
Article 9: Definitions

9.1 Rules of Construction

[placeholder]

Shall/may. The word "shall" is always mandatory, while the word "may" is merely permissive.

9.2 Definitions

COMMENTARY

This section contains definitions for terms used in this LDO. New definitions are highlighted yellow. Existing definitions that have been carried forward are only footnoted if the definition has been amended or copy-edited.

The content is partial, and additional definitions will be added in ensuing installments, as new terms are introduced.

9.2.1 A

Abutting

Lots, buildings, uses, or other features regulated by this LDO share a common lot line for a distance greater than a point. Lots that are separated by a street, right-of-way, platted alley, trail, or railroad track are not abutting.

Accessory Building or Structure

A subordinate structure or building having a use customarily incident to and located on the lot occupied by the main residential building; or a use customarily incident to the main residential use of the property. This term is not applicable for commercial property, as multiple buildings are allowed on commercial lots where each is considered a main structure and is subject to the restrictions of the zoning district.

Accessory Dwelling Unit

A separate, complete housekeeping unit with a separate entrance, kitchen, sleeping area, and full bathroom facilities, which is an attached or detached extension to an existing single-family structure.

Active/Independent Senior Living Facility²²⁸

A development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate care housing, and limited or intermittent medical care or personal assistance. Dwellings may include, but are not limited to, attached or detached houses, apartments, or townhomes, offering private or semi-private rooms, and may be either rental or owner-occupied units. This use generally includes a variety of housing types and provides residents with varying levels of assistance and care so that residents may continue to live independently, accessing higher levels of care and service as they age without having to move to another residential care facility.

Acreage, gross

The total acreage of a subdivision.

²²⁸ Active/independent senior living facility was listed among definitions in 144-4-1, but was not included in the Land Use Matrix. The use name has been carried forward, while providing a new definition that encompasses a combination of existing uses that were not defined, except for "Sanitarium," which has not been carried forward.

Acreage, net

The total acreage of a subdivision less areas dedicated to public use such as rights-of-way (streets and alleys), and recreation areas. Easements shall be included in net acreage calculations.

Adjacent

Lots, buildings, uses, or other features regulated by this LDO that would be bordering or touching except for an intervening street, right-of-way, platted alley, trail, drainage infrastructure, or railroad track, if the lot lines for the properties containing the building, use, or other feature in question were extended across the intervening street, right-of-way, platted alley, trail, or railroad track, until they intersected, unless otherwise stated in this LDO or an adopted City regulation or manual.

Administrative Officers

Any officer of the city referred to in this Chapter by title, including but not limited to the Planning and Development Services Director, City Manager, Fire Chief, Police Chief, Transportation and Capital Improvements Director, and Chief Building Official, or and person acting as their duly authorized representative or designee. This definition shall also include civil engineering, planning, legal, financial, traffic engineering and other consultants retained by the city to supplement or support existing city staff, as deemed appropriate by the city.

Agricultural Uses

Uses characterized by raising, producing, or keeping plants or animals, or cultivation and management of farm products. Accessory uses may include dwellings for proprietors and employees, barns, storage of grain, animal raising, feed preparation, and wholesale sales of products produced on-site.

Airport Definitions²²⁹

When used in the context of §X.X, *AHO -- Airport Hazard Overlay District*, the following words, terms, and phrases shall have the meanings ascribed to them in these definitions, except where the context clearly indicates a different meaning.

Airport

A landing area, runway, or other facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, facilities for the fueling of aircraft, office uses relating to the airport function, associated fixed-base operations (FBO), and other necessary buildings and open spaces. In this code, the airport referenced is the New Braunfels National Airport, formerly known as both the New Braunfels Regional Airport and the New Braunfels Municipal Airport and the Clear Springs Auxiliary Air Force Base.

Airport Elevation

The established elevation of the highest point on the useable landing area measured in feet from mean sea level.

Airport Hazard

A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

Airport Hazard Area

Any area of land or water upon which an airport hazard might be established if not prevented as provided in §X.X, *AHO -- Airport Hazard Overlay District*.

Airport Reference Point

²²⁹ 144-5.20-1.

The point established as the approximate geographic center of the airport landing area and so designated.

Approach Surface

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zones height limitation slope set forth in § X.X. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, transitional, horizontal, and conical zones

These zones are set forth in § X.X, *Approach Zones*, of this Code.

Conical Surface

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

Hazard to Air Navigation

An obstruction determined to have a substantially adverse effect on the safe and efficient utilization of the navigable airspace.

Height

For the purpose of determining the height limits in all zones set forth in this section and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface

A horizontal surface 150 feet above the established airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal zone.

Landing Area

The surface area of the airport used for the landing, takeoff or taxiing of aircraft.

Nonconforming Use

For the purposes of airport-related nonconformities, this term refers to any preexisting structure, object of natural growth, or use of land which is inconsistent with the provisions of § X.X or an amendment thereto.

Non-Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved or planned.

Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in § X.X, *Height Limitations*.

Overlay Zone

In the context of airport-related terms, the defined areas establishing land use restrictions set forth in § X.X, *Overlay Zones*.

Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing Instrument Landing System (ILS) or Localizer Precision, Vertical (LPV) air navigation facilities with vertical and horizontal guidance for which a straight-in precision instrument approach procedure has been approved or planned.

Primary Surface

A surface longitudinally centered on a runway. When the runway has a specially prepared or planned hard surface, the primary surface extends 200 feet beyond each end of that hard surface runway; but when the runway has no specially prepared hard surface or planned hard surface, the primary surface ends at each

end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline. The width of the primary surface is 500 feet for the non-precision instrument runway and 1,000 feet for the precision runways having visibility minimums greater than three-fourths statute mile.

Runway

A defined area on an airport prepared for landing and takeoff of aircraft along its length.

Runway Protection Zone (RPZ)

An area off the runway end to enhance the protection of people and property on the ground in a trapezoidal shape established in guidelines published in the Advisory Circular 150/5300-13A by the FAA. Structure means an object, including a mobile object, constructed, or installed by man, including, but not limited to, buildings, towers, cranes, smokestacks, earth formations, and overhead transmission lines.

Airstrip or Landing Field

A private area of land used for the landing and take-off of personal private aircraft, excluding receiving cargo, picking up passengers, or fueling aircraft.

Alley

A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting a street.

Alternative Tower Structure

In the context of wireless communication facilities, an alternative tower structure may be a clock or bell tower, steeple, light pole, or similar alternative-design mounting structure.

Amended or Amending Plat

A revised plat correcting errors or making minor changes to a recorded plat.

Amended Master Plan

A master plan previously approved by the Planning Commission with major revisions that has been approved by the Planning Commission.

Amended Master Plan (Minor Revisions)

A master plan, previously approved by the Planning Commission, that has minor revisions approved by the Planning and Development Services Department or the Planning Commission.

Amenity

An improvement to be dedicated to the public or to the common ownership of the lot owners of the subdivision and providing an aesthetic, recreational or other benefit, other than those prescribed by this chapter.

Amphitheater²³⁰

An open-air venue used for entertainment, performance, ceremonies, or sports purposes. An amphitheater may or may not have fixed or designated seating, a partial or temporary roof, or be under tents.

²³⁰ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Animal Boarding

A commercial establishment that provides boarding, grooming, training, and other non-medical services for domestic pets, primarily dogs and cats, and other small animals (e.g., rabbits). Outdoor facilities, including runs and exercise yards, may or may not be included in this use. This use does not include medical or veterinary treatment and services.

Animal Grooming

An establishment where small animals such as dogs, cats, and other household pets are bathed, clipped, or combed for compensation for hygienic or aesthetic reasons. This use does not include the overnight boarding of animals.

Animal Uses

Uses in this category include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Antenna²³¹

Any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves, but not including a wireless communication tower (which may include antennas on the structure).

Apartment

A room or a suite of rooms arranged, intended, or designed as a place of residence for a single family, individual, or group of individuals.

Applicant

A person or entity who submits an application for an approval required by this chapter. Also sometimes referred to as "developer", "subdivider", or other similar term.

Application

A written request, on forms provided by the city, for an approval required by this chapter.

Arcade²³²

An establishment where more than ten percent of the public floor area is devoted to four or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin- or card-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device," as used in this definition, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train people in athletic skills or golf, tennis, baseball, archery, or other similar sports.

Artificial Plant Materials

Any inorganic material intended as a substitute for live plantings, including but not limited to artificial turf, or imitation plants created from plastic or other inorganic material. Aside from use of inorganic materials as ground cover (granite, gravel, mulch), such materials are prohibited from use in satisfying the landscaping requirements of this LDO.

²³¹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with clarifications to distinguish from the telecommunications tower use.

²³² Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Assisted Living Facility²³³

A facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming, bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but who do not require hospitalization.

Attic

The area between roof framing and the ceiling of the rooms below that is not habitable, but may be reached by ladder and used for storage or mechanical equipment. Improvement to habitable status shall make it a story.

Auction Sales, Livestock

An area or building at which livestock are offered for sale through an auction.

Audio or Video Studio²³⁴

An establishment which is used to record and broadcast music, videos, television, and other oral and visual related media productions.

Automated Teller Machine (ATM)

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions.

9.2.2 B**Bank or Financial Institution**

An establishment that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. This definition does not include check cashing, title loans, or payday lending uses. Accessory uses may include automated teller machines and, where permitted as an accessory use, drive-through access.

Bar or tavern

A commercial establishment that operates under license from the Texas Alcohol and Beverage Commission which is principally engaged in the retail sale of alcoholic beverages, with food only incidental to the sale of alcohol.

Barrier, Natural or Artificial

Any river, pond, canal, railroad, levee, embankment, or screening fence of masonry or solid wood not less than six feet high.

Base Flood

A flood having a one percent chance of being equaled or exceeded in any given year.

Base Zoning District

The zoning district, or combination of zoning districts, either under an overlay district or which will be applied to a property zoned PD.

²³³ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²³⁴ New definition and new name for existing use "Studio for radio or television, without tower."

Basement

A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

Bed & Breakfast²³⁵

A dwelling or grouping of dwellings that is owner- or manager-occupied, at which breakfast is served and sleeping accommodations are provided/offered in rooms or unattached units (such as cabins) for transient guests for compensation for periods of 30 days or fewer.

Beverage Stand

A small, freestanding structure with a drive-through where customers can purchase coffee, tea, and other beverages, along with pre-made bakery goods or other light, pre-made meals such as sandwiches or burritos.

Block

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Planning and Development Services Department shall determine the outline of the block.

Block

A unit of land bounded by streets or other transportation or utility rights-of-way, parks, streams, waterways, or any other barrier to the continuity of development.

Boarding House²³⁶

A facility other than a hotel where lodging or meals are provided for five or fewer people for compensation, pursuant to previous arrangements, with rental or lease periods of no less than one month.

Bond

Any form of a surety bond in an amount and form satisfactory to the city.

Buffer

An area of land used to physically and/or visually separate one use or lot from another.

Building

A structure enclosed within exterior walls, built, erected, and framed of a combination of materials, whether portable or fixed, having a roof, to form a structure for the shelter of people, animals, or property.

Building Setback Line

A line defining an area on the building lot between the street right-of-way line or property line and the building line within which no building shall be constructed, encroach, or project except as specifically authorized in an adopted ordinance of the city.

Bus Barn

A facility where buses are stored and maintained.

²³⁵ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions and adds time limitation.

²³⁶ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Bus Station

A facility where patrons wait for and board or depart from buses. This use may include ticket sales, accessory vehicle maintenance facilities, and retail sales.

Business Day

Any day except Saturday, Sunday, or a legal holiday.

9.2.3 C**Campground**

An outdoor facility designed for overnight accommodation of human beings in tents, rustic cabins and shelters for recreation, education, naturalist, or vacation purposes. Ancillary services such as a convenience store, restrooms, power, and electric hook-ups may be provided.

Canopy Tree**Capital Improvements Program (CIP)**

The official proposed schedule, if any, of all future public projects listed together with cost estimates and the anticipated means of financing each project, as adopted by City Council.

Carport

A permanent structure consisting of a roof and supported on posts with three or four open sides used as a minimal shelter for an automobile. It may be freestanding or attached to another structure on one side.

Catering

An establishment that prepares food on-site which is transported and served at another location off-site. On-site sale and consumption of food or beverages to patrons is limited to taste-testing.

Cemetery

Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbaria, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of the cemetery.

Certificate of Occupancy

A certificate, issued by the building official, certifying that all work on any building or project has been inspected by the official, meets all building requirements, and is ready for occupancy.

Check Cashing

An establishment that, for compensation, engages in the business of cashing checks, warrants, drafts, money orders, or other commercial paper serving the same purpose. This definition shall not include a bank or financial institution use, and does not include retail uses, such as grocery stores, where the cashing of checks or money orders is incidental to the main purpose of the business.

City

The City of New Braunfels, Texas.

City Attorney

An attorney, or firm of attorneys, that has been specifically employed by the city to assist in legal matters. This term shall also apply if the city retains a person to perform the functions of city attorney as an official city employee.

City Council

The duly elected governing body of the City of New Braunfels, Texas.

City Engineer

The duly authorized person in charge of engineering for the city, or that person's designated representative.

City Officials

Includes but is not limited to the following: Building official, local health authority, city sanitarian, fire chief, policeman, Planning and Development Services Department Director, and tax assessor-collector.

City Standards

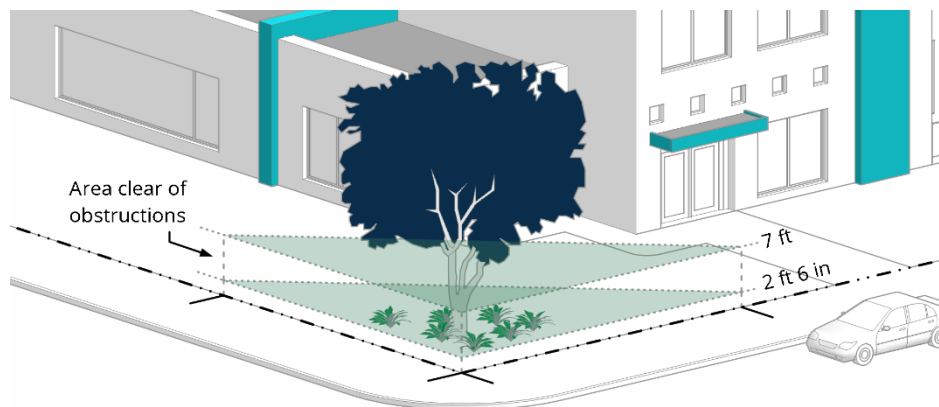
The city's standards and specifications, together with all tables, drawings, and other attachments as may be approved by the Council or the Commission, which once approved become a part of this chapter.

