or for temporary storage of such materials, in order to service industrial operations on the site. Private track includes any spur track on the industrial site that is used to access the loading or storage tracks.

Above definition added by Ord. No. 513 on 6/28/2010

Pruning. The removal of dead, injured, or discarded limbs or roots to maintain plant health or the removal of limbs or roots to control or direct vegetative growth.

Amended by Ord. No. 14-23 on 11/10/2014

Public Garage. A building or portion of a building used for the overnight storage only of automobiles, or where automobiles are kept (i.e., stored) for hire or sale but where no actual sales of such vehicles occurs, but not including storage of any type of heavy load vehicles, trucks, trailers, recreational vehicles, vans or any similar type of vehicles.

Amended by Ord. No. 427 on 5/22/2006

Public Stables. A stable with a capacity for more than four (4) horses or mules requiring a permit pursuant to Chapter 2.

Public Utility Service Yard. A premises that is used by a public utility provider to park service vehicles and to store utility repair and maintenance materials. Outside storage of materials, other than vehicles and trailers, is allowed provided that it is screened in accordance with Section 20.5 of the Zoning Ordinance. (Also see the definitions for Outside Display and Outside Storage.)

Public Utility. Any of the following utilities: water distribution, sanitary sewage collection, telephone, cable television, natural gas, and/or electrical power.

Rear Lot Line. The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line.

Recycling or Reclamation Collection Center. A completely indoor facility (i.e. no outside storage) which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers including magazines and newspapers,

cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials shall be limited to weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment essentially by hand or by machine, and shall not include smelting, melting, refining or other conversion back to a “raw material” state.

Amended by Ord. No. 12-05 on 4/23/2012

Recycling or Reclamation Plant and Salvage Yard. A facility which provides for the collection, sorting, storage, bundling and shipping of recoverable and recyclable non-automotive, non-consumable and non-compostable materials such as aluminum cans, glass, papers, including magazines and newspapers, cardboard, wood pallets, metals, plastics, tires, computers and electronics, oil, paints, solvents, textiles, etc. Processing of materials may include weighing, sorting, flattening, crushing, shredding, bundling and palletizing materials for shipment by hand or by machine, and may also include smelting, melting, refining or other conversion back to a “raw material” state. Includes the outside storage of materials provided that such areas are fully screened in accordance with Section 20.5 of the Zoning Ordinance.

Amended by Ord. No. 12-05 on 4/23/2012

Rear Yard. The required rear yard is an open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line as required by Section 3.7

Residence. A dwelling.

Residential Development Envelope. A defined area in which residential development is proposed.

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

Right-of-way. An area of land dedicated for public or private use to accommodate a transportation system and necessary public infrastructure (including but not limited to water lines, sewer lines, power lines, and gas lines). In no way is a right-of-way an easement.

Amended by Ord. No. 14-23 on 11/10/2014

Roof. A continuous solid sheathing cover on a structure which provides protection from rain, wind, sun or other natural elements.

Amended by Ord. 13-02 on 1/28/2013

Screen. A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Servants Quarters. An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

Sexually Oriented Businesses. As defined in Article 4.102 of the Town Code.

Shipping Container. A pre-manufactured structure that is delivered to site as a fully contained unit. This shall include a container that is designed as a cargo container and used for storage purposes.

Amended by Ord. No. 15-01 on 3/3/2015

Shopping Center. A group or cluster of stores or buildings, divided for separate commercial or service facilities, organized in a balanced arrangement for retail trade, with provisions for parking.

Shrub. A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.

Side Lot Line. Any lot line not the front or rear lot line.

Side Yard. An open, unoccupied space on the same lot with a building situated between the building line on the lot and extending through from the front yard to the required rear yard.

Sign. As defined in Article 3.1101 of the Town Code.

Site Barring Fence. A structure which blocks the view from the ground to the height specified and serves as a visual barrier.

Storage Garage. Same as “Public Garage”

Amended by Ord. No. 427 on 5/22/2006

Story, Half. A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five (75) percent of the area of the first story below.

Story, Standard. One having eleven (11) feet six (6) inches between floors.

Street. A public or private thoroughfare which affords the principal means of access to property, including any road or other thoroughfare except an alley as defined herein.

Street Line. A dividing line between a lot, tract or parcel of land and a contiguous street.

Street Median (or Median). The non-pavement or pavement area between the moving traffic lanes of a street.

Structure. Anything construed, erected, or placed, the use of which is located in or on the ground or attached to something located in or on the ground. A building is structure for the purposes of this chapter.

Amended by Ord. 13-02 on 1/28/2013

Structural Alterations. Any change in the supporting member of a building such as a bearing wall, column, beams or girders.

Therapeutic Massage Studio. Any place of business in which therapy is practiced by a massage therapist, as defined and licensed by State law. Massage therapy, as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for massage therapy are massage, therapeutic massage. Massage and Atherapeutic@ do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

Tobacco Store, Retail. A business establishment which is dedicated to the display and retail sale of tobacco products such as cigars, pipe tobacco, chewing tobacco, “snuffs”, and cigarettes. Such business may also sell tobacco accessories such as lighters, matches, cigarette holders and devices used to preserve tobacco, cigars, or cigarettes providing such sales are incidental to the sale of tobacco products.

Amended by Ord. No. 15-03 on 2/9/2015

Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from another unit by one or more vertical common fire-resistant walls.

Tree Canopy. The outer limits of a tree’s foliage consisting of leaves, branches and stems that cover the ground when viewed from above. This may also include understory vegetation.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Canopy Delineation. An optional alternative method for the “on-the-ground” tree survey and inventory required for the tree preservation plan using a current aerial photograph with an overlay of the development. An outline of the tree area(s) and the portion of that area that are to be preserved to meet the requirements of Chapter 20.4 are shown.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Inventory. A drawing showing the tag number, species, size, and approximate location of all existing, individual protected trees.

