
SECTION 8. DEFINITIONS

Sec. 155.8.01. Usage and interpretation.

- A. *Usage and Interpretation Rules.* For the purpose of this Subdivision Ordinance certain terms or words herein shall be interpreted or defined as follows:
1. Words used in the present tense include the future tense;
 2. The singular includes the plural;
 3. The word "person" includes a corporation as well as an individual;
 4. The term "shall" is always mandatory;
 5. The term "may" is discretionary;
 6. The male gender shall include the female and the neutral.
- B. *Words and Terms not Expressly Defined.* Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

Sec. 155.8.02. Words and terms defined.

For the purpose of this Subdivision Ordinance, certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the City Council; to wit:

1. *Abutting.* Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a street, waterline, park, or open space.
2. *Access.* A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").
3. *Alley.* A public Right-of-Way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
4. *Amending Plat.* An Amending Plat applies minor revisions to a recorded plat consistent with provisions of State law, see Section 4.09 Amending Plat.
5. *Applicant.* The person or entity responsible for the submission of an Application. The Applicant must be the actual owner of the property for which an Application is submitted, or shall be a duly authorized representative of the property owner. Also see Developer.
6. *Application.* The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the City to initiate City review and approval of a development project.
7. *Application Form.* The written form (as provided by and as may be amended by the City Administrator) that is filled out and executed by the Applicant and submitted to the City along with other required materials as a part of an Application.
8. *Approval.*

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- a. Approval constitutes a determination by the official, board, commission or City Council responsible for such determination that the Application is in compliance with the minimum provisions of this Subdivision Ordinance.
 - b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.
9. *Major Arterial/Thoroughfare Street.*
- a. A street designated within the Comprehensive Plan.
 - b. A principal traffic way more or less continuous across the City or areas adjacent thereto and shall act as a principal connecting street with highways as indicated in the Comprehensive Plan.
10. *Base Flood.* The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.
11. *Block.* A tract or parcel of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad Right-of-Way, highway, stream, or corporate boundary lines.
12. *Block Face.* The portion of a Block that abuts a street.
13. *Block Length.* The length of the Block Face between two intersections.
14. *Bond.* Any form of security including cash deposit, surety bond, collateral, instrument or credit in an amount and form satisfactory to the city. All bonds shall be approved by the city attorney wherever a bond is required by the subdivision ordinance.
15. *Building.* Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.
16. *Building line.* A line designated on an approved subdivision plat which is parallel or approximately parallel to a street, beyond which buildings may not be erected.
17. *Building Official.* The Building Official of the City or his or her designee.
18. *Building Permit.* A permit issued by the City before a building or structure is started, improved, enlarged or altered as proof that such action is in compliance with the City code.
19. *Building Setback Line.* The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street Right-of-Way/property line.
20. *Centerline, street.* A point equidistant from opposite right-of-way lines of a street, roadway, thoroughfare or alley.
21. *Certificate of Occupancy.* An official certificate issued by the City through the enforcement official which indicates conformance with the City's rules and regulations and which authorizes legal use of the premises.
22. *City.* The City of Glen Rose, Texas, together with all its governing and operating bodies.
23. *City Administrator.* The officially appointed and authorized City Administrator of the City of Glen Rose, Texas, and may include the City Administrator's duly authorized representative or designee, per the City Administrator's discretion.
24. *City Attorney.* The person(s) so designated by the City Council to provide oversight for and have legal responsibility for the City. This term shall also include any designee of the City Attorney.
25. *City Council.* The duly elected governing body of the City of Glen Rose, Texas.
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26. *City Engineer.* The Licensed Professional Engineer or firm of Licensed Professional Consulting Engineers that has been specifically designated or contracted as such by the City Administrator.
 27. *City Secretary.* The person appointed by the City Council to provide clerical and official services for the City Council. This term shall also include any designee of the City Secretary.
 28. *Collector Street.* A street which is continuous through several residential districts and is intended as a connecting street between residential districts and Major Arterial/Thoroughfare Streets, highways or business districts.