Civic Club

A nonprofit membership organization that holds regular meetings and pursues a common interest, usually cultural, civic, religious, or social, and has formal written membership rules along with the requirement for members to pay dues. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities; engage professional entertainment for the enjoyment of members and their guests; or store, sell, possess, or serve any alcoholic beverage permitted by the law of the State of Texas. This definition does not include any form of sleeping accommodations.

Clear Vision Area

An area of unobstructed vision at intersections of streets, alleys, and driveways. Sometimes also called a vision triangle, the area is determined by extending the intersection of the two curb lines from their point of intersection, and connecting these points with an imaginary line, thereby making a triangle.

**Clinic, Medical or Dental²³⁷**

A facility that provides medical, dental, psychiatric, or surgical services for sick or injured individuals exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. This use includes facilities that principally provide emergency treatment.

²³⁷ Revises the existing definition of "Clinic" in Sec. 144-1.4 of the Code of Ordinances.

Coffee Shop

An establishment that primarily prepares sells and serves coffee, tea and other beverages, and which may sell baked goods and light meals such as soups and sandwiches, but does not serve full meals, and which has a seating area which serves as an informal conversation or lounging place.

Co-location²³⁸

In the context of wireless communication facilities. the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Commission

The Planning Commission of the City of New Braunfels, Comal County, Texas.

Common Open Space

Private property under common ownership, designated as recreation area, private park (for use of property owners within the subdivision), play lot area, or ornamental areas open to general view.

Community and Cultural Facilities

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Community Building

A place, structure, area, or other facility used for and providing cultural, social, educational, or recreational programs or activities, or swimming pools, tennis courts, and similar facilities, which is owned and operated by a homeowners' association or similar organization and that is intended for use by members of the residential community in which it is located. The use may be open to the general public or a designated part of the public.

Community Garden

A lot or area used for the cultivation of food and/or horticultural crops. Community Garden may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of a group and may include common areas maintained and used by group members. Any crops or produce grown in a community garden are for individual consumption only, and may not be sold to members of the public.

Comprehensive plan

The comprehensive plan of the city and includes **any unit or a part of such unit** separately adopted and any amendment to such plan or parts thereof.

Conditional Use (CU)

An authorization of a use that is not allowed by right in a specific zoning district, but through certain conditions may be found by City Council to be compatible at a specific location in that zoning district. Conditional uses **are not permits, but rather are a zoning overlay**s and, as such, follow the procedures outlined in **\$X.X** of this LDO which include a public hearing and report by the Planning Commission, and final public hearing and decision by the City Council.

Condominium

A form of real property with portions of the real property designated for separate ownership or occupancy, and the remainder of the real property designated for common ownership or occupancy solely by the owners of the portions. Real property is a condominium only if one or more of the common elements are directly owned in

²³⁸ Definition from 47 CFR §1.6100.

undivided interests by the unit owners. Real property is not a condominium if all of the common elements are owned by a legal entity separate from the unit owners, such as a corporation, even if the separate legal entity is owned by the unit owners.

Conference or Convention Center

A facility used for service, business, or professional conferences, conventions, seminars, training programs, and similar events. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking establishments.

Conforming²³⁹

A conforming use, building, or site feature is one that is in compliance with all applicable regulations of this LDO.

Construction plans

The drawings and technical specifications, including bid documents and contract conditions, where applicable, that provide a graphic and written description of the character and scope of the work to be performed in construction of a subdivision.

Contiguous

Lots are contiguous when at least one boundary line or point of one lot touches a boundary line, or lines, or point of another lot.

Controlled Street

In the context of the clear vision area, or sight visibility triangle, a controlled street is one with a traffic control device, such as a yield or stop sign, or traffic signal, at the intersection.

Cottage Home Development

A cluster of at least five attached or detached dwellings located within a common development that has shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory-built small detached dwellings, provided that each home meets applicable building codes or is a modular or industrialized home as defined in Chapter 1202, Occupations Code, of the Texas state statutes.

Country Club, Private²⁴⁰

Land area and buildings containing facilities such as tennis courts, golf courses, other recreational facilities, a clubhouse, swimming pools, food services, and other customary accessory uses which are open only to members and their guests.

Court or Courtyard

An open, unoccupied space, other than a yard, on the same lot with the building or group of buildings and which is bounded on two or more sides by such building or buildings.

Coverage, Building

The lot area that is covered by all buildings located thereon, including the area covered by all overhanging roofs and canopies.

²³⁹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²⁴⁰ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Coverage, Lot

The combined area of all yards on a given lot.

Crematorium

A facility used for the purification and reduction of bodies by fire.

Cul-de-Sac

A short, minor street having but one outlet to another street and terminating on the opposite end by a vehicular turnaround.

Curb Level

The elevation of the established curb in front of a building measured at the center of such front.

9.2.4 D**Dance Hall or Dancing Facility²⁴¹**

An establishment where dancing and musical entertainment are the primary activity. Dance halls may or may not serve alcoholic beverages for on-site consumption.

Day Camp

An establishment including buildings and open land areas that offers supervised recreational and sporting activities for children, especially in summer and during school vacations, but does not include sleeping accommodations for camp attendees.

Day Care Center²⁴²

A facility where care, protection, and supervision are provided for children or adults on a regular basis away from their primary residence for less than 24 hours a day, with or without compensation and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as day-care centers, day nurseries, nursery schools, preschools, play groups, day camps, summer camps, and centers for mentally disabled children, but specifically excludes any day care home uses or kindergartens.

Day Care Home²⁴³

A facility that regularly provides care in the caretaker's own residence for no more than six adults or six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care, provided that at no time shall more than 12 children and adults, including the caretaker's own, be provided care.

Dead-End Street

A street, other than a cul-de-sac, with only one outlet.

Deck

A roofless platform, either freestanding or attached to a building that is supported by pillars or posts.

²⁴¹ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²⁴² New definition for a use that consolidates previous separate adult and child day care uses.

²⁴³ Carries forward and consolidates the current definition for "Family home (adult care in place of residence)" and "Family home (child care in place of residence)" in Sec. 144-1.4 of the Code of Ordinances with revisions for clarity; some portions of the current definition have been included as use-specific standards.

Dedication

A conveyance or donation of property by the owner to the city or Comal or Guadalupe County.

Density, Residential

The number of dwelling units per gross acre of subdivision, excluding any areas that are non-residential in use.

Department

The department, division or personnel otherwise designated by the city manager to administer or enforce any or all of the provisions of this LDO.

Depth of Rear Yard

The horizontal distance between the rear line of the main building and the rear lot line.

Developer

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

Development

The laying out of a subdivision through the platting process, construction of one or more new buildings or structures on one or more building lots, the moving of an existing building to another lot, or the use of open land for a new use. "To develop" shall mean to create development.

Development Agreement

A contract entered into by the applicant and the city, by which the applicant promises to complete the required public improvements or perform other required obligations within the subdivision or addition within a specified time period following final plat approval. A development agreement may be used to deal with current and future platting issues for a proposed project.

Development Application

This term has the same meaning as "application."

Diameter at Breast Height (DBH)

A standard method of expressing the diameter of the trunk or bole of a standing tree, measured at 4.5 feet above the ground.

Director

Unless otherwise specified, Director, Planning and Development Services Department, or Planning and Development Services Director means the Director of the Planning and Development Services Department. This designation also includes any person designated by the Director (their "designee") to carry out their assigned responsibilities and authorities in their stead.

Distance Between Buildings

The shortest horizontal distance between the vertical walls of two structures.

Distribution Center

A specialized warehouse that serves as a hub to store finished goods, streamline the picking and packing process, and ship goods out to other locations or final destinations. Also referred to as a fulfillment center, a distribution center is distinguished from a warehouse by the far more rapid turnover of inventory.

Donation Collection Container**Dripline**

A vertical line extending from the outermost portion of the tree canopy to the ground.

Drive-Through Facility²⁴⁴

A facility used to provide products or services to customers who remain in their vehicles, whether through a window or door in a building, a machine in a building or detached structure (e.g., Automated Teller Machine), or through a mechanical device (e.g., a pneumatic tube system). In addition to the pick-up window or door, drive-through service facilities also may include remote menu boards and ordering stations.

Driveway

A minor, private way off a common access route within the community to an off-street auto parking area serving **one or more mobile homes.**

Duplex

A building designed as a single structure containing two separate living units, each of which is designed to be occupied as a separate permanent residence for one family or individual. Alternately a duplex may be two separate structures on one lot, each of which is occupied separately.

Dwelling²⁴⁵

A building or structure, or portion of a building or structure, designed for residential purposes as a single housekeeping unit, but not including a motor home, trailer coach, automobile chassis, tent, or portable building. Examples of dwellings include single-family detached dwellings, single-family attached dwellings (townhouses), two-family (duplex) dwellings, three-family (triplex) dwellings, four-family (fourplex) dwellings, multi-family dwellings, manufactured home dwellings, and cottage home development.

Dwelling, Four-Family (Fourplex)

A building located on its own lot that contains four separate living units, each of which is arranged, intended, or designed for occupancy as a residence by one family.

Dwelling, Live-Work

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Manufactured Home

A structure constructed on or after June 15, 1976, according to the rules of the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974. Generally, manufactured homes are designed and built in a factory, may be transported in pieces, and assembled on site.

Dwelling, Multi-family²⁴⁶

One or more buildings or portions of buildings on a single lot or tract that contains five or more dwelling units, each of which is occupied or intended to be occupied by people living independently of each other and

²⁴⁴ This updates the current definition in Sec. 144-1.4 of the Code of Ordinances.

²⁴⁵ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with references to household living uses in this Code.

²⁴⁶ Simplifies the current definition in Sec. 144-1.4 of the Code of Ordinances, and changes the minimum configuration from three or more dwelling units to five or more dwelling units to allow for separate triplex and fourplex uses which may simplify the development of those housing options.

maintaining separate cooking facilities, and where each unit has an individual entrance to the outdoors or a common hallway.

Dwelling, Single-Family Attached (Townhouse)

A single-family dwelling unit on an individual lot which is one of a series of dwelling units having one or two common side walls with the other units in the series.

Dwelling, Single-Family Detached²⁴⁷

A building located on its own lot that contains one dwelling unit that is not physically attached to any other principal structure and is arranged, intended, or designed for occupancy by one family. This definition includes a modular or industrialized home as defined in Chapter 1202, Occupations Code, of the Texas statute statutes, but does not include a Manufactured Home or Recreational Vehicle.

Dwelling, Two-Family (Duplex)²⁴⁸

A building designed as a single structure that contains two separate living units, each of which is designed to be occupied as a separate permanent residence for one family. This definition includes a modular or industrialized home as defined in Chapter 1202 of the Occupations Code, but does not include a Manufactured Home Dwelling or Recreational Vehicle.

Dwelling, Three-Family (Triplex)

A building located on its own lot that contains three separate living units, each of which is arranged, intended, or designed for occupancy as a residence by one family.

Dwelling, Tiny Home

A single-family detached dwelling that is less than 500 square feet and more than 300 square feet in size. The dwelling is constructed on a frame and capable of being transported on its own wheels, but when used for permanent habitation, the wheels must be removed, and the dwelling installed on a permanent foundation. To be distinguished from a Recreational Vehicle, a tiny home must meet either the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. Sections 5401 et. seq.) or the international building code.

Dwelling, Zero Lot Line

A single-family dwelling that is built adjacent to one side property line.

9.2.5 E

Easement

An area for restricted use on private property upon which the City or a public utility shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, and other improvements or growths which in any way endanger or interfere with the construction, maintenance or efficiency of its respective systems within said easements. The City and public utilities shall, at all times, have the right of ingress and egress to and from and upon easements for the purpose of constructing, reconstructing,

²⁴⁷ Updates the current definition of "One-family dwelling" in Sec. 144-1.4 of the Code of Ordinances. The separate definition of a "Single-family industrialized home (also called modular prefabricated structure or modular home) been consolidated into this new definition, and the definition in the current code replaced with a reference to state law. Also incorporates the "Zero lot line/patio homes" use.

²⁴⁸ Simplifies the current definition in Sec. 144-1.4 of the Code of Ordinances, renames the use "Duplex/two-family/duplex condominiums)," makes revisions for consistency with the single-family detached dwelling use, and removes the alternative definition of two buildings on a single lot as that is just two single-family detached homes on a single lot, not a duplex.

inspecting, patrolling, maintaining, and adding to or removing all or part of their respective systems without the necessity at any time of procuring the permission of anyone.

Educational Facilities²⁴⁹

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities.

Eligible Facilities Request²⁵⁰

In the context of wireless communication facilities, this is any request for modification of an existing WCF that involves the co-location of new transmission equipment, removal of transmission equipment, or replacement of transmission equipment.

Eligible Support Structure²⁵¹

In the context of wireless communication facilities, this is any WCF as defined in this LDO that is in existence at the time an application is filed.

Enforcing Agency

Any officer of the city, or health agency of this state, who is charged by law to enforce the provisions of this Code and other applicable regulations.

Engineer

A person duly authorized under the provisions of the Texas Engineering Registration Act, as amended, to practice the profession of engineering.

Escrow

A deposit of cash with the city in accordance with this chapter.

EV Charging Station²⁵²

An electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates partially or exclusively on electric energy. The charging station may include a digital display for control of the charging station. There are three types of electric vehicle charging stations.

- 1) A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.
- 2) A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.
- 3) A Level 3 charging station is an industrial-grade charging station that operates on a high-voltage circuit to allow for fast charging.

EV Charging Station, Level 1 or 2

A Level 1 or Level 2 EV charging station.

²⁴⁹ Definition from 47 CFR §1.6100.

²⁵⁰ Definition from 47 CFR §1.6100.

²⁵¹ Definition from 47 CFR §1.6100.

²⁵² This replaces the definition for "Battery charging station" in Sec. 144-1.4 of the Code of Ordinances.

EV Charging Station, Level 3

A Level 3 EV charging station.

