

## APPENDIX A

**Access Street** - shall mean any public street within a subdivision or along the boundaries of a subdivision which would serve any properties outside the plat boundaries or provide a connection directly with a collector street.

**Accessory Use or Structure** - shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

**Adult Bookstore** - shall mean a business which sells, exhibits, or offers for sale or rental sexually explicit books, devices, films or videotapes.

**Adult Day-care Facility** - shall mean a licensed or accredited facility that provides counseling, recreation, food, or any or all of these services to four or more elderly or handicapped persons who are not related by blood, adoption, or marriage.

**Adult Day Health Care Facility** - shall mean a facility that provides health care or physical therapy or both and that may also provide adult day-care services on a daily or regular basis but not overnight to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility; and which requires state licensing or accreditation. (Amended 4/6/92, Ord. No. 92-0-076)

**Adverse Impact** - means any deleterious effect on wetlands, including their quality, quantity, surface area, species composition, aesthetics, or usefulness for human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interferes with the enjoyment of life or property, including outdoor recreation.

**Agricultural Use** - shall mean any activity related to the cultivation of the soil, the production of crops for human food, animal feed or planting seed or for the production of fibers; floriculture, viticulture or horticulture; the raising or keeping of livestock; the planting of cover crops or the leaving land idle for the purpose of participating in any governmental program or recognized, normal crop rotation or livestock rotation procedure. A residential unit and related outbuildings located wholly on a tract of land used solely for one or more of the purposes described in the preceding sentence shall be deemed an agricultural use.

**Air installation compatible use zone** - shall mean those land areas upon which limited control is required with respect to land uses that may obstruct airspace because found generally compatible with airport operations, posing no health or safety hazard for aircraft operations.

**Airport** - shall mean the Laredo International Airport.

**Airport Elevation** - shall mean the highest point airport usable landing area measured in feet above mean sea level.

**Airport hazard** - shall mean any structure or object of natural growth located in the vicinity of the airport which obstructs the airspace required for the flight of aircraft or airport operations.

**Airport Obstruction** - shall mean any structure or object of natural growth or use of land which would exceed the federal obstruction standards established in 14 CFR sections 77.21, 77.23, 77.25 and 77.28, or which obstructs the airspace required for flight of aircraft in landing or take-off, or is otherwise hazardous to airport operations.

**Airspace height** - shall mean the height limits established in this chapter, to be measured in feet above mean sea level.

**Alley** - A minor public right-of-way which affords only a secondary means of access to abutting property.

**Alluvial Fan Flooding** - means flooding occurring on the surface of an alluvial fan or similar landform

which originates at the apex and is characterized by high-velocity flows; active processes of erosion, sediment transport, and deposition; and unpredictable flow paths.

**Alternative tower structure** - shall mean any man-made trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**Amusement Redemption Machine** - an amusement redemption machine is a skill or pleasure coin-operated machine that is designed, made, and adapted solely for bona fide amusement purposes, and that by operation of chance or a combination of skill and chance affords the user, in addition to any right of replay, an opportunity to receive exclusively non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items. An amusement redemption machine does not include:

(1) a machine that awards the user non-cash merchandise prizes, toys, or novelties solely and directly from the machine, including claw, crane, or similar machines, nor;

(2) a machine from which the opportunity to receive non-cash merchandise prizes, toys, or novelties, or a representation of value redeemable for those items, varies depending upon the user's ability to throw, roll, flip, toss, hit, or drop a ball or other physical object into the machine or a part thereof, including basketball, skeeball, golf, bowling, pusher, or similar machines.

**Amusement Redemption Machine Establishment** - any business, organization, or institution which provides patrons access to amusement redemption machines, excluding a bar with five (5) or fewer machines.

**Antenna** - shall mean any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

**Antique Store** - shall mean a retail store located within an enclosed structure which sells objects, art, handicrafts, furniture, glassware, guns, linens or other items fabricated more than fifty years earlier which have unique artistic or historical merit.

**Apartment** - shall mean a dwelling unit designed to be rented as a part of an apartment house or attached to a single-family dwelling.

**Apartment Building** - shall mean a building under the ownership of a single person or entity containing three (3) or more separate living units for rental or lease, with facilities for living, sleeping, cooking and eating.

**Apartment garage** - shall mean a dwelling unit with facilities for living, sleeping, cooking, and eating designed or constructed as part of a facility designed primarily to house or store motor vehicles or machinery.

**Apex** - means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**API** - shall mean the American Petroleum Institute.

**Appeal** - means a request for a review of the City Engineer's interpretation of any provisions of the storm water management code.

**Applicant** - means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

**Appurtenant Structure** - means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

**Area of Future Conditions Flood Hazard** - means the land area that would be inundated by the 1-percent-annual chance (100 year) flood based on future conditions hydrology.

**Area of Shallow Flooding** - means a designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

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

**Art, artwork or work of art** - means any work product of an artist, including all forms of performing arts, literary arts, and plastic or visual arts, conceived in any medium, material, modeling, music, theater, tattooing, literature, painting, printing, drawing, engraving, frescos, stained glass, mosaics, mobiles, tapestries, carving, sculpture, murals, fashion design, jewelry design, photography, film, video, digital imaging, bas-relief, high relief, fountains, kinetics, culinary arts, and collages. (Added 7/6/10, Ord. No. 2010-0-084)

**Art establishment** - means an establishment primarily dedicated to the creation, dissemination, teaching or practice of art, its display, exhibition, storage, or offer for sale, and includes but is not limited to antique shops, art galleries, artist live/work spaces, art studios, art supplies stores, bookstores, libraries theaters, art museums, and schools of music, art, culinary arts or dance, but does not include sexually oriented businesses. (Added 7/6/10, Ord. No. 2010-0-084)

**Art gallery** - means an art establishment dedicated to the promotion and sale of art, open to the public, with standard business hours for more than four (4) days per week. (Added 7/6/10, Ord. No. 2010-0-084)

**Art studio** - means an art establishment used by an artist exclusively for the creation, production, rehearsing, or performance of art, and/or from where art may be promoted, sold or offered. (Added 7/6/10, Ord. No. 2010-0-084)

**Arterial** - shall mean any existing or proposed street identified as such on the adopted Major Thoroughfare Plan of the City of Laredo.

**Artist** - means a person regularly engaged in and who derives a substantial portion of his/her annual income from the creation of art, either written, composed, produced or otherwise executed. (Added 7/6/10, Ord. No. 2010-0-084)

**Artist live/work space** - means an art studio in which an artist is allowed to reside. (Added 7/6/10, Ord. No. 2010-0-084)

**As-built Plan** - shall mean a set of engineering or site drawings that delineate the specific permitted storm water infrastructure as actually constructed.

**Automotive, Mobile Home, Travel Trailer and Farm Implement Sales** - The sale or rental of new and used motor vehicles, mobile homes, travel trailers or farm implements, but not including repair work, except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Repairs** - shall mean the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

**Automotive sales** - shall mean the sale, rental, or display of passenger cars and light trucks.

**Automotive wrecking and salvage** - shall mean the wrecking or salvage of used motor vehicles, mobile homes, or trailers, or the storage, sale, disposal of dismantled or partially dismantled, obsolete or wrecked vehicles, or parts of vehicles.

**A-Zones** - are found on all Flood Hazard Boundary Maps (FHBM)s, Flood Insurance Rate Maps (FIRMs), and Flood Boundary and Floodway Maps (FBFMs). An A-Zone is an area that would be flooded by the Base Flood, and is the same as a Special Flood Hazard Area (SFHA) or a 100-year floodplain. These areas may be unnumbered as AE, AH, or AO Zones. Numbered A-Zones indicate an area's risk to flooding.

**Backwater Effect** - The rise in water surface elevation caused by some obstruction such as a narrow bridge opening, buildings, or fill material that limits the area through which the water must flow. Also referred to as "heading up."

**Bar** - shall mean an establishment whose primary business is the serving of alcoholic beverages for public consumption on the premises whether or not entertainment, dancing, or food items are also provided. For purposes of this definition, "primary business" means the establishment derives in excess of fifty percent (50%) of its gross revenue on a quarterly basis from the sale or service of alcoholic beverages, as defined in the Texas Alcoholic Beverage Code (as amended), for on-premise consumption. This definition does not include bona fide restaurants, hotels, motels, or sports related facilities such as golf courses, bowling alleys or sports arenas, or the serving of alcoholic beverages at publicly or privately sponsored events such as weddings, public celebrations, quinceañeras or the like.  
(Amended 2/4/13, Ord. No. 2013-O-005)

**Base Flood** - means the flood having a 1 percent chance of being equaled or exceeded in any given year.

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

**Base Floodplain** - The floodplain that would be inundated by a one-percent chance (100-year) flood.

**Basement** - Any area of the building having its floor subgrade (below ground level) on all sides.

**Bed and Breakfast** - shall mean an owner-occupied detached single family dwelling which provides tourist lodging services and is managed and owned by the owner-occupant and not more than one other person is employed by the owner on the premises except members of the immediate family of the owner/manager who also live on the premises. The owner/operator is required to maintain a current guest register to include names, addresses, fees collected and dates of occupancy, and must provide proof of the collection and payment of state and local Hotel/Motel Occupancy Tax to the City upon request. A bed and breakfast shall have no more than six (6) guest rooms for temporary occupancy by tourists, and individual guest rooms shall be without cooking facilities. Any establishment with more than six (6) rooms shall be considered a hotel and shall be required to comply with the zoning provisions for such uses. The exterior of the premises used for a bed and breakfast must be indistinguishable from any other single family dwellings of like design and character, in that no commercial displays, show windows, exterior storage areas, and outside storage of any nature are evident, with the exception of signs and outdoor advertising provided for in Section 24.82 of the Laredo Land Development Code.

**Best Management Practices or "BMP"** - shall mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of

the United States. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**Block** - shall mean an identified tract or parcel of land surrounded by a street or streets, and other physical features which may be further subdivided into individual lots or reserves.

**Board** - shall mean the Zoning Board of Adjustment as authorized by Article IX, Section 9.05, of the Charter of the City of Laredo, 1981 and 211.008 Tex. Loc. Govt. Code.

**Boarding house** - shall mean a rooming house where meals and lodging is provided for compensation for three or more unrelated persons, and where no cooking or dining facilities are provided in the individual rooms.

**Breakaway Wall** – means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

**Buffering** - shall mean the planting of trees and/or shrubs, designed to minimize the transmission of unwanted noise, light, vibration, dust, traffic or activity from one property to adjoining public or private properties.

**Buildable Width** - The width of that part of a lot not included within the set-backs herein required.

**Building** - See structure. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, or property.

**Building, Accessory** - A subordinate building detached from, but located on the same lot as the principal building the use of which is incidental and accessory to that of the main building.

**Building Height** - The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roof and the mean height between eaves and ridge for gable hip and gambrel roofs.

**Building Line** - See setback line.

**Building Permit Application** - shall mean an application submitted to the Building Official under the provisions of the Southern Standard Building Code, as amended, for new construction and remodeling which includes exterior remodeling which increases the exterior dimensions of any structure; which includes the replacement of 51% of an existing roof; the construction of a masonry wall or fence exceeding thirty inches in height measured from natural grade; the enclosure of an existing canopy, carport, porte-cochere; or the construction of decking which exceeds thirty inches from natural grade.

**Caliper** - shall mean the diameter of a tree measured twelve (12) inches above the ground.

**Carnival** - shall mean temporary entertainment facilities providing rides, exhibits, games, musical productions, food and drink, and items for sale as part of a private commercial venture.

**Cemetery** - shall mean land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with and within the boundaries of such cemetery.

**Certificate of Compliance** - shall mean a written certificate issued by the Commission denoting that a subdivision plat or replat has been reviewed and approved.

**Certificate of No Plat Required** - shall mean certification by the Department based on documented conveyances of real property, that a tract of land is excepted from platting requirements.

**Certificate of title** - shall mean a letter, report, opinion, statement, policy, or certificate prepared and executed by a title company authorized to do business in the State of Texas, or an attorney licensed in Texas, describing all encumbrances of record which affect the property, together with all recorded deeds, including any part of the property included in the plat.