 29. *Commission.* The Planning and Zoning Commission of the City.
 30. *Comprehensive Plan*
 - a. The plan, including all revisions thereto, adopted by the City Council as the official policy regarding the guidance and coordination of the development of land in the City.
 - b. The plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, utilities, parks other public and private developments and improvements and population projections.
 - c. The plan may consist but is not limited to the following plan elements: Future Land Use Plan, Mobility, Housing, Livability, and Infrastructure.
 30. *Construction Details.* A separate and stand-alone document not included within this Subdivision Ordinance that provides technical construction drawings of the City's required Improvements, such as a "Standard Storm Drain Curb Inlet." The Construction Details document is developed and maintained by the City Administrator.
 31. *Construction Plans.* A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the City for review in conjunction with a subdivision or a development.
 32. *Conveyance Plat.* An interim step in the subdivision and development of land, a Conveyance Plat is a plat designed to subdivide land and to provide for recordation for the purpose of conveying (*i.e.*, selling) the property without developing it. A Conveyance Plat does not constitute approval for any type of development on the property.
 33. *Council.* See City Council.
 34. *County.* Somervell County.
 35. *Criteria Manual.* The iSWM Criteria Manual for Site Development and Construction, Revised January 14, 2015, developed by the North Central Texas Council of Governments (NCTCOG), except for Section 3.2 Water Quality Protection.
 36. *Crosswalk Way.* A public Right-of-Way, four (4) feet or more in width between property lines, which provides pedestrian circulation.
 37. *Cul-de-Sac.* A short, residential street having but one vehicular access to another street, and terminated on the opposite end by a vehicular turnaround.
 38. *Curb Level.*
 - a. The level of the established curb in front of the building measured at the center of such front.
 - b. Where no curb has been established, the City Administrator shall establish such curb or its equivalent for the purpose of this Subdivision Ordinance.
 39. *Date of Adoption.* The date of adoption of this Subdivision Ordinance shall be the date this ordinance becomes effective.
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40. *Dead-End Street*. A street, other than a cul-de-sac, with only one outlet.
41. *Decision-Maker*. The City official or group, such as the City Administrator, City Council, or Planning and Zoning Commission, responsible for deciding action on an Application authorized by this Subdivision Ordinance.
42. *Dedication*. An act transmitting property or interest to the city or other entity.
43. *Design review committee*. Representatives from the City, including the City Administrator, Building Official, Public Works Director, City Engineer (if deemed appropriate), and Fire Marshal (if deemed appropriate) and the utility companies (if deemed appropriate), who provide design recommendations and determine the viability of a new subdivision.
44. *Developer*.
- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by this Subdivision Ordinance.
 - b. The word Developer is intended to include the terms Subdivider, property owner, and, when submitting platting documents, Applicant.
45. *Development*. Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.
46. *Development Agreement*. Agreement between the City and a Subdivider, which includes provisions for construction of Public Improvements, City participation, pro rata agreements, escrow deposits, and other provisions for the development of land. (See 5.05 Development Agreements and Security for Completion for details.)
47. *Development Application*. An Application, developed and updated by the City Administrator, for any type of plan, permit, plat or Construction Plans/drawings authorized or addressed by this Subdivision Ordinance. Also may be referred to as a permit within the Texas Local Government Code, Chapter 245.
48. *Development Application Handbook*. A collection of Application Forms created, updated, and managed by the City Administrator. (See 3.01.D.)
49. *Development Plat*. A Plat required prior to development (i.e., any new construction or the enlargement of any exterior dimension of any building, structure, or improvement), in accordance with Local Government Code 212, Subchapter B (212.045), in lieu of other Subdivision Plats (established in LGC 212, Subchapter A) required by this Subdivision Ordinance and in accordance with Section 4.11 Development Plat.
50. *Director of Community Services*. The person(s) so designated by the City Administrator to perform and manage tasks related to community services. This term shall also include any designee of the Director of Community Services.
51. *Dwelling, Multi-Family*. Any building, or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments, or which is occupied as a home or place of residence by three or more families living in independent and separate housekeeping units.