Event or Reception Center

A commercial or non-profit facility that may have indoor or outdoor components, or both, that can be rented to accommodate large groups of people for entertainment, wedding receptions, reunions, and similar gatherings.

Existing²⁵³

In the context of wireless communication facilities, existing applies to any WCF that has already been constructed, and was reviewed and approved in accordance with all requirements of applicable law as of the time of an eligible facilities request.

Extraction Uses

Uses in this category include the excavation or extraction of raw materials from the earth.

Extraterritorial jurisdiction (ETJ)

The unincorporated area, not a part of any other city, which is contiguous to the corporate limits of the city, the outer limits of which are measured from the extremities of the corporate limits of the city outward for such distances as may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated city, and in which area, within the terms of the act, the city may enjoin the violation of its subdivision ordinance.

9.2.6 F**FAA**

The Federal Aviation Administration.

Façade

A side of a building or accessory structure which consists of a separate architectural elevation as viewed horizontally from the ground, street or other nearby location. The area of a façade is defined by the outer limits of all of its visible exterior elements. Separate faces of a building oriented in the same direction or within 45 degrees of each other are considered part of the façade.

Fairground

An area where outdoor fairs, rodeos, circuses, or exhibitions are held.

Farm

Land used for the primary purpose of agriculture, horticulture, floriculture, or viticulture.

Farmers Market

An occasional or periodic market held in an open area or structure where multiple individual vendors offer for sale to the public items such as fresh produce, seasonal fruits, prepared foods, fresh flowers, arts and crafts items, and food and beverages dispensed from booths located on-site.

FCC

The Federal Communications Commission.

²⁵³ Definition from 47 CFR §1.6100.

Fence

A tangible enclosure or barrier generally erected to provide a boundary or separation of properties.

Final Plat

The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner, and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. A final plat shows the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, and alleys, and may include parks, school sites, drainageways, easements, and/or any other elements as required by this chapter and which an applicant shall submit for approval in accordance with this chapter and is recorded with the appropriate county clerk. A final plat includes: amended, amending, development and minor plats and replats.

Fleet Services

A central facility for the distribution, storage, loading, and repair of fleet vehicles, with or without associated dispatch services and offices. This use includes limousine services and taxi services.

**Floodplain**

An area of land that is subject to a one-percent or greater chance of flooding in any given year, based on developed conditions existing as of the date a development application is accepted for filing, and not based on projected or anticipated future build-out for a watershed.

Floodplain

Any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area, or other drainage element, which has been or may be inundated by stormwater runoff. The extent of the floodplain shall be determined by the crest of a flood having a one percent chance of occurrence in one year.

**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 without cumulatively increasing the water surface elevation more than one foot.

Food and Beverage Uses

Uses in this category are involved in the preparation and service of food or beverages for consumption on or off the premises.

Food Processing

A facility that produces food for human consumption in its final form, including but not limited to candy, baked goods, tortillas, or ice cream, for distribution to retailers or wholesalers for resale on or off the premises. This use does not include the slaughter of small or large livestock, meatpacking, or animal feeding operations.

Freight Terminal

A building or outdoor area used primarily for the temporary parking of trucks of common or contract carriers during loading or unloading and for receiving and dispatch of freight vehicles, including necessary warehouse space for storage of transitory freight. Incidental uses may include, but are not limited to, a truck wash, overnight truck parking, and loading and unloading from rail spurs.

Front Building Setback Line

A line parallel to the street right-of-way which the building faces, and takes its primary access from and that is the required minimum distance establishing the area within which the principle must be exited or placed.

Frontage

The lineal distance measured along all abutting street rights-of-way.

Funeral Home

An establishment for the care, preparation, or disposition of the deceased for burial, and the display of the deceased and rituals connected with and conducted before burial or cremation. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial, but does not include the separate crematorium use. Accessory uses may include:

- 1) Embalming and the performance of other services used in preparation of the dead for burial;
- 2) The performance of autopsies and other similar surgical procedures;
- 3) The storage of caskets, funeral urns, and other related funeral supplies;
- 4) The storage of funeral vehicles; and
- 5) A funeral chapel.

Funeral Services

Uses in this category provide services related to the care and disposition of deceased bodies.

9.2.7 G**Garage, Detached**

A private garage wholly separated and independent of the principal building.

Garage, Public

A building or portion thereof, designed or used for the storage, sale, hiring, care, or repair of motor vehicles, which is operated for commercial purposes, also referred to as structured parking, or a structured parking lot.

Golf Course

A tract of land laid out with a course having nine or more holes for playing the game of golf, including any accessory clubhouse, driving range, office, restaurant, picnic tables, pro shop, maintenance building, restroom facility, or similar accessory use or structure.

Governing Authority

The City Council of the City of New Braunfels, Texas.

Government Agency

Any department, agent, or employee of the City of New Braunfels, County of Comal, County of Guadalupe, State of Texas, United States Government as well as any public utility, school district or other political subdivision of the State of Texas.

Government or Municipal Facility

Any government office or publicly accessible county or municipal facility, including but not limited to libraries, public recreation or community centers, public swimming pools, and athletic fields or sports courts (which may be part of public parks, or may be standalone facilities).

Grain Elevator

A facility or area for the temporary storage of grain for transfer to trucks, train cars, or other forms of transportation.

Gross Density

The number of dwelling units per gross acre within the subdivision.



Gross Floor Area²⁵⁴

The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Group Home²⁵⁵

A residential dwelling or facility where people are living, together with staff, as a single housekeeping unit providing care, supervision, and/or treatment, for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, including but not limited to facilities providing housing for physically challenged, mentally ill, or developmentally disabled individuals. The limitation on the number of individuals with disabilities applies regardless of the legal relationship of those individuals to one another.

Group Care Home, FHAA Small

A facility designed for and occupied by six or fewer residents living together.

Group Care Home, FHAA Large

A facility designed for and occupied by seven or more residents living together.

Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the living structures generally have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Group living as a category includes but is not synonymous with "group home," which is a specific type of group living.

9.2.8 H

Habitable Space

The enclosed area of a building used for living area, including but not limited to bedrooms, bathrooms, kitchens, living rooms, family rooms, dining rooms, recreation rooms, utility rooms, and workshops.

Hazardous Materials Storage

Bulk storage of fuel and flammable liquids (except liquefied petroleum gas) shall be any aboveground tank for storage of subject liquids which exceeds 500 gallons water capacity, or any facility for which the total aggregate capacity of belowground storage tanks shall exceed 50,000 gallons. Bulk storage of liquefied petroleum gas shall be any facility for which the total aggregate capacity of storage tanks (including truck and/or trailer tanks) exceeds 2,000 gallons water capacity.

Health Care Services

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide preventative health care, primary health services, and medical or surgical care to individuals suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of patients or employees in the firm or building such as cafeteria and limited retail sales.

²⁵⁴ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances.

²⁵⁵ Carries forward portions of the current definition of "community home" in Chapter 144-1.4, with revisions to incorporate reference to current federal law. The threshold for small group homes being six or fewer residents and large group homes being seven or more is based on the current definition of community home.

Height, Building

The vertical distance of a structure measured from the average elevation of the finished grade surrounding the structure to the highest point of the structure. The average finished grade is calculated by averaging the midpoints of the four finished exterior walls of the building.

Height, Tower

When referring to a tower or other structure, the distance measured from the natural ground level to the highest point on the tower or other structure, even if said highest point is an antenna.

Heliport²⁵⁶

An area of land or water or a structural surface designed, used, or intended for use for the landing and taking off of helicopters, including all facilities related to the operation of the heliport such as hangers, fueling facilities, and office uses relating to the heliport function.

Heritage Tree

Any tree attaining a circumference of one-half of the state record for that tree species as defined by the Texas Forest Service, or a tree having a trunk circumference of 75 inches or more (about 24 inches in diameter) measured four and one half feet (4 ½') above the ground.

Home Occupation²⁵⁷

An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, and which is clearly incidental and secondary to the use of the premises for residential purposes.

Hospice

An establishment that provides a coordinated program of inpatient care and services including the coordination of nursing care, social services, medical supplies, physician's services, counseling, and bereavement services for patients' families to hospice patients and families, through a medically directed interdisciplinary team using interdisciplinary plans, to meet the physical, psychological, social, spiritual, and other special needs that are experienced during the final stages of illness, dying, and bereavement.

Hospital²⁵⁸

An institution that provides primary health services and medical or surgical care to individuals, primarily inpatients, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices, and staff residences. This includes institutions that provide rehabilitation services to individuals who require intensive medical services. A hospital may include a helistop as an accessory use.

Hotel²⁵⁹

A building providing, for compensation, sleeping accommodations and customary lodging services. Related ancillary uses typically include 24-hour front desk service, housekeeping service, conference and meeting rooms, restaurants, bars, and recreational facilities. Stays are typically for 30 days or less, although an extended stay hotel which permits stays longer than 30 days is included in this definition.

²⁵⁶ Carries forward the existing definition in Sec. 144-1.4 of the Code of Ordinances with revisions for consistency and clarity.

²⁵⁷ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²⁵⁸ Consolidates the existing definitions of "Hospital, general" and "Hospital, rehabilitation" in Sec. 144-1.4 of the Code of Ordinances.

²⁵⁹ New definition that replaces the definition in Sec. 144-1.4 of the Code of Ordinances.

Household

An individual or a group of people living together in a single dwelling unit, with common access to and common use of all living and eating areas and all areas and facilities for the preparation and serving of food within the dwelling unit.

Household Living

Uses characterized by residential occupancy of a dwelling unit by a person or group of people. Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, swing sets, playground equipment, swimming pools, hobbies, and resident parking.

Hydrogeologist

A person with at least five years of progressively more responsible professional experience, following receipt of a baccalaureate degree, during which full competence has been demonstrated in the application of scientific or engineering principles and methods to the execution of work involving:

- 1) The understanding of the occurrence, movement, and composition of ground water in relation to the geologic environment,
- 2) The development, management, or regulation of ground water, or
- 3) The teaching and research of ground water subjects at the university level.

9.2.9 I**Idling²⁶⁰**

The operation of an engine in the operating mode where the engine is not engaged in gear, where the engine operates at a speed at the revolutions per minute specified by the engine or vehicle manufacturer for when the accelerator is fully released, and there is no load on the engine.

Industrialized Home

Industrialized homes, also called prefab or modular homes, are designed and built in a factory, may be transported in pieces, and assembled on site. This type of housing is distinguished from manufactured housing in that, in the State of Texas, it is constructed to meet the same building codes as site-built housing, and must be installed upon a permanent foundation. According to the Texas Department of Licensing and Regulation, no municipality may differentiate between modular homes built under the Texas Industrialized Housing and Buildings (IHB) program and site built homes.

Itinerant Merchant Operation²⁶¹

Activity by any person involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services including food, which takes place in a temporary structure.

9.2.10J**Junkyard²⁶²**

A building or outdoor area used for the abandonment, storage, keeping, collecting, or bailing of paper, rags, scrap metals, or other discarded materials, or where three or more non-operative vehicles are stored for the

²⁶⁰ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances.

²⁶¹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²⁶² Carries forward and consolidates the definitions in Sec. 144-1.4 of the Code of Ordinances for "Junkyard or automotive wrecking and salvage yard" and "Wrecking yard (junkyard or auto salvage)" with minor revisions to incorporate broader junkyard uses.

purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.

9.2.11 K

Kitchen

Any room or portion of a room within a building designed and intended to be used for the cooking or preparation of food.

9.2.12 L

Landfill

A facility for the collection, source separation, storage, transportation, transfer, processing, treatment or disposal of solid waste. Ancillary facilities may include a waste transfer station or materials recovery operations.

Landscaped Area

The area of a lot which is devoted to and consists of plant material adaptable to this region, including but not limited to trees, shrubs, grass, vines, ground cover, and other plant materials, along with planters, brick, stone walkways, natural forms, water forms, and other landscape features, but not including any paved area of smooth concrete or asphalt.

Laundry, Commercial

An establishment that performs laundry and linen cleaning services for commercial and industrial customers, including but not limited to hotels and hospitals. Commercial laundries do not serve individuals or the general public.

Laundry, Drop-Off and Self-Service

An establishment where laundry may be dropped off and picked up by customers (wash-and-fold), or where customers may pay to use self-service washing and drying machines on the premises. This use may include tailoring services, but does not include dry-cleaning services.

Letter of Certification (LOC)

A formal document that is provided to a subdivider/developer by a reviewing entity; an LOC certifies a proposal's compliance with all standards administered by the respective reviewing entity.

License

A document issued by the local health authority which will allow a person to operate and maintain a mobile home community under the provisions of this [appendix] and other applicable regulations.

Licensee

Any person who holds a valid license to operate and maintain a mobile home community under the terms of this [appendix] and other applicable regulations.

Living Unit

A residential unit complete with facilities to accommodate one person or family with provisions for eating, sleeping, and sanitation.

Lodging uses

Uses in this category provide lodging services for a defined period of time with incidental food, drink, and other sales and services typically intended for the convenience of guests. Accessory uses may include food preparation areas, offices, and parking.

Lot

A parcel of land occupied or to be occupied by one building, or group of buildings, and the accessory buildings or uses customarily incident thereto, including such open spaces as are required by this LDO.

Lot, corner

A lot abutting upon two or more streets at their intersection.

Lot Coverage

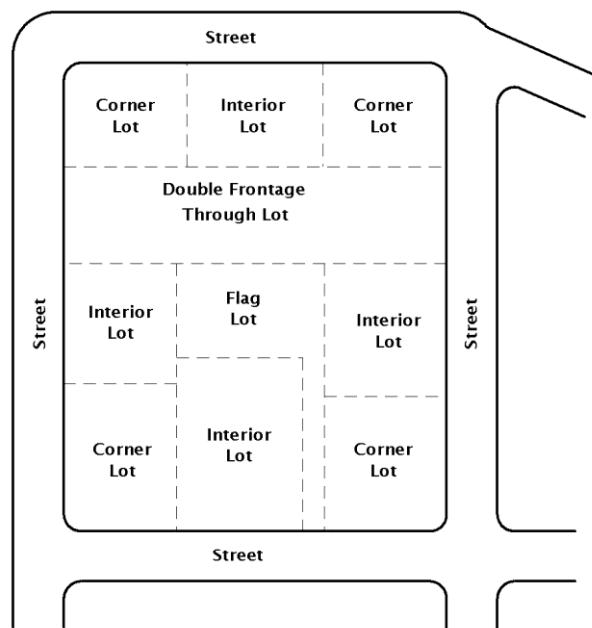
See Coverage, lot.

