

1.4 Definitions.

For the purpose of this Chapter, certain words and terms as used herein are defined as follows:

Words used in the present tense include the future; words in the singular number include the plural, and vice versa; the word "building" includes the word "structure;" the word "shall" is mandatory and not directory; the term "used for" includes the meaning "designed for" or "intended for."

Accessory Dwelling means 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.

Accessory Structure or use means a subordinate building having a use customarily incident to and located on the lot occupied by the main building; or a use customarily incident to the main use of the property.

Alley means 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 shall mean clock towers, bell steeples, light poles, and similar alternative -design mounting structures.

Amusement devices/arcade (also video arcade) means any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to four (4) 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-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar Amusement devices. However, the term "amusement device", as used herein, 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 persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

Amusement services (indoors) means an amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball or handball club, indoor tennis courts or club, indoor swimming pool or scuba diving facility, and other similar types of uses.

Amusement services (outdoors) means a n amusement enterprise offering entertainment or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

Antenna shall mean any exterior apparatus designed for telephonic, radio, or television communication through the sending and/or receiving of electromagnetic waves.

Apartment means a room or a suite of rooms within an apartment house arranged, intended, or designed for a place of residence of a single family, individual, or group of individuals.

Apartment house means same as "Multifamily dwelling."

Artist studio means a work space for artists or artisans, including individuals practicing one of the fine arts or skilled in an applied art or craft.

Assembly Hall means a building or portion of a building in which facilities are provided for civic, educational, political, religious, or social purposes.

Attic means 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.

Auto Supply Store for New and Factory Rebuilt Parts means the use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Bar or Tavern means a commercial establishment, under license from the Texas Alcohol and Beverage commission (TABC), which is principally engaged in the retail sale of alcoholic beverages, with food only incidental to the sale of alcohol.

Base zoning district zoning district means the zoning district, or combination of zoning districts, which will be applied to the subject property contained in a PD. Except as specifically altered through changes or modifications agreed to in the PD land use plan and development standards, the regulations applicable to the base zoning district will apply.

Basement means 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.

Battery charging station means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth.

Bed and Breakfast Inn or Facility(s) means a dwelling or grouping of dwellings at which breakfast is served and sleeping accommodations are provided/offered in rooms or unattached units (e.g., cabins) for transient guests for compensation.

Block means 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 Director shall determine the outline of the block.

Boardinghouse means a building other than a hotel, where lodging or meals are provided for five or fewer persons for compensation, pursuant to previous arrangements, but not with rental or lease periods less than one month.

Building means 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 persons, animals, or property.

Bulk 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.

Cabin means a small one story house built and designed for temporary use.

Cemetery means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes including columbarium's, mausoleums, and funeral establishments, when operated in conjunction with and within the boundary of such cemetery.

Child day care (business) means a commercial children's nursery business or place designed for the care or training of unrelated children for less than 24 hours a day.

Church/place of worship means a building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises, that is tax exempt as defined by State law. For the purposes of this Chapter, Bible study and other similar activities which occur in a person's primary residence shall not apply to this definition.

Civic organization is a civic organization is a group of people who hold regular meetings and work towards a common goal. Examples of such civic organizations include, but are not limited to, women's and men's clubs, Kiwanis (and other philanthropic groups), and business associations.

Clinic means a facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

Club Private means Buildings and facilities owned or operated by a corporation, association, person, or persons for a social, educational, or recreational purpose, but not primarily for profit which inures to any individual and not primarily to render a service which is customarily done as a business.

Common open space is 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 home means a place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Human Resources Code - Community homes for Disabled persons Location Act). The limitation on the number of persons with disabilities applies regardless of the legal relationship of those persons to one another.

Condominium means 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 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.

Conforming means in compliance with the regulations of the pertinent zoning district.

Contractor's office/sales (with outside storage) means a building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Contractor's Shop means an establishment used for the indoor repair, maintenance, or storage of a contractor's vehicles, equipment, or materials, and may include the contractor's business office.

