

ORDINANCE 04-283 (cont.)

SECTION 7 (of 7)

DEFINITIONS

AGRICULTURE: The use of an undeveloped area for farming purposes. Typical uses include the raising of crops or livestock.

AUTOMOBILE REPAIR: Repair of agricultural vehicles and implements, automobiles, commercial trucks, motorcycles, and recreational vehicles, including the sale, installation, and servicing of equipment and parts. (Excludes dismantling or salvaging of vehicles.)

AUXILIARY SIGN: Any sign attached to a building or canopy indicating general information, such as pricing, trading stamps, credit cards, official notices or services required by law, or giving directions to offices, restrooms, exits, and like facilities.

AVIATION FACILITIES: Landing fields, aircraft parking and service facilities, and related facilities for operation, service, fueling, repair, storage, charter, sales, and rental of aircraft, including activities directly associated with the operation and maintenance of airport facilities and the provision of safety and security.

BANK/FINANCIAL INSTITUTION: Establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and similar services.

BANNER: A sign intended to be hung either with or without frames, made of paper, plastic, or fabric of any kind, and which may possess colors, characters, letters, illustrations, or ornaments. Flags of governmental jurisdictions and flags carrying the emblem of a business or institution are not to be considered a banner for the purposes of this Ordinance. A banner is not a permanent sign.

BED & BREAKFAST: Tourist lodging services within a residential building, a commercial building, or an accessory building.

BILLBOARD (Outdoor Advertising): See definition for "Off-Premise Sign."

BUILDING LOT: A lot, or a portion of a lot, or a combination of lots when used for the construction of one building or commercial center.

BUILDING OFFICIAL: The Building Official of the City of Mason, Texas, or his/her agent.

CAMPGROUNDS: Facilities providing camping and/or parking areas and incidental services for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.

CANOPY SIGN: A sign attached to a canopy that is attached or unattached to or an extension of a building.

CAR WASH: Washing and cleaning of automobiles and related light equipment.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery.

CHURCH/RELIGIOUS ASSEMBLY: A use providing regular organized religious worship. A property tax exemption obtained pursuant to Property Tax Code of the State of Texas shall constitute prima facie evidence of religious assembly use.

CLUB OR LODGE: A use providing meeting, recreational, or social facilities for a private or non-profit association, primarily for use by members and guests. Typical uses include private social clubs and fraternal organizations.

COMMUNITY BLDG/CONVENTION CENTER: A building that houses cultural, recreational, athletic, and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

COMMUNITY RECREATION FACILITY: A recreational facility for use by residents and guests of a particular residential development, club or lodge, including both indoor and outdoor facilities.

COMMUNITY SERVICE SIGN: A sign which advertises a non-profit community or, public use. Such signs may include, but shall not be limited to, seasonal holidays such as Christmas or Easter, school activities, charitable programs, religious activities, or events of community interest. Such signs shall be placed only by units of local, state, or Federal governments, by non-profit organizations, by schools, by the Chamber of Commerce, or by normally recognized religious organizations.

CONDOMINIUM: The use of a site for four (4) or more dwelling units intended for separate ownership, together with a common area serving all dwelling units.

CONSTRUCTION SIGN: A sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, architect, and other information regarding the project.

CONVENIENCE STORAGE: Storage services primarily for personal effects and household goods within enclosed storage areas having individual access, but excluding uses such as workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini-warehousing and mini-storage units.

CULTURAL SERVICES: A library, museum, or similar non-profit organizational use displaying, preserving, and exhibiting objects of community and cultural interest.

DAMAGED SIGN: A sign, which is unsafe, unsecured, disfigured, or broken.

DAY CARE: A facility designed or adapted for the care of more than six (6) individuals, whether children or adults.

DETENTION FACILITIES: A use providing housing and care for individuals legally confined.

DIRECTIONAL SIGN: A sign that is located on the premises whose primary purpose is to give directions to parking lots, exits, entrances, drive-through windows, or similar directions.

DOUBLE FACED SIGN: One (1) structure containing either one (1) sign with two (2) identical faces back-to-back oriented in opposite directions, or two (2) signs back-to-back with identical faces oriented in opposite directions with a distance of not more than three (3) feet between the two (2) signs.