52. *Dwelling, Single Family (attached—duplex)*. A building designed for occupancy for two (2) families living independently of each other. A two family attached unit (also known as a duplex) has a lot line dividing the building and separating the building's two (2) dwellings units onto two (2) separate lots.
53. *Dwelling, Single Family (attached—townhouse)*. A dwelling which is joined to another dwelling at one or more sides by a party wall or abutting separate wall, and which is designed for occupancy by one family and is located on a separate lot delineated by front, side and rear lot lines.
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54. *Dwelling, Single Family (detached)*. A dwelling designed and constructed for occupancy by one family and located on a lot or separate building tract and having no physical connection to a building located on any other lot or tract and occupied by one family.
55. *Dwelling Unit*. One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single family or group of persons living together as a family or by a single person.
56. *Easement*.
- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.
 - b. An area established for public purposes on private property upon which the City shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of City systems.
 - c. The City shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.
57. *Easement, Common Access*. An easement to provide shared access to and from commercial, and industrial owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.
58. *Engineer*. A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare Construction Plans and specifications for public works improvements.
59. *Engineering Plans*. See Construction Plans.
60. *Extraterritorial Jurisdiction (ETJ)*. The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City, the outer limits of which are measured from the extremities of the corporate limits of the City outward for the distance as stipulated in Chapter 42 of the Texas Local Government Code, according to the population of the City, and in which area the City may regulate subdivisions and enjoin violation of provisions of this Subdivision Ordinance.
61. *Fee Schedule*. A listing of fees for various City Applications, which is prepared by the City Administrator and approved by City Council and may be amended periodically. The Fee Schedule is approved separately from this Subdivision Ordinance.
62. FEMA. Federal Emergency Management Agency.
63. *Final Acceptance*. The acceptance by the City of all infrastructure improvements constructed by the Developer in conjunction with the development of land.
64. *Final Plat*.
- a. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.
 - b. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Erath County, Texas.
 - c. A Final Plat may also be referenced as a Record Plat or Final Plat.
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65. *Floodplain*. The area subject to be inundated by water from the Base Flood.
66. *Floodway*. A natural drainage area which accommodates the design flood for existing creeks and open drainage ways.
67. *Floor Area*. The habitable area of a building that is served by a conditioned air system, but specifically excluding porches, patios, breeze-ways, automobile storage areas, garages, workshops, attic storage areas and basements.
68. *Frontage*. All the property abutting on one (1) side of the street, or between two (2) intersecting streets, measured along the street line.
69. *Greenbelt*. A linear park, generally in or near a floodplain.
70. *Homeowners' or Property Owners' Association*. A formal nonprofit organization operating under recorded land agreements through which:
- Each lot and/or property owner in a specific area is automatically a member; and
 - Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
 - The charge if unpaid, becomes a lien against the nonpaying member's property.
71. *Improvement*. Any man-made fixed item which becomes part of or placed upon real property, see also Public Improvement.
72. *Infrastructure*. All streets, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the City.
73. *Land Planner*. A person(s) other than Surveyors or Engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial and other related developments; such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning and who is a member of the American Planning Association.
74. *Letter of Final Acceptance*. Notification to an Applicant from the City Administrator that all improvements are completed, inspected, tested (if applicable), and determined by the City to be in conformance with this Subdivision Ordinance and with the City's design/engineering standards and all improvements are accepted by the City or will be accepted contingent to the approval of a Final Plat.
75. *Lot*. Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under this Subdivision Ordinance, and having its principal frontage upon a street or officially approved place.
76. *Lot, Corner*.
- A lot situated at the junction of two (2) or more streets.
 - A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the Planning and Zoning Commission.
77. *Lot, Depth*. The mean horizontal distance from the front street line to the rear line.
78. *Lot, Double*. See Lot, Through.
79. *Lot, Interior*. A lot, the side line of which does not abut on any street.
80. *Lot, Reverse*. See Lot, Through.
81. *Lot, Through*. An interior lot having frontage on two (2) streets. Such through lot shall provide a front yard on each street. Also known as a double or reverse lot.
