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# Article 9: Terms and Definitions

## 901 Terms and Meanings

### A. Meanings and Intent

The provisions, terms, phrases, and expressions in this Code shall be construed according to the general purpose set forth in §102, *Purpose*, and the additional specific purpose statements set forth throughout this Code. When, in a specific section of this Code, a different meaning is given for a term defined for general purposes in this Code, the specific section's meaning and application of the term shall control.

### B. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this Code and any heading, caption, figure, illustration, table, or map, the text shall control.

### C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### D. Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the City, or other day that City offices are not open, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the City, or other day that City offices are not open. References to days are calendar days unless otherwise stated.

### E. Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### F. Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are discretionary.

### G. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

### H. Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**I. Titles and Headings**

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All titles and headings of Articles, sections, or subsections of this Code are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

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**J. Delegation of Authority**

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Where this Code cites the authority granted to a City official, such as the Director of Planning or the Chief Building Official, this grant of authority extends to and encompasses any member of staff whom the City official has designated to act under their authority.

## 902 Definitions

The following words, terms and phrases when used in this Code, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

### **100-Year Fully Developed Floodplain**

The area of inundation from a storm event having a one percent chance of being equaled or exceeded in any given year, based upon fully developed watershed conditions.

### **Active Agricultural Use**

The raising of crops for harvest that requires the cultivation of soil using appropriate soil conservation procedures.

### **Administrative Official**

The authority within the City of McKinney that is responsible for administering or enforcing all or parts of this Code. This official, depending on the context and the specific circumstances, may be the Chief Building Official, Director of Code Services, Director of Engineering, Director of Parks and Recreation, Director of Planning, Fire Marshal, Executive Director of Development Services, or their authorized representative(s).

### **Adverse Impact**

#### **When referenced in Article 7, Stormwater Management, adverse impact shall mean:**

Any negative impact caused by a storm event including, but not limited to, any of the following:

- 1) Any increase in 100-year peak discharge beyond the capacity of the affected system, including consideration for appropriate freeboard;
- 2) Any increase in the 100-year flood level when rounded to the nearest 0.1 feet;
- 3) Any increase in the 100-year floodplain boundary with respect to provisions 1. and 2. of this definition; or
- 4) Any increase from any storm event that results in the inundation of a structure, roadway, or driveway, that was not previously inundated by the same storm event.

### **Alley**

A public or private way set aside as a permanent right-of-way for the movement of vehicular traffic. An alley is meant to provide access to the rear yard, side yard of abutting property, provide utility service, and has a right-of-way with an ultimate width of 20 feet or less. An alley may have a right-of-way with an ultimate width of 30 feet or less in limited, unique circumstances.

### **Amending Plat**

A map, drawing or chart that modifies a recorded final plat or minor plat in accordance with the provisions of §305E, *Amending Plat*.

### **Applicant**

#### **When referenced in Article 7, Stormwater Management, applicant shall mean:**

Any firm, entity, partnership, company, public utility company, or individual that submits the appropriate application materials to clear, grub, fill, excavate, grade, or otherwise remove the vegetative cover of land, or that submits the appropriate application materials to either subdivide land and install the appropriate infrastructure or renovate existing structures.

#### **In all other contexts in this code, applicant shall mean:**

Unless otherwise specified, an owner or an owner's authorized agent, who has filed an application for zoning, subdivision, or construction, or other development activity.

### **Architecturally Consistent**

Utilizing the same or similar architectural design elements, colors, roof type, and/or building materials.

**Architecturally Finished Metal**

An exterior metal surface that has been polished or treated to withstand the elements. Architectural metal may involve various types and gauges of metals, ranging from pre-finished galvanized steel and aluminum to copper, stainless steel, lead and coated copper.

**Area of Shallow Flooding**

A designated "AO" or "AH" zone on the flood insurance rate map. In such an area, the base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, and the path of flooding is unpredictable and indeterminate.

**Area of Special Flood Hazard**

The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year.

**Automobile Dealership Franchise**

Franchises that are granted specifically by a motor vehicle manufacturer to an authorized dealer for sales only of a specific make of motor vehicle, such as Ford or Chevrolet.

**Basement**

An occupiable space of a building that has half or more of its floor-to-ceiling height below the adjoining ground. If the entire floor-to-ceiling height is below the adjoining ground level, it shall not count as a story.

**Base Flood**

The flood having a 1 percent chance of being equaled or exceeded in any given year, determined based upon FEMA's guidelines and as shown in the current effective flood insurance study. This 100-year mean recurrence interval storm event is based on existing watershed conditions (differs from "design flood").

**Base Flood Elevation**

The elevation shown on the Flood Insurance Rate Map (FIRM) and found in the accompanying Flood Insurance Study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or V that indicates the water surface elevation resulting from the flood that has a 1 percent chance of equaling or exceeding that level in any given year (also called the "base flood").

**Block**

A unit of land bounded by streets; or if "block" is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street.

**Build**

To erect, convert, enlarge, reconstruct, or alter a building or structure.

**Build-to-Line**

A line to which buildings must be built up to in proximity to a right-of-way line or property line.

**Builder**

A person, partnership, or corporation engaged in clearing, grubbing, filling, excavating, grading, constructing a pad, installing service utility lines, and/or constructing or placing a building or other structure on a lot or other type of tract of land that is owned by the person, partnership, or corporation, and that will not be further subdivided into other lots.

**Building**

Any structure with a roof that is intended for the sheltering, housing, or enclosing of any individual, animal, process, equipment, goods, or materials.

**Building Line**

A line beyond which buildings must be set back from a street right-of-way line or property line.

**Building Pad**

The actual base area of a building and an area not to exceed 6 feet around the foundation necessary for construction and grade transitions.

**Building Permit**

This permit authorizes the construction of a building or structure and specific associated property conditions including, but not limited to grading, utility installation, paving, and vertical construction. This permit is further referenced in Chapter 122 of the Code of Ordinances.

**Building Site**

A tract of land, which (at time of application for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place. A building site may be subsequently subdivided or combined with another building site, subject to the provisions of this Code pertaining to subdivisions.

**Bulb or Lamp**

The source of electric light. To be distinguished from the whole assembly, lamp is used to denote the bulb and its housing.

**Caliper**

Caliper is a measurement of the diameter of a tree trunk. All newly planted tree measurements are in caliper inches in accordance with the American Standards for Nursery Stock (ANSI Z60.1-2004) and shall be measured at 6 inches above the ground unless otherwise noted. All existing tree measurements are in caliper inches as measured 42 inches DBH above the natural ground level. For multiple trunk trees, measure each stem's DBH at 42 inches above ground then take the square root of the total. Example: 3 stems measured at 8" DBH, 7" DBH, and 3" DBH would be calculated as follows:  $(64+49+9)=122$   $\sqrt{122}=11$

**Candela**

The unit of luminous intensity in a given direction, commonly called 1 candlepower.

**Capacity**

The maximum amount of discharge that can be passed safely in a drainage conveyance system, including consideration for appropriate freeboard.

**Certificate of Appropriateness (CoA)**

A document issued after review by the Historic Preservation Officer or the Historic Preservation Advisory Board certifying that the proposed work on a property located in the Historic Overlay District or designated as a Historic Landmark by the City of McKinney is compatible with the historic character of the property and its historic setting. Such certificate is required prior to undertaking work or improvements on a landmark or a property in the Historic Overlay District.

**Certificate of Occupancy (CO)**

A document issued by the Chief Building Official allowing the occupancy or use of a building and certifying that the building or use has been constructed and will be used in compliance with all applicable regulations.

**Change in Occupancy or Ownership**

A commemoration that promotes the opening of a new business. A change in occupancy or ownership shall be limited to one occurrence to be held within 90 days of the issuance of a Certificate of Occupancy from the Chief Building Official and shall not exceed five consecutive days in length.

