

Sec. 41-1. - Definitions.

- (a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Abutting* means adjacent; joining at a boundary.

*Administrator* means the city engineer, director of public works or other person designated by the city to administer the regulations and provisions of this chapter.

*Alley* means a minor public right-of-way that is primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.

*Block* means a unit of land bounded by streets or a combination of streets and public land, railroad rights-of-way, waterways, or any other barrier to the continuity to development.

*Building setback line* means a line beyond which building foundations or any building extension other than roof overhang not exceeding 18 inches must be set back from the property line.

*Crosswalkway* means a public right-of-way, between property lines, for pedestrian circulation.

*Cul-de-sac* means a local street with only one street outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

*Dead-end street* means a portion of a street or a road with only one street or road outlet.

*Developer*. See *Subdivider*.

*Double fronting lot* means a lot which fronts upon two parallel streets, or which fronts upon two streets which do not intersect at the boundaries of the lot.

*Easement* means ~~right or privilege of the public, a corporation, or another prescribed person or entity, to use and/or enjoy (a) designated property right(s) of certain real property of another without possessing the real property. a grant of one or more of the property rights by the property owner to and/or for the use by the public, corporation or another person or entity.~~

*Easement, avigation*, means an air-rights easement, which protects air lanes around airports.

*Easement, drainage*, means an easement required for the installation of stormwater sewers or drainage ditches, and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.

*Engineer* means a person authorized under the Texas Engineering Registration Act to practice the profession of engineering.

*Flood* means a general and temporary condition as partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or runoff of surface waters from any source.

*Flood protection elevation, regulatory*. See the flood hazard area regulations in chapter 17, article II.

*Homeowners' association* means a community association, other than a condominium association, which is organized in a development in which individual owners share common interests in open space or facilities.

*Interior lot* means a lot other than a corner lot.

*Lot* means an undivided tract or parcel of land, identified by a number or symbol and designated as a distinct and separate tract on a fully approved subdivision plat properly filed of record.

*Lot area* means the total area within the lot lines of the lot excluding any street rights-of-way.

*Lot corner* means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than 135 degrees.

*Lot depth* means the distance measured from the front lot line to the rear lot line. Where the front and rear lot lines are not parallel, the lot depth should be measured by drawing lines from the front to the rear lot lines, at right angles to the front lot line every ten feet, and averaging the length of these lines.

*Lot line* means a line of record bounding a lot, which divides one lot from another lot or from a public or private street or any other public space.

*Major subdivision* means any subdivision not classified as a minor subdivision.

*Master development plan* means a graphic representation and narrative description of a large area of land intended for eventual development in phases. The plan may involve a single parcel or a number of contiguous parcels. It should show proposed land use, street classification, parks and open space, major public facility sites, floodplains and waterways, major drainage and utility improvements, and other features deemed necessary or appropriate by the administrator to depict critical on-site and off-site relationships that coordinate the development with the community's overall plan and adjoining undertakings.

*Minor plat* means a proposed plat with four or fewer lots, with said lot or lots fronting on an existing street, and not requiring the creation of any new street or the extension of municipal facilities.

*Municipal Utility Easement* means easement dedicated by the owner of the proposed subdivision to the city in perpetuity for the installation and maintenance of utilities and all the necessary appurtenances thereto installed above, on, or below the surface of the ground. Nothing shall be placed or permitted to remain within the dedicated easement limits that may damage or interfere with the proper installation and/or maintenance of utilities. Subject to the provisions in Sec. 41-141, utility companies, their agents and assigns, will have the rights and benefits of the rights herein granted, including but not limited to the free right of ingress to and egress from the municipal utility easement, and the right to, periodically, cut and/or remove all trees, brush and other obstructions that may injure, endanger or interfere with the operation and/or maintenance of utility installations.

*Mobile home park* means a site with required improvements and utilities for the longterm parking of mobile homes, which may include services and facilities for the residents.

*Owner.* See *Subdivider* .

*Parkway* means that portion of the right-of-way between the curb and the right-of-way line.

