

Chapter 2

Definitions

Rev. 04/16/2019

Section 2.1 Purpose of This Chapter

The purpose of this Chapter is to define words, terms and phrases contained within this Land Development Code.

Section 2.2 Authorization for Adoption of This Chapter

The regulations contained in this Chapter have been adopted under the following authority:

1. *Chapter 211 – Municipal Zoning Authority of the Texas Local Government Code*, which authorizes a municipality to divide a municipality into districts and, within each district, regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.
2. *Chapter 51 – General Powers of Municipalities of the Texas Local Government Code*, which authorizes a municipality to adopt ordinances, rules, or police regulations that are for the good government, peace, or the trade and commerce of the municipality.
3. *The Home Rule Charter of the City of Colleyville*, which authorizes the City Council to exercise all powers granted to municipalities by the Constitution or the laws of the State of Texas.

Section 2.3 Variances and Appeals

Any person seeking approval of a development as required by this Land Development Code may request an interpretation of the definitions contained in this Chapter, or appeal a decision of an Administrative Official by submitting a request using the procedures described in *Chapter 1 – General Provisions* of this Land Development Code.

Section 2.4 General Construction of Language

In the interpretation of this Land Development Code, the provisions and rules of this section shall be observed and applied, except as otherwise noted or when the context clearly requires otherwise.

1. Words used or defined in one tense or form shall include other tenses and derivative forms.
2. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.
3. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.
4. The word *person* includes individuals, firms, associations, organizations, partnerships, trusts, limited liability companies, corporations and any other similar entities.
5. The word *shall* is always mandatory. The word *should* is discretionary. The word *may* is permissive.

6. The word *used* or *occupied* includes the words *intended*, *designed*, or *arranged to be used or occupied*.
7. The word *lot* includes the words *plot*, *parcel* or *tract of land*.
8. The word *City* means the City of Colleyville, Texas.
9. The words *City Council* or *Council* mean the City Council of the City of Colleyville, Texas.
10. The words *Planning & Zoning Commission* or *Commission* mean the Planning & Zoning Commission of the City of Colleyville, Texas.
11. The word *Board* means the Zoning Board of Adjustment of the City of Colleyville, Texas.
12. In case of any differences of meaning or implication between the text of this Land Development Code and any caption, illustration or table, the text shall control.
13. For words not defined in this Chapter, the definitions contained in *The American Heritage Dictionary of the English Language*, latest edition, are hereby adopted.

Section 2.5 Definitions

Aa

Abutting, Adjacent, Adjoining. Contiguous or sharing a common border or boundary with other property. Abutting, adjacent and adjoining shall include property immediately across an alley but shall not include property across a street.

Accessory Building. A subordinate building enclosed on three or more sides, but not a carport, having a use customarily incident to and located on the same lot occupied by the principal building, or a use customarily incident to the main or principal use of the property. A building housing an accessory use is considered an integral part of the principal building when it has any part of a wall in common with the principal building, or is under an extension of the main roof and designed as an integral part of the main building.

Accessory Dwelling. A separate dwelling from the primary dwelling not rented or otherwise used as a separate domicile in a residential district for the sole use and occupancy of a member of the immediate family or persons employed on the premises by the occupant on a full-time basis as domestic help, such as a maid, chauffeur, cook, or gardener.

Accessory Structure. A subordinate building that is detached from the primary on-site building and is clearly secondary and incidental to the main use.

Administrative Official. A person assigned by the City Manager responsible for the administration of this LDC or a particular portion of the Code.

Adult Day Care. An adult day care center is a non-residential (no overnight stay) facility that supports the health, nutritional, social, and daily living needs of adults in a professionally staffed, group setting.

Aggrieved Person. A person or group of people with an immediate, pecuniary and substantial interest in an action taken by the Administrative Official or Zoning Board of Adjustment under this Land Development Code, as opposed to a remote or indirect interest. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

All-Weather Surface. A durable, dust free surface constructed of concrete, asphalt, brick or other commonly accepted pavement which may be approved by the Administrative Official.

Alley. A public right-of-way that affords a secondary means of access to abutting property, typically used for secondary vehicular service access to the back or side of properties that abut on a street or highway.

Amendments. Changes made in the text of the Land Development Code or to the zoning map.

Animation. Any visible mechanical movement in any sign, or apparent movement achieved by electrical pulsation, video, or by other means, such as sequential light phasing.

Antenna Support Structure. Any tower, mast, pole, tripod, box frame, or other structure utilized for the purposes of transmission, retransmission and/or reception of radio, television, electromagnetic, or microwave signals.

Antenna. A metallic apparatus used for the sending or receiving of radio, television, electromagnetic, or microwave signals. An antenna includes microwave reflectors/antennas and satellite dishes.

Apartment. A room or suite of rooms in an apartment building arranged, designed or occupied as a dwelling unit residence by a single family, individual, or group of individuals living together as a single housekeeping unit.

Approving Body. The Planning and Zoning Commission, City Council or staff member authorized by this Land Development Code to approve a subdivision plat.

Assessment. The determination of the amount of the maximum impact fee per service unit which can be imposed on new development pursuant to this Land Development Code.

Assisted Living Facility. A facility operated under a certificate of compliance document issued by the Texas Department of Aging and Disability Services in which food, shelter, and person assistance or supervision are provided for a period of at least 14 days for four or more aged adults who do not require hospitalization or skilled or intermediate nursing care.

Auto Repair Shop. Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; mufflers; automobile washing, steam cleaning, and polishing; performing state inspections and making minor repairs necessary to pass said inspection; servicing of air conditioning systems, and other similar minor services for motor vehicles except heavy load vehicles, or any other similar use. Major repair, rebuilding, or reconditioning of engines or transmissions for motor vehicles; wrecker service with vehicle storage; collision services including body, frame or fender straightening or repair; customizing; overall painting or paint shop; and other similar uses.

Automobile. A motor vehicle as defined by the Texas Motor Vehicle Laws published by the Texas Department of Public Safety.

Automotive and Motor Vehicle Sales. A commercial business which conducts the retail sales of new or used automobiles.

Awning. A roof-like structure, usually made of canvas, which serves as a shelter, as over a storefront, window, door or deck. Also, an architectural projection that provides weather protection, identity, or decoration and is supported by the building to which it is attached.

Bb

Basement or Cellar. A story wholly or partly underground and having more than one-half of its height, from floor to ceiling, below the level of the finished grade at the front of the building. A basement or cellar is not counted when measuring the height of a building.