Lot Depth

The length of a line connecting the midpoints of the front and rear lot lines.

Lot, Double Frontage

Any lot, not a corner lot, with frontage on two streets that are parallel to each other or within 45 degrees of being parallel to each other. When there is a non-access easement along a property line adjacent one of the streets of a platted double frontage lot, the property line with said easement it is to be considered the rear lot line for purposes of this ordinance and is subject to the rear building setback.



Lot Frontage

The length of street frontage between property lines.

Lot, Interior

A lot whose side lines do not abut upon any street.

Lot, Irregular

Any lot not having equal front and rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than 90 degrees.

Lot Lines

The lines bounding a lot as defined herein.

Lot Line, Front

The boundary between a lot and the street on which it fronts.

Lot Line, Rear

The boundary line which is opposite and most distant from front street line; except that in the case of uncertainty the Planning and Development Services Department shall determine the rear line.

Lot Line, Side

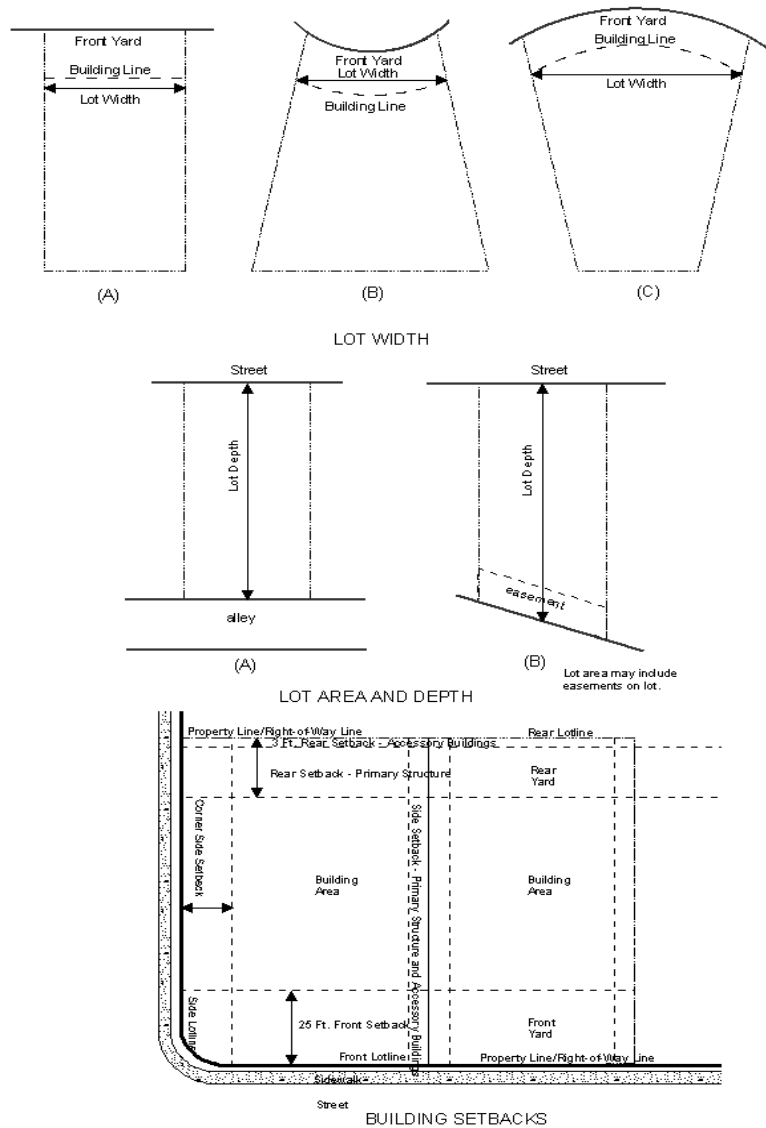
Any lot boundary line not a front or rear line thereof. A side lot line may be a part lot line, a line bordering on an alley or place or a side street line. Lots may have more than two side lot lines.

Lot, Through

An interior lot having frontage on two streets, also called a double frontage lot.

Lot Width

The horizontal distance between side lines, measured at the front building line, as established by the minimum front yard requirement of this LDO.



Low Income Elderly

Any person 55 years of age or older with low or moderate income, according to HUD standards.

Lumber Mill

An establishment that processes and treats raw logs to create lumber products that can be used for construction and other purposes.

Lumberyard or Building Supply Store²⁶³

A building or outdoor area used for the storage of lumber and building materials for sale or rental that are commonly used for building construction or home repair purposes. This use may include the outdoor storage and display of merchandise. Incidental uses include the pick-up and shipment of materials to and from the site.

9.2.13 M**Manager or Owner**

In the context of a manufactured home park, the person who owns or has charge, care, or control of the mobile home community.

Manufactured Home

A structure constructed on or after June 15, 1976, according to the rules of the National Manufactured Home Construction and Safety Standards Act of 1974 and Title of the Housing and Community Development Act of 1974, and certified as attaining certain safety and construction standards by the Department of Housing and Urban Development. Generally, manufactured homes are designed and built in a factory, may be transported in pieces, and assembled on site. Manufactured homes are distinct from industrialized or modular homes which, while also factory-built, comply with local, state and regional building codes.

Manufactured Home Community

A unified development of manufactured or mobile home spaces restricted to manufactured and mobile home use, with community facilities and permitted permanent buildings; this development being located on a single tract of land under one ownership and meeting the requirements of this ordinance.

Manufacturing and Processing Uses

Uses in this category includes the transporting, manufacture, fabrication, processing, reduction, destruction, or any other treatment of any article, substance, or commodity, in order to change its form, character, or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities.

Manufacturing, Artisan

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes but is not limited to small-scale fabrication or manufacturing operations conducted entirely within a building, that have no external impact on adjacent properties. Examples of this use include but are not limited to: artistic production such as sculpting or pottery, handicrafts such as weaving or soap-making, 3-D printing, small-scale food processing such as coffee roasting, and by-hand furniture production. This use does not include alcohol production.

Manufacturing, Heavy²⁶⁴

An establishment engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. These uses have the potential to create significant impacts on surrounding areas due to the types of materials used, byproducts created, hours of operations, volumes of truck or rail traffic, or other factors. Typical uses

²⁶³This combination of uses reflects the current "Lumberyard or building material sales" use in 144-4.2. (There is also a separate "Lumberyard" use, not carried forward).

²⁶⁴ This revises the definition for "Industry, heavy" in Sec. 144-1.4 of the Code of Ordinances and includes references to current uses that have been consolidated into the new Heavy Manufacturing use.

include acid manufacture, concrete or asphalt mixing, blooming or rolling mills, large-scale breweries or distilleries, canning or preserving facilities, cement or concrete manufacture or mixing, chemical manufacture, fertilizer manufacture, iron or steel manufacture, meat or fish packing, chrome plating, paint production, petroleum refining, slaughterhouse, smelting, stockyard, and wood distillation.

Manufacturing, Light²⁶⁵

The production, processing, fabrication, assembly, treatment, repair, or packaging of finished products, predominantly from previously prepared or refined materials (or from raw materials that do not need refining), and that do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where the industrial activities take place. Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use. Typical uses include bottling, electronics assembly, forging, furniture manufacture, industrial laundries, printing plant, metal fabrication, plastics molding, poultry dressing, sheet metal, sign fabrication, and stone/clay/glass manufacture.

Marginal Access Street

A local street, parallel and adjacent to an arterial or other major thoroughfare, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Master Plan, Subdivision

The first or introductory plan of a proposed subdivision, in such case where the developer intends to develop and record only an individual portion to such subdivision, and which exhibits the proposed development of the balance of the subdivision.

Micro-Brewery or Micro-Distillery²⁶⁶

A facility for the production and packaging of alcoholic beverages for distribution, retail, or wholesale, either on- or off-premises. Other uses commonly collocated with this use are a restaurant or bar. The use is permitted to produce either malt beverages of low alcoholic content with a capacity of not more than 15,000 barrels per year, or up to 100,000 gallons per year of distilled alcohol, such as whiskey, rum, gin, vodka, and other spirits.

Minor Plat

A subdivision resulting in four or fewer lots, which does not create any new street or necessitate the extension of any municipal facilities to serve any lot within the subdivision. Any property to be subdivided using a minor plat shall already be adequately served by all required city utilities and services, and all lots will have frontage on a public roadway.

Mixed-Use Building²⁶⁷

This refers to the use of a structure for non-residential use in conjunction with a residential dwelling unit.

Mobile Food Court²⁶⁸

A parcel of land where two or more mobile food establishments congregate to offer food or beverages for sale to the public as the principal use of the land. This definition shall not be interpreted to include a congregation of mobile food establishments as a secondary, accessory use, and/or temporary use on existing commercially developed land, which is an itinerant merchant operation.

²⁶⁵ This revises the definition for "Industry, light" in Sec. 144-1.4 of the Code of Ordinances and includes references to current uses that have been consolidated into the new Light Manufacturing use.

²⁶⁶ Combines two existing definitions from Sec. 144-1.4 of the Code of Ordinances into a single definition for a combined use.

²⁶⁷ This definition was part of the Walnut Neighborhood Special District definitions. Carried forward, eliminating the limitation that the dwelling unit has to be occupied by the owner of the non-residential unit.

²⁶⁸ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with minor revisions.

Mobile Food Unit²⁶⁹

A business that serves food or beverages from a self-contained unit, either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. This definition does include individual non-motorized vending carts.

Mobile Food Vending, Base of Operation²⁷⁰

The location where a mobile food vending vehicle originates, and is returned for cleaning, storing or stocking. Food preparation for catering is permitted. This does not include activities associated with the Mobile Food Court use.

Mobile Storage Unit

A container designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods, and does not contain a foundation or wheels for movement. This definition includes facilities such as piggyback containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck; but do not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

Modular Home

This term is synonymous and interchangeable with Industrialized Home.

Movie Theater

A facility designed or used primarily for the commercial exhibition of motion pictures to the general public, or for the presentation of plays by actors or live performances by musicians and other artists.

Municipal Infrastructure

Water, wastewater, drainage, road, pedestrian and bicycle, utility, and communication easements, rights-of-way, and facilities.

Museum

An establishment operated as a repository for a collection of nature, scientific, literary curiosities, or objects of interest or works of art, not including the regular sale or distribution of the objects collected. A museum may also include meeting rooms, offices for museum personnel, supportive visitor uses such as eating establishments, and similar facilities.

Music, Live or Recorded

As a use, any facility or venue that features live or recorded music for the enjoyment of patrons. Music may be an accessory use, as in the case of a bar or tavern, or it may be the primary use of a venue, as in a concert facility.

9.2.14 N**NBU**

New Braunfels Utilities.

²⁶⁹ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with minor revisions.

²⁷⁰ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with minor revisions.

Neighborhood Food and Service

An establishment containing not more than 2,000 square feet of gross floor area, and intended to serve the local neighborhood, whose primary business is the sale of food and/or non-alcoholic beverages including a restaurant, bakery, coffee shop, ice cream parlor, deli, grocery, or similar use.

Nonconforming Use

A use, building or yard which does not, by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. It is a legal nonconforming use if established prior to passage of [LDO adoption date], and an illegal nonconforming use if established after [LDO adoption date], and not otherwise approved as provided herein.

9.2.15 O**Oak Wilt**

A disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

Office²⁷¹

An establishment where services are provided and/or business is conducted including administrative, professional, consulting, governmental, or clerical operations. Typical examples include accounting, bookkeeping, tax preparation, investment, financial, law, computer programming, telemarketing, call centers, insurance, engineering, architecture, design, surveying, legal services, medical security monitoring, government departments or agencies, real estate, political and philanthropic, insurance, property management, investment, financial, employment, travel, and similar offices. This use does not include the contractors' office, personal services, or research and development uses.

Office and Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use, or provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

Office, Contractor's²⁷²

A building used as office space with related outdoor areas used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor.

Off-Site Facilities or Improvements

Those facilities or improvements that are required to serve the site but that are not located within the boundaries of the plat.

On-Site Facilities or Improvements

The existing or proposed facilities or improvements constructed within the property boundaries of a plat. Facilities and improvements include, but are not limited to, streets, alleys, water lines, sewer lines, storm drainage facilities, sidewalks, screening devices, and curbs and gutters.

²⁷¹ This is a new definition that makes specific reference to most of the current uses in the Code of Ordinances that have been consolidated into the new use "Office."

²⁷² Carries forward and consolidates the definitions in Sec. 144-1.4 of the Code of Ordinances for "Contractor's office/sales (with outside storage)" and "Contractor's storage yard" with minor revisions.

Open Space

Private property designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those required by city ordinance), and ornamental areas open to the general view within the subdivision. "Open space" does not include streets, alleys, utility easements, public parks or required setbacks.

Ornamental Tree**Outdoor Display of Merchandise**

The placement of goods, equipment, or materials for sale, rental or lease in a location not enclosed by a structure consisting of walls and a roof.

Outside Storage²⁷³

As a primary use, a property or area used for the long term (more than 24 hours) storage of materials, merchandise, products, stock, supplies, machines, operable vehicles, equipment, manufacturing materials, or other items not enclosed within a structure having four walls and a roof. Outdoor sales and display areas shall not be defined as outside storage.






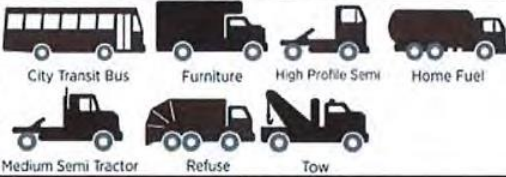


Overlay District

A set of zoning regulations that is applied in a defined area in addition to the standards of the underlying base zoning district. Developments within the overlay zone must conform to the requirements of both the base district and the overlay zone district, or the more restrictive of the two. Overlay districts are created by ordinance to implement policies or objectives in the comprehensive plan.

²⁷³ This new definition is proposed as a replacement for an existing definition in 144-1.4, to place greater emphasis on the characteristics of Outside storage as a primary use.