**Channel**

A natural or artificial stream that conveys water. Channels are often further classified by their size and purpose. For example, there are primary and secondary channels based on size, but diversions, waterways, and chutes are also channels.

**Channel Improvement**

The improvement of the flow characteristics of a channel by clearing, excavating, realigning, lining, or other means in order to increase or maintain its capacity. The term may also be used to mean "channel stabilization."

**Channel Stabilization**

Erosion prevention and stabilization of a channel using various rigid and flexible linings, jetties, grade controls, revetments, vegetation, and other measures.

**Check Dam**

A small dam constructed in a gulley or other small watercourse to decrease the stream flow velocity, minimize channel scour, and promote deposition of sediment.

**Chief Building Official**

The City Administrative Official charged with the responsibility of issuing permits and enforcing the building codes and ordinances, or their duly authorized representative. This definition may also include any authorized representatives or designees of the Chief Building Official.

**City**

The municipal corporation of the City of McKinney, Texas, including its incorporated limits of land.

**City Council**

The duly elected governing body of the City of McKinney, Texas.

**City Manager**

The chief administrative officer of the City. This definition may also include any authorized representatives or designees of the City Manager.

**City-Maintained Land**

Any land in actual ownership of the city ("fee simple ownership"); it does not include any type of easements where all or any portion of the property rights remain in private ownership.

**Clear-Cutting**

The removal of 10 or more quality trees from a property within a 90-day period.

**Code of Ordinances**

The rules, regulations, ordinances, and laws codified in the Code of Ordinances, City of McKinney, Texas, governing the City of McKinney including, but not limited to this Code and the City Charter.

**Commercial Ready**

The space constructed at a minimum ground floor height as established in a given zoning district which may be used for noncommercial uses and can be converted into retail/commercial use. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

**Common Area**

Areas within a development which are intended to be provided for overall benefit of the residents or users of the development. These areas may include screening and buffering, open space, or amenities, such as parks. A management structure, a homeowners' association, or a property owners' association are typically responsible for maintenance and upkeep of these areas.

**Comprehensive Plan**

The Comprehensive Plan, as adopted by the City Council, is the guiding policy document governing development within the city and its ETJ and includes a land use plan, a thoroughfare plan, and other necessary master plans.

**Conduit**

Any closed device for conveying flowing water.

**Conveyance Plat**

A map of property approved by the City for the purpose of sale or conveyance in accordance with §305F, *Conveyance Plat*. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.

**Cover, Vegetative**

All plants of all sizes and species found on an area, irrespective of whether they have forage or other value, but especially used to refer to vegetation producing a mat on or immediately above the soil surface. Temporary vegetative cover refers to the use of annual plants for the cover, while permanent vegetative cover refers to the use of perennial plants.

**Crest**

The top of a dam, dike, spillway, or weir, frequently restricted to the overflow portion.

**Critical Alteration (or Critically Altered)**

Uprooting or severing the main trunk of a tree, or any act that causes or may reasonably be expected to cause a tree to die. This includes, but is not limited to: damage inflicted upon the root system of a tree by machinery, storage of materials, or the compaction of soil above the root system of a tree; a change in the natural grade above the root system of a tree; an application of herbicidal chemical or the misapplication of beneficial chemicals; excessive pruning; placement of non-permeable pavement over the root system of a tree; trenching within the critical root zone; or if any of the structural root plate is altered or disturbed. Additionally, a tree may be considered critically altered if more than 25 percent of the critical root zone is altered or disturbed at natural grade, or more than 25 percent of the canopy is removed.

**Critical Root Zone**

A radius around a tree calculated by assigning one foot per inch of trunk diameter at breast height (DBH).

**Cutoff**

A luminaire light distribution where the candela per 1,000 lamp lumens does not numerically exceed 25 (2.5 percent) at an angle of 90 degrees above nadir, and 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

**Cut/Fill**

Areas where the natural ground level has been excavated (cut) or where additional material has been brought in to raise the ground level (fill).

**Dam**

Any barrier or barriers, with any appurtenant structures, constructed for the purpose of either permanently or temporarily impounding water, or for the purpose of diverting water.

**Design Flood**

When used in the context of floods, floodplains, or flood hazards, a flood having a 1 percent chance of being equaled or exceeded in any given year, based upon fully developed watershed conditions (differs from "base flood").

**Detention Basin**

A dry basin or depression constructed for the purpose of temporarily storing stormwater runoff and discharging all of that water over time at a rate reduced from the rate that would have otherwise occurred, but over a longer time period.

**Determination of Exemption**

A determination made by the Director of Planning that no tree permit or tree preservation is required for the site.

**Developer****When referenced in Article 7, Stormwater Management, developer shall mean:**

A developer is a person, partnership, or corporation that owns a tract of land and is engaged in clearing, grubbing, filling, mining, excavating, grading, installing streets and utilities to be dedicated to or accepted by the city, and/or otherwise preparing that tract of land for the eventual article of the tract into one or more lots on which buildings or other structures will be constructed or placed.

**In all other contexts in this Code, developer shall mean:**

Any person seeking approval under this Code for any form of development, including the subdivision of land.

**Development****When referenced in Article 8, Stormwater Management, development shall mean:**

Any manmade change to improved or unimproved real estate, including, but not limited to, adding buildings or other structures, mining, dredging, filling, paving, excavation, drilling operations, grading, clearing, or removing the vegetative cover.

**In all other contexts in this Code, development shall mean:**

The construction, installation, or erection of any new building, structure, utility, or site feature on a building lot, the relocation of an existing building on the same or another building lot, or the use of open land for a new land use. This includes construction of any grading, utility, paving, or other infrastructure necessary to serve a new building or structure.

**Development Permit**

The permit that authorizes a developer to perform grading, utility, drainage, paving, and/or other similar construction activities usually associated with civil engineering plans. This includes permits that cover some or all of the above construction activities and permits that cover only one of the above construction activities. This permit is approved by the Director of Engineering.

**Diameter at Breast Height (DBH)**

A tree trunk diameter measured in inches at a height of 4 feet 6 inches above the ground.

**Director of Code Services**

The City official designated to oversee the provision of services related to animal services, code compliance, and health compliance and enforce any rules and ordinances associated with those services. This definition include any authorized representatives or designees of the Director of Code Services.

**Director of Engineering**

The City official designated to oversee the provision of engineering services and enforce any rules and ordinances associated with those services. This definition may also include any authorized representatives or designees of the Director of Engineering. The Director of Engineering may also be referred to as the City Engineer.

**Director of Parks and Recreation**

The City official designated to oversee the development, maintenance, and operation of the city's park system and enforce any rules and ordinances associated with those services. This definition may also include any authorized representatives or designees of the Director of Parks and Recreation.

**Director of Planning**

The City official designated to administer municipal planning services and enforce any rules and ordinances associated with those services. This definition may also include any authorized representatives or designees of the Director of Planning.

**Discharge (hydraulics)**

- 1) The rate of flow; specifically, fluid flow; and
- 1) A volume of fluid passing a point per unit time, commonly expressed as cubic feet per second.

**Disturbance**

Any operation or activity, such as clearing, grubbing, filling, excavating, mining, cutting, grading, or removing channel linings, which results in the removal or destruction of the protective cover of soil, including vegetative cover, channel linings, retaining walls, and slope protection.

**Disturbed Areas**

Any area or tract of land in which a disturbance is occurring or has occurred but that has not been stabilized.

**Drainage Area**

The land area from which water drains to a given point.