Bed and Breakfast. A tourist lodging service within the rooms of a single-family, owner-occupied principal residence located on a property served by a single utility meter and single water and wastewater service.

Block. An area enclosed by streets. A block is determined by the streets along its boundary which surround one or more lots. The streets used to determine a block shall be through streets, no cul-de-sac streets. A group of lots adjacent to a cul-de-sac shall not be counted as a block.

Breezeway. A covered passage one story in height and six (6) feet or more in width connecting a main structure and an accessory building.

Build. To erect, convert, enlarge, reconstruct, or alter a building or structure.

Building. A structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.

Building Envelope. The maximum buildable area remaining on a lot after the front, side and rear yard setbacks are met.

Building Envelope, Commercial. The portion of a lot or tract covered by the foundation or footprint of a commercial building, plus a five (5) foot buffer.

Building Envelope, Residential. The portion of a lot or tract covered by the foundation or footprint of a single-family residential building, plus a ten (10) foot buffer.

Building Line. A line which coincides with the perimeter of the building envelope, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Front. A line located a minimum horizontal distance from a front lot line and parallel thereto, over which any part of a building is not allowed extend unless otherwise permitted in this Land Development Code.

Building Line, Rear. A line located a minimum horizontal distance from a rear lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Line, Side. A line located a minimum horizontal distance from a side lot line, if any, and parallel thereto, over which any part of a building is not allowed to extend unless otherwise permitted in this Land Development Code.

Building Official. The Building Inspector or Administrative Official of the City of Colleyville charged with responsibility for issuing permits and enforcing the zoning ordinance and building code.

Building Permit. Written permission issued by the City for the construction, repair, alteration or addition to a structure.

Cc

Caliper, Tree. The stem diameter of young sapling trees meant for planting and measured at six (6) inches above the root collar.

Canopy. A canopy is a roof-like structure that shelters a use such as, but not restricted to, a gasoline pump island, and is supported by either one or more columns or by the building to which it is accessory and is open on two or more sides.

Capital Construction Cost of Service. Costs of constructing capital improvements or facility expansions, including and limited to the construction contract price, surveying and engineering fees, land acquisition costs (including land purchases, court awards and costs, attorney's fees, and expert witness fees), and the fees actually paid or contracted to be paid to an independent qualified engineer or financial consultant preparing or updating the capital improvements plan who is not an employee of the City.

Capital Improvements Advisory Committee (Advisory Committee). Advisory committee, appointed by the City Council, consisting of at least five members, not less than 40 percent of which shall be representatives of the real estate, development, or building industries who are not employees of the City, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, including one member representing the extraterritorial jurisdiction; or consisting of the Planning and Zoning Commission, including one regular or ad hoc member who is not an employee of the City and which is representative of the real estate, development, or building industry, and, if impact fees are to be applied within the extraterritorial jurisdiction of the City, one representative of the extraterritorial jurisdiction area; which committee is appointed to regularly review and update the capital improvements program in accordance with the requirements of Chapter 395 of the Texas Local Government Code, and its successors.

Capital Improvements Program (CIP). Plan that identifies water, wastewater and roadway capital improvements or facility expansions pursuant to which impact fees may be assessed.

Carport. A structure or part thereof, but not an accessory building, either detached or attached to a principal building, and which is open on two or more sides, consisting of a roof and either walls or columns for the purpose of temporary parking of vehicles, boats or trailers.

Cellular Communication Tower, Monopole. A low-power radio transmitting structure, consisting of a single pole, which sends and receives radio signals from mobile telephones, linked to one central call-processing point.

Cemetery. Land used or intended to be used for the interment of human and pet remains, and dedicated for cemetery purposes including crematories, mausoleums and mortuaries, when operated in conjunction with and within the boundary of such cemetery.

Certificate of Occupancy. An official certificate issued by the City upon completion of construction, alteration or change in occupancy of a building. The certificate acknowledges conformance with the requirements of the Land Development Code and/or building codes.

Child Day Care Operation. A child-care facility that provides care, supervision, training, or education of an unrelated child or children under fourteen (14) years of age for less than twenty-four (24) hours a day that occurs in a place other than the child's own home. This definition includes child day-care provided to school-age children before and/or after the customary school day. This definition shall not include kindergartens, pre-kindergartens, and schools listed elsewhere in this Chapter. This definition also encompasses each of the following two separate categories of use:

- a. Day-Care Operation – Center Based. An operation providing care for children under 14 years of age, for less than 24 hours per day, and at a location other than the caregivers' or permit holder's home.
- b. Day-Care Operation – Home Based. An operation providing care for children under 14 years of age, for less than 24 hours per day, and at the caregiver's home. See also *Family Home* in this chapter.

City Manager. The chief professional city administrative officer of the City of Colleyville, Texas.

City Official. Any person (elected or appointed), board, or committee authorized or constituted by City ordinance or state law to act in behalf of the municipality.

Civic, Social or Fraternal Organization. Any association, club, organization, unincorporated, not required to be licensed by the Texas Alcoholic Beverage Commission and organized for the purpose of social, civic, fraternal, or recreational purposes.

Clinic. A building or part of a building used solely for the purpose of consultation, diagnosis and treatment of patients by one or more legally qualified physicians, dentists, optometrists, chiropodists, chiropractors, or drugless practitioners, together with their qualified assistants. Without limiting the generality of this definition, the building may include administrative offices, waiting rooms, treatment rooms, laboratories, pharmacies and dispensaries directly associated with the clinic, but shall not include accommodation for in-patient care, rooms for the abiding of patients, or operating rooms for major surgery.

Collector Street. A street which carries traffic from local streets to the system of major streets, including the principal entrance street or streets into a subdivision development, and streets designed primarily to provide traffic circulation within or between subdivisions.

Commercial Use. An occupation, employment, or enterprise that is carried on for profit by the owner, lessee, or licensee for the purpose of engaging in the exchange, buying, or selling of services or products.

Common Area. Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use of the residents and their guests of the development. Common areas may include such complementary structures and improvements as are necessary and appropriate.

Common Ownership. Ownership by the same person, corporation, firm, entity, partnership, or association.

Community Center. A building dedicated to social or recreational activities, serving the City or a neighborhood and owned and operated by the City or by a non-profit organization dedicated to promoting the health, safety, morals or general welfare of the City.