**Children's Amusement Services (Outdoors)** - an establishment which provides a service that is oriented towards the amusement of children. The establishment will prohibit the possession and or consumption of alcoholic beverages on its premises. Noise levels shall remain under 70 decibels to be measured no more than eight (8) feet and no less than four (4) feet from the sound source. It will only operate from 8:00 a.m. - 11:00 p.m. Lighting shall be directed away from adjacent properties. Fencing shall be a masonry wall no less than seven (7) feet tall for areas adjacent to residential uses or residential district.

**Child-Care Home Types:** (Amended Ord. No. 2009-O-158, 9/21/08)

- (a) Registered Child-Care Home - shall mean a home in which the registered primary caregiver provides care in the caregiver's own residence for not more than six children from birth through 13 years, and may provide care after-school hours for not more than six additional elementary school children. The total number of children in care at any given time, including the children related to the caregiver, must not exceed 12.
- (b) Licensed Child Care Home – shall mean a home in which the registered primary caregiver provides in the caregiver's own residence for children from birth through 13 years. The total number of children in care varies with the ages of the children and the total number of caregivers (see attached chart), but the total number of children in care in a licensed child-care home at any given time, including the children related to the caregiver, must not exceed 12.

**City** - shall mean the City of Laredo, Texas.

For purposes of Section 24-59, Storm Water Management, shall mean the City of Laredo, Texas and its jurisdictional territory.

**City Engineer** - shall mean the person appointed to the position of Director of the Engineering Department or his/her authorized representative. (Amended 5/17/04, Ord. No. 2004-0-105)

**City Petroleum Superintendent** - shall mean the representative or official of the city who is charged with the responsibility of carrying out the provisions of this article.

**City Tree Official** - The Director of Parks and Recreation or his appointed designee.

**Clearing** - means the removal of trees and brush from the land but shall not include the ordinary moving of grass.

**Clinic, medical or dental** - shall mean a facility utilized by practitioners or para-professionals providing outpatient services. A clinic may also contain private offices or be a building which may contain three (3) or more physicians and/or dentists, their assistants, laboratory/s and/or apothecary limited to the sale of pharmaceutical and medical supplies, diagnostic equipment (i.e. x-ray, MRI) and/or minor surgical facilities. A clinic shall not include in-patient care or operating rooms for major surgery.

**Club** - shall mean a structure or portion thereof or premises used for a social, literary, political, educational or recreational purpose of members and their guests which is not open to the general public.

**Coin Operated Machine** - A coin operated machine includes a machine or device operated by the payment or insertion of paper currency or any other consideration.

**Collocation** - shall mean, when referring to communication towers and antennas, the placing together of

multiple antennas on a single communication tower or structure.

**Commencement of Construction** - shall mean the initial disturbance of soils associated with clearing, grading, excavating, land filling, and other construction activities.

**Commercial condominium** - shall mean that portion of a commercial, institutional or office structure under individual ownership, sharing a common lot with ownership and management of common areas held by an organization or association of property owners subject to the Texas Condominium Act.

**Commission** - shall mean the City Planning and Zoning Commission.

**Communication Tower** - shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

**Completion** - shall mean the work conducted upon a well's well bore to establish production of the resource or injection of fluids after the production casing string has been set, cemented, and pressure tested, including perforating casing, setting packers and tubing, and setting the well in place.

**Comprehensive Master Plan** - shall mean the plan adopted by the Planning Commission and the City Council, showing the general location and extent of present housing, industrial and commercial uses, major thoroughfares, parks, schools and other community facilities, and which sets growth policies and generalized future land uses.

**Community** - Community means any State or area or political subdivision thereof, or any Indian tribe or authorized native organization, which has the authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**Conditional Use** - shall be defined as a use allowed within certain zoning districts under certain conditions.

**Conditional Use Permit** - shall be defined as a permit granted solely on a discretionary and conditional basis by the City Council, which authorizes a land use in a zoning district in which that use is not normally permitted. All requirements of a Conditional Use Permit are in addition to and supplement land development code requirements.

**Condominium apartment** - shall mean an apartment contained in a structure housing three (3) or more residential units designed for living, eating, cooking or sleeping, under individual ownership, with ownership and management of common areas entrusted to a duly organized association of owners of property as provided in the Texas Condominium Act.

**Construction** - shall mean any human activity that involves clearing, grading, excavation, land filling, or other placement, movement, removal, or disposal of soil, rock, or other earth materials.

**Contaminated** - shall mean containing a harmful quantity of any substance.

**Conversion** - shall mean physically changing the function of a well from one use to another. Developed residential or commercial area - shall mean any property on which a structure is located and is zoned to allow for residential or commercial uses.

**Corner lot** - shall mean a lot located at the intersection of two local public streets or thoroughfares.

**Council** - shall mean the City Council of Laredo, Texas.

**Critical Feature** - means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

**Critical Root Zone** - shall mean, for any tree, the area within a circle centered on the location of the trunk. The circle's diameter is one-half the sum of the broadest and narrowest drip line diameters.

**Cul-de-sac Street** - shall mean a street which is not a through street and which terminates in a turnaround.

**Damage** - shall mean any action taken which could cause a tree's death, either immediately or after a reasonable period of time, such as severing the main trunk or large branches or large roots, girdling, poisoning, carving, mutilating, touching with live wires, crushing or exposing roots, digging or drilling a hole larger than three (3) cubic feet (or a trench) within the Critical Root Zone, covering a substantial part of the Critical Root Zone, or compacting a substantial part of the soil within the Critical Root Zone. The above are examples and not intended to limit this definition.

**Day Care Center** - shall mean a facility that provides care for more than 12 children under 14 years of age for less than 24 hours a day which requires state licensing or accreditation. (Amended 4-6-92, Ord. No. 92-0-75)

**Department** - shall mean the Department of Planning & Building Services.

**Density** - shall mean the number of dwelling units per acre or square foot of area.

**Designated Floodway** - The channel of a stream and that portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

**Design Flood** - Commonly used to mean the magnitude of flood used for design and operation of flood control structures or other protective measures. It is sometimes used to denote the magnitude of flood used in floodplain regulations.

**Design Report** - shall mean the report that accompanies the storm water management plan and includes data used for engineering analysis, results of all analysis, design and analysis calculations (including results from computer programs), and other engineering data that would assist the City Engineering evaluating proposed storm water management facilities.

**Detention Structure** - shall mean a permanent storm water management structure whose purpose is to temporarily store storm water runoff and release the stored runoff at controlled rates.

**Developed residential or commercial area** - shall mean any site on which a structure is located and is zoned to allow for residential or commercial uses.

**Development** - shall generally mean any of the following actions undertaken by a public or private individual or entity:

1. The division of a lot, tract or parcel of land into two (2) or more lots, plots, sites, tracts, parcels or other divisions by plat or deed, or
2. Any land change, including, without limitation, clearing, tree removal, grubbing, stripping, dredging, grading, excavating, transporting and filling of land.
3. Any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.



**Director** - shall mean the Director of the Department of Planning & Building Services, or his designee.

**Discharge** - shall mean any addition or introduction of any pollutant, storm water, or any other substance whatsoever into the municipal separate storm sewer system (MS4) or into waters of the United States.

**Discharger** - shall mean any person who causes, allows, permits, or is otherwise responsible for a discharge, including without limitation, any operator of a construction site or industrial facility.

**District** - shall mean a zoning district within any section of the City.

**Dormitory** - shall mean a structure designed for long-term occupancy by three or more unrelated persons, and where no cooking or dining facilities are provided in the individual rooms.

**Double-front lot** - shall mean a lot located between two public streets with frontage on both.

**Drainage area** - shall mean that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

**Drainage channel** - shall mean a natural or artificially constructed watercourse which provides for stormwater run-off.

**Drilling Block** - shall mean the surface area of those blocks of land upon which drilling and production operations are to be conducted.

**Drilling Unit** - shall mean the minimum number of acres surrounding the well required under R.R.C. Form W-1.

**Drinking water** - shall mean all water distributed by any agency or individual, public or private for the purpose of human consumption or which may be used in the preparation of foods or beverages or for the cleaning of any utensil or article used in the course of preparation of food or beverages for, human bathing or clothes washing.

**Dripline Diameter** - shall mean an imaginary line on the ground, at the furthest extension of the canopy around the circumference of a tree. Typically the dripline is not a perfect circle.

**Drive-In Restaurant** - shall mean a restaurant that serves customers who may order from and eat within their vehicles.

**Drive-through restaurant** - shall mean a business which provides food service to customers through an exterior window.

**Drive-through Store** - shall mean a retail establishment which supplies merchandise to customers through an exterior window or at the window of their vehicle.

**Drug and Tobacco Paraphernalia Shop (a/k/a Head Shop)** - shall mean any premises or establishment having a substantial or significant portion of its stock in trade in drug paraphernalia or which has as its main purpose the offering for sale, or that presents or, displays for sale, drug paraphernalia, or items, equipment or products commonly used, intended to be used or commonly known to be used for the ingestion, inhalation, preparation or injection of illegal substances.

(Added Ord. No. 2014-O-153, 11/17/14)

**Drug paraphernalia means equipment** - a product, or material that is used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, or concealing a controlled substance in violation of this chapter or in injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. The term

includes: (Added Ord. No. 2014-O-153, 11/17/14)

- (A) a kit used or intended for use in planting, propagating, cultivating, growing, or harvesting a species of plant that is a controlled substance or from which a controlled substance may be derived;
- (B) a material, compound, mixture, preparation, or kit used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
- (C) an isomerization device used or intended for use in increasing the potency of a species of plant that is a controlled substance;
- (D) testing equipment used or intended for use in identifying or in analyzing the strength, effectiveness, or purity of a controlled substance;
- (E) a scale or balance used or intended for use in weighing or measuring a controlled substance;
- (F) a dilutant or adulterant, such as quinine hydrochloride, mannitol, inositol, nicotinamide, dextrose, lactose, or absorbent, blotter-type material, that is used or intended to be used to increase the amount or weight of or to transfer a controlled substance regardless of whether the dilutant or adulterant diminishes the efficacy of the controlled substance;
- (G) a separation gin or sifter used or intended for use in removing twigs and seeds from or in otherwise cleaning or refining marihuana;
- (H) a blender, bowl, container, spoon, or mixing device used or intended for use in compounding a controlled substance;
- (I) a capsule, balloon, envelope, or other container used or intended for use in packaging small quantities of a controlled substance;
- (J) a container or other object used or intended for use in storing or concealing a controlled substance;
- (K) a hypodermic syringe, needle, or other object used or intended for use in parenterally injecting a controlled substance into the human body; and
- (L) an object used or intended for use in ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, including:
  - (i) a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe with or without a screen, permanent screen, hashish head, or punctured metal bowl;
  - (ii) a water pipe;
  - (iii) a carburetion tube or device;
  - (iv) a smoking or carburetion mask;
  - (v) a chamber pipe;
  - (vi) a carburetor pipe;
  - (vii) an electric pipe;
  - (viii) an air-driven pipe;
  - (ix) a chillum;
  - (x) a bong; or
  - (xi) an ice pipe or chiller.

**Duplex** - shall mean a single building or structure designed to contain two (2) separate living units with facilities for living, sleeping, cooking and eating.

**Dwelling Unit** - shall mean a structure designed for human occupancy with facilities for eating, sleeping

and cooking, but not including hotels or motels.

**Dwelling, Single-Family detached** - shall mean a dwelling unit contained in a free-standing structure designed for occupancy by a single family.

**Dwelling, Two-Family** - shall mean a single structure containing two dwelling units. See Duplex.

**Dwelling, Multi-Family** - shall mean a single structure containing three or more dwelling units.

**Easement** - shall mean the right of use over the property of another. For purposes of Section 24-59, Storm Water Management, shall mean a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

**Economically Distressed Area** - means an area in which the water supply or sewer services are inadequate to meet minimal needs of residential users as defined by the Texas Water Development Board (board) rules; financial resources are inadequate to provide water supply or sewer services that will satisfy those needs; and an established residential subdivision was located on June 1, 1989, as determined by the board.