Contractor's Storage Yard means an unenclosed portion of the lot or parcel upon which a construction contractor maintains its principal office or a permanent business office. Designation of the lot or parcel as a contractor's storage yard would allow this area to be used to store and maintain construction equipment and other materials customarily used in the trade carried on by the construction contractor. If permitted to be used in this manner, the entire lot or parcel would then be classified as a "contractor's storage yard" and will be required to conform to all applicable zoning district standards and other legislative regulations.

Convenience Store With (or Without) Fuel Sales means a retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries, including possibly fuel, if pumps are provided. Does not include or offer any automobile repair services.

Corporation includes any officer, employee or agent of a corporation.

Country Club means land area and buildings containing golf courses, recreational facilities, a clubhouse, and other customary accessory uses, which is open only to members and their guests.

Court means 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. Building coverage means the lot area that is covered by all buildings located thereon, including the area covered by all overhanging roofs and canopies.

Coverage, lot. Lot coverage means the combined area of all yards on a given lot.

Crematorium (also known as a crematory) means a facility used for the purification and reduction of bodies by fire.

Curb level means the elevation of the established curb in front of a building measured at the center of such front.

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

Density means the number of dwelling units per gross acre of subdivision, excluding any areas that are nonresidential in use.

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

Depth of rear yard means the horizontal distance between the rear line of the main building and the rear lot line.

Developer means an individual, partnership, corporation or governmental entity undertaking the subdivision or improvement of land and other activities covered by this Chapter, including the preparation of a 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 means the 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.

Distance Between Buildings means the shortest horizontal distance between the vertical walls of two structures.

Drip-line means a vertical line extending from the outermost portion of the tree canopy to the ground.

Drive-through means an establishment that dispenses products or services to patrons who remain in vehicles.

Duplex means 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 in two separate structures on one lot.

Dwelling means a building or structure or portion thereof designed for occupancy by one family for residential purposes as a single housekeeping unit. In no case shall a motor home, trailer coach, automobile chassis, tent, or portable building be considered a dwelling.

FAA shall mean the Federal Aviation Administration.

Facade means 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 facade 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 same facade.

Family. Two or more persons who are related by blood, marriage, adoption or guardianship, living together and occupying a single housekeeping unit with single kitchen facilities, or a group of not more than five persons living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, on a nonprofit, cost-sharing basis.

Family home (adult care in place of residence). A facility that regularly provides care in the caretaker's own residence for not more than six adults at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Family home (child care in place of residence). A facility that regularly provides care in the caretaker's own residence for not more than 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. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

FCC, shall mean the Federal Communications Commission.

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.

Food or Grocery Store. A store having 10,000 square feet or more of floor area devoted principally to the sale of food and household goods which usually includes a bakery and meat market.

Frontage. Lineal distance measured along all abutting street rights-of-way.

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.

Governing authority. shall mean the City Council of the City of New Braunfels, Texas.

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

Gross floor area. 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 home. A group home means a place that provides care for children in accordance with chapter 42 of the Texas Human Resources Code. For city regulatory purposes, the following definitions from chapter 42 of the Texas Human Resources Code will be considered a group home.

Agency foster group home. An agency foster group home means a facility that provides care for seven to 12 children for 24 hours a day, is used only by a licensed child-placing agency, and meets department standards.

Foster group home. A foster group home means a child-care facility that provides care for seven to 12 children for 24 hours a day.

Health Care Facility. Any facility, place, or building maintained and operated to provide medical care. Health care facilities include but are not limited to hospitals, nursing homes, intermediate care facilities, clinics, and home health agencies, all of which are licensed by the state department of health services and defined in the Texas Health and Safety Code.

Heavy load vehicle. A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

Heavy machinery sales and storage. A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

Height. 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.

Height, tower, shall mean, 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.

Heliport. An area of land or water or a structural surface that is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas that are used, or intended for use, for heliport buildings and other heliport facilities.

Helistop. The same as a "Heliport", except that no fueling, defueling, maintenance, repairs, or storage of helicopters is permitted.