Community Home for Disabled Persons. A community-based residential home operated by the Texas Department of Mental Health and Mental Retardation, a community center organized under Section 3.01 of the Texas Mental Health and Mental Retardation Act, a non-profit corporation, or an entity certified by the Texas Department of Human Services as a provider

under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation, which otherwise meet the requirements of the Community Homes for Disabled Persons Location Act, Article 1011n, Tex. Rev. Civ. Stat. Ann.

Such facilities provide to the disabled residents food and shelter, personal guidance, care, habilitation services or supervision. Not more than six disabled persons, regardless of their legal relationship to one another, and two supervisory personnel may reside in such facility at the same time. Such facilities shall meet all applicable licensing requirements of the State of Texas, shall not be located within one-half mile of a previously existing community home for disabled persons, and shall meet all applicable requirements of this and other pertinent ordinances of the City of Colleyville.

Community Special Event. An outdoor event of public interest which is anticipated to attract less than 500 persons in attendance at any one time for a period of eight consecutive hours or more, such as a carnival, circus, and similar temporary events or special fund-raising events sponsored by a public entity, civic organization, or non-profit organization located within the City.

Comprehensive Plan. The official document and long-range plan, adopted by the City Council, which is intended to guide the growth and development of the City, which includes analysis, recommendations and proposals for the City regarding such topics as population, economy, housing, transportation, community facilities and land use.

Court. An open, unoccupied space bounded on two (2) or more sides by the walls of a building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanent space.

Credit. The amount of the reduction of an impact fee for fees, payments or charges for the same type of capital improvements for which the fee has been assessed. Applicable to impact fees.

Critical Root Zone. The ground area around a tree that contains the minimum volume of roots needed to sustain a particular tree. It is defined as a circular area around the tree trunk with a radius in feet equal to the tree's DBH in inches (10-inch DBH tree equals a 10-foot radius circle) and extends 24 inches into the soil.

Cul-de-sac. A local street having one (1) outlet and terminated on the opposite end by an authorized vehicular turn-around.

Dd

Day Care Center. See *Child Day Care Operation (Center Based)*.

Dedication. The act of conveying property to the public for use by the public for streets, parks, drainage, utility, or other public purposes.

Density. The ratio of the total number of dwelling units to the land area of the total site area, less any public or private right-of-way dedication, floodway, and required engineered storm water facility areas. Commonly expressed as "dwelling units per acre."

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved areas, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or unimproved land. Also, the construction or reconstruction of a building or road; the placement of a structure on land; the excavation, mining, dredging,

grading, or filling of land; the removal of vegetation from land; or the deposit of refuse or waste on land. Development does not include: (a) lawn and yard care, including mowing, gardening, tree care, and maintenance of landscaped areas; (b) removal of trees or vegetation damaged by natural forces; (c) agricultural activity that is not prohibited by this Land Development Code; or (d) the repair, maintenance, or installation of a utility, drainage or street system that does not disturb land or increase impervious cover.

Development Review Committee. The committee designated by the City Manager that serves as an advisory committee to the Planning & Zoning Commission and has responsibility for providing comments and recommendations on subdivision plats, zoning change applications, site plan proposals and other development related requests. The Development Review Committee (DRC) may also submit comments and recommendations on the vacation of public rights-of-way and easements.

DBH (diameter at breast height). The diameter of the stem (trunk) of a tree measured at 4.5 feet above natural grade. If the tree is on a slope, it should be measured on the uphill side. If the tree is composed of several co-dominant stems originating from a common pith above ground, then each diameter should be recorded and then combined in the following way: Calculate the square of each stem DBH and add them together, then take the square root of that sum. This will be a theoretical DBH that has an equivalent stem cross section to the combination of each of the individual stems. If the pith of each co-dominant stem extends separately into the root system then they should be logged as separate trees. DBH measurement can be taken as the smallest measurement below 4.5 ft if there are low branches or other abnormalities.

Director of Community Development. The chief executive responsible for administration of this Land Development Code, or his designee.

Dripline. The ground area on which an imaginary vertical line which runs through the outermost portion of the crown of a tree extends to the ground.

Dwelling. A building or portion thereof designed and used exclusively for residential occupancy, but not including motels, hotels, lodging houses or house trailers.

Dwelling, Attached. A dwelling unit which is joined to another dwelling unit sharing one or more common walls.

Dwelling, Duplex. A structure that contains two attached dwelling units that share a common wall and are designed exclusively for the use and occupancy of two families living independent of each other.

Dwelling, Manufactured Home (HUD-Code). A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred and twenty (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.

Dwelling, Mobile Home. A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system. Travel trailers, pick-up coaches, motor homes, camping trailers and recreational vehicles are not included in this definition.

Dwelling, Multi-Family. A residential building containing three (3) or more dwelling units that are designed for occupancy by three or more families, with the number of families not to exceed the number of dwelling units. The residential building contains dwelling units that are designed to be occupied by families living independently of one another. The term includes, but is not limited to, apartment houses, townhouses, row houses, tenements, apartment hotels, flats, condominiums, fraternity and sorority houses and other group quarters.

Dwelling, Single-Family Detached. A structure containing one dwelling unit, other than a mobile home, which is entirely surrounded by open space on the same building lot and is designed for the use and occupancy by one family.

Dwelling, Townhome. One of a group of no less than three (3) nor more than twelve (12) attached dwelling units, separated by a fire-rated wall.

Dwelling Unit. A room, suite, or set of rooms occupied, or suitable for occupancy, as a family residence and having sleeping, kitchen, and bathroom facilities together with appropriate appurtenances designed for use and used as a permanent residence for one family.

Dwelling Unit Size. The living area of a dwelling unit, expressed in square feet, and typically being the heated and air conditioned areas exclusive of breezeways, basements, open and closed porches, common corridors, parking areas, parking garages and accessory buildings.

Ee

Easement. A right given by the owner of land to another party for specific limited use of that land without actual ownership of the land.

Emergency Access Easement. An area, other than a dedicated street, place, or alley, built to fire lane standards which is maintained free and clear of buildings, structures, and other obstructions for the purpose of providing free passage of emergency vehicles.

Engineer. A person who has been duly licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in Texas. Engineer shall include *professional engineer, registered engineer, registered professional engineer, licensed professional engineer, or licensed engineer.*

Erect or Erection. To build, construct, attach, hang, place, suspend or affix a sign to or paint a sign on the exterior surface of a building or structure. The term includes the repair or alteration of a sign where the cost of repair is more than sixty- percent (60) of the cost of erecting a new sign of the same type at the same location. Applicable to sign regulations.