DRIVE THROUGH FACILITIES: Facilities provided by an establishment or place of business for the purpose of allowing a customer or patron to transact business, whether it is pick-up, drop-off, ordering, or service from a motor vehicle.

DUPLEX: Two (2) or more dwelling units, constructed with common or abutting walls, each located on a single ground parcel.

ENTERTAINMENT-INDOOR: Predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls, and dance halls.

ENTERTAINMENT-OUTDOOR: Predominantly spectator uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities, and amusement parks.

FLASHING SIGN: A sign with flashing, blinking, or moving lights, regardless of wattage, whether directly or indirectly illuminated, except for time and temperature signs. This shall include a sign which makes use of traveling lights or traveling lighted messages, or flashing lights.

FREE STANDING SIGN: A sign which is secured to the ground, not affixed to any building, and extending above the ground sign height limitations.

FUNERAL SERVICE: A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial, the display of the deceased, and ceremonies connected therewith before burial or cremation.

GARAGE APARTMENT: A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

GOVERNMENTAL SIGN: A sign indicating a public works project, or other program or activity conducted or required by any governmental subdivision. This is also considered a Community Service Sign.

GROUND SIGN: A sign which is secured to the ground on approved foundation, and which is not affixed to a building.

GROUP RESIDENCE: The use of a site for residential occupancy by groups of more than six (6) persons not defined as a family, on a monthly or longer basis. Typical uses include occupancy of fraternity or sorority houses, dormitories, residence halls, or boarding houses.

GUEST HOUSE/SERVANTS' QUARTERS: An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family, a guest, or a person employed on the premises by the occupant on a full-time basis as domestic help. Excludes the rental of such facilities on a monthly or longer term basis.

HEALTH CLINIC/MEDICAL OFFICES: A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that

patients are not kept overnight except under emergency conditions. Includes physician and dentist offices.

HORTICULTURE: The growing of horticulture and flora-cultural specialties, such as flowers, shrubs, or trees intended for ornamental or landscaping purposes, but excluding retail sales. Typical uses include wholesale plant nurseries and greenhouses.

HOSPITAL: A facility providing medical, psychiatric, or surgical service for sick or injured persons, primarily on an in-patient or out-patient basis, and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and services to patients, employees, or visitors.

HOTEL/MOTEL: Lodging services involving the provision of room and/or board for short periods of time. Typical uses include hotels, motels, and inns.

INTEGRAL SIGN: A memorial sign or tablet, name of a building, or date of erection when cut into any masonry surface or when constructed of bronze or other incombustible material mounted on the face of a building.

INTEGRATED BUSINESS DEVELOPMENT: A commercial business complex in which more than one business operates and meets one (1) or more of the following criteria:

1. Each business owner owns shares of stock in a corporation that owns the grounds and building(s);
2. Each business owner owns his own space within a building under a commercial condominium arrangement;
3. Each business owner rents/leases his own space within the same building; or
4. Each business owner is a member of a merchants association which contributes to the joint promotional efforts of the center.

JUNK YARD/SALVAGE: A facility where old metal, paper, etc., is kept sorted and sold or old cars are junked.

KENNEL: Boarding and care services for dogs, cats, and similar small animals. Typical uses include boarding kennels, pet motels, or dog-training centers.

LIQUOR SALES: Establishments licensed and engaged in the retail sale, for consumption off the premises, of beer and/or other alcoholic beverages. Liquor sales are prohibited within three hundred feet (300') of an established church or school building. Distance is measured from property lines.

LIVESTOCK AUCTION/STOCKYARDS: Services involving the temporary keeping of livestock for slaughter, market, or shipping. Typical uses include stockyards and animal sales in auction yards.

MANUFACTURED HOME PARK: A parcel of land that is designed, improved, and/or intended to be used for long-term occupancy (more than one month) by manufactured homes. The facility may include a residence for the owner/manger of the premises, accessory structures, playground and open space areas, fenced yard areas for pets, and other similar amenities.