Helistop, Hospital. A helistop limited to serving helicopters engaged in air ambulance.

Heritage tree means any tree attaining a circumference of one-half of the state record for that tree species as defined by the Texas Forest Service or 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 Occupation. An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes.

Hospital, general. An institution providing primary health services and medical or surgical care to persons, 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.

Hospital, rehabilitation. An establishment that offers services, facilities, and beds for more than 24 hours for two or more unrelated individuals who are regularly admitted, treated, and discharged and who require services more intensive than room, board, personal services, and general nursing care; has clinical laboratory facilities, diagnostic x-ray facilities, treatment facilities, or other definitive medical treatment; has a medical staff in regular attendance; and maintains records of the clinical work performed for each patient.

Hotel. A facility offering transient lodging accommodations to the general public.

Household. Five or fewer people not a family or a family 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. See also the definition of *Family*.

Industrial Use. The manufacture, fabrication, processing, or reduction of any article, substance, or commodity or any other treatment thereof in such a manner as to change the form, character or appearance thereof. In addition, it shall include trucking facilities, warehousing, storage facilities, businesses serving primarily industry, and similar enterprises. Industrial Use shall not include mini-warehouse/self storage.

Industry, heavy. Uses 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. "Heavy industry" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, solid waste or sanitary waste transfer stations, recycling establishments, truck terminals, public works yards, and container storage.

Industry, light. A use that involves the manufacturing, 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). Warehousing, wholesaling, and distribution of the finished products produced at the site is allowed as part of this use.

Industry, medium. Enterprises in which goods are generally mass produced from raw materials on a large scale through use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

Junkyard or Automotive wrecking and salvage yard. An outdoor place where a person stores three or more vehicles for the purpose of dismantling or wrecking the vehicles to remove parts for sale or for use in automotive repair or rebuilding.

Kennel. The boarding, breeding, raising, grooming, or training of two or more dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain.

Kiosk (Providing a Service). A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

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

Laboratory, support. A facility for scientific laboratory analysis of natural resources, medical resources, and manufactured materials. The scientific analysis is generally performed for an outside customer, to support the work of that customer. This category includes environmental laboratories for the analysis of air, water, and soil; medical or veterinary laboratories for the analysis of blood, tissue, or other human medical or animal products. Forensic laboratories for analysis of evidence in support of law enforcement agencies would also be included in this category.

Landscaped area means 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

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 under this Chapter.

Lot, corner. A lot abutting upon two or more streets at their intersection. A corner lot shall be deemed to front on that street on which it has its least dimension.

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.

Lot frontage. The length of street frontage between property lines.

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

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 Director shall determine the rear line.

Lot line, side. Any lot boundary line not a front or rear line thereof. A side line may be a part lot line, a line bordering on an alley or place or a side street line.

Lot, through. An interior lot having frontage on two streets.