Existing Development. For water and wastewater impact fees, all development within the service area which has a water or wastewater tap on the City's water or sewer system, or on another centralized water or sewer system, as of the date of the adoption of this Chapter; and for roadways, all development within the service area for which a building permit has been issued and which has not expired.

Extraterritorial Jurisdiction. The unincorporated area that is contiguous to the corporate boundaries of the municipality as defined in Chapter 42 of the Texas Local Government Code.

Ff

Facility Expansion. The expansion of the capacity of an existing facility which serves the same function as an otherwise necessary new capital improvement in order that the existing facility may serve new development. Facility expansion does not include the repair, maintenance, modernization, or expansion of an existing facility to better serve existing development.

Facing or Surface. The surface of the sign upon, against, or through which the message is displayed or illustrated on the sign.

Family. One or more persons who are related by blood, marriage, or adoption living together and occupying a single housekeeping unit with single kitchen facilities. Also, a group of not more than four (4) unrelated persons, excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities. For purposes of enforcement, no more than three (3) unrelated individuals may also room and/or board with a family composed wholly of related individuals.

Family Home. A home that provides regular care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six (6) additional elementary school children, but the total number of children, including children who are related to the caretaker, does not exceed twelve (12) at any given time, and is duly registered by the State of Texas as required by Chapter 42 of the Human Resources Code. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker. *Children who are related to the caretaker* includes the children, grandchildren, siblings, great-grandchildren, first cousins, nieces, or nephews of the caretaker, whether by affinity or consanguinity or as the result of a relationship created by court decree.

Fence. A barrier closing or bordering a field, yard, etc., typically made of posts, wire, wood, or wrought iron, and used to prevent entrance, to confine, or to mark a boundary. An open fence is one in which the vertical surface is not less than seventy-five (75) percent open. A privacy fence is one in which the vertical surface is twenty-five (25) percent or greater opaque. A solid fence is one in which the vertical surface is greater than twenty-five (25) percent opaque and may be considered as a screening element.

Fire Lane. An all-weather, hard-paved surface which an emergency or fire-fighting vehicle may pass without obstruction or interference.

Flag. A piece of cloth, usually rectangular, of distinctive color and/or design and used as a symbol, a standard, a signal or an emblem.

Flag Lot. A lot which does not meet the minimum frontage requirements and is accessed by a narrow portion of land.

Flood Plain. The land adjacent to a river, stream, or watercourse or other area that is susceptible to being inundated by flood waters from any source.

Gg

Garage, Private. A detached accessory building or portion of a dwelling that is designed or used for the sheltering of a private motor vehicle and storage of household equipment incidental to the residential occupancy and which is fully enclosed and roofed. The term does not include carport.

Garage, Public. A building or place other than a private garage where motor vehicles are kept or stored for remuneration or repair.

Grade. The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.

Gross Floor Area. The total square feet of floor space within the outside dimensions of a building including each floor level, but excluding cellars, attics, carports or garages that are not designed for residential or business occupancy.

Gross Surface Area. The entire area within a single continuous perimeter forming a rectangle enclosing the extreme limits of each sign. In the event two or more signs share a single structure, each sign or panel may be considered separately for the square footage purposes, provided that each sign or panel has no relationship to the other, except that the combined footage of such signs may not exceed the total square footage allowed for the sign. Applicable to sign regulations.

Ground Cover. Low growing, dense spreading plants typically planted from containers.

Growth-Related Costs. Capital construction costs of service related to providing additional service units to new development, either from excess capacity in existing facilities, from facility expansions or from new capital facilities. Growth-related costs do not include (a) construction, acquisition, or expansion of public facilities or assets other than capital improvements or facility expansions identified in the capital improvements plan; (b) repair, operation, or maintenance of existing or new capital improvements or facility expansions; (c) upgrading, updating, expanding, or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental, or regulatory standards; (d) upgrading, updating, expanding, or replacing existing capital improvements to provide better service to existing development, (e) administrative and operating costs of the City; and (f) principal payments and interest or other finance charges on bonds or other indebtedness, except for such payments for growth-related facilities contained in the capital improvements program.

Gymnastics School. A privately operated facility that provides special physical training in gymnastic arts, martial arts, dance, and other indoor sports to students enrolled for the purpose of learning such skills and which is not open to the general public for the purpose of providing entertainment or amusement for a fee, but which may be opened to the general public during competitive exhibitions in which students of the gymnastics school are registered.

Hh

Height of Buildings. The vertical distance of a building measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (a) the highest point of the roof surface for a flat roof; (b) to the deck line of mansard roofs; or (c) to the mean height level between eaves and ridge for hip and gable roofs. The height of a building shall exclude chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding ten (10) feet in height. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

Height of Fence. For wood fences constructed with pickets in the vertical position, the fence height shall be the nominal lumber size (6' or 8') or actual steel vertical member plus allowances of 4 inches at the base for drainage or footings and 2 inches along the top for capping.

Home Occupation. Any occupational use customarily conducted entirely within a dwelling, provided that such use is carried on solely by residents of the dwelling, is clearly incidental and secondary to the use of the dwelling for dwelling purposes, does not change the character of the dwelling, and shows no external evidence of such use.

Hospital. A building, or portion thereof, used or designed for the housing or treatment of sick or injured patients where they are given medical or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas. This definition does not include rooms in any residential dwelling, hotel, or apartment hotel not ordinarily intended to be occupied by said persons.

Hotel or Motel. A building or group of buildings, of which the main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area and which structure may also contain a restaurant and conference rooms, and may also include various personal service shops.

Ii - Jj

Impact Fee. Charge or assessment to be imposed by the City upon new development to generate revenue for funding or recouping the costs of capital improvements or facility expansions necessitated by and attributable to new development. The term includes amortized charges, lump-sum charges, capital recovery fees, contributions in aid of construction, and any other fee that functions as described by this definition. Impact fees do not include dedication of rights-of-way or easements, or construction or dedication of site-related water distribution or wastewater collection facilities, or streets, sidewalks, or curbs if the dedication or construction is required by other valid ordinances of the City and is necessitated by and attributable to the new development; or lot or acreage fees placed in trust for the purpose of reimbursing developers for oversizing or constructing water or sewer mains or lines.

Impervious Coverage. The combined area occupied by all principal and accessory buildings, structures, and paved parking, patio, sidewalk and driveway areas.

Institution. Buildings, land or structures used by an organized body, religious group or society for a non-profit, non-commercial purpose. The term may include hospital, library, college, university, convent, monastery or similar use.