**Effective Grain Size** - shall mean the diameter of filter sand or other aggregate that corresponds to the ten (10) percentile finer by dry weight on the grain size distribution curve.

**Elevated Building** - means, for insurance purposes, a non-basement building, which has its lowest elevated floor, raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

**Elevation** - The placement of a structure above flood level to minimize or prevent flood damages.

**Eligible Tree** - shall mean any tree, evergreen or deciduous, which at the time of planting has a caliper equal to or greater than one and one half (1 1/2) inches measured six (6) inches above the soil, and not less than six (6) feet in height.

**Emergency Care Clinic** (Outpatient) – A facility providing medical care to persons requiring immediate attention for minor medical emergencies which do not require trauma level or major surgical treatment and hospitalization on a 24-hour basis with no provision for continuing medical care on an inpatient basis and which may include incidental medical testing, laboratory and other diagnostic services.

**Engineer** - shall mean a person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

**Entertainment establishment** - means an establishment which provides an ongoing activity or business to which the public is invited or allowed to watch, listen, or participate, to divert or amuse guests or patrons, including but not limited to presentations by single or multiple performers, such as comedians, musical song or dance acts, plays, concerts, demonstrations of talent, shows, reviews, hypnotists, pantomimes, or any other similar activity which may be attended by members of the public. Also included are cabarets, dancehalls, discotheques, discos, music venues, nightclubs, restaurants, and bars. Sexually oriented businesses are excluded from this definition. (Added 7/6/10, Ord. No. 2010-0-084)

**Environmental Protection Agency or EPA** - shall mean the United States Environmental Protection Agency, the regional office thereof, any Federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

**Environmentally Sensitive Area** - Any area wherein plant or animal life, listed in the Texas Endangered Species Act and/or the Federal Endangered Species Act, exists or there is evidence of their inhabitation. (Amended 5/17/04, Ord. No. 2004-0-105)

**Erosion** - shall mean the wearing away of land surface by the action of wind, water, gravity, ice or any combination of these forces. (Amended 5/17/04, Ord. No. 2004-0-105)

**Escort Agency** - means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

**ESD Director** - shall mean the administrative head of the city Environmental Services Department and/or his/her authorized representative. (Amended 5/17/04, Ord. No. 2004-0-105)

**Essential Services** - shall mean infrastructure for provision of services by public and private utilities but not including buildings.

**Existing Construction (For Section 24.69 Flood Damage Prevention only)** - means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. "Existing construction" may also be referred to as "existing structures."

**Existing Manufactured Home Park or subdivision (For Section 24.69 Flood Damage Prevention only)** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Expansion to an Existing Manufactured Home Park or Subdivision** - means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**Extraterritorial jurisdiction** - shall mean the unincorporated territory extending five (5) miles beyond the City limits established by the authority and subject to the limitations of Chapters 42 of the Local Government Code.

**FAA** - shall mean the Federal Aviation Administration.

**Facility** - shall mean any building, structure, installation, process, or activity from which there is or may be a discharge of a pollutant.

**Family** - shall mean one or more persons related by blood, marriage, or adoption, or more than one but less than six unrelated individuals who share common living space.

**Family Home** - A home 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, but the total number of children, including the caretaker's own, does not exceed 12 at any given time. (Amended 4/6/92, Ord. No. 92-0-75)

**FCC** - shall mean the Federal Communications Commission.

**Federal Emergency Management Agency (FEMA)** - This agency was created in 1979 to provide a single point of accountability for all Federal activities related to disaster mitigation, emergency preparedness, response, and recovery.

**Federal Insurance Administration (FIA)** - The government unit, a part of FEMA, that administers the National Flood Insurance Program.

**Fee Owner** - shall mean the owner of a fee simple mineral estate which is not subject to an oil, gas and mineral lease.

**Fence** - shall mean an artificially constructed barrier enclosing all or part of a tract of land intended to prevent escape or intrusion, or to establish a boundary.

**Fill** - Material such as earth, clay, or crushed stone that is dumped in an area and compacted to increase ground elevation.

**Filing date** - shall mean the date on which a plat is first presented to the Commission for its approval as part of the official agenda.

**Filtration or "To Filter"** - shall mean the selective removal of suspended matter from storm water by passing the water through at least 2 feet of suitable fine textured granular media such as porous soil, uniformly graded sand and gravel, or other natural or artificial aggregate, which may be used in conjunction with filter fabric and/or underdrain pipe.

**Final Stabilization** - shall mean the status when all soil disturbing activities at a site have been completed, and a uniform perennial vegetative cover with a density of 70% of the cover for unpaved areas and areas not covered by permanent structures have been established, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.

**Fire Department** - shall mean the Fire Department of the City of Laredo, or any duly authorized representative thereof.

**Fire Protection Water** - shall mean any water, and any substances or materials contained therein, used by any person other than the Fire Department to control or extinguish a fire.

**First Order Stream** - No defined tributaries drain into this stream and it normally originates from springs, seeps or rain runoff from the higher elevations in a watershed and conducts water into a higher order stream. First order streams appear on a USGS 1:24000 Topographical Map. (Amended 5/17/04, Ord. No. 2004-0-105)

**Five-Year Frequency Storm** - shall mean a storm that is capable of producing rainfall to be equaled or exceeded on the average of once in five (5) years. It may also be expressed as an exceedance probability with a twenty (20%) percent chance of being equaled or exceeded in any given year.

**Flag lot** - shall mean a lot of irregular shape with reduced frontage on a public or private street with dimensions which are otherwise adequate at the building line. The term flag lot is interchangeable with 'key lot'.

**Flash Flood** - A flood that crests in a short length of time and is often characterized by high velocity flow. It is often the result of heavy rainfall in a localized area.

**Flea Market** - shall mean an enclosed or unenclosed marketplace where second-hand, crafts, antiques or other goods are regularly offered for sale by two or more merchants. Fund raising events sponsored by religious, charitable, education, social or political organizations are not a flea market.

**Flood or Flooding** - means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters.
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Boundary Floodway Map (FBFM)** - The FBFM is a map that may be included with a Flood

Insurance Study printed prior to 1986. It identifies the floodway and, along with the study, provides the technical basis for floodplain management regulations.

**Flood Control** - Keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

**Flood Crest** - The maximum stage or elevation reached or expected to be reached by the waters of a specific flood at a given location.

**Flood Elevation Study** - means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

**Flood Frequency** - A statistical expression of the average time period between floods equaling or exceeding a given magnitude. For example, a 100-year flood has a magnitude expected to be equaled or exceeded on the average of once every hundred years; such a flood has a one-percent chance of being equaled or exceeded in any given year. Often used interchangeably with recurrence interval.

**Flood Fringe** - That portion of the floodplain that lies beyond the floodway and serves as a temporary storage area for flood waters during a flood. This section receives waters that are shallower and of lower velocities than those of the floodway.

**Flood Hazard** - Flood hazard is the potential for inundation and involves the risk of life, health, property, and natural value. Two reference base are commonly used: (1) For most situations, the base flood is that flood which has a one percent chance of being exceeded in any given year (also known as the 100-year flood); (2) for critical actions, an activity for which a one percent chance of flooding would be too great, at a minimum the base flood is that flood which has a 0.2 percent chance of being exceeded in any given year (also known as the 500-year flood).

**Flood Insurance Rate Map (FIRM)** - means an official map of a community, on which the Federal Emergency Management Agency has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

**Flood Insurance Study** - see Flood Elevation Study

**Floodplain Management** - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management.

**Floodplain Management Regulations** - means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodplain or Flood-Prone Area** - means any land area susceptible to being inundated by water from any source (see definition of flooding).

**Flood proofing** - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

**Flood Protection System** - means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the

depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**Floodway** - see Regulatory Floodway

**Flood Warning** - The issuance and dissemination of information about an imminent or current flood.

**Flood Zones** - Zones on the Flood Insurance Rate map (FIRM) in which the risk premium insurance rates have been established by a Flood Insurance Study.

**Floor Area: Gross** - shall mean the total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

**Floor Area: Net** - shall mean the gross floor area of a building less stairs, washrooms, elevator shafts, and other common areas open to public or semi-public use.

**Food Processing** - shall mean the preparation, storage or processing of food or comestibles.

**Foundation** - The underlying structure of a building, usually constructed of concrete, that supports the foundation walls, piers, or columns.

**Fourth Order Stream** - is a stream formed by the confluence of two third order streams.  
(Amended 5/17/04, Ord. No. 2004-0-105)

**Freeboard** - Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Frontage** - shall mean the portion of any tract which abuts a public street right-of-way affording primary access to the tract.

**Functionally Dependent Use** - means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**Garage** - shall mean an enclosed structure designed to provide automobile or motor vehicle storage accessory to a main structure.

**Garage or Yard Sale** - shall mean the sale or offer of second-hand merchandise for sale on an occasional basis not exceeding two consecutive days nor on more than two separate occasions during a twelve month period.

**General Development Plan** - shall mean a map or plat designed to illustrate the general design features and street layout of a subdivision which is proposed to be developed and platted in sections.

**Grading** - shall mean excavating, filling (including hydraulic fill) or stockpiling of earth material, or any combination thereof, including the land in its excavated or filled condition.

**Greenbelt** - shall mean that section of street or highway right-of-way that is usually unpaved. Greenbelt may also refer to medians and other designated areas reserved for landscaping or pedestrian traffic. Greenbelt areas are not limited to streets or highways on public land.

**Halfway House (Criminal)** - A licensed home for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein supervision, rehabilitation, and counseling are provided to mainstream residents back into society, enabling them to live independently. (added 12/21/09; Ord. No. 2009-O-225)

**Hedge** - shall mean a landscape barrier consisting of a continuous, dense planting of shrubs.

**Height** - shall mean, when referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

**Highest Adjacent Grade** - means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Highway Business Use** - a commercial enterprise whose trade relies on locations along or proximate to major traffic arterials, thoroughfares and intersections. Highways uses include but are not limited to auto sales and services, automotive service stations, motels, restaurants.

**Historic District** - shall mean an historic overlay district subject to the design and preservation standards established by the Historic District/Landmark Board:

(1) LEGAL DESCRIPTION OF SAN AGUSTIN DE LAREDO HISTORIC DISTRICT

The San Agustin de Laredo Historic District, Western Division includes:

All of Block 2, All of Block 9, All of Block 21, All of Block 1, All of Block 25, All of Block 26; All of Block 18; All of Block 19; All of Block 20; All of Block 10; All of Block 11; and All of San Agustin Plaza.

Metes and Bounds Description:

The northwest corner of the San Agustin de Laredo Historic District begins at the intersection of Iturbide St. and Convent Ave. The boundary then extends east along Iturbide St. to Santa Ursula Ave., thence south along Santa Ursula St. to Water St., thence west along Water St. to Convent Ave., thence north along Convent Ave. to the point of beginning.

(2) LEGAL DESCRIPTION OF OLD MERCADO HISTORIC DISTRICT

The Old Mercado Historic District, Western Division includes:

Block 3, Lots 6, 7, and 8; Block 36, Lots 3A, 3B, 4A, 4B, 5, 6A, 7A, and 8; Block 40, Lots 3A, 3B, 4, 5, 6, 7, and 8; Block 48, Lots 3A, 3B, 4A, 4B, 5, 6, 7A, 7B, and 8; All of Blocks 32, 33, 34, 35, 41, 41A, 42, 43, 44, 45, 46, and 47.

Metes and Bounds Description:

The northwest corner of the Old Mercado Historic District begins at the northwest corner of Lot 8, Block 48, and Farragut St. The boundary then extends east along Farragut St. to Santa Ursula Ave., thence south along Santa Ursula Ave. to Iturbide St., thence west along Iturbide St. to Convent Ave., thence south along Convent Ave. to the southeast corner of Lot 6, Block 3, thence west along the southern property lines of Lots 6, 7, 8, thence north along the western property line of Lot 8, Block 3 to the point of the beginning.