Oversized Vehicle

Any vehicle designated as Class 6, Class 7 or Class 8 vehicles as illustrated herein, including but not limited to the following designated vehicles: dump trucks, truck-tractors, tractor-trailers, semi-trailers, 18-wheelers, concrete mixing trucks, buses, or other similar vehicles. The weights referenced in the table are a vehicle's maximum gross weight or maximum load carrying capacity as set forth in the vehicle's registration or as designated by the vehicle manufacturer, whichever amount is greater. Oversized vehicle shall include the aforementioned vehicles that can be used or modified for sleeping. The term shall exclude recreational vehicles as defined in this section.

Class 1: 6,000 pounds or less  Full Size Pickup Mini Pickup Minivan SUV Utility Van	Class 5: 16,001 to 19,500 pounds  Bucket City Delivery Large Walk In
Class 2: 6,001 to 10,000 pounds  Crew Size Pickup Full Size Pickup Mini Bus Minivan Step Van Utility Van	Class 6: 19,501 to 26,000 pounds  Beverage Rack School Bus Single Axle Van Stake Body
Class 3: 10,001 to 14,000 pounds  City Delivery Mini Bus Walk In	Class 7: 26,001 to 33,000 pounds  City Transit Bus Furniture High Profile Semi Home Fuel Medium Semi Tractor Refuse Tow
Class 4: 14,001 to 16,000 pounds  City Delivery Conventional Van Landscape Utility Large Walk In	Class 8: 33,001 pounds and over  Cement Mixer Dump Fire Truck Home Fuel Heavy Semi Tractor Refrigerated Van Semi Sleeper Tour Bus

Owner

The person or entity having legal title to the property or a lessee, agent, employee, or other person acting on behalf of the title holder with authorization to do so.

Owner

In the context of subdivision, may also be referred to as "applicant," "subdivider," or "developer." Any person or firm, association, syndicate, general or limited partnership, corporation, trust or other legal entity, or any agent thereof, that has sufficient proprietary interest in the land to be subdivided or developed, to commence and maintain proceedings to subdivide or develop the same under this Chapter. In any event, the term "property owner" shall be restricted to include only the owner(s) or authorized agent(s) of such owner(s), such as a developer of land sought to be subdivided.

9.2.16 P

Park

Land dedicated to, or purchased by, the city for the purpose of providing public recreation and/or open areas. Parkland may be developed or unimproved but is created, established, designated, maintained, provided, or set aside for purposes of serving the general population's need for rest, enjoyment, play, assembly, and recreation. The term includes all facilities, structures, and buildings located on that land. A park may include playgrounds, maintenance facilities, swimming pools, dressing rooms, concessions, community centers, museums, and parking.

Community Park

A community park is generally ten to 75 acres in area, located within one-mile to three-mile of the majority of the residences to be served by the park, and can be linear in nature. Neighborhood Park

A neighborhood park is generally five to ten acres in area, located within half-mile to one-mile from a majority of the residences to be served by the park, and can be linear in nature.

Regional Park

A regional park provides outdoor recreational opportunities for all city residents, rather than only those residents who reside in proximity to the park. The acquisition and development of the "basic" infrastructure and facilities for the usage of these parks should be based upon the demand from the area residents they are intended to serve. The primary cost of regional parks should be borne by all city residents.

Park, Parking or Store

When prohibited, means the standing of an oversized vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in the loading or unloading of merchandise or passengers.

Parking Lot, Structured

A structure designed to accommodate motor vehicle parking spaces that are fully or partially enclosed or located on the deck surface of a building. This use does not include parking lot structures that are accessory to another principal use.

Parking Lot, Surface²⁷⁴

A paved surface on ground level designed, used, or intended for use for the temporary storage of motor vehicles, paid or non-paid. This use does not include surface parking lots that are accessory to another principal use, or areas used for the sale, display, or storage of motor vehicles for sale.

Parking Space, Off-Street

An area not less than nine feet wide and 18 feet long, having unobstructed access from a street within the community and located on a mobile home lot or in a common parking area, or in a common parking and storage area located within 100 feet of the lot it serves.

²⁷⁴ This heavily modifies the definition of "Parking Lot" ins Sec. 144-1.4 of the Code of Ordinances to conform with the goal of this use (previously undefined).

Parking Space, Off-Street

Space for the parking or temporary storage of one motor vehicle, not on a public street or alley, having a driveway connecting the parking space with a street or alley permitting free ingress and egress without encroachment on the street or alley.

Pavement, Permeable

A pavement system with traditional strength characteristics, but which allows rainfall to percolate through it rather than running off. A permeable pavement system utilizes either porous asphalt, pervious concrete, pavers interlaid in a running bond pattern and either pinned or interlocked in place, or other permeable technology. Porous asphalt consists of an open graded coarse aggregate held together by asphalt with sufficient interconnected voids to provide a high rate of permeability. Pervious concrete is a discontinuous mixture of Portland cement, coarse aggregate, admixtures, and water which allow for passage of runoff and air.

Pavement Width

The portion of street available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

Pawn Shop²⁷⁵

An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or special sales of personal property, or the purchase or sale of personal property. The retail sale of primarily used items is also allowed in accordance with local, state, and federal regulations.

Pedestrian Way

An area which provides pedestrian circulation.

Perimeter Street

Any existing or planned street which is adjacent to the subdivision or addition to be platted.

Permanent Building

Any building that is not an accessory building.

Permit

A written document issued by the building official permitting the construction, alteration, or expansion of mobile home community facilities.

Person

For the purposes of this LDO, means every natural person or individual, firm, trust, partnership, public or private association, governmental agency, political subdivision, corporation, or society.

Personal Instruction Facility

An establishment that provides teaching or instruction to groups of people on various topics, including but not limited to yoga studio, gyms or health clubs, art instruction, martial arts training, and music lessons. This use is distinguished from personal service by the larger number of individuals accessing the facility at any given time, and distinguished from primary, secondary, or vocational instruction by the non-academic nature of instruction.

²⁷⁵ Builds on the current definition in Sec. 144-1.4 of the Code of Ordinances.

Personal Services²⁷⁶

An establishment that provides individuals with services related to non-medical personal or household care needs. Typical examples include but are not limited to barber shops and hair salons, day spas, massage services, nail salons, tanning salons, tattooing and body piercing, as well as services such as dry cleaners, tailors. Personal services facilities typically do not have large groups of patrons on site at any given time, and may include related incidental retail sales.

Pet Day Care

An establishment where dogs are cared for during the day for compensation. This use may include indoor play areas, outdoor play areas, and ancillary grooming services. This use does not include the overnight boarding of animals.

Place

An open, unoccupied space other than a street or alley permanently established or dedicated as the principal means of access to property abutting thereon.

Planned Development

A subdivision that may consist of a variety of land use types, incorporating a single or variety of types of residential dwelling units, and/or compatible commercial and industrial land uses, and may include public land uses and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, and which is to be developed as a single entity under unified control.

Planning Commission

The Planning Commission of the city, also referred to as the Commission.

Planning and Development Services Department

The Director of the Planning and Development Services Department, or that person's designee. Also referred to as Planning and Development Services Director.

Plant Nursery

An establishment, including a building or open space, for the growth, display, and/or sale of plants, trees, and other materials to be used in indoor or outdoor planting. This use may conduct wholesale sale of plant materials, but does not include the retail sales of plant products to the public, which are included in the Retail Sales use.

Plat

A map, drawing, chart or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, and may include parks, school sites, drainageways, easements, alleys, and/or any other elements as required by this chapter and which an applicant shall submit for approval in accordance with this chapter.

Plat, Preliminary

A plat that is submitted to the city for its review of the concept and performance of the subdivision as related to the provisions of this chapter. The preliminary plat and the review thereof are intended to produce a subdivision design in which all planning factors are recognized and reconciled, prior to submission of the final plat.

²⁷⁶ This builds on the current definition in Sec. 144-1.4 of the Code of Ordinances with specific reference to most of the current uses in the Code of Ordinances that have been consolidated into this use.

Plat Revision, Replat, or Resubdivision

A plat vacating an existing subdivision in lieu of a new pattern of development, the subdivision of an existing or duly recorded lot or lots, the combining of two or more lots to create one lot, or the subdividing of an existing platted but undeveloped subdivision into a new pattern of lots and blocks.

Porch

A one-story, usually covered entrance to a building, with or without a separate roof, that is not used for livable space and extends along the building.

Power Generation

A large-scale facility or area that generates electricity from mechanical power produced by the firing of fossil fuels, or that produces heat or steam for space heating and other similar uses from thermal plants or biomass facilities. This does not include power generation uses that employ renewable sources that have generally lower impact on surrounding areas, such as solar, wind, or geothermal power generation systems.

Preliminary Approval

Approval expressed by the Commission as to the arrangement and approximate size of streets, alleys, parks, reserves, easements, blocks and lots indicated on a preliminary plat.

Premises

A parcel or tract of land or one or more platted lots under the same ownership and use, together with the buildings and structures located thereon.

Primary Façade

Any building façade oriented toward the street.

Private Club²⁷⁷

An establishment owned or operated by a corporation, association, person, or group of people, for a social, educational, or recreational purpose, but not primarily for profit, and which provides social and dining facilities only to members and invited guests, and which may include service of alcoholic beverages in accordance with the provisions of Chapter 32, Title 3, Alcoholic Beverage Code, of the Texas state statutes.

Private Street

A vehicular access way, including an alley, that is shared by and that serves two or more lots, which is not dedicated to the public, and which is not publicly maintained.

Project

An endeavor over which the city exerts its jurisdiction and for which one or more plans or plats may be required to initiate, continue, or complete a development.

Protected Tree

Any tree on the Approved Plant List (Appendix A), having a trunk circumference of 25 inches or more (about eight inches in diameter) measured four and one-half feet (4-1/2') above the ground. As used in the text of this ordinance, the term "protected tree" includes all heritage trees.

Public Improvements

Also referred to as "subdivision improvements," these are facilities, infrastructure, and other appurtenances, typically owned and maintained by the city (but not necessarily located upon city-owned property or right-of-

²⁷⁷ Consolidates the definitions in Sec. 144-1.4 of the Code of Ordinances of "Club, private" and "Private club" with minor revisions.

way—public improvements can be located upon private property), which serve a public purpose in providing a needed service or commodity, such as wastewater collection and treatment and water storage and distribution, and which protect the general health, safety, welfare, and convenience of the city's citizens, including efficiency in traffic circulation and access for emergency services. Required public improvements may include, but shall not be limited to, street and alley paving, including any necessary median openings and left turn lanes on major thoroughfares; water lines and pumping stations; sanitary sewer lines and lift stations; storm drainage structures and storm water management devices; water quality and erosion controls; screening and retaining walls; fire lane paving and fire hydrants; landscaping, where such is used for required screening or other required landscaped area, and associated irrigation system; and any required public sidewalks, street lights and street name signs. The term "public improvements" shall not include facilities or infrastructure of private providers of utility services other than water and wastewater, but shall be deemed to include facilities and infrastructure that the city would normally require of a development but which will be owned and maintained by an entity such as a homeowners association, as in the case of private streets.

Public Property

All parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by a governmental entity or the public.

Public Trees

All trees and shrubs having 50 percent or more of its diameter, measured at existing grade, resting on public property.

Public Water System

A system approved by the TCEQ for the provision to the public of water for human consumption through pipes or other constructed conveyances.

9.2.17 R

Railroad Facilities

Land, buildings, and structures used to support railroad operations, including facilities such as tracks, sidings, signal devices and structures, maintenance shops and yards, loading platforms, and passenger and freight terminals and yards.

Reconstruction

The rehabilitation or replacement of a structure which either has been damaged, altered or removed or which is proposed to be altered or removed to an extent exceeding 50 percent of the replacement cost of the structure at the time of the damage, alteration or removal.

Recreation and Entertainment

Uses in this category include indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities.

Recreation, Indoor²⁷⁸

A facility that provides entertainment or recreation activities in an enclosed area for the entertainment of customers or members. Uses may include, but are not limited to bowling alleys, ice skating rinks, racquetball or handball clubs, indoor tennis courts or clubs, indoor swimming pools or scuba diving facilities, indoor rock

²⁷⁸ This makes substantial revisions to the definition for "Amusement services (indoors)" in Sec. 144-1.4 of the Code of Ordinances.

climbing, and other similar types of uses. Accessory uses may include administrative offices, concessions, and maintenance facilities.

Recreation, Outdoor²⁷⁹

Recreation and entertainment activities that are mostly outdoors, including picnic areas, archery, outdoor swimming pools, skateboard parks, sports courts and athletic fields, golf driving ranges, miniature golf course, tennis courts, small amphitheaters, arenas, batting cages, go-cart tracks, ziplines, amusement parks, and similar types of activities. This use does not include a river outfitter, although a river outfitter may be included on the same site as an outdoor recreation use provided all outfitter standards are met. Accessory uses may pro shops, offices, concessions, and maintenance facilities.

Recreational Vehicle²⁸⁰

Any travel trailer, pickup camper, motor home, camping trailer, tent trailer, or mobile home less than eight feet wide and 35 feet long according to the certificate of title, that has its own sink, lavatory, flush toilet, and tub or shower, designed for temporary human habitation and most often used for outdoor recreation.

Recycling Center

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper, or clothing for recycling purposes. This definition does not include processing except for can banks that crush cans as they are deposited.

Regulatory Agency

The governing body of, or a bureau, department, division, board, commission, or other agency of, a political subdivision acting in its capacity of processing, approving, or issuing a permit.

Religious Assembly²⁸¹

An establishment used for religious worship and customary accessory educational, cultural, and social activities. This use may include the place of residence for ministers, priests, nuns, rabbis, or other religious leaders on the premises.

Removal

As applied to trees means uprooting, severing the main trunk of the tree or any act which causes, or may reasonably be expected to cause the tree to die, including but not limited to, damage inflicted upon the root system by machinery, storage of materials, or soil compaction: substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

Replatting or Replat

The re-subdivision of any part or all of a block or blocks of a previously platted subdivision, addition, lot or tract.

Research and Development

An establishment with facilities for scientific research, and the design, development, and testing of electrical, electronic, magnetic, optical, and mechanical components in advance of product manufacturing. These facilities are not associated with a manufacturing facility on the same site, except as incidental to the main purpose of

²⁷⁹ This makes substantial revisions to the definition for "Amusement services (outdoors)" in Sec. 144-1.4 of the Code of Ordinances.

²⁸⁰ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances with edits.