Irrigation System. A method of providing the proper amount of water for the particular type of plant material used.

Kk

Kennel. A place where dogs, cats or other domesticated animals are housed, groomed, bred, boarded, trained, harbored, kept or sold for commercial purposes, including pet stores or municipal animal shelters.

Kindergarten. A school for children of preschool age, the work of which is purely preliminary to the work of the public and private school, and which could include a planned program of games, songs, social exercises and object lessons.

Kiosk. A nonresidential commercial accessory building which provides a retail function by serving walk-up or drive-up traffic rather than inside sales service or drive-in service.

L

Land Use Assumptions. Description of the service area and projections of changes in land uses, densities, intensities, and population therein over at least a 10-year period, adopted by the City, as may be amended from time to time.

Landscaping. Any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property and/or to provide a screen to mitigate any objectionable aspects that may detrimentally affect adjacent land.

Large Commercial Building. A building containing one or more commercial businesses and having a building footprint of forty thousand (40,000) square feet, or more. (O-00-1249 / 11/08/00)

Legal Non-conforming Use, Building or Lot. A use, building, or lot existing legally at the time of the passage of this Land Development Code which does not by reason of design, use, or dimensions conform to the regulations of the district in which it is situated. A use, building, or lot established after the passage of this Land Development Code, which does not conform to regulations of the district in which it is situated, shall be considered an illegal nonconforming use, building or lot.

Light Sources. Neon lights, fluorescent lights, incandescent lights, and any reflecting surface which, because of its construction and/or placement, becomes in effect a source of light emission.

Living Unit Equivalent (LUE). For water and wastewater, basis for establishing equivalency among and within various customer classes based upon the relationship of the continuous duty maximum flow rate in gallons per minute for a water meter of a given size and type compared to the continuous duty maximum flow rate in gallons per minute for a 3/4" diameter simple water meter, using American Water Works Association C700-C703 standards.

Loading Space, Off-Street. Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. A parcel of land at least sufficient in size to meet the minimum zoning requirements for use, coverage, and area to provide such yards and other open spaces as are herein required, and having frontage on an approved public or private street. A lot shall consist of a parcel of land designated as a lot on a plat filed in the County Plat Record.

Lot, Adjacent. Any lot, parcel or piece of land that shares with the lot under consideration a common lot line, alley or any point of tangency.

Lot, Corner. A lot abutting upon two or more streets. A corner lot shall front on that street on which it has its least dimension, unless otherwise specified by the Building Official.

Lot, Double Frontage. A lot, other than a corner lot, which adjoins two streets that are opposite each other and which are parallel or within forty-five degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines, except as otherwise provided.

Lot, Interior. A lot other than a corner lot or double frontage lot with frontage on only one street.

Lot Area. The area of the lot, expressed in square feet or acres, which is bounded by its perimeter property lines.

Lot Coverage. The percentage of the total lot area occupied by the footprint of the buildings located on the lot.

Lot Depth. The mean horizontal distance between the front lot line and the rear lot line of a building lot measured perpendicular to the front lot line at the center of the lot or on a radial when the front line is curved.

Lot Line. The property boundary of a building lot.

Lot Line, Front. The boundary between a lot and the street on which it fronts.

Lot Line, Rear. The boundary line that is opposite and most distant from the front street line; except that in the case of uncertainty the Building Official shall determine the rear line.

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

Lot of Record. A lot which is part of a subdivision the plat of which has been recorded in the office of the County Clerk of Tarrant County, Texas. Also, a lot or parcel described by metes and bounds, the description of which has been so recorded prior to May 16, 1978.

Lot Width. The minimum distance between the side lot lines of a building lot measured at the front building line or chord length when the front of the lot is curved.

Mm

Master Plan. See *Comprehensive Plan*.

Mausoleum. A building or other structure used as a place for the interment of the dead in sealed crypts or compartments.

Mobile Home. See *Dwelling, Mobile Home*.

Manufactured/Mobile Home Park. A unified development of manufactured/mobile home sites, plots or stands as arranged on a large tract under single ownership, meeting the area and setback requirements of this Land Development Code, and designed to accommodate manufactured/mobile homes for a permanent duration. A trailer park is a manufactured/mobile home park.

Nn

New Development. Subdivision of land; or the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure; or any use or extension of the use of land; any of which increases the number of service units. New development includes the sale of water taps resulting from the conversion of an individual well to the City's water utility and the sale of wastewater taps resulting from the conversion of an individual septic or other individual waste disposal system to the City's wastewater utility.

NITS. A unit of measurement of luminance, or the intensity of visible light, where one nit is equal to one candela per square meter.

Nonconforming Lot. A lot or tract of land which does not conform to the width, depth, or area requirements of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Structure. A building, structure or portion thereof which does not conform to the height, area or yard regulations of this Land Development Code and which lawfully existed at the time the regulations with which it does not conform became effective.

Nonconforming Use. A building or structure or use of land lawfully occupied by a use at the time of the effective date of this Land Development Code or amendments thereto, which does not conform to the regulations of the district in which it is situated.

Non-Residential Zoning District. The zoning districts designated as AG, CPO, CN, CC-1, CC-2, CC-3, ML, or PUD-C zoning district, the primary use of which is for non-residential purposes, as shown on the official zoning map of the City of Colleyville.

Non-Structural Trim. The retainer, battens, capping, nailing strips, latticing and platforms which are attached to the sign structure. Applicable to sign regulations.

Oo

Office. A facility for the regular transaction of business, wherein services are performed involving predominantly administrative, professional or clerical operations not specifically listed elsewhere in this Land Development Code. Office activities include professional offices, financial institutions, employment agencies and medical offices.

Offset. The amount of the reduction of an impact fee designed to fairly reflect the value of system-related facilities, pursuant to rules herein established or administrative guidelines, provided and funded by a developer pursuant to the City's subdivision regulations or requirements.

Open Space. Property designated for recreational use, including a private park, play lot, plaza, or ornamental area intended for use or enjoyment by people. Open space does not include streets, alleys, utility easements, public parks, or required setbacks; an area that is open and unobstructed to the sky except for the ordinary projections of cornices and eaves.

Outdoor Display of Merchandise. Any use of a premises whereon goods, materials, or merchandise is displayed temporarily for the purpose of sale.

Outdoor Storage or Open Storage. The storage of any equipment, machines, commodities, raw or semi-finished materials, and building materials, which are not within a fully enclosed building on a generally permanent basis.