MANUFACTURED HOME: A movable dwelling designed to be transported on the highway (either intact or in major sections) that can be used as a residential dwelling with or without a

permanent foundation. A HUD-Code manufactured home is also defined as a movable manufactured home that was constructed after June 15, 1976.

MANUFACTURING-CUSTOM: Establishments primarily engaged in the on-site production of goods by hand manufacturing which involves only the use of hand tools or domestic mechanical equipment not exceeding two (2) horsepower or a single kiln not exceeding eight (8) kilowatts and the incidental direct sale to consumers of only those goods produced on-site. Typical uses include ceramic studios, candle-making shops, or custom jewelry manufacturing.

MANUFACTURING-LIGHT: A use engaged in the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing. Typical uses include winery, sheet metal shop, welding shop and machine shop.

MARQUEE SIGN: A sign hung from or affixed to a marquee. It shall be synonymous with a canopy sign.

MILITARY INSTALLATION: Military facilities of the Federal and State governments.

MODULAR HOME: A dwelling that is manufactured in two (2) or more modules at a location other than the home site and which is designed as a residence when the modules are transported to the home site, and the modules are joined together and installed on a permanent foundation system in accordance with the appropriate Code requirements.

MULTI-FAMILY RESIDENCE: The use of a site for three (3) or more dwelling units within one (1) or more buildings.

NON-CONFORMING SIGN: Anything that does not conform to the regulations of this or other City Ordinances, but which was placed or constructed in accordance with City Ordinances existing at the time of its placement or construction.

NURSING HOME: A use providing bed care and in-patient services for persons requiring regular medical attention, such as A nursing home, but excluding facilities providing surgical or emergency medical services, facilities providing care for alcoholism, drug addiction, mental disease, or communicable disease.

OFF-PREMISES SIGN: A sign used for advertising an establishment, merchandise, service or entertainment, which is sold, produced, manufactured, and/or furnished at a place other than on the property on which said sign is located.

OFFICES-ADMINISTRATIVE/PROFESSIONAL: Offices that are primarily used for the providing of executive, management, or professional and administrative services. Typical uses include law, architect, real estate, insurance, investment, travel, and business offices of organizations and associations.

OPEN SPACE: Land that is to be left undeveloped, except for park facilities.

PARK/RECREATIONAL FACILITY: Publicly owned and operated parks, playgrounds, recreation facilities, and open spaces.

PARKING-COMMERCIAL OFF-STREET: Parking of motor vehicles on a temporary basis within a privately owned off-street parking facility, other than accessory to a principal use.

PAWN SHOP: A use engaged in the loaning of money on the security of property pledged in the keeping of the pawnbroker, and the incidental sale of such property.

PERSON: An individual, partnership, corporation, firm or organization

PERSONAL SERVICES: Places of business primarily engaged in providing frequent or recurrent services of a personal nature. Typical uses include beauty salons, barbershops, health and fitness studios, seamstresses, tailors, shoe repair shops, dry cleaning pick-up station services, and coin-operated laundries.

POSTAL FACILITIES: Postal services, including post offices, bulk mail processing or sorting centers, operated by the United States Postal Service.

PROJECTING SIGN: A sign, other than a wall sign, which is affixed to any building or wall, and whose leading edge extends more than two (2) feet beyond such building or wall. A canopy or marquee sign is not defined as a projecting sign.

PUBLIC FACILITY – A building in which government operations or activities occur.

REALTY SIGN: A sign which is used to offer for sale, lease or rent property.

RESTAURANT-CONVENIENCE: A use engaged in the preparation and retail sale of food and beverages, excluding alcoholic beverages, for on-premise consumption. Typical uses include soda fountains, ice cream parlors, sandwich shops, cafes, coffee shops, and cafeterias.

RESTAURANT-DRIVE IN, FAST FOOD: A restaurant whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready to consume state for consumption either within the restaurant building or for carry out with consumption off the premises and whose design or principal method of operation includes at least one (1) of the following characteristics:

1. Foods, frozen desserts, or beverages usually served in edible containers or in plastic, paper, or other disposable containers.
2. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by car-hop which eliminates the need for the customer to exit motor vehicle.