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82. *Lot Lines*. The lines bounding a lot as defined herein.
83. *Lot of Record*. A lot which is part of a subdivision, a map of which has been recorded in the office of the County Clerk.
84. *Lot Width*. The mean horizontal distance between side lines measured at right angles to the depth.
85. *Major Subdivision Waiver*. See Waiver, Major Subdivision.
86. *Manual on Uniform Traffic Control Devices*. The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.
87. *Metes and bounds*. A system of describing and identifying land by measures (metes) and direction (bounds) from an identifiable point of reference such as a monument or other marker, the corner of intersecting streets, or in a rural area, a tree or other permanent fixture.
88. *Minor Plat*. A plat dividing land into no more than four (4) lots that meets the submission and approval requirements of Section 4.07 Minor Plat. Such plat is also considered a Final Plat.
89. *Minor Replat*. Pursuant to Texas Local Government Code 212.0065, a Minor Replat is a Replat involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. See Section for 4.08.G.2 Minor Replat details.
90. *Minor Subdivision Waiver*. See Waiver, Minor Subdivision.
91. *Monument*. A permanent structure set on a line to define the location of property lines, important horizontal subdivision control points and other important features on a plat.
92. *Official Submission Date*.
- a. A calendar of official submission dates for subdivision related Applications requiring City review and approval pursuant to Texas Local Government Code Chapter 212.
 - b. See 3.02 Official Submission Date and Official Vesting Date for further details and standards.
93. *Official Vesting Date*.
- a. Pursuant to Texas Local Government Code Chapter 245, an Application or plan for development is considered filed on the date the Applicant delivers the Application or plan to the City or deposits the application or plan with the United States Postal Service by certified mail addressed to the City.
 - b. See 3.02 Official Submission Date and Official Vesting Date for further details and standards.
94. *Owner*. The fee simple owner(s) of property being platted or their representative(s) when authorized by a power of attorney, corporate resolution or other appropriate document.
95. *Parcel*. See definition of tract.
96. *Parkway*. Within the Right-of-Way, the area between the property line and the nearest curb or edge of the roadway (if no curb exists.) See Figure 10: Example of a Parkway for visual depiction of a parkway.
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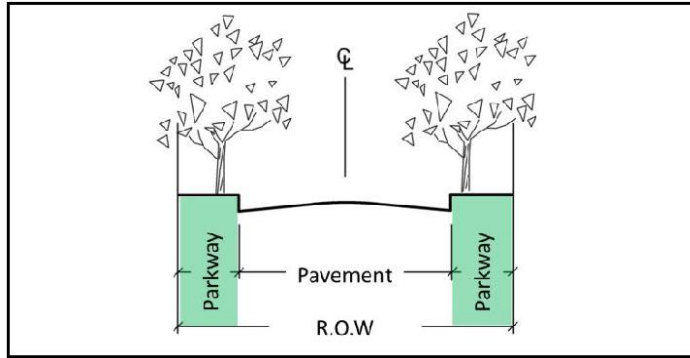


Figure 10: Example of a Parkway

97. *Park, Playground, or Community Center, Public.* An open recreational facility or park owned and operated by a public agency such as the City or the school district, and available to the general public.
98. *Parking Space.* Open space or garage space reserved exclusively for the parking of a vehicle.
99. *Paved Driveways.* Paved driveways are constructed of brick pavers, concrete pavers, hot mix asphaltic concrete, or portland cement concrete.
100. *Pavement Width.* The portion of a street available for vehicular traffic. Where curbs are laid, it is the portion between the back of the curbs.
101. *Perimeter Street.* A street which abuts a parcel of land to be subdivided on one side.
102. *Person.* Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.
103. *Planning and Zoning Commission.* The Planning and Zoning Commission of the City.
104. *Plat.*
 - a. A map or chart of the subdivision, lot or tract of land.
 - b. It shall include the term plan, plat or re-plat, in both singular or plural.
105. *Preliminary Drainage Plan.* This plan shows the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.
106. *Preliminary Plat.*
 - a. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.