(3) LEGAL DESCRIPTION OF ST. PETER'S HISTORIC DISTRICT

St. Peter's Historic District, Western Division includes:

Block 151, Lots 6,7,8,9, and 10; Block 152, Lots 6,7,8,9, and 10; Block 153, Lots 6,7,8,9, and 10; Block 154, Lots 6,7,8,9, and 10; Block 287, Lots 6,7,8,9, and 10; Block 322, Lot 6; Block 289, Lots 4,5,6,7,8,9, and 10; Block 326, Lots 4, 5, 6, 7, and the eastern half of Lots 3 and 8; eastern half of Block 327; eastern half of Block 328; All of Blocks 122, 123, 124, 125, 135, 136, 137, 138, 143, 144, 145, 146, 147, 148, 149, 150, 166, 167, 168, 169, 200, 201, 202, 203, 133/281,132/282, 131/283, 130/284, 129/285, 286, 290, 291, 292, 293, and 294.

Metes and Bounds Description:

The northwest corner of the St. Peter's Historic District begins at the intersection of Moctezuma St. and Santa Isabel Ave. The boundary then extends east along Moctezuma St. to Santa Maria Ave., thence south along



Santa Maria Ave. to the southeast corner of Lot 6, Block 151, thence west along the southern property lines of Lots 6, 7, 8, 9, and 10 of Blocks 151, 152, 153, 154, 287 and the southern property line of Lot 6 Block 322 to the southeast corner of Lot 6, Block 322, thence north along the western property line of Lot 6, Block 322 to Hidalgo St., thence west along Hidalgo St. to the southwest corner of Lot 4, Block 289, thence north along the western property line of Lot 4, Block 289 to the northwest corner of Lot 4, Block 289, thence west along the northern property lines of Lots 3, 2, and 1 to Santa Isabel Ave., thence south along Santa Isabel Ave. to Hidalgo St., thence west along Hidalgo St. to the midpoint of Lot 3, Block 326, thence north along an imaginary line dividing the eastern and western halves of Lots 3 and 8 of Block 326 and the imaginary line dividing Blocks 327 and 328 to Houston St., thence east along Houston St. to Santa Isabel Ave., thence north along Santa Isabel Ave. to the point of beginning.

**Historic Structure** - means any structure that is:

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

**Home Occupation** - shall mean any occupation or activity which meets all of the following tests:

(a) HOME OCCUPATION A:

For services and professional use:

- (1) The occupation is managed or owned by an immediate family member and not more than one other person is employed by the owner/manager on the premises except members of the immediate family of the owner/manager who also live on the premises.
- (2) The exterior of the premises used for the home occupation is indistinguishable from any other residential dwelling of like design and character, in that no commercial displays, show windows, exterior storage areas, commercial trucks, outside storage of any nature, or parking spaces are evident.

(b) HOME OCCUPATION B

All of the requirements of home occupation "A" above, plus: Retail business: Marketing groceries or other food items such as tortillas, raspas, candy, fruit, etc., which in addition meet the following requirements:

- (1) The retail business floor area may not exceed 500 square feet.
- (2) The retail business must be an integral part of the main building.

**Hotel and Motel** - A building or arrangement of buildings designed for temporary occupancy in which there are more than six (6) individual rooms without cooking facilities located in individual rooms, meeting

rooms, banquet, dining and restaurant facilities are considered an integral part of a hotel or motel.

**Hydrodynamic Loads** - Forces imposed on structures by floodwaters due to the impact of moving water.

**Hydrology** - The science of the behavior of water in the atmosphere, on the earth's surface, and underground.

**Hydrostatic Loads** - Forces imposed on an object, such as a structure, by standing water.

**Illegal Dumping** - shall mean the act of illegally placing any material as described in City of Laredo Code of Ordinances Sec. 33-405, on any location other than the appropriate place of disposal whether the location is public or private. (Amended 5/17/04, Ord. No. 2004-0-105)

**Impervious** - shall mean the condition of being impenetrable by water.

**Imperviousness** - shall mean the degree to which a site is impervious.

**Imported Crafts (retail sale)** - shall mean a business which is involved in the retail sale of pottery, sculptures, wrought iron products, and/or any crafts that contain an artisan quality and are displayed as skilled art work, including wholesale incidental to retail sales. This shall exclude any building, automotive, and gardening materials, as well as flea markets. (Amended 2/7/05, Ord. No. 2005-O-024)

**Improvement** - shall mean the construction, enlargement, alteration, repair, removal, conversion, or demolition of a building or structure.

**Infiltration** - shall mean the passage or movement of water into the soil surface.

**Interior Lot** - shall mean a lot within a subdivision which is not located at the intersection of any adjacent public or private street.

**Interior Street** - shall mean a street within a subdivision designed to serve only those properties within the boundaries of the subdivision in which it is established.

**International Bridge Facility** - shall mean a bridge connecting the United States and Mexico across the Rio Grande River, which may contain, but is not limited to federal, state, and local inspection activities generally associated with the movement of people and/or commerce between the Republic of Mexico and the United States of America.

**Junk or Salvage Yard** - shall mean a tract of land used for the storage of used appliances, scrapped glass, rags, paper, metals, automotive parts, or equipment, regardless of whether used for remanufacture, resale or recycling.

**Kennel** - shall mean any lot or premise on which 4 or more domesticated animals are groomed, bred, boarded, trained or sold and which may offer provisions for minor medical treatment.

**Land Disturbing Activity** - shall mean any use of the land by any person that results in a change in the natural cover or topography that may cause erosion and contribute to sediment and alter the quality and/or quantity of storm water runoff.

**Land Filling** - shall mean the depositing of soil and other inert materials on the land to raise its grade and/or smooth its features.

**Landscape Easements (Landscape Reserve)** - shall mean a designation for individual parcels of land within a subdivision plat which are not divided into lots, which are established for the purpose of landscape or open space, lying adjacent and parallel to a public street right-of-way.

**Legal Non-conforming Use** - shall mean any lawful use predating the adoption of zoning regulations and which does not conform to adopted regulations, which has not otherwise lost its legal status through discontinuation or abatement.

**Levee** - means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

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

**Licensed Professional Engineer or P.E.** - shall mean a person who has been duly licensed and registered by the State Board of Registration for Professional Engineers to engage in the practice of engineering in the State of Texas.

**Local Street** - shall mean a public street not designated as a collector, arterial, major thoroughfare, or a state or federal freeway or highway.

**Location Map** - shall mean a vicinity map indicating the location of a specific site with reference to established physical landmarks, includes streets, rivers, railroad rights-of-way, and highways.

**Lot** - shall mean an undivided tract or parcel of land contained within a block and designated on a subdivision plat by numerical identification, or a 'lot of record' as herein defined.

**Lot Front** - shall mean the side of the lot fronting on a public street or recorded, private drive easement. On corner lots it shall be the narrow lot side.

**Lot Line** - shall mean the property line.

**Lot of Record** - shall mean

(i) Any lot, the boundaries of which were established by a plat recorded in the office of the County Clerk and in compliance with State law and the governing Subdivision Ordinance of the City of Laredo;

or

(ii) Any lot, the boundaries of which was established in a conveyance executed prior to September 9, 1979. (Amended 9/19/88, Ord. No. 88-0-123)

**Lounge** - see Bar

**Lowest Floor** - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; **provided** that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirement of Section 60.3 of the National Flood Insurance Program regulations.

**Major Thoroughfare Plan** - shall mean the portion of the comprehensive plan indicating general locations recommended for arterial, collector, and local thoroughfares.

**Main Stem**- a single line following the bed of the creeks connecting the mouth of the Chacon and Sombretillo Creeks to the center point of the spillway of Lake Casa Blanca and the Middle Pasture Lake, respectively. (Amended 5/17/04, Ord. No. 2004-0-105)

**Maintenance** - shall mean any action necessary to preserve storm water management facilities in prime

working condition, in order to serve the intended purposes set forth in 24.59.7 of this Code and to prevent structural failure of such facilities. Maintenance shall not include actions taken solely for the purpose of enhancing the aesthetic aspects associated with storm water management facilities.

**Maintenance and Storage Facilities** - shall mean land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufactured Home (For Section 24.69 Flood Damage Prevention only)** - means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**HUD-Code Manufactured Home** - means 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 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 and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include a recreational vehicle as that term is defined by 24 C.F.R. Section 3282.8(g).

**Manufactured Home or Manufactured Housing Unit** - shall mean a HUD-code manufactured home or a mobile home and collectively means and refers to both.

**Manufactured Home Park or Subdivision** - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots.

**Massage Parlour** - shall mean an establishment providing massage service, not including therapeutic or rehabilitative exercises provided under the direction of a licensed professional physical therapist, chiropractor or physician. A massage parlour is a sexually oriented business.

**Manufactured Housing Park** - shall mean a tract of land under single ownership and control which consists of not less than eight spaces leased for manufactured housing units.

**Manufactured Housing Unit Pad** - shall mean a level and graded area to which the manufacture housing unit will be secured.

**Manufactured Housing Unit Space** - shall mean an area of land within a Housing Park dedicated for the placement of a dwelling unit.

**Mean Sea Level** - shall mean the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

**Median** - shall mean the unpaved area between two (2) paved roadway sections located within a public right-of- way.

**Mobile Home** - means 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 and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems.

**Modular Structure** - shall mean pre-manufactured structure designed for placement on a permanent foundation.

**Mulch** - shall mean non-living organic, inorganic, and synthetic materials customarily used in landscape design to retard erosion, retain moisture, maintain even soil temperature, control weeds and enrich the

soil.

**Multi-family residential unit** - shall mean a single building or structure designed to contain three (3) or more separate living units with facilities for living, sleeping, cooking and eating.

**Municipal Separate Storm Sewer System or MS4** - shall mean the system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the City and designed for collecting or conveying storm water, and which is not used for collecting or conveying sewage.

**National Flood Insurance Program (NFIP)** - The Federal program created by an act of Congress in 1968, that makes flood insurance available in communities that enact satisfactory floodplain management regulations.

**Nationalization/"Nacionalizacion" of Vehicles Enterprise** - shall mean a business which is involved in facilitating the necessary documentation required of owners, for the export from the United States and import to Mexico and other countries in Latin America, of vehicles, new and used; and/or a business which must comply with Title 19, Part 192 of the Code of Federal Regulations.

**Naturalized Plant** - shall mean a plant species introduced to the Laredo region which is capable of sustaining growth and reproduction under local climatic conditions.

**Native Plant** - shall mean a plant species with a geographic distribution indigenous to the Laredo region which is capable of sustaining growth and reproduction under local climatic conditions.

**Natural Waterways** - shall mean waterways that are a part of the natural topography. They usually maintain a continuous flow during the year and are characterized as being irregular in cross section with a meandering course. Construction channels such as drainage ditches shall not be considered natural waterways.

**New Construction (For Section 24.69 Flood Damage Prevention only)** - means, for the purpose of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision (For Section 24.69 Flood Damage Prevention only)** - means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

**Nightclub** - see Bar

**Non-conforming Use** - shall mean any lawful use in conflict with these regulations.

**Non-erodible** - shall mean a material, e.g. natural rock, riprap, concrete, plastic, etc., that will not experience surface wear due to natural forces of wind, water, ice gravity or a combination of those forces.

**Nonpoint Source Pollution** - shall mean pollution contained in storm water runoff from ill-defined, diffuse sources.

**Non-public Water System** - Any water system supplying water for domestic purposes which is not a

public water system.

**Notice of Intent (NOI)** - shall mean the Notice of Intent that is required by either the Baseline Industrial General Permit, the Construction General Permit or the Multi-Sector General Permit.

**Notice of Termination (NOT)** - shall mean the Notice of Termination that is required by either the Baseline Industrial General Permit, the Construction General Permit or the Multi-Sector General Permit.

**NPDES General Permit for Storm Water Discharges Associated with Industrial Activity or Baseline Industrial General Permit** - shall mean the Baseline Industrial General Permit issued by EPA on August 27, 1992, and published in Volume 57 of the Federal Register at page 41304 on September 9, 1992, and Volume 63 No. 189 at page 52438 on September 30, 1998 and any subsequent modifications or amendments thereto.