*Person* means any individual, association, firm, corporation, governmental agency, political subdivision or other legal entity.

*Plan, comprehensive,* means the comprehensive plan of the city and adjoining areas adopted by the planning and zoning commission and approved by the council, including all its revisions. The plan indicates the general locations recommended for various land uses, transportation routes, public and private buildings, streets, parks, and other public and private developments and improvements, to include detailed plans for water, sewer, etc.

*Plan, concept,* means a rough concept map of a proposed subdivision with sufficient accuracy to be used for the purpose of discussion, classification, and comment.

*Plan or plat package* means and includes all drawings, instruments, written specifications, reports, test results, covenants, and other similar items required in this chapter.

*Plan, preliminary,* means a preliminary plan indicating the proposed layout of a subdivision that is submitted to the review authority for consideration and preliminary approval.

*Planned development* means a development provided for by chapter 53, pertaining to zoning wherein certain yards, areas and related standards may be varied and a variety of land uses associated on a tract, the plan of which is subject to approval by the planning and zoning commission and council.

*Planning and zoning commission* means the duly designated planning commission of the city acting as the planning and zoning commission having responsibilities as delegated by the city council including, but not limited to, land use review concerning comprehensive planning, zoning, and subdivision of land.

*Plat* means a map representing a tract of land, showing the boundaries and location of individual properties and streets.

*Plat drawing* means a drawing or drawings depicting the proposed subdivision layout itself, along with associated certifications, dedications and related notations.

*Plat, final*, means the final map of all or a portion of a subdivision, which is presented to the proper review authority for final approval.

*Predesign conference* means a conference between a developer and the city planning staff, held prior to application for approval of a plat, for the purposes of exchanging information and identifying potential problems with a proposed development.

*Replating* means the alteration of any part or all of any lot, block or tract of a previously platted subdivision.

*Residential lane* means a street which, by its design, discourages through traffic and which may afford the only vehicular access to lots abutting thereon, which lots shall be restricted to residential use as set forth for only certain zoning districts in chapter 53, as amended, pertaining to zoning.

*Staff* or *city staff* means the employees, and the professionals providing services to the city, authorized or permitted by the council to undertake any duty or to provide any review, work or service contemplated by the terms of this chapter to be undertaken by city personnel.

*Street* means a public right-of-way, however designated, which serves one or more of the following purposes:

- (1) *Major thoroughfare, arterial street or expressway.* A major thoroughfare, arterial street or expressway primarily provides vehicular circulation to various sections of the city.
- (2) *Collector street.* A collector street primarily provides circulation within neighborhoods, to carry traffic from local streets to arterial or major thoroughfare streets, or to carry traffic through or adjacent to commercial or industrial areas.
- (3) *Marginal access.* A marginal access or frontage street is a street, which is parallel to and adjacent to an arterial street and primarily provides access to properties abutting these types of streets.
- (4) *Local street.* A local street is a street designed primarily for access to abutting residential property. A local street does not include roadways that carry through traffic, but will generally be intersected frequently by collector streets.

*Street width* means that distance from back of curb to back of curb.

*Subdivider* means any person, or agent thereof, dividing or proposing to divide land so as to constitute a subdivision, as defined herein. The term "subdivider" shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be divided.

*Subdivision* means a division of any tract of land, situated within the corporate limits of the city or within its extraterritorial jurisdiction, into two or more parts for the purpose of laying out any addition to the city, or for laying out suburban lots or building lots, or any lots, and streets, alley, access easements, public utility easements, or parks or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. The term "subdivision" does not include divisions of land in parcels of five acres or more, unless any such division of five acres or more includes the planning or development of a new street or access easement, or public utility easement.

*Surveyor* means a registered professional land surveyor authorized by state statute to practice the profession of surveying.

~~*Utility easement* means an interest in land granted to the city, the public generally or to a private corporation, for installing and maintaining utilities across, over or under private land.~~

- (b) Words and terms not expressly defined herein are to be construed in accordance with customary usage in municipal planning and engineering practices.