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

Figure 1 – Types of Lots

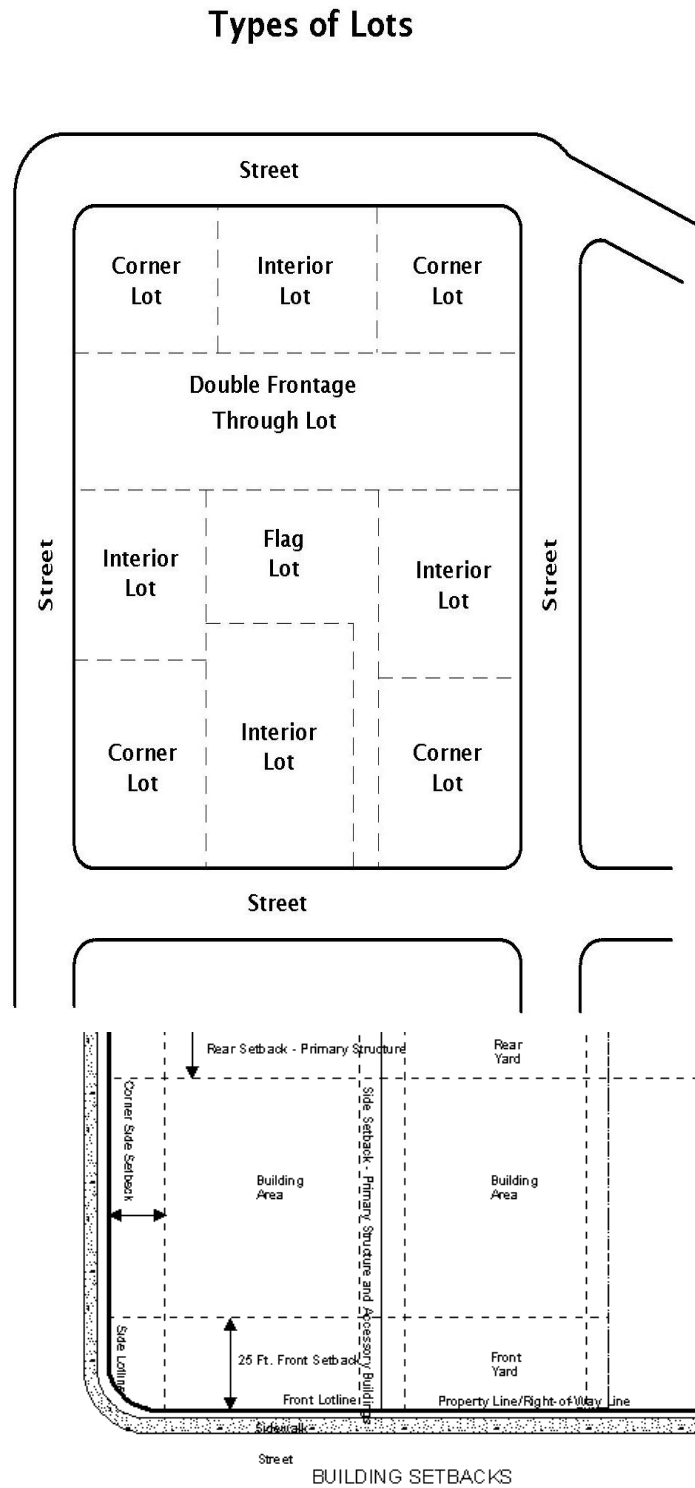


Figure 2 – Lot width, area and depth, and building setbacks

Manufacture home community. A unified development of home spaces restricted to HUD-code manufactured 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 all applicable Chapters.

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

Manufactured home subdivision. Any parcel of land changed, resubdivided or rearranged into two or more parts, for the purpose of accommodating the location of HUD-code manufactured homes thereon.

Manufacturing, light. The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

Medical facilities:

Medical clinic or office. A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

Dental office or doctor's office. Same as medical clinic.

Hospital. (see definitions of Hospital, general and Hospital, rehabilitation.)

Sanitarium. An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

Mini-warehouse/self-storage. Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

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

Microbrewery. A facility for the production and packaging of malt beverages of low alcoholic content for distribution, retail, or wholesale, on or off premise, with a capacity of not more than 15,000 barrels per year. The development may include other uses such as a standard restaurant, bar or live entertainment as otherwise permitted in the zoning district.

Multifamily dwelling. A building or portion thereof, arranged, intended, or designed for occupancy by three or more families, being separate quarters and living independently of each other. Multifamily also means three or more dwelling units on a single lot or parcel, whether attached or detached.

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 this Chapter, and an illegal nonconforming use if established after the passage of this Chapter and not otherwise approved as provided herein.

Oak wilt means a disease caused by the fungus *Ophiostoma fagacearum* (*Ceratocystis fagacearum*).

One family dwelling. A detached building arranged, intended, or designed for occupancy by one family.

Owner is 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.

Parking lot means a paved surface designed and ordinarily used for parking of employee and customer passenger vehicles. The term does not include parking garages or any area used for the sale, display or storage of motor vehicles or areas where vehicle dealerships park their inventory.