**NPDES Permit** - shall mean a permit issued by EPA or by the State that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable to an individual, group, or general area-wide basis.

**Nude Model Studio** - means any place where a person who appears in a state of nudity or displays "specified anatomical areas" is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.

**Nursery, Plant Materials** - shall mean land, buildings-structures or combinations thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered on the premises and including products used for gardening or landscaping.

**Office Use** - shall mean administrative, executive, professional, managerial premises not a part of retail, wholesale or manufacturing operation. A medical or dental office limited to not more than three practitioners or para-professionals who provide outpatient services shall not be considered a clinic.

**Off-Site Storm Water Management Facility** - means the design and construction of a facility necessary to control storm water from more than one development.

**Off-street Parking and Loading Requirements** - Parking requirements applicable to property located within the corporate limits under Section 24.78.

**One Hundred-Year Floodplain** -The area of land identified on the most current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps that is subject to inundation during a storm event that has a recurrence interval of 100 years. (Amended 5/17/04, Ord. No. 2004-0-105)

**One Hundred Year Frequency Storm** - shall mean a storm that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 100 years. It also may be expressed as an exceedance probability with a one (1%) percent chance of being equaled or exceeded in any given year.

**On-Site Storm Water Management Facility** - shall mean the design and construction of a facility necessary to control storm water runoff within and for a single development.

**Open Space** - An area substantially open to the sky which may be on the same lot with a building. The area may include, along with natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the Commission deems appropriate. Streets, parking area, structures for habitation and the like shall not be included.

**Operator** - shall include every person, and the agents, servants and employees of such person, or its officers or agents, engaged in operations for the drilling, reworking, redrilling, well servicing or plugging and abandonment of any well subject to this article and the production or transportation of any product

there from. For purposes of Section 24-59, Storm Water Management, shall mean:

The person or persons who, either individually or taken together, meet either of the following two criteria:

(1) they have operational control over the facility specifications (including the ability to make modifications in specifications); or

(2) they have the day-to-day operational control over those activities at the facility necessary to ensure compliance with pollution prevention requirements and any permit conditions.

**Operating rights** - shall mean the ownership or operational control of a fee simple mineral estate or a leasehold estate by a person.

**Ordinary High Water Mark (OHWM)** - shall mean "that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding areas," as defined in 33 CFR Part 328 Definition of Waters of the United States - Section 328.3 e. (Amended 5/17/04, Ord. No. 2004-0-105)

**Parking Lot** - shall mean a paved, surfaced or leveled area used for customer, visitor or employee parking of motor vehicles, including leased premises available for public parking. This does not include parking garages, commercial storage lots, impoundment facilities or sales lots of new or used vehicles. Paved, surfaced or level areas connected by drives, private streets, or other ways in or along which parking is not permitted, shall be considered separate parking lots for purposes of this code.

*Commercial Parking Lot* - shall mean any outdoor space, or uncovered plot, place, lot parcel, yard or enclosure or any portion thereof, where one or more vehicles may be parked, stored, housed or kept, for which any fee is made or which is used for the parking of non-commercial vehicles by the patrons or employees of a business or commercial establishment, or which is for the use of trailers, connected to tractors or not, or any other type of commercial vehicle.

*Commercial Dead Storage Parking Lot* - A commercial parking lot used solely for the purpose of storing/parking tractor trailers or any commercial vehicle for a minimum of thirty (30) days.

**Parking Space, Off-Street** - For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking passenger vehicles or trucks with room for opening doors on both sides, and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**Park Trees** - shall mean those trees located within public parks and all those areas owned by the City, or to which the public has free access as a park.

**Parkway** - shall mean the area between the street curb or edge of the paving and the sidewalk. If a sidewalk is not present, the parkway shall be the area between the street curb or the edge of the paving and the property line.

**Performance** - means any theatrical, musical or cultural appearance, exhibition, display, demonstration, presentation, dance, modeling, preview, play, pantomime, show, skit, film, or entertainment of any kind, whether live or not, that is conducted before an audience, including but not limited to motion pictures, live theater, music concerts, opera, drama, comedy, ballet, modern or traditional dance, as well as book or poetry readings, whether for compensation or without charge. Sexually oriented businesses are excluded from this definition. (Added 7/6/10, Ord. No. 2010-0-084)

**Perimeter Buffer** - shall mean a continuous strip of land along the perimeter of a lot in which landscaping is used to provide a buffer between land uses in order to reduce the environmental, aesthetic and other impacts of one type of land use upon another.

**Permit** - shall mean a permit granted pursuant to this article.

**Person** - shall mean any Individual, Sole Proprietorship, Partnership, Limited Partnership, Limited Liability Company, Company, Corporation, or any other legal entity. For purposes of Section 24-59, Storm Water Management, Person shall mean:

The federal government, the state, any county, municipal corporation, or other political subdivision of the state, or any of their units, or an individual, receiver, trustee, guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership, firm association, public or private corporation, or any other entity.

**Person Responsible for the Land Disturbing Activity** shall mean:

(a)The person who has or represents having financial or operational control over the land disturbing activity; and/or

(b)The landowner or person in possession or control of the land who directly or indirectly allowed the land disturbing activity or has benefited from it or who has failed to comply with any provision of this Code.

**Planned Unit Development (PUD)** - An overlay zone which permits development of more flexible area, setback, density and right-of-way standards than otherwise allowed, upon review and approval by the City Planning Commission.

**Plat, amending** - shall mean a plat, previously approved by the Commission and duly recorded, which is resubmitted for reapproval and recording to correct dimensional or notational errors and omissions, and to relocate lot lines subject to the requirements of Chapter 42 of the Local Government Code.

**Plat: Final Subdivision** - shall mean the map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate county records which is prepared in conformance with the conditions of preliminary approval previously granted by the Commission.

**Plat: Preliminary Subdivision** - shall mean the map or drawing of a proposed subdivision illustrating the features of development for the review of the Commission.

**Plat: Street Dedication** - shall mean a map or drawing illustrating only the location of a public street within a specific tract of land.

**Plug Back** - The act of partly filling a well bore with impervious materials for the purpose of shutting off lower rocks in order to permit reservoir rocks above the plugged back point to be produced.

**Point Source** - shall mean any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

**Post-Development** - conditions shall mean the conditions which exist following the completion of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.

**Pre-Developed Conditions** - shall mean those land use conditions that existed prior to the initiation of the land disturbing activity in terms of topography, vegetation, land use and rate, volume or direction of storm water runoff.



**Preliminary Plat** - shall mean the preliminary plat of a subdivision submitted pursuant to the City's Subdivision Regulations.

**Private Street** - shall mean a vehicular access-way under private ownership and maintenance, providing access to apartment building(s), condominium apartment(s) or to more than three (3) single family units, either attached or detached, which do not have frontage on an approved public street. Parking lots and private driveways within shopping centers, and/or institutional, commercial or industrial developments will not be considered private streets.

**Protected Trees** - shall mean any tree, on public property, with a trunk caliper of eight inches (8") or more.

**Public Service Facility** - The erection, construction, alteration, operation, or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewage services, and the storage and maintenance of related equipment and materials.

**Public Street** - shall mean a public right-of-way, however designated, dedicated or acquired, which provides access to adjacent properties.

**Public Uses** - Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**Public Water System** - shall mean the water supply and delivery system owned and operated by the City of Laredo.

**Public Way** - An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way sidewalk, street, subway, tunnel, viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated whether improved or not. For purposes of this Section freeway shall mean an expressway or highway with fully controlled access. (Amended 7/20/87, Ord. No. 87-0-117)

**Purchaser** - shall include purchasers under executory contracts for conveyance of real property.

**Qualified Personnel** - shall mean persons who possess the appropriate competence, skills, and ability (as demonstrated by sufficient education, training, experience, and/or, when applicable, any required certification or licensing) to perform a specific activity in a timely and complete manner consistent with the applicable regulatory requirements and generally accepted industry standards for such activity.

**Radial lots** - shall mean lots adjacent to curved streets or circular cul-de-sacs with side lot lines running roughly perpendicular to the street right-of-way.

**Railroad Commission or R.R.C.** - shall mean the Railroad Commission of Texas.

**Recompletion Operations** - shall mean the reoccupation or re-entry of an existing well within the existing well within the existing borehole which may include deepening from one zone to another zone, completing a well in an additional zone, plugging back from one zone to another zone, sidetracking to purposefully change the location of the bottom of the well, and conversion of a service well to an oil or gas well in a different zone. Recompletion is also called reworking.

**Recreation Camp** - shall mean an area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated.

**Recreational Vehicle** - means a vehicle which is (i) built on a single chassis; (ii) 400 square feet or less when measured at the largest horizontal projections; (iii) designed to be self-propelled or permanently towable by a light duty truck; and (iv) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Re-entry or re-enter** - shall mean any operation intended to reactivate or deepen a well which may include conversion, recompletion, reworking, workovers, plugging and plug backs.

**Regional Storm Water Management** - shall mean the design and construction of a facility necessary to control storm water runoff within or outside a development and for one or more developments.

**Registered Land Surveyor** - shall mean a land surveyor properly registered and licensed to conduct work within the City of Laredo.

**Registered Landscape Architect** - shall mean a landscape architect properly registered and licensed to conduct work within the City of Laredo.

**Regulatory Floodway** - means 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 a designated height.

**Release** - shall mean any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing, directly or indirectly, into the municipal separate storm sewer system (MS4) or the waters of the United States.

**Relief Well** - shall mean a well drilled or adapted under emergency circumstances to correct or safeguard against unexpected and inherently hazardous conditions.

**Replacement Trees** - shall mean a tree meeting the minimum criteria for replacement trees as set out in Article 1, Section 24.1.7, of the *Laredo Land Development Code*.

**Replat** - shall mean a plat of all or part of property incorporated in a previously recorded plat which has not been vacated.

**Representation of Value** - A representation of value includes a gift certificate or gift card that is presented to a merchant in exchange for merchandise.

**Reserve** - shall mean a designation for individual parcels of land within a subdivision plat which are not divided into lots, which may be established for specific purposes, subject to use restrictions or designated as 'unrestricted' in contemplation of future development.

**Responsible Personnel** - shall mean any foreman, superintendent, or similar individual who is the on-site person in charge of land disturbing activities.

**Restaurant** - shall mean any establishment which has as its primary purpose the serving of food to its customers from a kitchen that is separated from the main dining area and the prepared food is for on-premise sale and consumption; the establishment maintains a full service menu with a variety of entrées (eight or more); maintains adequate kitchen facilities (i.e. contains a stove and oven in working order, refrigerator storage with food inventory and contains necessary equipment for food preparation) and where alcoholic beverages may be sold as an incidental activity to the sale of food. Establishments which serve prepared food but derive more than 50% of their quarterly gross revenue from the sale of alcoholic beverages are deemed to be a bar. Customers may be served at tables, at a drive-through window, or in their cars. (Amended 2/4/13, Ord. No. 2013-O-005)

**Retention Structure** - shall mean a permanent structure whose primary purpose is to permanently store a given volume of storm water runoff. Release of the given volume is by infiltration, evaporation and/or

irrigation.

**Return Map Agreement** - shall mean an agreement authorizing the County Clerk of the county in which a final plat or replat is filed to return the original recorded plat to the Director.

**Reworking** - see Recompletion

**Right of Way (ROW)** - shall mean property that has been dedicated for uses of the public including but not limited to any street, highway, road, alley, or land used for vehicular and passenger movement and/or ingress or egress. (Amended 5/17/04, Ord. No. 2004-0-105)

**Riverine** - means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**Sanitarian** - shall mean a person registered as a Professional Sanitarian by the Texas Department of Health under the authority of Vernon's Ann. Tex. Civ. Stat. Article 4477-3.

**Screening** - shall mean any method of visually shielding one land use from another.

**Screening Fence** - shall mean a solid masonry or wooden fence not less than seven (7) feet in height designed to act as a buffer between adjacent uses.