 - b. The Preliminary Plat shall serve as a means for the City to review and study the proposed division of land and/or improvements.
107. *Preliminary Storm Water Management Plan.* The purpose of the Preliminary SWMP is to identify permanent water quality feature opportunities for Subdivision development.
108. *Preliminary SWMP.* Preliminary SWMP is an abbreviation for the graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, street layout and direction of curb flow, and other pertinent features

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- with notations sufficient to substantially identify the general scope and detail of the proposed development.
109. *Preliminary Utility Plan.* A plan detailing both Water Utility and Wastewater Utility requirements.
110. *Progress Towards Completion.* Progress towards completion of the project shall include any one of the following:
- a. An Application for a Final Plat or plan for development is submitted;
 - b. A good-faith attempt is made to file with the City or County an Application for a permit necessary to begin or continue towards completion of the project;
 - c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 - d. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency; or
 - e. Utility connection fees for the project have been paid to a regulatory agency.
111. *Pro-rata.* Pro-rata means a charge made against an existing lot abutting a utility or other city infrastructure that is the average per foot cost of the improvement, multiplied by the front footage of the land, and that is imposed to reimburse the original subdivider their cost of installing or paying for the improvement. The pro-rata must be approved as part of a subdivider agreement.
112. *Public Improvement.* Any Improvement, facility or service together with its associated public site, Right-of-Way or easement necessary to provide transportation, storm drainage, public or private utilities, parks or recreational, energy or similar essential public services and facilities, for which the City ultimately assumes the responsibility, upon a Letter of Final Acceptance being issued, for maintenance, operation and/or ownership.
113. *Record Drawings.* A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.
114. *Record Plat.* See Final Plat.
115. *Replat.* The re-subdivision of any or part or all of any block or blocks of a previously platted subdivision, addition, lot or tract, that is beyond the definition of an Amending Plat and which does not require the vacation of the entire preceding plat. Such plat also conforms to Section 4.08 Replat of this Subdivision Ordinance. A Replat can function as a Final Plat for a property.
116. *Residential District.* Residential district means a single family, patio home, duplex, townhouse, multifamily or mobile home zoning district as defined in the zoning ordinance.
117. *Residential Street.* A street which is intended primarily to serve traffic within a neighborhood or limited residential district and which is used primarily for access to abutting properties.
118. *Residential Use.* Residential use means use of a structure as a residence.
118. *Responsible Official.* The City staff person who has been designated by the City Administrator to accept a type of development Application for filing, to review and make recommendations concerning such Applications, and where authorized, to initially decide such Applications, to initiate enforcement actions, and to take all other actions necessary for administration of the provisions of development Applications. Also includes any designee of the designated City staff person.
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119. *Retaining Wall.* A non-building, structural wall supporting soil loads and live and dead surcharge loads to the soil, such as additional soil, structures and vehicles.
120. *Right-of-Way:*
- a. A parcel of land occupied or intended to be occupied by a street or alley.
 - b. A Right-of-Way may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
 - c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
 - d. For platting purposes, the term "Right-of-Way" shall mean that every Right-of-Way shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.
121. *Screening wall.* A wall, not less than 6 feet in height measured at the highest finished grade.
122. *Setback Line.* A line within a lot, parallel to and measured from a corresponding lot line, establishing the minimum required yard and governing the placement of structures and uses on the lot.
123. *Sidewalk.* A paved travel way intended for pedestrian use.
124. *Single-family lot.* A lot in a single-family zoning district, or a lot in an identifiable single-family component of a planned development district.
125. *Site Plan.* A Site Plan is a detailed, scaled drawing of all surface improvements, structures, and utilities proposed for development and is associated with the zoning ordinance.
126. *Sketch Plat.* A sketch or informal plan prepared prior to the preparation of the Preliminary Plat describing the proposed design of the subdivision to be reviewed during the pre-application review process.
127. *Street.* A public Right-of-Way that provides vehicular traffic access to adjacent lands.
128. *Street Width.* The shortest distance between the property or easement lines which delineate the Right-of-Way of a street.