²⁸¹ Simplifies the current definition in Sec. 144-1.4 of the Code of Ordinances of "Church/place of religious assembly" with minor revisions and removes the references to tax-exempt status and exemption of at-home bible study and like activities.

the facility. This use includes but is not limited to chemical, biotechnology, pharmaceutical, and medical research and development, software development, and soils and other materials testing laboratories.

Reserve Strip

A privately owned strip of land, 20 feet wide or less, adjacent to a public right-of-way or easement preventing the extension of such right-of-way or easement without the expressed consent of the adjacent land owner.

Residence Hall²⁸²

A building used or intended to be used principally for sleeping accommodations where the building is related to an educational or public institution, including religious orders, and typically includes common areas and shared food preparation facilities.

Resource or Mineral Extraction

The extraction of sand, gravel, soil, rock, minerals, oil, gas, mineral substances or organic substances other than vegetation, from water or on land or underground, whether exposed or submerged. Accessory use may include the transport of extracted resources or minerals away from the site.

Restaurant²⁸³

An eating establishment where customers are primarily served at tables or are self-served, and where food is consumed on the premises, carried out, picked up “curbside,” or delivered. Drive-through service is allowed as an accessory use only in districts which permit the drive-through accessory use.

Retail Sales

An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. These uses are found individually or with other retail sales and/or personal sales uses in shopping centers. Typical examples include auto tire sales, prepared food sellers such as bakeries, bicycle sales, bookstores, computer and electronic sales, consignment shop, department stores, drug stores or pharmacies, furniture sales, grocery stores, hardware stores, major appliance stores, manufactured home sales, pawn shops, pet supply stores, plant nurseries, propane sales, or tool rental or sales. There are three types of retail sales establishments.

Retail Sales, Small²⁸⁴

A retail sales establishment with up to 5,000 square feet of gross floor area.

Retail Sales, Medium

A retail sales establishment with more than 5,000 and up to 50,000 square feet of gross floor area.

Retail Sales, Large²⁸⁵

A retail sales establishment with more than 50,000 square feet of gross floor area.

Retail Sales Uses

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale.

²⁸² New definition for an existing use.

²⁸³ Carries forward the current definition from Sec. 144-1.4 of the Code of Ordinances.

²⁸⁴ These thresholds are offered as a departure point for discussion. Use categories of small, medium, and large for retail operations are common, but the square footage allowed in each of these categories varies by community. What do you think will work in New Braunfels?

²⁸⁵ Definition for Retail establishment, large scale from 144-1.4 not carried forward. That use definition specifies a threshold of 100,000 sq ft and above. That kind of development would still be in this same use category, with the threshold changed from 50,000 sq ft to 100,000 sq ft.

Review

To read, analyze, assess, and act upon.

Right-of-Way

A parcel of land occupied, or intended to be occupied, by a public road, street or alley. Where appropriate, right-of-way may include other facilities and utilities such as sidewalks; electrical, communication, oil and natural gas lines and facilities; and water and sanitary and storm sewer facilities. The use of right-of-way shall also include parkways and medians outside of the paved portion of the street. The usage of the term right-of-way for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and shall not be included within the dimensions or areas of such lots or parcels.

River Entrance/Exit

[definition to be added]

River Outfitter

A facility that rents equipment for swimming, boating, or floating, and that may also use private transportation vehicles to drop patrons off at a river entrance as well as pick patrons up downstream at a river exit.

Roof Pitch

The amount of slope of the roof in terms of angle or other numerical measure; one unit of horizontal rise for three units of horizontal run is expressed as "1 in 3" or "4:12."

RV Park

An outdoor facility designed for overnight accommodation of human beings in a recreational vehicle for recreation, education, naturalist, or vacation purposes. Ancillary services such as a convenience store, restrooms, power, and electric hook-ups may be provided.

9.2.18 S**School, College or University**

An institution that provides full-time or part-time education beyond high school that leads towards associates', bachelors', or graduate degrees, not including vocational schools. This use also includes post-high school education facilities for special needs, mentally disabled, or physically challenged individuals.

School, Pre-K-12

An establishment, public or private, that provides educational services in accordance with the standards and requirements of the compulsory education laws of the State of Texas, between the grades of pre-kindergarten and 12th grade. This use includes pre-kindergarten schools, elementary schools (grades K-5), middle schools and junior high schools (grades 6-8), and high schools (grades 9-12).

School, Vocational

A private or public educational facility offering instruction in a skill, trade, industry, or technical field such as construction, cosmetology, data processing, health care, legal services manufacturing, truck driving, or vehicle maintenance.

Screening Fence

Define as continuous and opaque (wall) as opposed to a perimeter fence which can be wrought iron, chain link, or other non-opaque material.

Seasonal Sales

The temporary display and sale of products outside of a building or structure. Seasonal sales may include but are not limited to temporary farm stands selling produce, pumpkin patches, and Christmas tree sales. Seasonal sales are distinct from outdoor display of merchandise, associated with a retail establishment as an accessory use.

Secondary Facade

Any building façade that is not oriented toward the street.

Self-Storage²⁸⁶

An establishment that provides individual storage units for rent or lease, restricted solely to the storage of items, which are typically used for the storage of household or business goods, but not including the conduct of sales, business, or any other activity within the individual storage units. This use may include the outdoor storage of large equipment such as boats and RVs.

Sensitive Feature

In the context of the Edwards Aquifer protection zone, a sensitive feature, as defined by the Texas Commission on Environmental Quality, is a permeable geologic or manmade feature located on the recharge zone or transition zone where a potential for hydraulic interconnectedness between the surface and the Edwards Aquifer exists, and rapid infiltration to the subsurface may occur.

Septic Tank

A watertight receptacle that receives the discharge of sewage from a building, sewer, or part thereof, and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the treated liquid portion into a disposal area.

Service Building

A building housing toilet and sanitary facilities, as required by this ordinance.

Service and Repair Shop

A workshop or studio that provides on-site maintenance and repair service of consumer goods, or offers a service to be performed off-site. Such facilities include but are not limited to computer and cell phone repair, small appliance repair, carpet cleaning, electrical repair, exterminator, locksmith, janitorial service, plumbing service, shoe repair, carpenters, or upholsterers. This use does not include service or maintenance on any item with a combustion engine.

Sewerage Disposal System, Individual or Private

Any system designed to provide on-site treatment and disposal of sewage flows from individual residences, duplexes, businesses, or any other buildings. The system may be anaerobic, e.g., a septic transpiration bed, or other. The system must not require a permit from the state.

Sewerage System, Public

A system designed for the wastewater collection, treatment and disposal that is wholly owned and operated by the city or any other legally incorporated town or city or public systems approved by the state.

²⁸⁶ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Screening

A method of visually shielding or obscuring an abutting or nearby use or structure from another by fencing, walls, berms, or densely planted vegetation.

Setback Line

A line running parallel to a lot line or property line defining the boundary of a setback. Area between the property line and this setback line is the setback, or yard, and is typically required to remain open from the ground to the sky.

Sexually-Oriented Business

See definition in Sec 18-231 of the Code of Ordinances.

Shooting Range, Indoor

An enclosed facility used for firearm target practice, instruction, competitions, or similar activities, including but not limited to skeet, trap, and similar shooting activities. All activity at an indoor shooting range is conducted within an enclosed building.

Shooting Range, Outdoor

An area or facility to be used for firearm target practice, instruction, competitions, or similar activities, including but not limited to skeet, trap, and similar shooting activities. Outdoor shooting ranges may include both indoor and outdoor facilities.

Short Term Rental

The rental for compensation of all or part of a privately owned dwelling, including but not limited to a one- to four-family dwelling, multi-family dwelling, apartment house, tiny home, townhouse, manufactured home, , or garage apartment/accessory dwelling unit, for dwelling, lodging, or sleeping purposes for a period of not less than one night and not more than 30 days other than ongoing month-to-month tenancy granted to the same renter for the same unit. This term use is distinct from bed and breakfasts, hotels, residence halls, group homes, RV parks, hospitals and other health care facilities, continuing care retirement communities, nursing homes, foster homes, halfway houses, transitional housing facilities, resort properties as defined in this LDO, or resort condominiums. Short-Term Rentals are subject to the regulations described in §X.X.

Sidewalk

A paved pedestrian way generally located within the public or private street right-of-way, but outside of the roadway.

Site

- 1) A tract of property that is the subject of a development application.
- 2) In the context of wireless communication facilities, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground. The current boundaries of a site are the boundaries that existed as of the date that the original support structure or a modification to that structure was last reviewed and approved by the city, if the approval of the modification occurred prior to the Spectrum Act or otherwise outside of the section 6409(a) process.

Site Plan

A detailed plan showing the roads, parking, footprints of all buildings, existing trees, proposed landscaping, parkland, open space, grading and drainage, and similar features needed to verify compliance with the approved land use plan and development standards.

Solar Energy System, Small-Scale

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures or on the ground.

Solar Farm, Large-Scale

A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, and storage) that collects solar energy and converts it into electricity or transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling. This use is generally designed to produce electricity to accommodate demands of a neighborhood or larger area and is typically mounted on the ground.

Special-Purpose Base District

Special-Purpose Base Districts, also called special districts, are created to accomplish or preserve certain forms of development and desired uses in defined areas. Special districts replace the underlying base zoning that would have applied in the area within the special district's defined boundary.

Special Event²⁸⁷

A festival, celebration, or gathering that involves the reservation and temporary use of a portion of a private property that includes activities such as dancing, music, dramatic productions, art or cultural exhibitions, other types of entertainment activities, and the sale of merchandise, food, or beverages. The term does not pertain to buildings or properties that host public events on a regular basis such as the Wurstfest grounds, the Comal County Fairgrounds, the New Braunfels Civic/Convention Center, Heritage Village, Conservation Plaza, school grounds, private event centers, home owners' association amenity centers/property, and similar areas.

Stable, Accessory²⁸⁸

A building or structure used to keep horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire, or sale.

Stable, Commercial²⁸⁹

A building or structure in which horses, ponies, or mules are housed, boarded, or kept for hire.

Steep Slope

Areas that contain slopes over 15 percent grade and are characterized by increased runoff, erosion, and sediment hazards.

Storage And Warehousing Uses

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups, and there are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

Story

That part of a building included between the surface of one floor and the surface of the floor next above, or if there be no floor above, that part of the building which is above the surface of the highest floor thereof. A top

²⁸⁷ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²⁸⁸ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

²⁸⁹ Carries forward the definition in Sec. 144-1.4 of the Code of Ordinances of "Stable, riding" with revisions to fit this more general use.

story attic is a half story when the main line of the wall plates is not above the middle of the interior height of such story. A basement that is no more than four feet above average grade shall not be considered a story.

Street

A public maintained thoroughfare or privately maintained public access easement which affords principal means of access to property abutting thereon, and normally consists of the road surface, ditch or curbs, and sidewalk or parking areas.

Street

A public or private right-of-way that provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive, or however otherwise designated.

Street, Arterial

A thoroughfare designated as a freeway, expressway, major arterial, or minor arterial in the most recently adopted city Thoroughfare Plan. The primary function of an arterial is to carry traffic through the city, and is designed for as high a speed as possible, to carry as much traffic as possible. Also known as a "major thoroughfare."

Street, Collector or Sub-Collector

A street that primarily carries traffic from local or residential streets to major thoroughfares and highways, including the principal entrance streets for circulation to schools, parks, and other community facilities within such a development, and also including all streets which carry traffic through or adjacent to commercial or industrial areas.

Street, Local or Residential

A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting the residential area. A local street serves the same purpose in a commercial or industrial district.

Street, Marginal Access

A street that is parallel and adjacent to an arterial street and which primarily provides vehicular access to abutting properties and protection from through traffic.

Street, Standard

A street or road that meets or exceeds the minimum specifications in the city's standard street specifications, and which is constructed to the ultimate configuration for the type of roadway it is designated for on the city's Thoroughfare Plan.

Street, Substandard

An existing street or road that does not meet the minimum specifications in the city's standard street specifications, and which is not constructed to the ultimate configuration for the type of roadway it is designated for on the city's Thoroughfare Plan.

Street Improvements

Any street or thoroughfare, together with all appurtenances required by city regulations to be provided with such street or thoroughfare, and including but not limited to curbs and gutters, walkways (sidewalks), drainage facilities to be situated in the right-of-way for such street or thoroughfare, traffic control devices, street lights and street signs, for which facilities the city will ultimately assume the responsibility for maintenance and operation.

Street Line

The dividing line between the street right-of-way and the abutting property, normally to the lot property line.

Street Yard

The area of a lot that lies between the street right-of-way line and the actual front wall line of a building, as such building wall line extends from the outward corners of the building, parallel to the street, until such imaginary extensions of such front building wall intersect the side property lines.

Structure

Anything built, constructed, or erected, an edifice or building of any kind, or any piece of work built up or composed of parts joined together in some definite manner, which requires location on the ground, or attached to something having a location on the ground; including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Structural Alterations

Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders.

Subdivider

Any person or any agent of the person dividing or proposing to divide land so as to constitute a subdivision, as that term is defined in this LDO. In any event, the term "subdivider" is restricted to include only the owner, equitable owner, or authorized agent of the owner or equitable owner of land to be subdivided.

Subdivision

A division or re-division of any tract of land situated within the city's corporate limits or its extraterritorial jurisdiction into two or more parts, lots, or sites, for the purpose, whether immediate or future, of sale, division of ownership, or building development. Subdivision includes re-subdivisions of land or lots which are part of a previously recorded subdivision.

Supportive Housing

A dwelling where people are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of individuals requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence or addiction and whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts. This includes and is not limited to:

- 1) Transitional housing for released offenders or individuals exiting structured rehabilitation programs.
- 2) A shelter for individuals experiencing temporary homelessness.
- 3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.
- 4) Sober living facilities for those recovering from substance addiction.

Supportive Housing, Small

A facility designed for and occupied by six or fewer residents living together.

Supportive Housing, Large

A facility designed for and occupied by seven or more residents living together.

Surveyor

A licensed state land surveyor or a registered professional land surveyor as authorized by the state statutes to practice the profession of surveying.

Swimming Pool

A self-contained body of water at least 18 inches deep and eight feet in diameter or width and used for recreational purposes. It may be above or below ground level. As an accessory use, a swimming pool is accessory to a principal residential use.