Amended by Ord. No. 14-23 on 11/10/2014

Tree, Large. A self-supporting woody perennial plant having a single trunk or multiple trunks, which contributes to the uppermost spreading branchy layer of a forest and which typically attains a mature height of over twenty-five feet (25'). Commonly referred to as "overstory" or "shade" trees. Examples include pecans, live oaks, red oaks, bur oaks, sweetgums, elms, black willow, Chinese pistachios, and other similar large trees which are either indigenous to, or acclimated to, the north central Texas area.

Amended by Ord. No. 14-23 on 11/10/2014

Tree, Protected. A tree six (6) inches in diameter or greater, measured 4.5 feet above natural grade. For multi-trunk trees, the tree is considered a protected tree if at least one (1) trunk is greater than 6" or greater in diameter.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Protection Plan. A plan submitted by the owner in a form or manner as specified in this Ordinance; providing the method of protecting trees during construction that may or may not include protection details, standards, notes, and construction plans in accordance with generally accepted methods.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Removal. Uprooting, severing the main trunk of the tree, or any act which causes or may reasonably be expected to cause the tree to die including, but not limited to, damage inflicted on the root system by machinery, storage of materials or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning, improper chemical application; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Replacement Plan. A plan submitted by the owner in a manner specified within this Ordinance; providing the method of replacement for the proposed protected trees to be removed that may or may not include a plan that identifies the location, size and species of all new trees proposed as replacement for the protected trees being removed and fees in lieu of replacement trees.

Amended by Ord. No. 14-23 on 11/10/2014

Tree, Small. A self-supporting woody perennial plant having a single trunk or multiple trunks, which typically grows below the canopy/top layer of a forest and which typically attains a mature height under twenty to twenty-five feet (20'-25'). Commonly referred to as "understory", "accent", or "ornamental" trees. Examples include Bradford/Aristocrat pears, yaupon and other tree-form hollies (evergreen and deciduous), ornamental pines (e.g. Japanese black pine), redbuds, crepe myrtles, purpleleaf plums, Japanese maples, crabapples, and other similar small trees which are either indigenous to, or acclimated to, the north central Texas area.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Survey. A drawing of the proposed preliminary plat or site plan showing the size, location, species, critical root zone of all existing protected trees, any protected tree to be removed or transplanted, a table summarizing all protected trees and the total number of caliper inches of protected trees, in accordance with generally accepted methods.

Amended by Ord. No. 14-23 on 11/10/2014

Tree Topping. The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the trees crown to such a degree that removal of the top canopy disfigures and opens the tree to disease.

Amended by Ord. No. 14-23 on 11/10/2014

Truck. A self-propelled vehicle having a Manufacturer's Recommended Gross Vehicle Weight (GVW) of greater than 11,000 pounds, such as large recreational vehicles, tractor-trailers, buses, vans, and other similar vehicles.

Used Motor Vehicle Sales Lot. A lot or portion thereof to be used for the display and sale of motor vehicles that are in condition to be driven on or off the lot. A used motor vehicle sales lot shall not be used for the storage of wrecked motor vehicles, or the dismantling of motor vehicles, or the storage of motor vehicle parts.

Vehicle. A device in or by which a person or property is or may be transported or drawn on a public highway, that is subject to registration under the Texas Transportation Code if operated on a public roadway.

Amended by Ord. 13-02 on 1/28/2013

Warehouse, Office with Showroom. An indoors only establishment with at least forty percent (40%) of its total floor area devoted to office and showroom space (i.e. a maximum of 60% of its total floor area may be devoted to storage and warehousing that is not generally accessible to the public). Includes sales offices, retail and wholesale sales areas, and display areas (showrooms) for products sold and distributed from the warehousing area.

Amended by Ord. No. 12-05 on 4/23/2012

Variance. A modification of the literal provisions of the Zoning Ordinance granted when strict enforcement of the Zoning Ordinance would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted.

Winery. A business establishment that produces 10,000 or more cases of wine per year. No maximum site or building area, and building(s) may include space allocated to bottling and grape crushing, lab and office space, tasting room(s), storage, indoor event room(s), and outdoor event or picnic area(s). A winery shall provide at least two of the following four activities on-site: grape crushing, fermentation, bulk aging and storage, and bottling.

Amended by Ord. No. 12-05 on 4/23/2012

Width of Side Yard. The mean horizontal distance between a side wall of a building and the side line of the lot.

Wooded Area. An area of continuous wooded vegetation where trees are at a density of one (1) tree per three hundred twenty-five (325) feet of land and where the branches and leaves form a continuous canopy. A wooded area shall include areas with a continuous canopy over an area of at least twenty thousand (20,000) square feet and with any dimension being not less than thirty-five (35) feet. A wooded area may be delineated through a tree canopy delineation or a tree survey. A wooded area shall include understory, exempt, and protected trees.

Amended by Ord. No. 14-23 on 11/10/2014

Yard. An open, unoccupied space other than a court, on the lot in which a building is situated, and which is unobstructed from the ground to the sky.

Yard, Side. A yard between the side building line and the side lot line and extending from the front yard to the required rear yard.

Yard, Rear. The yard between the rear building line and the rear lot line extending across the rear of the lot from one side lot line to the other side lot line.

Zoning Districts. The districts established in the Zoning Ordinance of the Town of Sunnyvale, Texas.

Zoning District Map. The official map upon which the boundaries of the various Zoning Districts are drawn and which is an integral part of the Zoning Ordinance.