**Drip Line**

Refers to whichever is greater:

- 1) A vertical line running through the outermost portion of the canopy of a tree and extending to the ground; or
- 2) If the tree is damaged or deformed, a circular area with a radius equal to two feet per inch of caliper.

**Duplex**

A single structure designed and constructed with two dwelling units under a single roof for occupancy by two households.

**Dwelling Unit**

A building or portion thereof designed and used exclusively for permanent residential occupancy, including sleeping, eating, cooking, and sanitation accommodations. This definition does not include hotels, motels, or lodging houses.

**Easement**

A right in a particular area of real property that exists because of an agreement between the landowner and another party, that grants the authority to use or access the land area. The landowner retains ownership of the land.

**Electric Vehicle Charging Station**

A public or private parking space that is served by battery charging station equipment for the purpose of transferring electric energy to a battery or other energy storage device in an electric vehicle.

**Electric Vehicle Parking Space**

Any marked parking space that identifies the use to be exclusively for the parking of an electric vehicle.

**Elevated Building**

A building elevated by means of fill, so that the lowest finished floor of the building is at least two feet above the water surface elevation of the base flood or design flood, whichever is higher.

**Emergency Spillway**

A spillway built to carry runoff in excess of that carried by the principal spillway. Sometimes referred to as "auxiliary spillway."

**Encroachment**

The extension of a building or structure beyond a building line or setback line.

**Engineering Design Manual (EDM)**

The rules, regulations, standards, and specifications governing the configuration, design, construction, and acceptance of public improvements, which are enforced by the Director of Engineering.

**Equal Conveyance**

The principle of reducing stream conveyance for a proposed alteration with a corresponding reduction in conveyance to the opposite bank of the stream. The right of equal conveyance applies to all owners and uses and may be relinquished only by written agreement.

**Erosion**

The wearing away of land by action of wind and water.

**Erosion Hazard Setback**

The area along a drainage channel designated as an erosion setback under the city's stormwater ordinance.

**Executive Director of Development Services**

The City official designated to administer and enforce any rules and ordinances associated with private development in the city. This definition includes any authorized representatives or designees of the Executive Director of Development Services.

**Exemption Area**

An area that is clearly exempt from all tree replacement and tree protection requirements of this section, as approved by the Director of Planning.

**Existing Construction**

For the purposes of determining rates, any structure for which the start of construction commenced before January 1, 1975. The term "existing construction" may also be referred to as "existing structures."

**Extraterritorial Jurisdiction (ETJ)**

The area outside the City's current corporate limits, but within the City's ultimate planning area.

**Façade**

Any separate face of a building, including parapet walls, or any part of a building which encloses or covers usable space. Where separate faces are oriented in the same direction or in directions within 45 degrees of one another, they are to be considered as a part of a single façade.

**Feather Flag**

A wind device that contains a harpoon-style pole or staff driven into the ground for support.

**Federal Emergency Management Agency (FEMA)**

The federal agency that administers the National Flood Insurance Program.

**FEMA 100-Year Floodplain**

The area designated as being within the 100-year flood plain on the Federal Emergency Management Agency flood insurance rate map (FIRM) as of the effective date of the ordinance from which this section is derived. The boundary may be verified and established through field surveys based on elevation. Any changes made by FEMA to the 100-year flood plain boundary after the effective date of the ordinance from which this section is derived due to filling of the flood plain, channelization, or other drainage improvements shall not reduce the area in which tree preservation, replacement or protection requirements apply.

**Fence**

A vertical barrier which is erected to enclose or visually screen land, materials, structures, or other property. The terms fence and wall may be used interchangeably when referenced in Article 6 of this Code.

**Final Plat**

A map, drawing, or chart prepared according to and complying with the provisions of this Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county. See §305B, *Final Plat*.

**Fire Lane**

A fire apparatus road, according to the International Fire Code that is provided within a corresponding fire lane easement.

**Fire Marshal**

The Administrative Official charged with the responsibility of issuing fire prevention-related permits and enforcing the fire codes and ordinances. This definition includes any authorized representatives or designees of the Fire Marshal.

**Fixture**

The assembly that holds the lamp in a lighting system. It includes the elements designed to give light output control, such as a reflector (mirror) or defractor (lens), the ballast, housing and the attachment parts.

**Flood Insurance Rate Map (FIRM)**

The official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

**Flood Insurance Study**

The official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the flood boundary/floodway map and the water surface elevation of the base flood.

**Flood or Flooding**

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland waters; and/or
- 2) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Protection System**

Physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes dams, reservoirs, levees, channel improvements, or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

**Floodlight**

A luminaire designed to project its light in a well-defined area. It is directional in character.

**Floodplain**

All areas inundated by the City's fully developed 100-year flood area and special flood hazard areas shown in the most recent flood insurance study and flood insurance rate maps for the county.

**Floodprone Area**

Any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding").

**Floodproofing**

Any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate the risk of flood damage to real estate or improved real property, water, and sanitation facilities, or structures together with their contents.

**Floodway**

See the definition for "Regulatory floodway."

**Flume**

Any open conduit on a prepared grade, trestle, or bridge through which stormwater is captured and directed.

**Food truck**

An operational motor vehicle and/or trailer from which food and associated non-alcoholic beverages which are not typically tied to a single season of the year, are prepared, served and sold on private property for a period of time which exceeds 60 minutes or two instances of 30 minutes each day. This definition shall also apply to any seating, garbage and/or recycling containers, gear or equipment that is associated with the food truck's operation.

**Food truck court**

A property used or developed to accommodate one or more food trucks as the primary use of the property while possibly accommodating areas on the property for entertainment or recreational opportunities. Food truck courts must have a valid certificate of occupancy in addition to all other applicable permits and inspections.

**Food truck operation site**

The geographic area, not located within a food truck court, within which the food truck will park, prepare, and sell food and/or associated non-alcoholic beverages. This also includes areas where the food truck's customers go to consume food and/or non-alcoholic beverages sold from the food truck.

**Foot-candle**

The amount of illumination provided by 1 lumen uniformly distributed on 1 square foot of surface.

**Foundation Permit**

This permit allows for the construction of building or structure foundations.

**Freeboard**

The distance between the design flood elevation and the top of an open channel, dam, levee, or detention basin to allow for wave action, floating debris, or any other condition or emergency without overflowing the structure.

**Frontage, Property**

The entire length of the property line adjacent to a public right-of-way, measured parallel to the right-of-way.

**Full Cutoff**

A luminaire light distribution where zero candela intensity occurs at an angle of 90 degrees above nadir, and at all greater angles from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (10 percent) at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

**Fully Developed Flow**

The flow from a fully urbanized drainage area.

**Glare**

Direct lighting emitted from a luminaire that causes reduced vision or temporary blindness.

**Grade, Average**

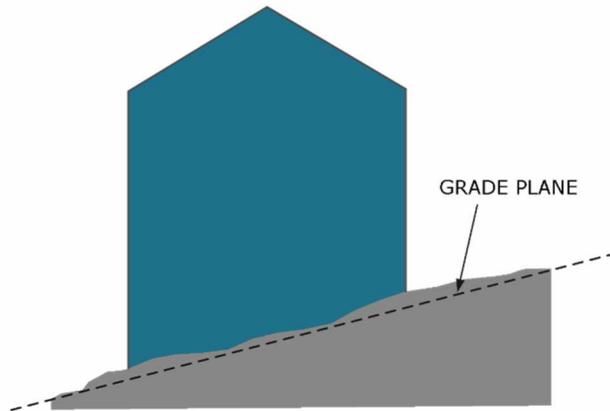
The average of the lowest and highest elevation points of a property at finished grade.

**Grade, Finished**

The final elevation of the ground level after development is complete.

**Grade Plane**

A reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 feet from the building, between the building and a point 6 feet from the building.