129. *Structure.* Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.
130. *Subdivider.*
- a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
 - b. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.
131. *Subdivision.*
- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
 - b. Any other subdivision or re-subdivision of land contemplated by the provisions of Chapter 212, Local Government Code.
132. *Subdivision Ordinance.* The adopted Subdivision Ordinance of the City, as may be amended in the future, and may be referred as "this Ordinance."
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133. *Subdivision Plat*. A Plat (e.g., Preliminary Plat, Final Plat, Minor Plat, Replat, or Amending Plat) established in LGC 212, Subchapter A involving the subdividing of land in two (2) or more parts or the amending of a recorded Plat.
134. *Subdivision Regulations*. Any regulations and standards contained within the Subdivision Ordinance.
135. *Subdivision Waiver*. Either a Minor Subdivision Waiver or Major Subdivision Waiver, see Section 7.01 Petition for Subdivision Waiver.
136. *Surveyor*. A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the State to practice the profession of surveying.
137. *TLGC*. Texas Local Government Code.
138. *Temporary*. Used or lasting for only a limited period of time; not a permanent structure or use. For temporary on-site construction offices, administrative offices and batching plants, temporary shall mean the period of time limited to the actual on-site construction of the structure, facility or subdivision, as the case may be. For all other uses, temporary shall mean a period of time not to exceed 90 calendar days from the date of commencement of the use.
139. *Thoroughfare*. See Major Arterial/Thoroughfare Street.
140. *Thoroughfare Plan*. The plan that guides the development of adequate circulation within the City, and connects the City street system to regional traffic carriers. Also, referred to as the Thoroughfare Plan.
141. *Tract*. All contiguous property in common ownership.
142. *Usable Open Space*. An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:
- a. Walks,
 - b. Rooftops,
 - c. Buildings, except those portions or any building designed specifically for recreation purposes,
 - d. Parking areas,
 - e. Landscaped parking requirements,
 - f. Driveways,
 - g. Turnarounds, or
 - h. Rights-of-Way or easements for streets and alleys.
143. *Utilities*. An agency under public franchise or ownership which provides a regulated service to the public, such as electric, gas or communication services.
144. *Utility Easement*. See Easement.
145. *Vested Right*. A right of an Applicant requiring the City to review and decide the Application under standards in effect prior to the effective date of the standards of this Subdivision Ordinance and/or of any subsequent amendments.
146. *Vested Rights Petition*.
- a. A request for relief from any standard or requirement of the Subdivision Regulations based on an assertion that the Applicant (petitioner for relief) has acquired a Vested Right.
 - b. Such petition is regulated under Section 7.03 Subdivision Vested Rights Petition.
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147. *Vision Clearance.* A space left open and unobstructed by fences, structures, shrubs, trees or other plant life along streets at the corner in front of the building line of lots contiguous to intersecting streets.
148. *Waiver, Major Subdivision.*
- a. A significant change to both the standards and intent of the Subdivision Regulations, which involves Planning and Zoning Commission and City Council approval.
 - b. See Section 7.01 Petition for Subdivision Waiver for details.
149. *Waiver, Minor Subdivision.*
- a. A minor change to the standards, but not the intent, of these Subdivision Regulations, which involves the City Administrator approval unless otherwise noted.
 - b. See Section 7.01 Petition for Subdivision Waiver for details.
150. *Wastewater facilities.* An underground piping system that conveys wastewater from a lot or subdivision, and includes pipe, manholes and associated appurtenances.
151. *Water Treatment Facility.* The facility or facilities within the water supply system which can alter the physical, chemical, or bacteriological quality of the water.
152. *Yard.*
- a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
 - b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.
153. *Yard, Front.* A yard across the full width of a lot extending from the front line of the main building to the front street line of the lot.
154. *Yard, Rear.* A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building, except that area included in the side yard as defined below.
155. *Yard, Side.* A yard between the building and the side line of the lot and extending from the front yard to the required minimum rear yard.
156. *Zoning Ordinance.* The adopted Zoning Ordinance of the City, as may be amended in the future.