RESTAURANT-GENERAL: A use engaged in the preparation and retail sale of food and beverages for consumption primarily within the premises. A general restaurant may include live entertainment with amplified sound. Typical uses include restaurants, coffee shops, dinner houses, and similar establishments with incidental alcoholic beverage service.

RETIREMENT FACILITY: A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. No long-term or permanent skilled nursing care or related services are provided.

ROOF SIGN: A sign that is mounted on, and is wholly supported by the roof of a building and does not extend beyond the wall line.

ROOMING OR BOARDING HOUSE: Lodgings other than a hotel where for compensation and by prearrangement for definite periods, lodge and/or meals are provided.

SANDWICH SIGN: See definition of "Unattached Sign."

SALES-AUTOMOTIVE: Sales or rental of automobiles, non-commercial trucks, motorcycles, motor homes, or boats, including incidental storage, maintenance and servicing.

SALES-EQUIPMENT: Sales or rental of trucks, tractors, mobile homes, construction, and similar heavy equipment, including storage, maintenance, and servicing.

SALES-GENERAL RETAIL: Sale of commonly used goods and merchandise for personal or household use. Typical uses include department stores, apparel stores, furniture stores, drug stores, stationery stores, gift stores, etc.

SALES-FOOD: Businesses primarily engaged in the retail sale of food (with incidental sale of beer and wine) or household products for home consumption. Typical uses include convenience stores, groceries, delicatessens, meat markets, retail bakeries, and candy shops. Restaurants are specifically excluded from this definition.

SALES-LIQUOR: Businesses engaged in more than incidental retail sale for consumption off-premises of alcoholic beverages. Typical uses include liquor stores, bottle shops, or any licensed sale of liquor beer or wine for off-site consumption.

SALES AGRICULTURE: Businesses engaged in sale of feed, grain, fertilizers, pesticides and similar goods or in the provision or agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include hay, feed and grain stores, and tree service firms.

SALES CONSTRUCTION: Businesses primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale of materials used in the construction of buildings or other structures, but excluding those classified as one of the Automotive and Equipment Service use types. Typical uses include building material stores, tool equipment rental or sales, building, plumbing, electrical, or mechanical contractors.

SCHOOL-BUSINESS/TRADE: A use providing education or training in business, commerce, language, or other similar activity or occupational pursuit, and not otherwise defined as a home occupation, college or university, or public or private educational facility.

SCHOOL-COLLEGE/UNIVERSITY: Educational institutions of higher learning that offer a course of study designed to culminate in the issuance of a degree.

SCHOOL-PRIVATE PRIMARY/SECONDARY: A private or parochial school offering instruction at the elementary or secondary school levels.

SCHOOL-PUBLIC PRIMARY/SECONDARY: A government school offering instruction at the elementary or secondary school level.

SERVICE-COMMUNICATION: Establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excluding those classified as Major Utility Facilities. Typical

uses include television studios, telecommunication service centers, telegraph service offices, film recording, sound recording, and cable television operations.

SERVICE-CONSUMER CONVENIENCE: Establishments that provide services of a convenient and limited nature, often in access-controlled facilities that make twenty-four (24) hour operation possible. Typical uses include the renting of private postal and safety deposit boxes to individuals and automated banking machines.

SERVICE-REPAIR: Establishments primarily engaged in the provision of repair services to individuals and households but excluding Automotive and Equipment Service use types. Typical uses include appliance repair shops, watch or jewelry repair shops, or musical instrument repair shops.

SERVICE-EXTERMINATING: Services related to the eradication and control of rodents, insects, and other pests, with incidental storage on lots other than where the service is rendered.

SERVICE-PET: Retail sales, grooming, boarding when totally within a building, of dogs, cats, birds, fish, and similar small animals customarily used as household pets. Typical uses include pet stores, small clinics, dog bathing and clipping salons, and pet grooming shops but excluding uses for livestock and large animals.

SERVICE-RESEARCH: Establishments primarily engaged in research of an industrial or scientific nature. Typical uses include electronics research laboratories and pharmaceutical research.