**Figure 9-1: Grade Plane**

**Grading**

Any stripping, cutting, filling, stockpiling, or combination thereof that modifies the existing land surface contour.

**Grading Permit**

**This permit allows the applicant to begin the earth-disturbing activities associated with the development of a property. Grass**

Any member of the botanical family Gramineae, herbaceous plants with bladelike leaves arranged in two ranks on a round to flattened stem. Common examples are fescue, Bermuda grass, and Bahia grass. The term "grass" is sometimes used to indicate a combination of grass and legumes grown for forage or turf purposes.

**Gross Floor Area**

The floor area of each story within the inside perimeter of the exterior walls of the building under consideration, exclusive courts, without deduction for corridors, stairways, closets, the thickness of interior walls, columns or other features.

**Grubbing**

Excavating or removing a significant part of the root system of a tree.

**Height**

The vertical distance between the average of the highest and lowest point of grade on a lot to the highest point of the building or structure. For buildings or structures with roofs that have a slope of 5:12 or greater, the height shall be measured to the midpoint of the roof.

**Highest Adjacent Grade**

The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Historic Preservation Officer (HPO)**

The City official designated by the Director of Planning to administer the City's historic preservation regulations, who meets the minimum qualifications as described in the Secretary of the Interior's Professional Qualification Standards. The Historic Preservation Officer may also be referred to as a Planner (Historic Preservation). These standards shall be made available to the property owners within the historic overlay district.

- 1) The historic preservation officer is responsible for coordinating the city's preservation activities with those of state and federal agencies and with local, state and national nonprofit preservation organizations.
- 2) The historic preservation officer serves as representative to the historic preservation advisory board.

**Historic Structure**

Any structure that is:

- 1) Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the secretary of the interior (the "secretary") as meeting the requirements for individual listing on the National Register;
- 2) Certified or preliminarily determined by the secretary as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- 3) Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the secretary; or
- 4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a) By an approved state program as determined by the secretary; or
  - b) Directly by the secretary in states without approved programs.

**Historically Significant Area**

One or more places or areas designated by the City for its historical, cultural, or architectural importance and significance before April 1, 2019. The areas included within the MTC - McKinney Town Center District, H - Historic Overlay District, TMN - Traditional McKinney Neighborhood Overlay District, the Main Street Program area, and the Historic Neighborhood Improvement Zone (HNIZ) per Chapter 98 of the Code of Ordinances, City of McKinney, Texas, are the Historically Significant Areas designated by the City before April 1, 2019 or as authorized by Chapter 3000 of the TLGC.

**Homeowner's Association (HOA)**

A residential community or neighborhood association, other than a condominium association, which is organized in a development which individual property owners share common interests and ownership in land, open spaces, or facilities.

**Household**

Any number of individuals living together as a single housekeeping unit which shares household responsibilities and expenses.

**Illicit Connection**

- 1) Any drain or conveyance, whether on the surface or subsurface, that allows an unlawful discharge to enter the storm drain system. Illicit connections include, but are not limited to, conveyances that allow any non-stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
- 2) Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

**Illumination**

The density of the luminous flux (lumens) incident on a surface. It is the quotient of the luminous flux divided by the area of the surface, expressed in foot-candles.

**Incandescent Light Source**

Any lamp that produces light by heating a filament through use of an electric current.

**Industrial Flex Center**

An industrial flex center is a single building in an industrial zoning district containing a group of uses permitted in the governing zoning district.

**Infrastructure**

Facilities and services needed to sustain land use activities, including water lines, sewer lines, and other utilities, streets and alleys, communications, and public facilities.

**Inlet (hydraulics)**

- 1) A surface connection to a closed drain;
- 2) A structure at the diversion end of a conduit; or
- 3) The upstream end of any structure through which water may flow.

**Installation**

The attachment, or assembly fixed in place, whether or not connected to a power source, or any outdoor light fixture.

**Landscape Buffer**

A required piece of land in a specific location used to physically separate one land use or piece of property from another using landscaping as specified in §206A, *Landscaping*.

**Levee**

A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

**Levee System**

A flood protection system, which consists of a levee or levees and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**Light Source**

A device (such as a lamp) which produces visible energy as distinguished from devices or bodies which reflect or transmit light such as a luminaire.

**Light Trespass**

Light falling outside the boundary of property for which it was originally intended or needed. Also referred to as spillover light or obtrusive light.

**Lot**

A tract of land created by a recorded plat or as otherwise approved by this Code which will be used, developed, or built upon.

**Lot, Corner**

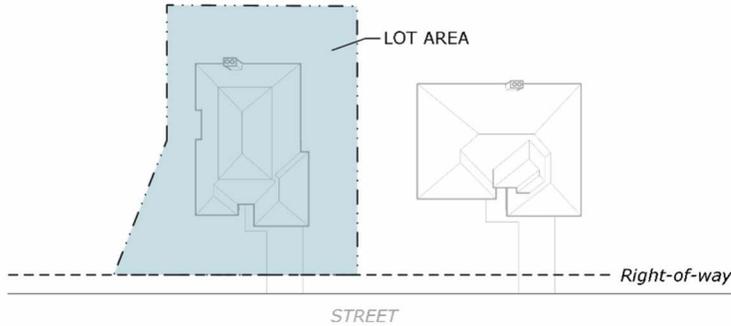
A lot situated at the junction of two or more dedicated public streets.

**Lot, Interior**

A lot situated in a block that is not a corner lot.

**Lot Area**

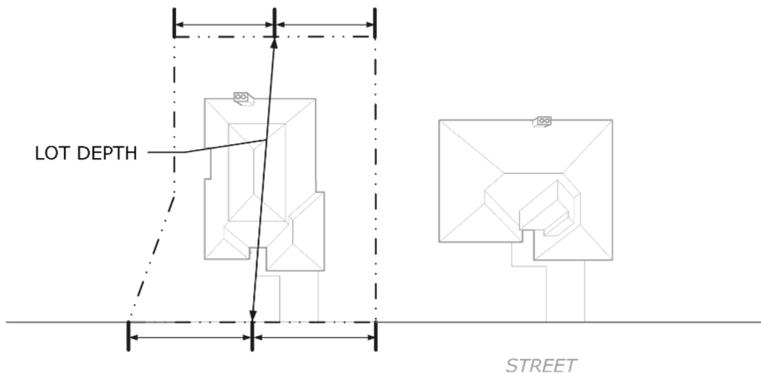
The total land area within the bounding property lines of a lot.



**Figure 9-2: Lot Area**

**Lot Depth**

The distance from the midpoint of a lot’s rear property line to the midpoint a lot’s front property line.



**Figure 9-3: Lot Depth**

**Lot Lines**

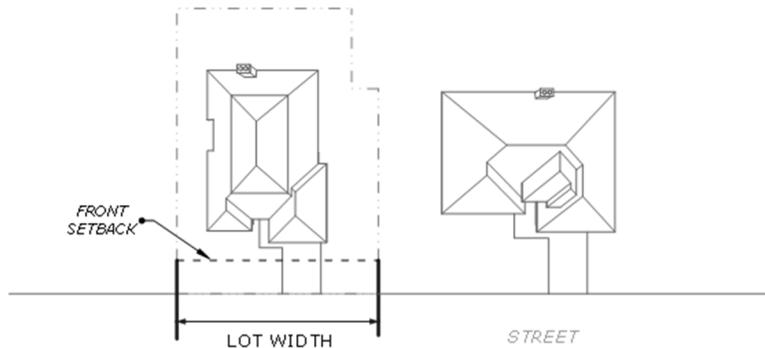
A boundary of a lot. "Lot line" is synonymous with "property line."

**Lot of Record**

See *Lot*.