Pp - Qq

Package Store. A retail establishment that sells "liquor", as defined by the Texas Alcoholic Beverage Commission, to the public for the purpose of off-premise consumption.

Park. Land dedicated to or purchased by the City for the purpose of providing public recreational and/or open areas. A facility or area for recreational, cultural or aesthetic uses owned or operated by a public agency and available to the general public.

Parking Space, Off-Street. An enclosed or unenclosed all-weather surfaced area of not less than one hundred eighty square feet not on a public street or alley, together with an all weather surfaced driveway connecting the area with a street or alley, permitting free ingress and egress without encroachment on the street or alley.

Pawn Shop. An establishment where articles are traded in exchange for money plus a right to redeem such articles within a given amount of time upon repayment of such money with interest. The establishment may also be involved in the retail sale of primarily used items, provided that the sale of such items complies with local, State and Federal regulations.

Pennant. A wind device, usually triangular in shape and attached to a single cord.

Perimeter Subdivision Fence. A fence and/or wall located along the perimeter of a subdivision.

Planned Development. Development of land which is under unified control and is planned and developed as a whole in a single development operation or programmed series of development, and is developed with special zoning standards that are unique to a particular site and which usually vary from those standards required for other zoning districts.

Planning and Zoning Commission. The advisory body appointed by the City Council which is authorized to develop a comprehensive plan, recommend changes in the Land Development Code, review and recommend subdivision plats, and otherwise perform the duties authorized by the City Charter.

Plat. A plan of a subdivision of land creating building lots or tracts and showing all essential dimensions and other information essential to comply with the subdivision standards of the City of Colleyville. Reference to a plat in the ordinance means an official plat of record that has been approved by the City and filed in the plat records of Tarrant County.

Plat, Amending. A map, drawing, or chart prepared to show a minor change of an existing subdivision to a lot line or correction of an error such that the changes are not substantive, and no new lots are created.

Plat, Final. A map, drawing, or chart prepared according to the provisions of this Land Development Code, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the maps and plats records of the county.

Plat, Minor. A subdivision of not more than four lots, which fronts on an existing street and does not require the creation of any new street or the extension of municipal facilities, which allows a short form process that eliminates the need for a preliminary plat.

Plat, Preliminary. A map, drawing, or chart showing the proposed arrangement of streets, lots, easements, and other public spaces in the subdivision.

Plat, Replat. A map, drawing, or chart showing a change or revision of an existing subdivision or lot. A Replat modifies previously platted property and may include an additional parcel of unplatted property.

Platted Property. Property that has been divided into lots and blocks, rights-of-way dedicated and shown on a map that has been filed in the plat records of Tarrant County.

Porch. An open, covered or enclosed gallery or room on the outside of a building.

Porte-cochère. A roof-like structure usually extending over a circular driveway at the entrance of a building, which provides an entrance and an exit for automotive vehicles. A porte-cochère is generally designed as an integral part of the principal structure, is not used for the storage of automotive vehicles, and differs from a carport.

Premises. Land together with any buildings or structures occupying all or any portion of the land.

Principal Building. The building or buildings on a lot which are occupied by the primary use.

Private or Parochial School. An institution of learning having a curriculum equivalent to public schools, and which meets the same license and certification as required of public schools. A private or parochial school does not include specialty schools such as dance, music, beauty, mechanical, trade, swim or commercial schools.

Public Utility. Any corporation or authority franchised by the City of Colleyville or the State of Texas to provide water, sewer, solid waste collection, natural gas, electricity, telecommunication or similar services on a community-wide basis.

Rr

Recreational Facilities, Private (HOA). Buildings or structures in which members of a neighborhood association may gather for social, educational, or cultural activities that are intended to serve the site occupants and guests thereof.

Registered Public Surveyor. An individual registered as a professional land surveyor by the Texas Board of Professional Land Surveying.

Religious Institution. A facility or area for people to gather together for public worship, religious training, or other religious activities, including a church, temple, mosque, synagogue, convent, monastery or other structure, together with its accessory structures, including a parsonage, manse or rectory. This definition does not include home meetings or other religious activities conducted in a privately occupied residence.

Residential Districts. A zoning district designated as RE, R-40, R-30, R-20, R-15, RD, RMF, any PUD-R, or any residential zoning district, the primary purpose of which is residential in nature as shown on the official zoning district map of the City of Colleyville.

Restaurant. A business serving unpackaged food and beverages to customers seated primarily inside the building and including cafes, tea rooms, bistros and cafeterias. Restaurants do not include lounges, bars, taverns or night clubs.

Restaurant, Drive-In or Drive-Thru Service. A business whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises.

Right-of-Way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded, and which is occupied or intended to be occupied by a street, utility service, water main, sanitary or storm sewer main, or other similar use.

Roadway Facility. Arterial or collector streets or roads that have been designated on an officially adopted roadway plan of the City, together with all necessary appurtenances. Roadway facilities do not include any roadways or associated improvements designated on the federal or Texas highway system. Roadway facility also excludes dedication of rights-of-way or easements or construction or dedication of on-site streets, sidewalks or curbs required by valid ordinances of the City and necessitated by and attributable to the new development.

Roadway Facility Expansion. Expansion of the capacity of any existing roadway improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing roadway facility to serve existing development.

Roadway Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the roadway facilities or roadway facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of roadway impact fees pursuant to this Chapter.

Ss

School. A public or private facility having an academic curriculum approved by the Texas Education Agency.

Screening Element. A solid fence or wall constructed of brick, masonry, concrete, metal, or wood, the vertical surface of which is not more than twenty-five (25) percent open. Also, any dense evergreen hedge or plant material suitable for providing a visual barrier. Landscaped earth berms may, when appropriate in scale, be considered and used as a screening element in combination with a fence, wall, hedge or other dense planting material.

Second Hand Goods Shop. The term shall include surplus stores, rummage shops and flea markets.

Self Storage Facilities (mini-warehouse). A building wherein household goods, vehicles, furniture and similar items are temporarily stored in separately occupied, secured storage areas or lockers which are generally accessible by means of individual loading doors.

Servant's Quarters. See *Accessory Dwelling*.

Service Area. For water and wastewater facilities, the area within the corporate boundaries of the City and within the extraterritorial jurisdiction as defined by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes), and for roadway facilities, the area within the corporate boundaries of the City, to be served by the water, wastewater or roadway capital improvements or facilities expansions specified in the capital improvements program applicable to the service area.