SHOPPING CENTER/MALL: An integrated grouping of commercial activity, primarily of a retail and personal service nature, in a building complex having the individual establishments joined by a common covered pedestrian mall or walkway.

SIGN: Any letters, figures, symbols, trademarks, or devices designed to inform people or attract the attention of persons or to an individual, firm, profession, business, commodity or service, and which is recognizable from any public right-of-way, and which is more specifically defined as follows:

1. "Advertising" Any sign containing the name of a business, non-profit or other entity, or indicating a specific location, products, services, logo, or trademark.
2. "A-Frame" sign: See definition of "Unattached Sign."
3. Sign area: The square foot area enclosed by the perimeter of the sign face with each face contributing to the aggregate area. The sign face shall exclude decorative wood or metal devices, frames, and sign supports, but shall include sign supports which are defined as a monolith. However, double-faced sign faces shall be counted only as the area of one face. In cases where the sign, or portion thereof, is composed only of letters, figures, or other characters, standing against no sign face background or secured to a monolith, then the sign face area shall be the sum of the area of an imaginary figure (circle, triangle, rectangle, or other) which fully contains all words, figures, devices, designs or trademarks which constitute the sign.

SIGN HEIGHT: The vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless curb elevation is higher than the ground level, in which case the height shall be measured from curb level.

SINGLE FAMILY DWELLING: A dwelling designed and constructed as a freestanding structure for occupancy by one family or a group of no more than six non-related individuals.

SOB/ADULT: A business primarily engaged in offering adult or sexually oriented products.

SPORTS/RECREATION-INDOOR: Recreational uses conducted within an enclosed building. Typical uses include bowling alleys, skating rinks, electronic video games, and indoor racquetball courts.

SPORTS/RECREATION-OUTDOOR: Recreational uses conducted in open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, swimming pools, and tennis courts.

STABLES: Boarding, breeding or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their non-paying guests. Typical uses include boarding stables or public stables.

TOWNHOUSE: A building, which is joined to another dwelling at one or more sides by a common wall, designed for occupancy by one family and located on a separate lot.

TRANSPORTATION TERMINAL: A facility for loading, unloading, and interchange of passengers, baggage, and incidental freight or package express between modes or transportation, including bus terminals, airport terminals, and public transit facilities.

UNATTACHED OR PORTABLE SIGN: A sign which is carried, wheeled, or moved about without having to detach the sign from a secured anchoring device which is set in the ground or to a building which is set on an approved foundation, or a sign which is not secured in a manner approved by the Building Official and designed to withstand wind pressures as specified in the most recent Building Code adopted by the City of Mason, Texas. Such signs are considered to be unattached if they can reasonably be expected to be blown about in high winds which may cause injuries to pedestrians and traffic safety hazards. Said signs include portable signs, "A-Frame" signs, and sandwich signs. The following signs are not included in this definition: realty signs, individual contractor signs, political signs which are six (6) square feet in area or less, signs intended for temporary use for safety reasons due to construction, dangers, or traffic control, and governmental or community signs.

UTILITY SUBSTATION/PLANT: Facilities that serve to distribute and transmit electrical power and water whether operated by the City or private utility company.

VEHICLE STORAGE: Long term storage of operating or non-operating vehicles. Typical uses include storage for private tow services or impound yards (but specifically excluding dismantling or salvaging of vehicles).

VETERINARY SERVICES: Veterinary services and hospitals for animals. Typical uses include pet clinics, dog and cat hospitals, and veterinary hospitals for livestock and large animals.

WALL SIGN: A sign that is painted on, or attached to and erected parallel or approximately parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one (1) surface for display/advertising.

WAREHOUSING/DISTRIBUTION-GENERAL: Open-air storage, distribution and handling of materials and equipment. Typical uses include monument and stone yards, grain elevators, open storage yards, and petroleum products storage and distribution.

WAREHOUSING/DISTRIBUTION-LIMITED: Storage, warehousing services within enclosed structures. Typical uses include retail and wholesale distributors, mini-storage warehouses.

WHOLESALE: Wholesaling, storage, warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, and moving and storage firms.