**Lot Width**

The distance between the side property lines as measured at the front setback line. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned.



**Figure 9-4: Lot Width**

### **Lowest Floor**

The lowest floor of the lowest enclosed area (including basement). An unfinished, or flood-resistant enclosure, usable solely for the parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of FEMA 60.3.

### **Lumen**

The quantity of luminous flux intercepted by a surface of 1 square foot, all points of which are 1 foot from a uniform source of 1 candela. A 1-candela source provides 12.57 lumens.

### **Luminaire**

A device or fixture containing a light source and means for directing and controlling the distribution of light from the source.

### **Luminance**

The luminous intensity per unit projected area of a given surface viewed from a given direction for purposes of this section expressed in candelas divided by distance squared.

### **Manufactured Home**

A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

### **Manufactured Home (HUD Code)**

A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974. A dwelling unit that is designed and built in a factory, which bears a seal certifying that it was built in compliance with the standards of the United States Department of Housing and Urban Development applicable to such structures.

### **Manufactured Home Park or Subdivision**

A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision**

The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Masonry**

Brick, stone, or synthetic stone such as limestone, flagstone, granite, marble, or slate or another similar architectural finish (excludes stucco).

**McKinney Code**

The Cod of Ordinances, City of McKinney, Texas, containing the ordinances governing the City of McKinney including, but not limited to this Code and the City Charter.

**Mean Sea Level**

For the purposes of the National Flood Insurance Program, the North American Vertical Datum (NAVD) of 1988 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

**Minor Plat**

A map, drawing, or chart prepared according to the provisions of this Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county, and meeting the criteria defined in §405C405C, Minor Plat.

**Monopole**

A freestanding structure that is composed of a single shaft, usually composed of two or more hollow sections that are in turn attached to a foundation that resides on or in the ground. This type of structure is designed to support itself without the use of guy wires or other stabilization devices.

**Mounting Height**

The maximum height of the pole from ground level. The lighting fixture shall not exceed the height of the pole. Refer to §603B, Freestanding Luminaire Height, for maximum pole height.

**MS4 or Municipal Separate Storm Sewer System**

A system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that discharges to waters of the United States.

**Multi-Family Dwelling**

Any building or portion of a building, or multiple buildings, that are designed and built to be rented, leased, or let to contain three or more dwelling units on a single lot, or that is occupied as a home or place of residence by three or more households living in independent dwelling units on a single lot.

**Multi-Family Residential Districts**

Those zoning districts listed under the multi-family heading in Table 2-26: Table of Uses.

**Municipal and Public Domain Property**

Property in which title is held in the name of a governmental entity. Examples of this include city buildings, county property, public parks, U.S. Army Corps of Engineers property, state rights-of-way, libraries, fire stations, water tower sites or similar properties.

**Municipal Facilities**

Any city-owned street, alley, utility (water, wastewater, or drainage) infrastructure, building, structure, or site feature.

**Natural Drainage**

The dispersal of surface waters through ground absorption and by drainage channels formed by the existing surface topography which exists at the time of adoption of the ordinance from which this Article is derived or formed by any manmade change in the surface topography.

**New Construction**

For all purposes except the National Flood Insurance Program portion of this Article, new construction means structures for which the start of construction commenced on or after February 16, 1988. For the purposes of the

National Flood Insurance Program portion of this Article, new construction means structures for which the start of construction commenced on or after December 31, 1974.

**No-Build Area**

An area within which construction and development activities are restricted including, but not limited to, erosion hazard setback easements, drainage easements, and floodplain areas.

**Non-Disturbance Area**

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

**NRCS Lake Tree Preservation Zone**

The area within an elevation two feet above the emergency spillway elevation of any Natural Resources Conservation Service lake.

**Occupancy**

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

**Open Channel**

A channel in which water flows with a free surface.

**Other Municipal Ordinances**

Ordinances including, but not limited to, Zoning, Subdivision, and construction specifications.

**Outfall**

The point where water flows from a stream, river, lake, or artificial drain.

**Outdoor Lighting Fixture**

An outdoor artificial illumination device, whether permanent or portable, used for illumination outdoors and shall include, but not be limited to, devices used for search, spot, flood and area lighting for buildings and structures, recreational facilities, parking areas, landscape lighting, outdoor advertising displays, billboards, signs, public and private street lighting and walkway lighting.

**Overlay District**

A type of zoning district that applies an additional layer of supplemental regulations to all areas within a defined boundary, regardless of the underlying base zoning district(s).

**Parent Tract**

The original parcel of land from which lots of record are created.

**Peak Discharge**

The maximum instantaneous flow from a given storm condition at a specific location.

**Permanent (post-construction) Erosion Controls**

The stabilization of erosive or sediment-producing areas by the use of means or techniques that will provide protection against erosion losses for an indefinite time period. Such controls or techniques may include, but shall not be limited to, permanent seeding, sod, storm drain channels, channel linings, storm drain pipes, storm sewer inlet/outlet structures, storm sewer outlet velocity control structures, and stormwater detention or retention structures.

**Permanent Ground Cover**

Uniform (that is, evenly distributed, without large bare areas) perennial vegetative cover with a density of at least 70 percent of the native background vegetative cover.

**Permit**

A document or series of documents issued by the City which allows for specific construction, development, or other similar land disturbance activities to commence.

**Photometric**

The quantitative measurements of light levels and distribution.

**Planned Development (PD)**

A zoning district that in which the terms of development are individually determined to provide for the unified and coordinated development of parcels or tracts of land and is intended to achieve greater flexibility than otherwise allowed by strict application of this Code, while providing greater benefit to the City.

**Planning and Zoning Commission**

The governmental body designated in this Code as the Planning and Zoning Commission and appointed by the City Council as an advisory body to it and which is authorized to recommend changes to this Code.

**Plat**

A plan of a subdivision or land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City and subject to approval by the municipal authority responsible for approving plats, and filed in the plat records of the county.

**Plat, Amending**

A map, drawing or chart that modifies a recorded final plat or minor plat.

**Plat, Conveyance**

A map of property approved by the City for the purpose of sale or conveyance in accordance with §305F, *Conveyance Plat*. A conveyance plat is not the first step in the development of a project as it does not provide any detail regarding a project. As such the submission and approval of a conveyance plat does not vest any rights in the property.

**Plat, Final**

A map, drawing, or chart prepared according to and complying with the provisions of this Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county.

**Plat, Minor**

A plat for development containing 4 or fewer lots.

**Plat, Preliminary**

A map, drawing, or chart drawn to scale, on which the subdivider's proposed arrangement of streets, lots, easements, and other public spaces in the subdivision are shown on a form for recording via an associated final plat. Preliminary Plats may have been previously referred to as preliminary-final plats. See §305A, *Preliminary Plat*.

**Plat, Replat**

A map, drawing, or chart drawn to scale that modifies a platted lot(s) of record.

**Plat, Vacating**

A map, drawing, chart, instrument, or letter that abandons a plat, subdivision, or portion of a subdivision that has been filed with the county.

**Plot Plan**

A plan showing all physical improvements to a residential property including, but not limited to its lot dimensions and any buildings, structures, site features, and easements.

**Positive Overflow**

A route that stormwater will follow in the event the capacity of the primary system is exceeded. A special positive overflow easement must exist where this flow is intended to go on, upon, over, and/or across private property to reach an appropriate drainage facility. The route must provide capacity within a dedicated drainage, positive overflow, or floodplain easement such that the water depth does not cause injury or damage to property or vehicles and the surface of the easement cannot be altered or blocked.

**Primary Entrance**

The main entry to a building. Any additional building entries may be considered a secondary entrance.

**Principal Spillway**

A spillway constructed of permanent material and designed to regulate the normal water level, provide flood protection, and reduce the frequency of operation of the emergency (auxiliary) spillway.