9.2.19 T**Tandem Parking**

A tandem parking space is a standard width, and a sufficient length to allow two cars, with one parked behind the other. Tandem spaces may be used in valet parking operations, or multi-family developments, if use of a tandem space is assigned to a single unit.

Telecommunication Tower

A structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and wireless communication facilities.

Temporary Housing

Housing for a time period of six to 24 months for individuals/families who do not have current accommodations.

Temporary Improvements

Improvements built and maintained by the property owner that are needed to remedy a circumstance that is temporary in nature, such as a temporary drainage easement or erosion control device, that will be removed upon completion of the subdivision or development or shortly thereafter.

Temporary On-Site Contractor's Office

A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment.

Temporary Real Estate Office

A structure, including but not limited to a trailer, modular unit, or a model home, which is used a real estate sale office in a new residential development for the sale and promotion of properties within the project and its future sales.

Temporary Roll-off Dumpster

A roll-off style dumpster that is placed on a site for a temporary period to facilitate construction or disposal of items from the site.

Temporary Uses

Temporary uses are activities that take place for a defined period of time, generally from one day to ninety days in duration, and that may be accessory to an established primary use on the site, or may be unrelated to such primary use. Examples include but are not limited to: model homes, temporary storage or waste containers, temporary construction buildings, outdoor fairs, festivals, or other special events, and seasonal sales.

Theater, Drive-In

An establishment including a large outdoor movie screen, a projection booth, and a large parking area for automobiles from which films projected outdoors may be seen.

Thoroughfare Plan

The street plan, which is part of the comprehensive plan of the city.

Tiny Home

A detached structure built for either temporary or permanent habitation, typically with living area of 600 square feet or less.

Townhouse or Rowhouse

One of a group of not less than four nor more than eight adjoining single-family dwelling units sharing a common wall with one or more of such adjoining dwelling units, each dwelling unit located on a separate lot.

Transient housing

Short-term accommodations for visitors or travelers, such as a hotel or motel.

Transitional Surfaces

Surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal surface.

Transmission Equipment²⁹⁰

In the context of wireless communication facilities, this is equipment that facilitates transmission for any Federal Communications Commission-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Transportation and Utility Facilities

Uses in this category include a broad range of uses including those primarily associated with train, bus, and aircraft facilities or uses and facilities for utility systems such as water, sewer, gas, power, and broadband. Accessory uses may include incidental repair, storage, and offices.

Tree

A woody plant having a well-defined stem, trunk, or multi-trunk and a more or less definitely formed crown, usually attaining a mature height of at least eight feet. For purposes of this LDO, the following publications may be used as a reference in defining which plants may be classified as trees:

- 1) Texas Trees, A Friendly Guide, by Paul W. Cox and Patty Leslie, Corona Publishing.
- 2) A Field Guide to Texas Trees, by Benny J. Simpson, Texas Monthly Press.
- 3) Trees of Central Texas, by Robert A. Vines, University of Texas Press, Austin, 1984.
- 4) Landa Park Arboretum, Harry Landa Self-Guiding Tree Trail and Growing Guide, published by Landa Park, New Braunfels, Texas.

Tree Canopy Coverage

The percentage of an area covered by the tree canopy. The area of the tree canopy is the sum of the drip-line areas of all trees within the lot plus the portion of the drip-line area that lies within the lot for trees on the perimeter of the lot.

²⁹⁰ Definition from 47 CFR §1.6100.

Truck Stop²⁹¹

An establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck stop may also include facilities such as overnight accommodations, showers, a convenience store, or restaurants primarily for the use of truck crews.

Trunk Circumference

The distance around the trunk of a tree measured at six inches above the ground for trees to be planted, and four and one half feet (4 ½') above the ground for existing trees. In the case of multi-trunk trees, the trunk circumference of the tree as a whole is the sum of the diameter of the largest trunk, plus ½ of the diameter of all additional trunks.

9.2.20 U**Uncontrolled Street**

In the context of the clear vision area, or sight visibility triangle, an uncontrolled street is one that does not have a traffic control device, such as a yield or stop sign, or traffic signal, at the intersection.

Use

The classification of the purpose or activity for which land or buildings are designated, arranged, intended, occupied or maintained.

Utility, Major

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. Major public utilities are of a size and scale found only in scattered sites within city limits. This use includes but is not limited to electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, sewage lift stations, regional stormwater drainage facilities, and water and sewer treatment facilities.

Utility, Minor

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. Minor public utilities are of a size and scale commonly found in numerous areas within city limits, including but not limited to electrical distribution lines, poles, or cables; switch boxes; communication facilities; transformers, water towers; transformer boxes; relay and booster devices; and well, water and sewer pump stations.

9.2.21 V**Vacate or Vacation**

To cancel, rescind, or render an act that has the effect of voiding a subdivision plat as recorded in the county clerk's office.

Valet Parking

When used in the context of §4.5.5F, the following words, terms, and phrases shall have the meanings ascribed to them in these definitions, except where the context clearly indicates a different meaning.

²⁹¹ Carries forward the current definition in Sec. 144-1.4 of the Code of Ordinances with minor revisions.

Attendant

A person employed by a licensee who drives a vehicle while providing valet parking.

Sponsor

Any person who operates, or causes to be operated, a valet parking operation at the sponsor's place of business or function.

Valet Parking Operation

The receiving, taking possession of, driving, moving, parking, or leaving standing, any vehicle that is left at one location to be driven to another location for parking, whether or not a charge is levied and whether or not done under contract to the business or organization for which the vehicles are being parked, or done independently. It does not include operators of public or private off-street parking operations or facilities where customers park their own vehicles and remove the keys themselves.

Valet Parking Operator

A person who employs one or more attendants for the purpose of providing a valet parking service or who provides such services as a contractor, but not in the capacity of employee, at any business establishment, for the purpose of providing a valet parking service to such establishment.

Valet Parking Service

A parking service provided to accommodate patrons of any business establishment, which service is incidental to the business of the establishment and by which an attendant on behalf of the establishments takes temporary custody of the patron's motor vehicle and moves, parks, stores, or retrieves the vehicle for the patron's convenience.

Vehicle Fuel Sales²⁹²

An establishment at which gasoline or other motor vehicle fuel is offered for sale to the public. Repair services are not provided. Accessory uses may include a retail sales use such as a convenience store.

Vehicle-Related Uses

Uses in this category relate to the sale, lease, rental, repair, storage, and fueling of motor vehicles, including cars, light trucks, and heavier vehicles. Accessory uses may include incidental retail sales.

Vehicle Repair, Major

An establishment primarily engaged in providing repair services to motor vehicles that may have particular noise or other impacts on nearby properties, such as engine overhauls, welding, and similar activities, or such services to heavy farm vehicles. This use may also engage in the less impactful repair activities that are included in the minor vehicle repair use.

Vehicle Repair, Minor

An establishment primarily engaged in providing motor vehicle repair services that have limited noise or odor impacts on other properties such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, auto alarms, spoilers, sunroofs, headlight covers, and similar items.

Vehicle Repair, Paint and Body Shop

An establishment primarily engaged in providing motor vehicle repair services that are limited to painting vehicles or body repair.

²⁹² New definition that incorporates the definition of "Convenience store with (or without) fuel sales" in Sec. 144-1.4 of the Code of Ordinances.

Vehicle Sales and Rental

An establishment engaged in the sale or lease of new or used motor vehicles, motorcycles, trailers, boats, all-terrain vehicles, and recreational vehicles, along with the rental of motor vehicles. This use may include facilities for motor vehicle servicing and repair, indoor and outdoor storage, and ancillary uses such as offices, display areas, and waiting areas for patrons.

Vehicle Storage Facility

A garage, parking lot, or any facility owned or operated by a person, other than a governmental entity, for storing or parking ten or more vehicles per year, without the consent of the owners of the vehicles, and which is licensed by the Texas Department of Transportation's Motor Carrier Division.

Vehicle Wash

A facility for washing, cleaning, drying, and waxing of passenger vehicles, recreational vehicles, or other light duty equipment, but not including buses or heavy trucks. A car wash may be self-service or full service.

Vending²⁹³

Any activity by any person involving the display, sale, offering for sale, offering to give away, or giving away of anything of value including any food, beverage, goods, wares, merchandise, or services.

Veterinary Clinic²⁹⁴

An establishment for the care and treatment of animals, including household pets and larger domesticated animals, operated by a licensed veterinarian. A veterinary clinic may include the boarding of household pets and kennels that is incidental to the veterinary care.

9.2.22 W**Wall**

A solid vertical structure of building material allowed by this LDO or other chapters of the City Code as applicable that forms the exterior of buildings, separates portions of buildings or separates properties.

Warehouse and Storage

An establishment engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment. Warehouses may include accessory offices and showrooms, but any retail sales to the general public are incidental to the inventory storage purpose of the establishment.

Wastewater Service

The collection of waste-bearing water that requires treatment prior to its return to nature and the system of pipes and equipment used to collect and transmit this water to treatment facilities; also called sanitary sewer service.

Waste-Related Uses

Uses in this category are engaged in the receipt of solid or liquid waste and the transfer to other locations for final disposal, or for disposal on site. Accessory uses may include recycling, offices, and parking.

²⁹³ Carries forward the current definition in Sec. 144-5.26-2 of the Code of Ordinances.

²⁹⁴ Consider differentiating between a clinic (which is 9-to-5ish) and Vet Hospital, which is 24 hours. Similarly, important to differentiate between all indoors (clinic), or outdoor areas as well if boarding is allowed.

Waste Transfer Station

A solid waste collection or storage facility at which solid waste is transferred from collection vehicles to hauling vehicles for transportation to a separate solid waste management facility.

Water Distribution Facility

A system of network of pipes and valves designed to deliver potable water to users.

Water Production Facility

A collection of pumps, treatment equipment, tanks and other devices designed to extract water from a source, provide necessary treatment to purify and disinfect, pressurize, pump, and store potable water.

Water Storage

Any structure or container used for surface, underground, or overhead storage of water, also including water wells and pumping stations that are part of a public or municipal system.

Water Supply

A source of water.

Waterfront Recreation²⁹⁵

Recreation activities that are located on or near a river, lake, or other body of water, including boat berthing and fuel storage facilities, boat landing piers and launching ramps, swimming and wading facilities, and other types of activities included in the outdoor recreation use.

Wholesale Farm Sales

An establishment, including a building or open space, used for the storage and wholesale sale of products used in agricultural operations such as hay, grain, or feed.

Wholesale Sales

Establishments or places of business primarily engaged in selling merchandise to retail, industrial, commercial, institutional, or professional business users or to other wholesalers, but not to the public at-large.

Wind Energy System, Large

A facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than 100 kW.

Wind Energy System, Small

A facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property, which is mounted to the ground or a rooftop, and that has a rated capacity of 100 kW or less.

Wireless Communication Facility (WCF)

A facility used to provide personal wireless services as defined at 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A wireless communications facility includes an antenna or antennas, including without limitation, directional, omni-directional and parabolic antennas, support equipment and permitted supporting structures, but does not

²⁹⁵ Unresolved issue: "Clarification needed on resort property and resort condominiums. Differentiate between an apartment house where the units have been sold as condominiums and some owners are STR renting them vs a time share/condominium building where all units are intended to be rented for less than 30 days but each unit may be owned separately."

include the support structure to which the wireless communications facility or its components are attached if the use of such structure for the wireless communications facility is not the primary use. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or handheld radios/telephones and their associated transmitting antennas. This LDO defines the following types of WCF:

Building-Mounted

An antenna that is mounted on a building with a primary purpose to be a use other than as an antenna support structure.

Roof-Mounted

An antenna that is mounted on a structure that is located on the roof of a building.

Ground-Mounted

An antenna that is mounted on a freestanding support structure, such as a monopole or tower.

9.2.23 X**Xeriscape or Xeriscaping**

a set of garden design and landscape maintenance principles that promote good horticultural practices, efficient use of water, and means water-conserving drought-tolerant landscaping.

9.2.24 Y**Yard**

An open space between a building and the nearest lot line, unoccupied and unobstructed by any portion of a structure from the ground upward. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

Yard

A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture are not deemed to be obstructions if height limitations and requirements limiting obstruction of visibility are observed.

Yard, Front

A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, Rear

A yard between the rear lot line and the rear line of the main building.

Yard, Side

A yard between the main building and the adjacent side line of the lot, and extending entirely from the front yard to the rear yard thereof.

9.2.25 Z**Zero Lot Line**

A lot where no setback is required along one of the side property lines of the lot.