**Second Order Stream** - is a stream formed by the confluence of two first order streams.  
(Amended 5/17/04, Ord. No. 2004-0-105)

**Sediment** - shall mean solid particulate matter, both mineral and organic, that is in suspension, is being transported or has been moved from its site of origin by water, air, ice, or gravity and has come to rest on the earth's surface either above or below sea level.

**Semi-Trailer** - shall mean a vehicle designed such that some part of its own weight and that of its own load rests upon a "fifth wheel" carried by a motor vehicle.

**Setback Line** - shall mean A line established by this ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory buildings nor structure may be located above ground, except as may be provided in this ordinance. See definition of "Yard".

**Sewerage facilities** - shall mean the devices and systems which collect and transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.

**Sewers, Central or Group** - shall mean an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.

**Sewers, On Site** - shall mean a septic tank or other individual sewage disposal system on an individual lot which has the approval of health and sanitation officials having jurisdiction.

**Sexually Oriented Business** - means an adult arcade, adult book store or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center or adult drive through (thru)/drive in as further described in Section 18A-2 Definitions, the City of Laredo code of Ordinances, Section 18A Regulation and Licensing of Sexually Oriented Businesses, Section 18A-2 Definitions. (Amended 5/20/13, Ord. No. 2013-O-060)

**Shooting Range (Indoor)** - shall mean a business establishment open to the general public, private club, or association that operates within an enclosed building or structure for the safe discharge of firearms for the purpose of sport shooting, law enforcement training, target practice, or temporary competition wherein a firearm is used, including archery, rifles, pistols, shot guns, black powder or any similar firearm. (Amended

**Shrub** - shall mean any perennial, evergreen plant at least eighteen (18) inches in height with a minimum twenty-five (25) inches in width at the widest portion when planted, and capable of growth to not less than thirty (30) inches in height within two (2) years from the date of planting under conditions normally prevailing in the City.

**Sidewalk** - shall mean a paved, surfaced or leveled area between the curb line, or the lateral lines of a roadway and the adjacent property lines designed for or ordinarily used for pedestrian travel.

**Sidewalk Café** - means the licensed use of any street level portion of public right-of-way in which tables and chairs are placed for the sole purpose of patrons consuming food and/or beverages.

**Sidewalk Café License** - A license issued to a licensed food products establishment (restaurant only) allowing operation of a Sidewalk Café within the AE District.

**Sign** - shall mean any medium, including its structure and component parts, either a name, identification, description, display, and/or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land which directs attention to an object, product, place, activity, institution, or business without regard to the message content or lack thereof.

**Sign Area (Maximum)** - shall mean the total area of all of the separate sign areas of a particular sign type that are located on a property or on a building. The area of a sign is the letters or characters plus any background surface on which they are mounted; in the case of individual letters or separate lines of text or text and a logo which is mounted or painted on a building surface the sign area will be calculated by measuring an invisible rectangle which shall encompass all of the separate signage entities. This area shall exclude the supports, unless they too are designed to attract attention. Similarly, in the case where a multitude of small individual signs, plaques, logos, etc. are mounted on a wall or other structure, the sign area shall be that of an invisible rectangle that encompasses all of the smaller units. The maximum sign area of a sign with back to back parallel faces (no parts of which overlap the other) will be the area of one of the faces, if both sides advertise the same business, product or service. If each side advertises separate businesses or overlap making the back of one faces visible, each side will count as a separate area. This maximum area shall be used to describe the TOTAL area of a certain sign type. For example, if the ordinance allows 72 sq. ft. of freestanding signage, a business can have a 8 ft. x 8 ft. freestanding pole-mounted sign and a 2 ft. x 4 ft. freestanding monument sign; or two freestanding 6 ft. x 6 ft. signs; or one 9 ft. x 8 ft. freestanding sign, etc.

**Sign Distance Separation From Another Sign** - shall mean the distance from the leading or outward edge of any freestanding sign to the leading or outward edge of any other freestanding sign measured perpendicularly.

**Sign (Clearance)** - shall mean shall mean the height as measured from natural grade at the base of the sign's structure, or base of the wall or object to which the sign is mounted, to the bottom edge or lowest point of the sign's face.

**Sign Height (Maximum)** - shall mean the distance as measured from natural grade at the base of the sign's structure to the uppermost element of the sign.

**Sign Projection (Maximum)** - shall mean the maximum perpendicular distance from the vertical face of the structure to which the sign is attached to the outward leading edge of the sign.

**Sign Setback from Property Line** - shall mean the perpendicular distance as measured from the property line to the leading edge or the closest point of the sign's face or structure which ever element is the closer to the property line.

**Sign - Time Limit** - shall mean the number of calendar days including weekends and holidays that a sign

can remain in place. This time limit shall begin on the day that the sign is mounted at the property, thereby being visible to the public.

**Sign Types** - shall mean signs which include signs meeting the following criteria:

(a) **Address sign** - shall mean a sign that displays only the numbers and street name assigned the structure.

(b) **Attached sign** - shall mean any type of sign supported by a building or an element of the building; or is directly placed on, hung from, or anchored in a building. This type shall include all varieties of wall, window, and projecting sign as well as any other type that is mounted to a building's vertical surfaces, such as a banner; all types of awning and canopy sign or any other type that is affixed to a building's adjunct element; and all types of roof signs. Attached signs shall include any form of advertising display supported by, hung from, or mounted upon a building, including any figurine or logo that is not an integrated, architectural element

(c) **Awning Sign** - shall mean a sign that is painted directly on canvas or other material with a framework that creates a sloped shading device for windows and/or entryways.

(d) **Banner** - shall mean a single sign or linked grouping of pennants of flexible material (e.g. cloth, paper, vinyl, etc.). Banners will include all flags or pennants that are not national, state or municipal flags, or the official flag of a public institution, as well as all forms of inflatable sign, balloons, spinners, etc.

(e) **Beacon (or Searchlight)** - shall mean a source of high-intensity light with one or more beams directed into the atmosphere or any other point; or any light with one or more beams that rotate or move.

(f) **Billboard** - shall mean an outdoor display panel designed to carry outdoor advertising which may be categorized as off-premise. See On-Premise or Off-Premise definitions.

(g) **Building Marker** - Any sign indicating the name of a building and date and information about the structure's historical significance, which is cut into or an integral part of a wall surface; or a wall-mounted or freestanding plaque of bronze or other permanent material describing such information. This is not an address sign.

(h) **Canopy Sign** - shall mean any sign that is an integral part of or is attached above or below a canopy, awning, or other protective cover. These types include signs hung from the underside of a canopy structure either parallel or perpendicular to the building's facade; signs or letters mounted on the top of the canopy structure; signs on the perpendicular edge (or fascia) of canopies such as those signs on the canopies often used by gasoline stations to cover the pumps; and those on any type of roof overhang that covers an entryway or porch such as the mansard variety or other such protruding overhang that is not an integral part of the roof that encloses the interior of a structure. See Standard Building Code (Signs & Outdoor Displays Chapter - Marquee Signs) for specific criteria on what the City shall define as Canopy.

(i) **Changeable Copy Sign** - shall mean a freestanding sign, or wall-mounted sign, or part of a larger freestanding sign, usually of secondary importance, describing with manually interchangeable plastic letters and symbols movie listings, lunch specials, welcome greetings, etc. Such a sign type with rearrangeable plastic letters shall include bulletin boards where changing events are noticed; and theater marquees where movie listings are posted (oftentimes in older theaters this type is an integral part of the canopy). This type is not to be confused with a message center.

(j) **Conforming Sign** - shall mean a sign which is lawfully in place on a tract of land which complies with all zoning ordinance regulations.

(k) **Construction Sign** - shall mean a sign which indicates the names of architects, engineers,

landscape architects, contractors, and/or sponsors, etc. having a role or interest with respect to the structure or project. Such a sign is to be temporary and is to be removed after final completion of the project.

(l) **Directional Sign** - shall mean a sign relating solely to traffic circulation without any form of advertising. This type includes signs describing pedestrian circulation such as directions to public restrooms and telephone locations or directions to areas of interest for the traveling public such as the location of outdoor recreational facilities or scenic overlooks. This sign will include only those type that are permanent and necessary such as "One Way" or "Entrance Ramp". A large arrow pointing to a specific business or a parking lot shall be considered a Freestanding or attached sign, not a Directional sign, due to its intended eye-catching advertising qualities.

(m) **Flag** - shall mean any fabric usually of rectangular shape containing distinctive colors and patterns that is used as an official symbol of a nation, state, school, religious group, or other type of public institution. Any other type of fabric pennants shall be considered a banner.

(n) **Flashing** - shall mean any sign that incorporates the use of a pulsating, blinking, or rotating light source. Such a sign type shall include a light source which changes or alternates the color of the light in sequence as well.

(o) **Flyers** - shall mean an advertising circular for mass distribution that is mounted with glue, nailed, stapled, or otherwise affixed to a pole, fence, or wall or other structure. These shall include any form of printed sheet or bulletin used as a sign.

(p) **For Sale, Rent, or Lease Signs** - shall mean an on-premise sign that advertises the availability of a tract of land, a structure, or portions of a structure.

(q) **Freestanding (or Ground) sign** - shall mean any type of sign supported by structures or supports that are placed on, or anchored in, the ground; are independent from any building or other structure; and are to be of a permanent nature. This type shall include any type of pole or pylon sign and any form of monument signs (those that are directly supported by the earth such as tombstone). This type shall also include any form of advertising display supported by uprights or braces in or upon the ground; or any such forms that are rigidly affixed or attached to the ground (including but not limited to those signs on benches, gasoline pumps, oil racks, vending machines, etc.). Statuary located on a vehicle such as a trailer they will be considered portable; or where such figurines are mounted on a structure they will be an attached sign and further classified as to their mounting location.

(r) **Highway sign** - shall mean a sign along Interstate Highways and Federal-aid Primary Highways. This shall mean any sign located within 660 ft. of the highway right of way and visible from the main traveled way of the highway. Before erecting or maintaining such a Highway sign, the owner must first obtain an Outdoor Advertising License from the Austin office of the Transportation Department. Such type includes those along U.S.Hwy.59, Interstate Hwy.35, and State Hwy. 83.

(s) **Multi-Tenant Complex sign** - shall mean a sign type with a primary or overall name description with a list of the individual stores or businesses mounted on one structural element. Such a sign type shall include signage describing a mall arrangement, a strip-center development, an industrial park complex, or a multi-tenant structure or complex of buildings with a unifying name and a listing of the specific businesses contained within the grouping. A sign describing the name of the mall or complex alone, without the individual entities being listed, shall not constitute a Multi-Tenant Complex sign.

(t) **Message center sign** - shall mean a sign that changes messages electronically with either an alternating light board, flip panels, or such devices. An alternating time and temperature display is considered a message center sign.

(u) **Monument signs** - shall mean a sign that is directly supported by the earth such as a tombstone or a sign with letters affixed to a freestanding wall. It is a type of Freestanding sign.

(v) **Mural** - shall mean a work of art applied directly to a wall, ceiling, or floor surface where forms and/or figures are the dominant elements. Any form of wording or logo shall be of secondary nature to a mural. Signs are not generally construed as works of art, therefore a wall sign is not a mural.

(w) **Non-Conforming Sign** - shall mean a sign which does not now conform to the requirements of the current zoning ordinance which when damaged or removed shall be required to conform to the new ordinance standards. These signs must, however, conform with all safety standards described in the Standard Building Code (Signs & Outdoor Displays Chapter).

(x) **Obsolete /Abandoned Sign** - shall mean an on-premise sign that advertises a product, service no longer available or a business no longer in operation. Any on-premise sign which is not readable, non functional, in disrepair, or hazardous in any way due to lack of maintenance shall be an Obsolete sign. All off-premise signs not rendered for tax purposes prior to March 1, 1994 shall be deemed to be an obsolete/abandoned sign.

(y) **Official Sign** - shall mean a sign erected by a governmental agency within its territorial jurisdiction for the purpose of carrying out an official duty or responsibility as provided by law.

(z) **Off-Premise Sign** - shall mean a sign displaying copy that pertains to a business, person, organization, activity, event, place, service, or product not located manufactured or sold on the premises on which the sign is located. An off-premise sign may be a Highway sign or a Rural Sign. See also Billboard.