**Probable Maximum Flood**

The upper limit of a flood likely to occur as determined by the U.S. Army Corps of Engineers' criteria.

**Property Owner's Association (POA)**

A non-residential community or neighborhood association, other than a condominium association, which is organized in a development which individual property owners share common interests and ownership in land, open spaces, or facilities.

**Protected Tree**

Any tree designated by the city for preservation pursuant to provisions of Article 3:.

**Protective Fencing**

Chain link fencing, orange vinyl construction fencing or other fencing at least 4 feet high and supported at a maximum of 10-foot intervals by approved methods sufficient to keep the fence upright and in place. The fencing shall be of a highly visible material.

**Pruning**

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

**Public Improvements**

Infrastructure which serves the public including, but not limited to easements, dedications, rights-of-way, streets, alleys, right-of-way improvements, related roadway improvements, curbs, streetlights, traffic control devices, sidewalks, trails, water supply and distribution systems, fire hydrants, sewage disposal systems, stormwater facilities, and drainage facilities.

**Public Nuisance (erosion or sediment)**

A situation in which erosion of, or sediment from, one location is causing a bothersome or unsightly condition on another property owned by a different individual or entity or a situation where the movement or loss of sediment has, or is expected to, threaten public or private property. A bothersome or unsightly condition or burden includes silt, mud, or similar debris originating from one property but being deposited onto a second off-site property in which that off-site owner may have to remove or clean up the deposit due to actual or potential liability, statutory, aesthetic, drainage, or property damage concerns. Also, erosion or deposition caused by the actions or inaction of an upstream or downstream property owner, which threatens public or private property, is a nuisance. The adversely affected off-site property owner could be a private citizen, corporation, government, or other entity.

**Public Officer**

An appointed official, elected official, employee, consultant, or contractor representing a government entity or agency.

**Public View**

What can be seen of a property, site, or building from any adjacent public park, sidewalk, or right-of-way.

**Quadplex**

A single structure designed and constructed with 4 dwelling units under a single roof for occupancy by four households.

**Quality Tree**

Any tree species identified on the Quality Tree list. See Section 402D, *Quality Tree List*.

**Recreational Vehicle**

A recreational vehicle is:

- 1) Built on a single chassis;
- 2) 400 square feet in area or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Regulatory Floodway**

The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, as calculated by the Federal Emergency Management Agency, without cumulatively increasing the water surface elevation more than a designated height. This floodway is used by FEMA to determine compliance with its regulations.

**Repair, Major**

Any repair, other than minor repair as defined below, of an existing sign, which through an act of God or other event has become damaged. Such repair work will require a permit and shall meet all provisions described in Article 5: Signs, of this Code.

**Repair, Minor**

Minor repair is limited to painting, replacement of defective parts, cleaning or other similar minor maintenance to a sign, which will keep said sign at an acceptable level and which does not change the total area of the sign, and which repair is less than 60 percent of the replacement cost of the sign.

**Retention Basin**

A pond or other water body that has been designed to have both a conservation pool for holding some water indefinitely and a flood storage pool for storing stormwater runoff on a temporary basis for the purpose of reducing the peak discharge from the basin.

**Right-of-Way**

Land that is granted by a landowner to the City or another jurisdiction for the public use, typically for streets, alleys, sidewalks, and utilities. The landowner ceases to have any ownership of this land.

**Roadway Benefits Area**

The geographic area(s) within the city's corporate limits designated on the map incorporated with ordinance number 2020-12-091 as exhibit 3, which do not exceed 6 miles and within which geographic area(s) roadway impact fees for capital improvements will be collected for new development occurring within such area, and within which area fees so collected will be expended for those capital improvements identified in the roadway improvements plan to be located within the roadway service area. Also called "roadway service area." Neither roadway service area or roadway benefits area does not include any land outside the city limits.

**Routine Maintenance**

Activities that occur on a regular basis to prevent deterioration of a building, structure, or site feature.

**Runoff**

The portion of the excess precipitation that makes its way toward stream channels or lakes as surface or subsurface flow. When the term "runoff" is used alone, surface runoff usually is implied.

**Screening Device**

An opaque vertical barrier which is erected to enclose or visually screen land, materials, structures, or other property.

**Sediment**

Solid soil material, both mineral and organic, that is being moved or has been moved from its original site by wind, gravity, flowing water, or ice. Also sometimes referred to as "silt" or "sand."

**Setback**

The minimum required distance of open space between a bounding property line and a building or structure. A setback must be open from the ground to the sky and may not be encumbered by any permanent building, structure, or encroachment, except as specifically permitted throughout this Code.

**Shopping Center**

A single building containing multiple tenants or owners in a non-industrial zoning district in which the group of uses is permitted in the governing zoning district.

**Siding, Lap**

Traditional horizontal siding that consists of long narrow boards installed horizontally on a house. Also known as "clapboard siding."

**Siding, Sheet**

Sheet siding is installed in panels, rather than as individual boards, across the façade of a house. The orientation can be either horizontal or vertical, depending on design.

**Sight Line Exhibit**

An exhibit, diagram, or drawing that shows a proposed building, structure, or site feature as it relates to public view. This does not include intersection sight visibility triangles or similar civil engineering terms.

**Sign**

Includes any writing, letter, word, numeral, pictorial representation, emblem, symbol, trademark, object, design, or other identification that is designed or intended to identify, advertise, announce, or inform. The term "sign" shall not include:

- 1) Works of art that in no way identify a product or business and that are not displayed in conjunction with a numerical for-profit enterprise;
- 2) Temporary decorations or displays directly incidental to and customary and commonly associated with national, local or religious holiday celebrations; or
- 3) Traffic and other official signs and devices of any public or governmental agency.

**Sign, Abandoned**

A sign that depicts or refers to a product, business, service, activity, condition, or person, which has changed in such a manner that the sign no longer correctly identifies or describes him/it, or which no longer exists at the location referred to in the sign, or which no longer exists in any way or at any place.

**Sign, A-Frame**

Any sign intended to be located on a sidewalk adjacent to the business it promotes, which sign can be readily moved, as it is not affixed to a building, vehicle, or the ground.

**Sign, Attached**

Any sign attached to, applied on, or supported by any part of a building (such as a wall, roof, window, canopy, awning, arcade or marquee) that encloses or covers usable space and does not extend more than 12 inches from the building facade.

**Sign, Billboard and/or Off-Site**

A permanent structure sign erected for the purpose of the display of commercial or non-commercial messages which are not related to the products or services sold, manufactured, or distributed on the premises on which the sign is located.

**Sign, Changeable Electronic Variable Message Sign (CEVMS)**

A sign that permits light that may be flashing or pulsating, to be turned on or off intermittently or that is operated in a way whereby light is turned on or off intermittently, including any illuminated sign on which such illumination is not kept stationary or constant in intensity and color at all times when such sign is in use, including an LED (light emitting diode) or digital sign, that may or may not vary in intensity or color.

**Sign, Detached**

Any sign permanently placed on or anchored to the ground and structurally independent of any building or other structure.