Service Unit. Standardized measure of consumption, use, generation, or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements or facility expansions; for water and wastewater facilities, the service unit is a living unit equivalent, for roadway facilities, the service unit is the (vehicle) trip.

Setback, Building. See *Building Line*.

Shrubs. Woody plants which grow vertically in a multi-branched pattern.

Sidewalk. Any portion of the right-of-way between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians traditionally constructed of concrete.

Sign. Any device designed to inform or attract the attention of persons not on the premises on which the sign is located. A sign may include, but is not limited to, flag, banner, pennant, beacon, light, logo, insignia, name, number, identification, illuminated strip or accent, and outdoor display of merchandise.

Sign, A-Frame. A freestanding sign constructed of two panels in the form of an A or inverted V, with a maximum angle between the panels of forty-five degrees.

Sign, Agricultural. A sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry that are raised, quartered or sold thereon.

Sign, Awning. An awning displaying a business name or logo.

Sign, Balloons and Inflatable Advertising. A hollow sign expanded or enlarged by the use of air or gas.

Sign, Banner. A temporary on-site sign made of cloth, canvas or other light fabric.

Sign, Canopy. A canopy displaying a business name or logo.

Sign, Construction Trade. A temporary, sign identifying the property owner, architect, contractor subcontractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located.

Sign, Development. A temporary, on-site promotional sign pertaining to the development of land or construction of buildings on the site where the sign is erected. In residential districts, the intent of the sign shall be to promote a sub-division and not any particular builder.

Sign, Directory. A sign listing the occupants within a major multi-tenant shopping center and a directional indicator to the buildings in the development.

Sign, Electronic Message. A sign such as an electronically or electrically controlled public service time, temperature, and date sign, message center or reader board, where different copy changes are shown on the same lamp bank.

Sign, Flashing. A sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or any externally mounted light source.

Sign, Freeway Pole. A sign supported by a single, free-standing pole, and having no guys or braces.

Sign, Garage Sale. A sign to announce the sale of household possessions.

Sign, General Business. A sign which is used to identify a business, profession, service, product or activity conducted, sold or offered on the premises where the sign is located.

Sign, Ground. See Stake Sign.

Sign, Home Occupation. A sign used to identify an allowable home occupation at a residence.

Sign, Identification. A sign that is used to identify shopping centers, industrial sites, retail districts, commercial subdivisions and commercial sites.

Sign, Institutional. A sign used to identify schools, churches, hospitals or similar public or quasi-public institutions.

Sign, Logo. A design or insignia of an organization, individual, company, product which is commonly used in advertising to identify that organization, individual, company or product.

Sign, Major Multi-Tenant Shopping Landmark. A sign to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center.

Sign, Major Shopping Center Entry-Wall and Plaques. A sign located at the vehicular entrances to the center and used to identify a major shopping center and the name of a business, profession, service, product or activity conducted, sold or offered within the major shopping center.

Sign, Model Home. A temporary sign identifying a new home, either furnished or unfurnished, as being the builder or contractors model open to the public for inspection.

Sign, Monument. A sign mounted on a solid base or pedestal with no visible space between the sign and the base or pedestal. The sign is not mounted on visible poles, struts, wires, or other visible structures.

Sign, Multi-Family. A sign identifying the name of a multi-family residential development, such as an apartment building or complex of apartment buildings.

Sign, Nameplates. A sign which identifies only the name of an individual, firm, or corporation, which is attached to a structure and may contain the suite number or other directory information concerning the location of the individual, firm or corporation within the building.

Sign, Off-Premise. A sign which is used or intended to be used to attract attention to activities, commodities, services or other endeavors not offered on the premises on which the sign is located.

Sign, On-Premise. A sign which promotes or advertises activities, commodities, services or endeavors which are offered on the premises on which such sign is located.

Sign, Political. A sign which promotes a political issue or a particular candidate for public office. Also, a sign of any political party, group, or idea; or a sign announcing the candidacy of any individual for any public office.

Sign, Portable. A sign that is not attached or affixed to the ground, a building or other fixed structure or object and which is designed to be readily movable from site to site. Portable signs include those signs installed on wheels, trailers, skids and similar mobile structures.

Sign, Projecting. A sign, except an awning, which projects from a building, and has one end attached to a building or other permanent structure.

Sign, Reader Board. A sign comprised of non-permanent letters that allows a change of sign copy by adding or removing letters. A changeable reader board sign may include an electronic message area.

Sign, Real Estate. A temporary or permanent sign pertaining to the sale or rental of property, and advertising property only for use for which it is legally zoned.

Sign, Roof. A sign erected upon or above a roof or parapet of a building or structure.

Signs, Special Advertising. A sign which is temporary and is limited to a specific activity or in the celebration of holidays or other special events.

Sign, Stake. A sign that is erected on a vertical framework consisting of two or more uprights supported by the ground.

Sign, Subdivision Monument. A free-standing sign which is used to identify a single-family residential subdivision at its street entrance(s).

Sign, Subdivision Wall or Plaque. A permanently affixed sign attached to the entryway or perimeter wall of a subdivision to identify the subdivision by a name or logo

Sign, Temporary. A sign which includes, but is not limited to, a sign, banner, pennant, flag, inflatable, outside display of merchandise or similar device which is to be displayed for a limited period of time.

Sign, Temporary Construction Entrance. A temporary sign identifying the entrance of a commercial business when the driveway that provides access to the business or the street immediately abutting the business is under construction.

Sign, Traffic Directional. A sign to guide vehicular traffic into or out of an institutional use or commercial business by identifying a public entrance and exist for vehicular traffic.

Sign, Vehicle Mounted. A sign displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semi-trailer or other vehicle, whether or not such vehicle is in operable condition.

Sign, Wall. A sign erected flat against an exterior wall, supported by the wall, and having the sign face parallel to and not more than twelve inches from the wall surface. Neon tubing attached directly to a wall surface shall be considered a wall sign.

Sign, Weekend Builder / Real Estate Open House. A sign which is both temporary and directional in nature to inform the general public of available residential properties in Colleyville.

Sign, Window. A sign, banner, poster, or display located on the internal and/or external surface of the window of any establishment which advertises services, products or sales available within said establishment or which announces the opening of said establishment.

Sign Area. A two-dimensional measurement of the sign perimeter by enclosing the extreme limits of the sign with a rectangle. For wall signs, the measurement shall include contrasting background colors or materials. For monument signs, sign area shall be measured by the overall height and width of the sign limits, including the base.

Sign Height. The vertical distance measured from the surrounding grade to the top of the sign.