(aa)**On-Premise sign** - shall mean a sign which advertises or directs attention to a business, person, organization, activity, event, place, service, or product which is manufactured and/or available on the premises where the sign is located.

(bb)**Political sign** - shall mean a temporary sign pertaining to a national, state, or local election and erected for the sole purpose of advertising a political candidate, political party or ballot measure.

(cc)**Portable sign** - shall mean a sign designed to be transported or moved from place to place. This type shall include but not be limited to signs designed to be transported by means of wheels; signs converted to A- or T-frames; menu and sandwich board; statutes or any such figurines situated on a trailer; and signs attached to or painted on vehicles parked and visible from the public right-of-way unless the said vehicle is used in the normal day-to-day operation of the business.

(ee)**Projecting sign** - shall mean any sign affixed to a building or wall in such a manner that its leading edge extends more than twelve inches beyond the surface of the building or wall.

(ff) **Roof sign** - shall mean an advertising display that is erected, constructed, or maintained above the roof of any building. This type shall be limited to the type of sign that is mounted on the true roof of a structure which encloses the interior space; not the type mounted on a separate overhang or covering of an entryway or porch which shall be instead considered a Canopy sign.

(gg)**Rural signs** - shall mean a sign erected along all highways and roads located outside of the corporate limits or extraterritorial jurisdiction of cities, towns, and villages. Such a sign requires a permit from the Texas Department of Transportation District office, unless they are an exempt sign or an on-premise sign. Refer to the "Control of Outdoor Advertising Signs" pamphlet published by the Texas Department of Transportation for more information on signage outside of the City limits.

(hh)**Subdivision Entrance sign** - shall mean a type of Monument sign presenting the name of a subdivision. This sign may be mounted on a traffic median with the approval of the City Traffic Engineer.

(ii) **Wall sign** - shall mean an outdoor advertising sign affixed to or painted on the wall, or affixed to

or painted on any other opaque element that does not project more than 12 inches from the building. Those on transparent surfaces like a window or glass door are considered Window signs.

**(jj) Window sign** - shall mean a sign that is applied, painted or attached to the exterior or interior of a window or glass door.

**Site** - shall mean the land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

**Smoking establishment** - shall mean an establishment that is dedicated, in whole or in part, to the smoking of tobacco or other substances and includes any establishment that allows both (1) the payment of consideration by a customer to the establishment in exchange for on-site delivery of tobacco, tobacco accessories or similar legal substances and products to the customer; and (2) the on-site smoking of tobacco or other substances. These establishments are required to have isolated HVAC systems to remove smoke and odors. This definition shall be construed to include establishments known variously as, cigar lounges, hookah cafes, tobacco clubs, tobacco bars, and similar establishments, but shall not include an establishment that derives 50 percent or more of its gross revenue on a quarterly basis (i.e., three months) from the sale of alcoholic beverages for on-premise consumption or food sales. (Added Ord. No. 2014-O-153, 11/17/15)

**Special Event** - An event that is registered with and recognized by the parks and recreation department, that has a specific location, purpose, and beginning and ending time and date. A special event includes sporting events, cultural events, festivals, carnivals, fairs, parades, etc. (See City of Laredo Code or Ordinances Article V COMMERCIAL USE OF STREETS, SIDEWALKS AND OTHER PUBLIC PLACES Section 28-102 Definitions). (Added 7/6/10, Ord. No. 2010-0-084)

**Special Drainage Easement** – For the purpose of Section 24-59 Storm Water Management, Shall Mean: A drainage easement over private residential property that is at least ten (10) feet wide which the City of Laredo shall enforce and the private property owner shall maintain. No flow restricting fences, buildings, structures, or other improvements which impede flow shall be placed within this easement. The maintenance of Private Drainage Facilities shall be provided for by the property owner or assigned agent. The City shall be kept advised of the responsible agent. (Added 6/7/17, Ord. No. 2017-0-061)

**Special Flood Hazard Area** - see Area of Special Flood Hazard

**Stabilization** - means providing measures, vegetative and/or structural, that will prevent erosion from occurring.

**Stage Work or Stage Construction** - shall mean a plan for the staged construction of storm water facilities where portions of the facilities will be constructed as different stages of the development are started or completed.

**Standard Building Code** - shall mean the 1991 Edition of the Standard Building Code as amended, or such other building code which may be adopted by the City to govern buildings and structures.

**Start of Construction (For Section 24.69 Flood Damage Prevention only)** - (for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348)), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main



structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Start of Development** - means the date the storm water management permit was issued, provided the actual start of development, repair, reconstruction, placement or other improvement is within 180 days following the issuance of the permit.

**State** - shall mean the State of Texas.

**Storm Water** - shall mean storm water runoff, snow melt runoff, and surface runoff and drainage.

**Storm Water Concept Plan** - shall mean the preliminary concept plan of the proposed storm water management system intended for preliminary review and comment by the City Engineer.

**Storm Water Discharge Associated with Construction Activity** - shall mean the construction activity disturbing at least five acres, or construction activity disturbing less than five acres which is a part of a larger common plan of development or sale with the potential to disturb cumulatively five or more acres according to 40 CFR §122.26(b).

**Storm Water Discharge Associated with Industrial Activity** - shall mean the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant which is within one of the categories of facilities listed in 40 CFR §122.26(b)(14), and which is not excluded from EPA's definition of the same term.

**Storm Water Management** - shall mean the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize accelerated channel erosion, flood damage, and/or degradation of water quality and in a manner to enhance and ensure the public health, safety, and general welfare, which shall include a system of vegetative or structural measures, or both, that control the increased volume and rate of storm water runoff caused by man made changes to the land.

**Storm Water Management Guidance Manual** - shall mean the manual of design, performance, and review criteria for storm water management practices. List of the approved guidance manuals is available in the City Engineering Department.

**Storm Water Management Facilities** - shall mean those structures and facilities that are designed for the collection, conveyance, storage, treatment and disposal of storm water runoff into and through the drainage system.

**Storm Water Management Plan** - shall mean the overall proposal for a storm drainage including storm water management structures, and supporting documentation as specified in the Storm Water Management Design Manual, for each proposed private or public development to the extent permitted by law. Also included are the supporting engineering calculations and results of any computer analysis, if necessary.

**Storm Water Management Plan** - shall mean the set of drawings and other documents that comprise all of the information and specifications for the drainage systems, structure, concepts and techniques that will be used to control water as required by this code and the Storm Water Management Guidance Manual. Also included are the supporting engineering calculations and results of any computer analysis.

**Storm Water Management Quality Controls** - shall mean a system of vegetative structural or other measures that reduce or eliminate pollutants that might otherwise be carried by storm water runoff.

**Storm Water Pollution Prevention Plan or SWPPP** - shall mean a plan required by either the Construction General Permit, the Baseline Industrial General Permit, or the Multi-Sector General Permit

and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in storm water discharges associated with construction or other industrial activity at the facility.

**Storm Water Runoff** - shall mean the direct response of a watershed to precipitation and includes the surface and subsurface runoff that enters a ditch, stream, storm drain or other concentrated flow during and following the precipitation.

**Story** - shall mean the part of a building between the surface of a floor and the ceiling immediately above.

**Story, Half** - shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level; or a story which is one-half below ground level.

**Stream Order** - is a classification system for streams based on stream hierarchy, with the smallest stream having the lowest numerical classification. (Amended 5/17/04, Ord. No. 2004-0-105)

**Streams** - are identified on U.S. Geological Survey (1:24,000) maps. (Amended 5/17/04, Ord. No. 2004-0-105)

**Stream System**- means a stream channel of a given order together with one or more of the following:

- 1) 100-year floodplain;
- 2) Hydrologically related wetland;
- 3) Reservoir receiving water from one or more streams. (Amended 5/17/04, Ord. No. 2004-0-105)

**Street, Thoroughfare or Road** - shall mean the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

(a) **Alley**: A minor street used primarily for vehicular access to the back or side of properties abutting on another street.

(b) **Arterial Street**: A general term denoting a highway primarily for through traffic carrying heavy loads and large volume of traffic, usually on a continuous route.

(c) **Collector Street**: A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivision.

(d) **Cul-de-sac**: A local street of relatively short length with one end open to traffic.

(e) **Dead-End Street**: A street temporarily having one outlet for vehicular traffic and intended to be extended or continued in the future.

(f) **Local Street**: A street primarily for providing access to residential or other abutting property.

(g) **Loop Street**: A type of local street, each end of which terminates at an intersection with the same adjacent street, and whose principal radius points of 180 degree system of turns are not more than 1,000 feet from said adjacent street, and normally more than 600 feet from each other.

(h) **Marginal Access Street**: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called "Frontage Street").

**Street Tree** - shall mean those trees located between property lines on either side of streets, avenues, or ways within the city.

**Structure** - shall mean any vertical construction, including a building or any portion thereof, erected for the purposes of support, shelter or enclosure of persons, animals or property of any kind, including swimming pools, decks in excess of thirty (30) inches in height, and roof overhangs exceeding three (3) feet. A wooden fence of less than seven feet (7'-0") shall not be considered a structure for purposes of this chapter, nor a masonry, brick, concrete, or cinder block wall of less than twenty-four inches in height.

**Structure** - means a walled and roofed building or any portion thereof, manufactured homes, gas or liquid storage tanks, roadways and utility mains that are principally aboveground and/or restrict the flow of flood waters.

**Structure (For Section 24.69 Flood Damage Prevention only)** - means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**Stub street** - shall mean a public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage.

**Subdivider** - shall mean an owner or an owner's authorized agent, proposing to subdivide land into two (2) or more parts to lay out a subdivision of the tract, including an addition to the municipality, or to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks, or other parts of a tract of land intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to public streets, alleys, squares, or parks.

**Subdivision** - shall mean a division of land into two (2) or more parts to lay out a subdivision of the tract, including an addition to the municipality, or to lay out suburban, building or other lots, and or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to public streets, alleys, squares, or parks.

For purposes of Section 24-59, Storm Water Management, Subdivision shall mean:

(1) The creation of one or more new streets, alleys or other public ways; or the changing of any rights-of-way of any existing streets, alleys or other public ways. (2) Any division or redivision of lot, tract, or parcel or land, regardless of its prospective use. Such subdivision may be accomplished by platting or by description of metes and bounds or otherwise into two (2) or more lots or other divisions of sale or improvement. The following are not defined as subdivisions.

- a. The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are in accordance with the rules and regulations contained in the City's Subdivision Regulations and with the City's Zoning Ordinance.
- b. Division or sale of land by judicial decree which shall not be deemed a division for purposes of this code.
- c. The acquisition of land for the purpose of widening or opening of streets when the acquisition and work is done by the City, State or other governmental agency.
- d. The division of land into parcels greater than five (5) acres where no street right-of-way dedication is involved.

**Submittal date** - shall mean the date and time specified in this chapter when plats, related materials and fees must be received by the Department prior to the next regular meeting of the Commission in order to be considered at such meeting.

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

**Substantial Improvement** - Substantial improvement means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**Swale** - shall mean a structural measure with a lining of grass, riprap or other material which can function as a detention structure and convey storm water runoff without causing erosion.

**TAC** - Texas Administrative Code, as compiled by the Texas Secretary of State

**TCEQ** - Texas Commission on Environmental Quality

**Ten-Year Frequency Storm** - shall mean a storm that is capable of producing rainfall to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an accident probability with a 10 percent chance of being equaled or exceeded in any given year.

**Theater** - shall mean a structure providing for live or taped entertainment with fixed seating.

**Third Order Stream** - is a stream formed by the confluence of two second order streams.  
(Amended 5/17/04, Ord. No. 2004-0-105)

**Tite well** - shall mean a well on which no geological or engineering information has been furnished to any person other than those who have an interest in such well or have contractual arrangements under which there are being or have been furnished geological and engineering information pertaining to the drilling and completion of such well.