**Sign, Detached Ground**

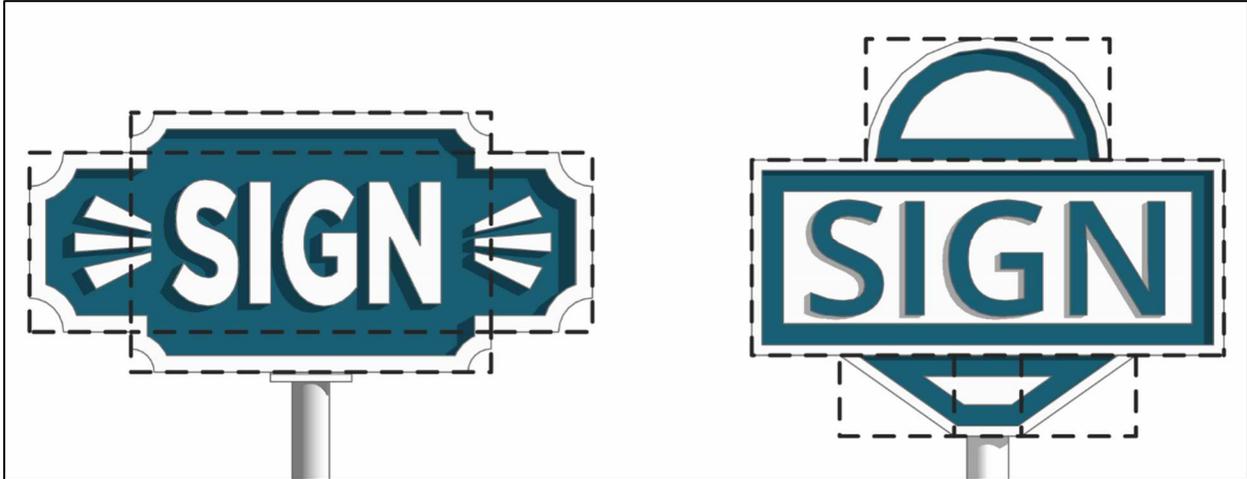
A sign having a low profile, either made of or contained within stone, concrete, metal, wood, brick, or similar material, that does not exceed six feet in height from the adjacent ground level.

**Sign, Detached Pole, or Pole Sign**

Any sign supported by one or two freestanding poles and having no guys or braces to the ground or to any structure.

**Sign, Effective Sign Area Measurement**

The area enclosed by drawing 1 or more rectangles of horizontal and vertical lines that fully contain all extremities of the sign drawn to scale, exclusive of its supports. The measurement is to be calculated from the viewpoint that gives the largest rectangle of that kind as the viewpoint is rotated horizontally around the sign.



**Figure 9-5: Sign Measurement Area**

### **Sign, Exceptional Historic**

Signs located within the Historic Neighborhood Improvement Zone that do not meet the specific criteria of Article 5: Signs of this Code, but that still contribute to the historic character of the area as determined by the Historic Preservation Advisory Board.

### **Sign, Hanging**

A sign that is attached beneath an awning or canopy of a building.

### **Sign, Human**

A sign held by or attached to a human being who stands or walks on the premises or on adjacent right-of-way at a business location. A human sign includes a person dressed in costume, both for the purposes of advertising and/or otherwise drawing attention to an individual, business, commodity, service, activity or product.

### **Sign, Inflatable**

A sign manufactured of plastic, cloth, canvas, or other flexible or light fabric, inflated with air, secured to the ground, and does not exceed 30 feet in height. Inflatable signs are only permitted as part of a change in occupancy or ownership signage display.

### **Sign, Kiosk**

A sign within a multi-tenant shopping center, office park, or medical center.

### **Sign, Menu Board**

A sign erected adjacent to the drive-through ordering lane of a restaurant.

### **Sign, Mobile Billboard**

An operable vehicle with illuminated or non-illuminated panels, other devices or appendages whose primary purpose is to advertise, promote, or draw attention to products, services, events, or other similar purpose.

### **Sign, On-Premises**

Any sign the content of which relates to the premises on which it is located, referring exclusively to the name, location, products, persons, accommodations, service or activities on those premises, or the sale, lease or construction of those premises.

### **Sign, Portable and/or Display**

A sign that is not permanently attached to the ground or building or designed to be permanently attached to the ground or building. Portable signs include signs on wheels or on portable or mobile structures, such as, among other things, trailers, skids, banners, tents or other portable structures, A-frame signs, T-shaped signs, airborne devices, or other devices used for temporary display or advertising.

**Sign, Projecting**

A sign attached to a building or extending, in whole or in part, 12 inches or more perpendicular to the surface of the building to which the sign is attached.

**Sign, Roof**

Any sign erected upon, against or directly above a roof, or on top of or above the parapet of the building.

**Sign, Special Purpose**

A sign temporarily supplementing the permanent signs on the premises.

**Sign Support**

Any pole, post, strut, cable, or other structural fixture or framework necessary to hold and secure a sign, providing that said support is not used as a sign.

**Sign, Vehicular**

A sign that identifies a vehicle used for a particular business; however, not when the primary use of the vehicle is that of a sign. Examples may include a magnetic door sign or car wrap sign.

**Sign, Wind-Driven**

Any sign consisting of one or a series of two or more banners, flags, pennants, ribbons, spinners, streamers, captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

**Significant Rise**

An increase, when rounded to the nearest 0.1 feet, in either the base flood elevation or the design flood elevation. For encroachments within the regulatory floodway, significant rise means an increase, when rounded to the nearest 0.01 feet, in the base flood elevation.

**Significantly Important Building**

A building which is: located in an area designated as a historic district on the National Register of Historic Places; designated as a Recorded Texas Historic Landmark; designated as a State Archeological Landmark or State Antiquities Landmark; listed on the National Register of Historic Places or designated as a landmark by a governmental entity; located in a World Heritage Buffer Zone; or located in an area designated for development, restoration, or preservation in a main street city under the main street program established under Texas Government Code Section 442.014; or as otherwise provided in Chapter 3000 of the Texas Government Code.

**Single-Family Dwelling**

A single structure designed and constructed for occupancy by one household.

**Single-Family Residential**

Any structure that contains one to four dwelling units on a single lot.

**Single-Family Residential Districts**

Those zoning districts listed under the single-family heading in Table 2-26: Table of Uses.

**Site Feature**

Improvements to properties that are not buildings, infrastructure, or utilities. Examples include landscaping, buffers, screening devices, fences, private sidewalks, private trails, parking spaces, loading spaces, or maneuvering areas.

**Site Plan****When referenced in Article 8, Stormwater Management, site plan shall mean:**

A plan drawing of a site that includes the layout of buildings, circulation system, parking, walls, landscaping, open space, and any other appropriate information as required by the City. The term "Site Plan" also refers to the approval procedure in §203E.1 by which Site Plans are evaluated for compliance with this Code prior to development permits.

**In all other contexts, site plan shall mean:**

A plan for development of a site on which is shown the existing and proposed conditions of the lot such as, buildings, structures, ingress and egress, parking areas, floodplains, and screening devices, and which

demonstrates conformance with the adopted development regulations and zoning ordinance under the authority of TLGC Chapter 211.

**Soil**

The unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of plants.

**Special Flood Hazard Area (SFHA)**

The land in the floodplain within a community that is subject to a 1 percent, or greater, chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map ("FHBM"). After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A is usually refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO or V1-30, VE, or V. The SQ. FT.HA is also called the base floodplain, 100-year floodplain, or 1 percent annual chance floodplain.

**Specific Use Permit**

A discretionary permit required prior to specific land uses being permitted in particular zoning districts. Said uses typically have unique or widely varying operating characteristics or unusual site development features warranting review by City officials including a public hearing.

**Specimen Tree**

Any tree that is 42 inches in diameter at breast height (four and one-half feet above ground level) or greater.

**Stabilized**

Protected from possible erosion losses, usually by mechanical means or the use of vegetative cover.

**Start of Construction**

For a structure, the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The term "start of construction" includes substantial improvement. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of a slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction of a structure does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

**Storm Frequency**

An expression or measure of how often a hydrologic event of given size or magnitude should, on an average, be equaled or exceeded.

**Street**

A right-of-way or private easement for the movement of vehicular traffic with an ultimate width greater than 30 feet.