Parking space. 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, or plastic pavers interlaid in a running bond pattern and either pinned or interlocked in place. 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.

Pawn shop. An establishment where money is loaned on the security of personal property pledged in the keeping of the owners. The retail sale of primarily used items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

Person. The word "person" when used in this Chapter shall, for the purpose of this Chapter, mean every natural person, firm, partnership, association, corporation or society, and the term "person" shall include both singular and plural, and the masculine shall embrace the feminine gender.

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.

Planning Director means the Director of Planning and Community Development or his/her designee.

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.

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.

Private club. An establishment providing social or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

Protected tree is 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 Chapter, the term "protected tree" includes all heritage trees.

Public property means all parks, esplanades, traffic islands, municipal and utility easements and rights-of-way, and miscellaneous property owned by the city.

Public trees means all trees and shrubs having 50% or more of its diameter, measured at existing grade, resting on public property.

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% of the replacement cost of the structure at the time of the damage, alteration or removal.

Recreational vehicle. Any travel trailer, pickup camper, motor home, camping trailer, tent trailer, or similar vehicle which is designed for human habitation.

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.

Residential District means the following zoning districts: R-1, R-1A-43.5, R-1A-12, R-1A-8, R-1A-6.6, R-2, R-2A, B-1, B-1A, TH, TH-A, ZH, ZH-A, SND-1, ADSD and WNSD. This includes all Special and Planned Development Districts identified as Residential unless otherwise specified within the Special District.

Restaurant. An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

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 shelter is expressed as "1 in 3" or "4:12."

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. See Figure 2 (page 19).

Single-family industrialized home (also called modular prefabricated structure or modular home). A structure or building module, as defined under the jurisdiction and control of the Texas Department of Labor and Standards, that is transportable in one or more sections on a temporary chassis or other conveyance device, and that is designed to be installed and used by a consumer as a fixed residence on a permanent foundation system. The term includes the plumbing, heating, air-conditioning and electrical systems contained in the structure. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Article 5221f, V.A.C.S.), nor does it include a recreational vehicle as that term is defined by this code. Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

Site. A tract of property that is the subject of a development application.

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.

Special Event. A festival, celebration, or gathering that involves the reservation and temporary use of a portion of a private property that includes one or more of the following: entertainment; dancing; music; dramatic productions; art or cultural exhibitions; the sale of merchandise, food, or beverages. The term does not pertain to buildings or properties that are available to the general public and/or that host 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 any other similar facility or property.

Stable, private. An accessory building for the keeping of horses, ponies, or mules owned by occupants of the premises, and not kept for remuneration, hire or sale.

Stable, riding. A structure in which horses, ponies, or mules, used exclusively for pleasure riding or driving, are housed, boarded, or kept for hire.

Storage, Outdoor. The storage, collection or display for more than three consecutive days, or any part of a day for three consecutive days, of any products, materials, equipment, appliances, vehicles not in service, or personal property of any kind on an unenclosed, uncovered area.

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

Street yard is 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 constructed or erected, 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 section. 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.

Temporary field office or construction yard or 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 outdoor retail sales. The display and sales of products outside of a building or structure which is not an accessory use to the retail store on the tract on which the temporary sales will be located.

Tower. Any 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 the like.

Townhouse. A "townhouse" is 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.

Tree is 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 article, 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 includes the percentage of the parking lot 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.

Truck Stop. 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 overnight accommodations, showers, or restaurant facilities primarily for the use of truck crews. Truck stops may only be located outside a two mile radius of another truck stop.

Trunk circumference is the distance around the trunk of a tree measured six inches (6") 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 circumferences of the two largest individual trunks.

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

Vehicle Storage Facility (VSF). A garage, parking lot, or any facility owned or operated by a person, other than a governmental entity, for storing or parking 10 or more vehicles per year, without the consent of the owners of the vehicles. All VSFs must be licensed by the Texas Department of Transportation's Motor Carrier Division.

Vending. 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.

Wrecking yard (junkyard or auto salvage). Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Xeriscape is 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.

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, 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.

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