**Tobacco Shop** - shall mean an establishment whose main purpose is the sale of tobacco products (i.e. cigars, cigarettes, chewing and dipping tobacco and related tobacco smoking accessories) and in which the sale of other products is merely incidental and does not account for more than 45% of the establishments gross revenue. (Added Ord. No. 2014-O-153, 11/17/14)

**Townhouse** - A row of attached dwellings units which constitute an architectural whole and each dwelling is located on a separate, platted lot.

**Townhouse** - shall mean an attached single-family residence with three (3) or more units with individual fee simple ownership in the land underlying the unit. Common areas are under the ownership and control of an association established for the purpose of maintenance.

**Townhouse condominium** - shall mean an attached residential unit with three (3) or more units attached with individual ownership only in the living unit. Ownership and management of common areas is entrusted to a duly organized association of owners of property as provided in the Texas Condominium Act.

**Trailer** - shall mean a vehicle without motor power, designed or used for carrying property wholly on its own structure and to be drawn by a motor vehicle.

**Trauma Treatment Center** (also called Emergency Treatment Center) - Hospitals and similar facilities engaged primarily in providing diagnostic services, and extensive medical treatment, including surgical and other hospital services. These establishments have an organized medical staff, inpatient beds, and equipment and facilities to provide complete health care. May include on-site accessory clinics and

laboratories, accessory retail uses and emergency heliports and Level I through Level IV trauma centers.

**Tree** - shall mean a woody plant having one well defined stem or trunk and, more or less, definitely formed crown and usually attaining a mature height of at least eight (8) feet.

**Uniformity Coefficient** - shall mean the number representing the degree of homogeneity in the distribution of particle sizes of filter sand or other granular material. The coefficient is calculated by determining the D 10/D60 ratio where D10 and D60 refer to the particle diameter corresponding to the 10 and 60 percentile of the material which is finer by dry weight.

**Unitize** - shall mean the grouping of mineral interests in a given production unit for the purpose of producing hydrocarbons as a unit.

**Urgent Care Clinic (Outpatient)** – A 24 hour outpatient facility, which is not physically attached to a hospital, which seeks to provide scheduled or unscheduled medical services for urgent, immediate or minor emergency which do not require trauma level, or major surgical treatment and hospitalization.

**Use** - shall mean the specific purposes for which land or building is designated, arranged, intended and for which it is or may be occupied or maintained.

**Use, Principal** - shall mean the main use of land or building as distinguished from the subordinate or accessory use.

**Variance** - shall mean a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of applicant actions, a literal enforcement of the regulations would result in unnecessary and undue hardship, as specifically provided for within this ordinance.

For purposes of Section 24-59, Storm Water Management, Variance shall mean:

(1) The modification of the minimum storm water management requirements for specific circumstances where strict adherence of the requirements would result in unnecessary hardship and not fulfill the intent of this code, or,

(2) A grant of relief by a community from the terms of a floodplain management regulation.

**Variance (For Section 24.69 Flood Damage Prevention only)** - means a grant of relief by a community from the terms of a floodplain management regulation. (For full requirements see Section 60.6 of the National Flood Insurance Program regulations.)

**Vegetative Buffer** - A vegetated area, including trees, shrubs, and herbaceous vegetation, that exists or is established to protect a stream system. A vegetative buffer for a stream system generally consists of a strip of land, with native vegetation, along both sides of a stream system. (Amended 5/17/04, Ord. No. 2004-0-105)

**Venting** - A system designed to allow flood waters to enter an enclosure, usually the interior of foundation walls, so that the rising water does not create a dangerous differential in hydrostatic pressure. This is usually achieved through small openings in the wall, such as a missing or rotated brick or concrete block or small pipe.

**Veterinary Animal Hospital or Clinic** - A place for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals. It may also include boarding that is incidental to the primary activity.

**Violation** - means the failure of a structure or other development to be fully compliant with City of Laredo's Code of Ordinances, state laws, and federal laws.

**Visibility Triangle** - shall mean an imaginary triangle located at the intersection of any public street, alley or private drive within which no planting shall be done that would block the sight lines for vehicular traffic. The triangle is established by measuring a distance of forty-five (45) feet in each direction from the intersection of the extended curb or edge of pavement of a major thoroughfare and the cross street, or a distance of twenty-five (25) feet in each direction from the intersection of the extended curb or edge of pavement of a local street and the cross street. A straight line connecting the ends of each measured distance forms the third side of the triangle.

**Waiver** - shall mean the relinquishment from storm water management requirement by the City Engineer for a specific land disturbing activity on a case-by-case basis.

**Warehouse** - A building in which more than fifty percent of the ground floor area is utilized for the storage of products, which is not the office or showroom area of the building.

**Watercourse** - means any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any area adjacent thereto, which is subject to inundation by reason of overflow or flood water.

**Water Conservation** - means those practices, techniques, and technologies that will reduce the consumption of water, reduce the loss or waste of water, improve the efficiency in the use of water, or increase the recycling and reuse of water so that a water supply is made available for future or alternative uses.

**Water facilities** - shall mean any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

**Water Quantity** - shall mean those characteristics of storm water runoff that relate to the rate and volume of the storm water runoff to downstream areas resulting from land disturbing activities.

**Water Surface Elevation** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Code 1971, §151/2-3)

**Watershed** - means the total drainage area contributing runoff to a single point.

**Waters of the United States** - shall mean all waters which are currently used, were used in the past or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of "waters of the United States" at 40 CFR §122.2; but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the federal Clean Water Act.

**Water Surface Elevation** - means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, where specified, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas. (Code 1971, §151/2-3)

**Well** - shall mean any hole, excavation or bore downward from the surface, intended to extend two hundred (200) feet or more into the subsurface, made by any means or manner, for the purpose of exploring for, discovering, production, or injecting hydrocarbons, water or other minerals, and which has not been plugged and abandoned under the rules and regulations of the R.R.C.

**Well Abandonment** - The proper plugging and abandoning of a well in compliance with all applicable

regulations, and the cleaning up of the site to the satisfaction of any governmental body having jurisdiction with respect thereto and to the reasonable satisfaction of the operator.

**Well Service Operations** - shall mean routine maintenance and repair operations on a well, other than drilling, plug back, re-entry, reworking, recompletion or workover operations. Well servicing usually involves repairs to installed equipment, such as pumps, rods, gas lift valves, tubing packers, etc.

**Wetland** - shall mean an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, wetlands generally include swamps, marshes, bogs, and similar areas.

**Wholesale business** - shall mean those businesses which sell, broker, transfer, receive or otherwise handle volume commodities for fabrication, resale or internal commercial or industrial consumption.

**Workover** - shall mean work performed on a well to sustain or increase production or injections which may physically change the downhole condition of the well, which may include casing repairs, acidizing, fracture, stimulation, perforating, deepening or plugging back to a different zone in the same horizon, sidetracking or shipstocking and whipstocking due to obstructions, running liners, and gravel packing.

**Xeriscape** - shall mean landscaping systems designed to conserve water through use of drought resistant and heat tolerant native or naturalized plants which utilize only irrigation meet plant needs.

**Yard** - shall mean the area between the property line and the building setback line in which no structure may be located

**Zoning, District Map** - The map or maps incorporated into this ordinance as part hereof delineating zoning districts.

**Historic District Definitions** - Unless specifically defined below, words or phrases in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

**Alteration** - shall mean any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

**Certificate of Appropriateness** - shall mean a certificate issued by the Historic District/Landmark Board indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a historic district.

**Certified historic structure** - shall mean any building that is listed individually in the National Register of Historic Places, or located in a "Registered historic district" and certified as being of historic significance to the district.

**Certified rehabilitation** - is any rehabilitation of a "Certified historic structure" that is certified by the State Historic Preservation officer (SHPO) and the National Park Service (NPS) as being consistent with the historic character of the property and, where applicable, the district in which it is located.

**Construction** - shall mean the act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

**Demolition** - shall mean any act or process that destroys in part or in whole a landmark or structure within a historic district.

**Depreciable structure** - shall mean a building for commercial, industrial, or rental residential purposes

or used in a trade or business or held for the production of income.

**Exterior Architectural Appearance** - shall mean the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color, and texture of the building material and the type, design, and character of all windows, doors, light fixtures, signs, and appurtenant elements.

**Historic District** - shall mean an area so designated by ordinance of the City Council which has outstanding overall historical, architectural and cultural significance in the nation, state, region or community, within which the buildings, structures, accessory buildings, fences, or other appurtenances are of basic and vital importance to the preservation of culture and for the development of tourism because of their association with history, including:

- (1) Historic structures, sites or areas which exemplify the cultural, political, economic or social history of the nation, state, region or community.
- (2) Historic structures, sites or areas that are identified with the lives of historic personages or with important events in national, state, regional or local history.
- (3) Structures or areas that embody the distinguishing characteristics of an architectural type specimen as to color, proportion, form and architectural details.

**Certified historic structure** - shall mean any building that is listed individually in the National Register of Historic Places, or located in a "registered historic district" and certified as being of historic significance to the district by the State Historic Preservation Officer (SHPO) and the National Park Service (NPS)

**Inventory** - shall mean the catalog of historic properties, including all locally significant historic Landmarks, the structures within the historic districts, and all Recorded Texas Landmarks and National Register properties, to be maintained, updated, and made accessible to the public, with exception or archeological sites, by the Historic Preservation Officer in partnership with the Webb County Heritage Foundation

**Locally significant historic landmark** - shall mean a place or structure so designated by the Historic District/Landmark Board of the City of Laredo which has outstanding historical, architectural, archeological, or and cultural significance in the nation, state, region or community. The designation "locally significant historic landmark", recognizes that the historic place, or the building(s), structure(s), accessory building(s), fences or other appurtenances at the place, are of basic and vital importance for the preservation of culture and historical development of the City of Laredo.

**Non-depreciable structure** - shall mean an owner-occupied residence.

**Preservation** - shall mean the process of preserving a building as it exists today. Preservation projects will halt deterioration and improve structural stability without significant rebuilding.

**Registered Historic District** - shall mean any district that is listed in the National Register of Historic Places, or designated under a state or local statute which has been certified by the Secretary of the Interior. (as of 12-1-94 only the San Agustin de Laredo Historic District and the Fort McIntosh Historic District are "Registered historic districts").

**Rehabilitation** - shall mean the process of upgrading the quality of an older building both structurally and mechanically while preserving its unique historic and architectural features. This type of project often involves adaptive reuse.

**Removal** - shall mean any relocation of a structure on its site or to another site.



**Repair** - shall mean the utilization of methods with the least degree of intervention possible such as patching, piecing-in, splicing, consolidating, or otherwise reinforcing or upgrading materials according to recognized preservation methods so that the visual appearance of the structure remains the same. Repair shall also mean the limited replacement using the same kind of materials or compatible substitute material of extensively deteriorated or missing parts where there are surviving prototypes and the visual appearance of the structure remains the same.

**Restoration** - shall mean construction restoring the original appearance and architectural features of a structure. This may include removing later additions and reconstructing missing architectural features.

**Secretary of the Interior's Standards** - shall mean guidelines published by the U.S. Department of the National Park Service for rehabilitating historic structures. These standards, revised in 1990, are used by the NPS and the SHPO to determine if a rehabilitation qualifies as a Certified Rehabilitation for Federal tax purposes.

**Secretary of the Interior's Standards for Evaluating Significance within Registered Historic Districts** - shall mean the criteria published by the U.S. Department of the National Park Service used to determine whether a structure does or does not contribute to the historic significance of a district. This criteria is used to determine if a rehabilitation becomes a "Certified historic structure" for Federal tax purposes. It shall also be used as the City of Laredo's guidelines to determine if a structure qualifies as a "Locally certified historic structure" for the City of Laredo Ad Valorem Tax Exemption.

**Structure** - shall mean a non-movable work of construction made up of interdependent and interrelated parts in a definite pattern of organization.

**Substantial rehabilitation** - shall mean the repair, preservation, restoration, or rehabilitation of a "Locally significant historic landmark" or a structure located within a historic district that has been deemed of significance to the district." The cost of the work must exceed 50% of the value of the improvements to the property as established by the Webb County Central Appraisal District on the date of application.