**Street Yard**

On non-residential and multi-family properties: the area located between the front property line and the minimum front setback.

**Structural Alteration**

Any change in the supporting member of a building or structure, such as a load-bearing wall, column, beam or girder.

**Structural Root Plate**

A diameter of the root area around a tree made up of approximately one-third of the critical root zone radius. For example, a 30-inch diameter tree has a Critical Root Zone of 30 feet and a Structural Root Plate of 10 feet.

## Structure

### When referenced in Article 8, Stormwater Management, structure shall mean:

A walled and roofed building, a manufactured home, a substation, or a gas or liquid storage tank that is principally above ground. When used in the context of stormwater, the term means a drainage improvement, such as a dam, levee, bridge, culvert, headwall, flume, etc.

### In all other contexts, structure shall mean:

An object that is constructed, installed, or erected vertically above the ground or water but does not accommodate the occupancy of humans.

## Subdivision

The division of any lot, tract, or parcel of land into two or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes resubdivision or replatting of an existing subdivision, building upon, or other development of land, but does not include the division of land into tracts where each resulting lot is more than five acres in size; does not involve or require any new street, alley or easement of access; and no public improvement is being dedicated. As part of a subdivision, if any lot is proposed to be five acres in area or smaller, the entire parent tract must be platted together with such other lots or tracts. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided. Subdivisions of mobile home spaces for sale, lease or rent shall comply with all provisions of Chapter 138, Article III, Division 2, regulating mobile home parks, as it now exists or as amended.

## Substantial Damage

Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

## Substantial Improvement

- 1) Any combination of repairs, reconstruction, or improvements of a structure, the cumulative cost of which equals or exceeds 50 percent of the initial market value of the structure either:
  - a) Before the first improvement or repair is started; or
  - b) If the structure has been damaged and is being restored, before the damage occurred.
- 2) For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. Incremental improvements over a period of time, the cumulative cost of which equals or exceeds 50 percent of the market value at the time of the first improvement, shall be considered a substantial improvement. The term does not, however, include either:
  - a) Any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to ensure safe living conditions; or
  - b) Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

## Temporary Erosion Control

The stabilization of erosive or sediment-producing areas for a specific time period, usually during a construction job and until stabilization is restored regardless of whether by mechanical or vegetative means.

## Texas Commission on Environmental Quality (TCEQ)

The state coordinating agency for environmental issues.

## Texas Water Development Board (TWDB)

The state coordinating agency for the National Flood Insurance Program.

## Tree

Any self-supporting woody plant, which will attain a trunk caliper of two inches or more DBH and normally an overall height of at least 15 feet with a canopy of at least 15 feet in diameter at maturity. A tree may have one main stem or trunk or several stems or trunks.

**Tree Board**

A board appointed by the City Council to carry out the duties and responsibilities set forth in Article 3: Tree Preservation. The Planning and Zoning Commission shall constitute the Tree Board unless the City Council appoints a separate Tree Board.

**Tree Preservation Plan**

A plan drawing that identifies the location of trees and contains the information required in §404C, *Development Permit Process*.

**Tree Protection Sign**

A sign describing prohibited conduct detrimental to trees and meeting specifications of the city's Chief Building Official to be posted on the site upon approval of a tree permit.

**Tree Topping**

The severe cutting back of limbs to stubs larger than 3 inches in caliper within the tree's crown to such a degree to remove the normal canopy and disfigure the tree.

**Triplex**

A single structure designed and constructed with 3 dwelling units under a single roof for occupancy by three households.

**Use**

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

**Use Permit**

The permit or permits required before any use may be commenced.

**Utility Company, Franchise Utility, or Public Utility**

A company or entity, or agent for a company or entity, that provides a utility service such as the provision of gas, electric, cable, or telephone service within the city.

**Variance**

A grant of relief to a person from the requirements of this article when specific enforcement would result in unnecessary hardship. A variance, therefore, permits construction or development in a manner otherwise prohibited by this article.

**Vehicle, Commercial**

Commercial vehicle means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if:

- 1) The vehicle, including a school activity bus, or combination of vehicles has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds;
- 2) The vehicle, including a school activity bus, is designed or used to transport more than 15 passengers, including the driver; or
- 3) The vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.).

**Vehicle, Passenger**

A motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

**Vehicle Storage**

Vehicles being stored for inventory prior to display for sale, and vehicles awaiting repair, or service, for more than 24 hours or after the close of business, including their parking spaces.

**Violation**

The failure of a structure or other development to be fully compliant with this article. A structure or other development without the elevation certificate, other certifications, or other evidence, as required by the Director of Engineering, is presumed to be in violation until such time as that documentation is provided.

**Water Surface Elevation**

The height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of riverine areas and behind dams.

**Watershed**

The area drained by a stream or drainage system.

**Wet Utility**

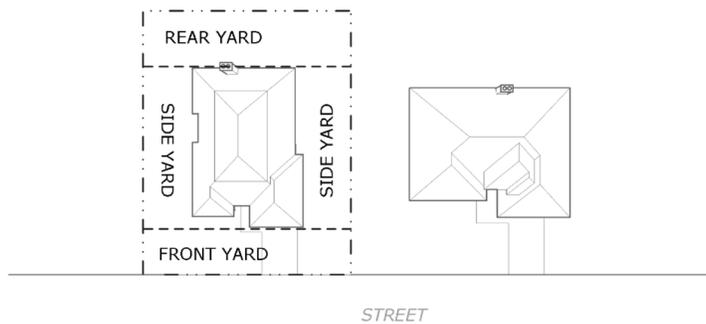
Any utility line dedicated to carrying water or other liquid, including but not limited to water lines, sewer lines, fire connections including hydrants, and drainage infrastructure.

**Wire Fence**

A fence consisting of posts with strained wires, wire netting, or other wirework in between.

**Yard**

A required open space located on the same lot as the primary structure, unoccupied and unobstructed except for accessory uses and landscaping.



**Figure 9-6: Yard**

**Yard, Front**

An open space extended across the full width of the lot and situated between the front property line and the front face of the building, extending to both side property lines. In the case of a corner lot, the front yard adjoins the public or private rights-of-way where the entrance/address is located.

**Yard, Rear**

An open space extended across the full width of the lot and situated between the rear property line and the rear face of the building, extending to both side property lines. In the case of a corner lot, the front yard shall not extend past the corner side yard.

**Yard, Side**

An open space extended across the full width of the lot and situated between the front and rear yards, extending to both side property lines. In the case of a corner lot, the corner side yard shall extend from the front yard to the rear property line.

**Zero-Lot Line Dwelling Unit**

The location of a building on a lot in a manner that 1 or more building sides rests directly on a lot line.

**Zone of Influence**

The area downstream of a proposed development where the discharge of the development can have a significant impact upon the receiving stream or storm drainage system, as discussed further in the Engineering Design Manual. This area is commonly found to be where the development area is between five and ten percent of the receiving stream's or storm drainage system's drainage area.

**Zoning District**

A specifically delineated geographic area of the City created by legislative action within which regulations and requirements uniformly govern the use, placement, spacing, and size of land and buildings.

**Zoning District, Non-Residential**

Any zoning district designated by the Zoning Ordinance of the City as a commercial, industrial or otherwise non-residential district, and any other non-residential districts that should replace these or be added to them in the future; refer to §204, *Zoning Districts*.

**Zoning District, Residential**

Any zoning district designated by the Comprehensive Zoning Ordinance of the City as primarily for residential use, and any residential district that should replace these or be added to them in the future; refer to §204, *Zoning Districts*.

**Zoning District Map**

The official certified map upon which the boundaries of the various zoning districts are drawn, and which is an integral part of this Code.