Article 10: Appendix A, Approved Plant List

Approved Plant List	
Scientific Name	Common Name
SHADE TREES	
* <i>Carya illinoensis</i>	Pecan
* <i>Catalpa bignonioides</i>	Catalpa
* <i>Ehretia anacua</i>	Anaqua
<i>Fraxinus Pennsylvanica</i>	Green ash
* <i>Fraxinus texensis</i>	Texas ash
* <i>Juglans major</i>	Arizona walnut
<i>Juglans microcarpa</i>	Nogalillo, river walnut
* <i>Juglans nigra</i>	Black walnut
* <i>Maclura pomifera</i>	Osage Orange, Bois d'Arc
* <i>Magnolia grandiflora</i>	Magnolia
* <i>Platanus mexicana</i>	Mexican sycamore
<i>Platanus occidentalis</i>	Texas sycamore
* <i>Quercus buckleyi</i> (texana)	Texas red oak
* <i>Quercus canbyi</i>	Canby's oak
* <i>Quercus durandii</i>	Durand oak
* <i>Quercus fusiformis</i>	Escarpment live oak
<i>Quercus glaucoides</i>	Lacey oak
* <i>Quercus gravesii</i>	Chisos red, Graves
* <i>Quercus laceyi</i> (glaucoides)	Lacey's oak
* <i>Quercus macrocarpa</i>	Bur oak
<i>Quercus mohriana</i>	Shin oak
* <i>Quercus muhlenbergii</i>	Chinkapin or Chinquapin oak
* <i>Quercus polymorpha</i>	Mexican live or Monterrey oak
<i>Quercus pungens</i> var. <i>vaseyana</i>	Vasey oak
* <i>Quercus virginiana</i>	Southern live oak
<i>Quercus texana</i>	Red oak
* <i>Sapindus drummondii</i>	Soapberry
* <i>Taxodium distichum</i>	Bald cypress
* <i>Taxodium mucronatum</i>	Montezuma cypress
<i>Tilia caroliniana</i>	Carolina basswood
* <i>Ulmus Americana</i>	American elm
* <i>Ulmus crassifolia</i>	Cedar elm
ORNAMENTAL TREES	
* <i>Acacia roemeriana</i>	Roemer's acacia
* <i>Acer grandidentatum</i>	Bigtooth maple
<i>Arbutus xalapensis</i>	Texas madrone
* <i>Bauhinia congesta</i>	Anacacho orchid tree
* <i>Cercis canadensis</i> var. <i>texensis</i>	Texas or Oklahoma redbud
* <i>Cercis reniformis</i>	Mexican redbud
* <i>Chilopsis linearis</i>	Desert willow
* <i>Condalia hookeri</i>	Condalia, brazil
<i>Cordia boissieri</i>	Wild olive, Mexican wild olive

Article 10: Appendix A, Approved Plant List

9.2 Definitions

9.2.25 Z

* Cotinus obovatus	American smoketree
* Diospyrus texana	Texas persimmon
* Eriobotrya japonica	Loquat (exotic)
* Fraxinus cuspidate	Fragrant ash
Hamamelis virginiana	Witch hazel
* Ilex deciduas	Possum-haw holly
Ilex vomitoria	Yaupon holly
* Juglans microcarpa	Little, Texas walnut
* Koelreuteria bipinnata	Goldenrain tree (exotic)
* Lagerstroemia indica, fauriei, and X's	Crepe myrtle, etc. (exotic)
* Leucaena retusa	Goldenball leadtree
Malus sp.	Blanco crabapple
* Myrospermum sousanum	Arroyo sweetwood
Parkinsonia aculeate	Retama, Jerusalem Thorn
* Pistacia texensis	Texas pistache
Prunus barbonia	Redbay
* Prunus caroliniana	Cherry laurel
* Prunus mexicana	Mexican plum
* Prunus virginiana	Chokeberry
* Pyrus calleryana	Callery pear (exotic)
Pyrus ioensis	Blanco crabapple
* Rhamnus caroliniana	Carolina buckthorn
* Rhus lanceolata	Flameleaf sumac
Rhus virens	Evergreen Sumac
* Sophora affinis	Texas sophora or Eve's
* Sophora secundiflora	Mountain laurel or mescal bean
* Ungradia speciosa	Mexican buckeye
* Viburnum rufidulum	Rusty blackhaw
Vitex agnus-castus	Lavender tree
Zizyphus jujuba	Chinese date, Jujube
EVERGREEN TREES	
* Cupressus arizonica	Arizona cypress
* Juniperus virginiana	Eastern red cedar
Pinus cembroides	Mexican pinyon pine, Remote pine
Pinus eldarica	Afghan pine
* Pinus halepensis	Aleppo pine (exotic)
* Pinus pinea	Italian stone pine (exotic)
PALMS	
* Chamaerops humilis	Mediterranean fan palm (exotic)
* Phoenix canariensis	Canary Island or false date (exotic)
* Sabal mexicana	Mexican or Texas sabal
* Sabal texana	Palm, sabal and dwarf sabal
* Washingtonia filifera	California fan (exotic)
SHRUBS, VINES, AND HERBACEOUS PERENNIALS	
Achillea millefolium	Yarrow
Agave americans	Century Plant
Amorpha fruticosa	Amorpha, Indigobush
Anisacanthus spp.	Hummingbird Bush
Antigonon leptopus	Coral Vine, Rosa-De-Montana, Queens Wreath
Aquilegia spp.	Columbine
Aster spp.	Aster

Article 10: Appendix A, Approved Plant List

9.2 Definitions

9.2.25 Z

Bamboo spp.	Bamboo, non-invasive/clumping
Berberis (Mahonia) trifoliata	Agarita, Agarito
Berberis spp.	Agarita, Tx. Barberry
Bignonia capreolata	Crossvine
Bougainvillea	Bougainvilla
Buddleia spp.	Butterfly Bush
Caesalpinia gilliesi	Bird of Paradise
Caesalpinia mexicana	Mexican Bird of Paradise
Caesalpinia pulcherrima	Pride of Barbados
Callicarpu americana	American Beauty
Callistemon spp.	Bottlebrush
Campsis radicans x "Madame Galen"	Trumpet Vine, Trumpet Creeper
Capsicum annum	Chilipiquin
Cassia alata	Candlestick Tree
Cassia spp.	Cassia
Cassia lindheimeriana	Lindheimer Senna
Callirhoe involucrata	Winecup
Calylophus spp.	Calylophus
Cephalanthus occidentalis	Buttonbush
Chrysactinia mexicana	Damianita
Clematis pitcheri	Purple Leatherflower
Clematis texensis	Texas Clematis
Clematis texensis	Scarlet Leatherflower
Cooperia drummondii	Rain Lily
Cornus drummondii	Rough-Leaf Dogwood
Coursetia axillaris	Baby Bonnets
Crataegus spp.	Hawthorn
Crinum spp.	Crinum Lily
Cuphea spp.	Cigar Plants
Dasyllirion spp.	Sotol, Desert Spoon
Dasyllirion texanum	Sotol
Desmanthus illinoensis	Illinois Bundleflower
Duranta repens	Brazilian Sky Flower
Echinacea purpurea	Purple Coneflower
Elaeagnus pungens vars.	Silverberry
Eriobotrya x "Coppertone"	Coppertone Loquat
Erythina crista-galli	Fireman's Cap, Coral Tree
Erythina herbacea	Coral Bean
Eupatroium spp.	Mist Flower
Euryops pecinatus	Golden Shrub Daisy
Euryops pectinatus	Grayleaf Euryops
Eysenhardtia texana	Kidneywood
Foresteriera pubescebs	Texas Elbow Bush
Gamolepis chrysanthemoides	Golden Shrub Daisy
Garrya ovata lindheimer Mx.	Silk Tassel
Gaura spp	Guara
Gelsemium sempervirens	Caroline Jessamine
Gymnosperma gutinosum	Tatalenoho
Hamamelis virginiana	Witchhazel
Heimia salicifolia	Willow-leaf Heimia
Hesperaloe parviflora	Red Yucca
Hibiscus coccineus	Hibiscus, Texas Star
Hibiscus cardiophyllus	Heartleaf Hibiscus
Hibiscus syriacus	Althea, Rose-of-Sharon

Article 10: Appendix A, Approved Plant List

9.2 Definitions

9.2.25 Z

Hymenoxys scaposa	Four-nerve Daisy
Hypericum spp.	St. John's Wort
Ilex cornuta	Dwarf Chinese Holly
Ilex decidua	Possumhaw
Ilex vomitoria	Yaupon
Ilex vomitoria nana	Dwarf Yaupon
Ipomea fitulosa	Bush Morning-Glory
Ipomoea quamoclit	Cypress (Cardinal) Vine
Ipomoea sinuata	Alamo Vine
Iris spp.	Iris
Jasminum floridum	Italian Jasmine
Jasminum mesnyi	Primrose Jasmine
Jatropha spp.	Jatropha
Juniper spp.	Juniper
Justicia brandegeana	Shrimp Plant
Justicia spp.	Shrimp Plant
Justicia suberecta	Mexican Shrimp Plant
Lantana spp.	Lantana
Leucophyllum frutescens	Texas Silverleaf, Sage, Cenizo
Liatris spp.	Gayfeather
Lindera benzoin	Spicebush
Lonicera albiflora	White Bush Honeysuckle
Lonicera sempervirens	Coral Honeysuckle
Malpighia glabra	Barbados Cherry
Malvaviscus drummondii	Turk's Cap
Manfreda spp.	Manfreda
Mascagnia spp.	Butterfly Vine
Mimosa bluncifera	Cat Claw Mimosa, Fragrant Mimosa
Moraea spp.	African Iris
Myrica cerifera	Wax Myrtle—Dwarf, Standard
Nandina domestica spp.	Nandina
Nandina domestica "nana" etc.	Dwarf Nandina
Parthenocissus heptaphylla	Seven Leaf Creeper
Parthenocissus quinquefolia	Virginia Creeper
Passiflora allatocaerulea (P. pfordtii)	Passion Vine
Passiflora incarnate	Passionflower
Pavonia lasiopetala	Rock Rose
Penstemon spp.	Penstemon
Philadelphus spp.	Mock Orange
Phlox spp.	Prairie Phlox
Physostegia spp.	Obedient Plant
Poliomenantha longiflora	Mexican Oregano
Pistache texana	Texas Pistache
Plumbago auriculata (P. capensis)	Blue Plumbago
Podocarpus macrophyllus	Yew
Poliomenantha longiflora	Mexican Oregano
Primrose spp.	Primrose
Ptelea trifoliolata	Hop Tree
Punica granatum	Pomegranate (Regular and Dwarf)
Phyragantha spp.	Firethorn, Phyragantha
Rosa Banksiae	Lady Banksia Rose
Rosemarinus spp.	Rosemary
Ruellia spp.	Mexican Petunias
Russelia equisetiformis	Firecracker Plant

Article 10: Appendix A, Approved Plant List

9.2 Definitions

9.2.25 Z

Sabal minor	Palmetto Palm
Salvia spp.	Salvia
Salvia farenaceae	Blue Sage, Mealy Sage
Salvia greggii	Autumn Sage
Salvia regla	Mountain Sage
Salvia ballotaeflora	Blue Shrub Sage
Sambucus Canadensis	Elderberry
Santolina spp.	Santolina
Scutellaria spp.	Pink Skullcap
Senecio confuses	Mexican Flame Vine/Love Vine
Solidago spp.	Goldenrod
Stigmaphyllon littorale	Butterfly Vine
Tagetes Ilucida	Mexican Marigold
Tecoma stans	Yellowbells, esperanza
Tecoma capensis	Cape Honeysuckle
Teuerium laciniatum	Dwarf Germander
Thyrallis glauca	Yellow Plumbago
Trachelospermum jasminoides	Confederate Jasmine
Vauquelinia angustiflora	Chisos Rosewood
Viburnum rufidulum	Viburnum Rusty Blackhaw
Viguiera stenoloba	Skelton-leaf goldeneye
Wisteria macrostachya	Texas Wisteria
Wisteria millettia veticulata	Wisteria, evergreen
Yucca spp.	Yuccas
Yucca agustifolia	Narrow-leaf Yucca
Yucca constricta	Buckley Yucca
Yucca rupicola	Twisted-leaf Yucca
Yucca pendula	Softleaf Yucca
Yucca thompsonia	Thompson Yucca
Yucca treculeana	Spanish Dagger
Zexmenia hispidia	Zexmenia

GROUND COVER

Aptinia condifolia	Heart Leaf Ice Plant
Asparagus sprengeri	Asparagus Fern
Aspidistra elatior	Aspidistra, Cast Iron Plant
Hedera canariensis	Algerian Ivy
Juniper spp.	Juniper
Lantana spp.	Lantana
Liriope gigantea	Giant Liriope
Liriope muscari vars	Lily Turf, Liriope (Std., "Big Blue")
Ophiopogon japonica	Mondo Grass, Monkey Grass
Rosemarinus officinales vars.	Prostrate Rosemary
Setcreasea purpurea	Purple Heart
Trachelospermum asiaticum	Asian Jasmine
Trachelospermum jasminoides	Confederate Jasmine, Star Jasmine
Verbena spp.	Verbena
Vinca major	Large Vinca
Vinca minor	Small Vinca
Wedelia trilobata	Wedelia
Acacia hirta	Fern Acacia
Artemesia spp.	Artemesia
Dalea spp.	Dalea
Dyschorista linearis	Snake Herb

Article 11: Appendix A, Approved Plant List

9.2 Definitions

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Marsilea macropoda	Water Clover
Oenothera speciosa	Evening Primrose
Phyla humilis	Frogfruit
Rivina humilis	Pigeonberry
Sedum acre	Stonecrop
Stachys coccinea	Texas Betony
Symphoricarpos orbiculatus	Coralberry
Thryallis augustifolia	Thyallis
ORNAMENTAL GRASSES AND GRASS-LIKE PLANTS	
Agropyron smithii	Western Wheatgrass
Andropogon gerardii	Big Bluestem
Bouteloua curtipendula	Sideoats grama
Chasmanthium latifolium	Inland Sea Oats
Erianthus giganteus	Sugarcane Plume grass
Muhlenbergia capillaris	Gulf Muhly
Muhlenbergia dubia	Pine Muhly
Muhlenbergia dubioides	Weeping Muhly
Muhlenbergia dumosa	Bamboo Muhly
Muhlenbergia lindheimeri	Lindheimer Muhly
Muhlenbergia rigens	Deer Muhly
Muhlenbergia reverchonii	Seep Muhly
Nolina spp.	Beargrass
Panicum virgatum	Switch Grass
Schizachyrium scoparium	Little Bluestem
Schoenocaulon texanum	Green Lily
Sorghastrum nutans	Indian Grass
Stipa tenuissima	Mexican Feathergrass
Tripsacum dactyloides	Eastern Gama grass
Cyperus alternifolius	Umbrella Grass

Article 11: Appendix B, Undesirable Trees

UNDESIRABLE TREES	
Scientific Name	Common Name
<i>Acacia farnesiana</i>	Huisache or Sweet Acacia
<i>Acer negundo</i>	Box Elder
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Albizia julibrissin</i>	Mimosa
<i>Broussonetia papyrifera</i> (L.) (L(Hér. ex. Vent.))	Paper Mulberry
<i>Celtis laevigata</i>	Sugarberry or Hackberry
<i>Eriobotrya japonica</i>	Chinese Loquat or Loquat
<i>Firmiana simplex</i>	Chinese Parasol/Varnish Tree
<i>Fraxinus velut</i>	Arizona Ash
<i>Koelreuteria paniculata</i>	Golden-Rain Tree
<i>Juniperus ashei</i>	Ashe-Juniper or Mountain Cedar
<i>Ligustrum japonicum</i>	Ligustrum or Privet
<i>Melia azedarach</i>	L. Chinaberry tree
<i>Populus nigra</i> "italica"	Lombardy Popular
<i>Prosopis glandulosa</i>	Mesquite
<i>Prunus salicina</i>	Japanese Plum
<i>Pyrus calleryana</i>	Bradford Pear
<i>Sapium sebiferum</i>	Chinese Tallow
<i>Tamarix ramosissima</i>	Ledeb. Saltcedar