Sign Illumination. A sign which has characters, letters, figures, designs or outlines illuminated by electrical lights, luminous tubes or other means.

Sign Illumination – Direct. Lighting by means of an unshielded light source, including neon tubing, strobes, etc., which is effectively visible as part of the sign, where the light travels directly from the source to the viewers eye.

Sign Illumination – Indirect. Lighting by means of a light source, not itself visible, which is directed at a reflecting surface in such a way as to illuminate the sign, or a light source which is

primarily designed to illuminate the entire building facade upon which a sign is displayed. Indirect illumination does not include lighting which is primarily used for purposes other than sign illumination, e.g., parking lot lights or lights inside a building which may silhouette a window sign but which are primarily installed to serve as inside illumination.

Sign Illumination – Internal. Lighting by means of a light source which is within a sign having a translucent background, silhouetting opaque letters or designs, or which is within letters or designs that are themselves made of a translucent material.

Site Plan. A scaled and detailed drawing clearly describing a project and showing sufficient information to determine the nature of the proposed development and providing adequate information to determine compliance with applicable codes and ordinances.

Site-related Facility. Improvement or facility which is for the primary use or benefit of a new development and/or which is for the primary purpose of safe and adequate provision of water, wastewater or roadway facilities to serve the new development, and which is not included in the capital improvements plan, and for which the developer or property owner is solely responsible under subdivision and other applicable regulations.

Spa or Hot Tub. A pool type facility that incorporates water jets or an aeration system for hydro massage and includes such industry terminology as whirlpool or hot tub.

Special Exception. A use that would not be generally appropriate or without restriction throughout the zoning district but which, if controlled as to number, area, location, intensity or relation to the neighborhood, would or could be compatible therein and promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permitted in such zoning district as special exceptions by the Zoning Board of Adjustment.

Special Use Permit. A permit authorized by the City Council for the use of land or structure. All Special Use Permits are subject to the conditions and standards specified in each amending ordinance as enacted by the City Council.

Spot Zoning. A small parcel of land singled out for special treatment or privileges not in harmony with the other use classifications in the area and without any apparent circumstances that call for different treatment.

Story. That part of a building included between the surface of one floor and the surface of the floor next above, or if there is no floor above, that part of the building which is above the surface of the highest floor thereof. A top story attic is considered a half-story when the main line of the eaves is not higher than the middle of the interior height of the attic. The first story is the highest story having its interior floor surface not more than four (4) feet above the curb level established or mean street grade or average ground level.

Street. The entire width between property lines when any part thereof is open to the use of the public, as a matter of right, for the purposed of vehicular traffic. This definition shall include public as well as private streets. An *alley* is not considered to be a street, and is separately defined herein.

Street, Private. A street that has no publicly dedicated right-of-way.

Street Line. A dividing line between a lot, tract or parcel and a contiguous street.

Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams or girders, or any substantial changes in the roofs or exterior walls,

excepting such repair or replacement as may be required for the safety of the building, but not including, openings in bearing walls as permitted by the city building code.

Structure. Anything constructed or erected, the use of which requires a location on the ground, or attached to something having a location on the ground, including but without limiting the generality of this definition, buildings, signs, fences, flagpoles, radio towers and light poles

Subdivision. The division of any lot, tract, or parcel of land into two (2) or more lots or sites for the purpose of sale or of building development, whether immediate or future. The term includes re-subdivision. When appropriate to context, the term subdivision shall relate to the process of subdividing or to the land subdivided.

Swimming Pool. Any constructed or prefabricated pool that is twenty-four or more inches in depth and used for swimming or bathing.

System-related Facility. A capital improvement or facility expansion which is designated in the Capital Improvements Plan and which is not a site related facility. A system-related facility may include a capital improvement that is located offsite, within or on the perimeter of the development site.

Tt - Uu

Tap Purchase. The filing with the City of a written application for a water or wastewater tap and the acceptance of applicable fees by the City. The term "tap purchase" shall not be applicable to a meter purchased for and exclusively dedicated to fire protection.

Telecommunication Tower. A structure built solely for supporting airwave transmission and/or receiving equipment.

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

Tent. A structure, enclosure or shelter constructed of fabric or pliable material supported by any manner except by air or the contents it protects. (0-02-1330 – 02/26/02)

Travel Trailer. A mobile vehicle built on a chassis and designed and used as a temporary place of dwelling and of such size and design as to be subject to licensing for towing on the highway by passenger motor vehicle or other prime mover and not requiring special permit for moving on the highway, as contrasted to a mobile home.

Tree, Protected. A woody perennial plant which has attained a DBH of six (6) inches or more and has an overall height of at least fifteen (15) feet. Mesquite (*Prosopis glandulosa*), Hackberry/Sugarberry (*Celtis laevigata*), Chinese Tallow (*Triadica sebifera*), Hercules' Club (*Zanthoxylum clava-herculis*), Honeylocust (*Gleditsia triacanthos*), Osage Orange (*Maclura pomifera*), and Callery Pear (*Pyrus calleryana*) are excluded from this category as identified in Chapter 5 of the Land Development Code.

Trip. The single operation of a single vehicle which has as its origin or destination a point within the service area. The operation of a vehicle that travels from an origin outside the service area to a destination outside the service area without leaving the public right of way is not counted as a trip.

Use by Right. A land use allowed by the Table of Permitted Uses in one of the various zoning districts without any special conditions or requiring additional action by the City Council.

Use. The purpose or activity for which the land, or building thereon, is designed, arranged, or intended, or for which it is occupied or maintained, as described in the Table of Permitted Uses.

Vv - Xx

Vacation. To cancel or rescind, an act, which has the effect of voiding a subdivision plat as recorded in the Tarrant County Plat Records.

Variance. An adjustment in the application of a specific zoning regulation to a particular parcel of property which, because of special conditions or circumstances peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district.

Vehicle Sales Area. An open area or lot used for the display or sale of automobiles, where no repair work is done except minor reconditioning of the cars to be displayed and sold on the premises, and no dismantling of cars or sale or keeping of used car parts or junk on the premises.

Veterinarian Clinic. A facility for the prevention, treatment, minor surgery, cure or alleviation of disease and/or injury in animals, specifically domestic animals, where animals remain overnight inside the clinic for recovery only, and no overnight boarding of animals is conducted.

Waiver. An action by the City that provides relief from the Land Development Code to the degree determined by the City in the action, as provided for within the Code. A waiver is not considered a variance.

Warehouse. A structure primarily used for the storage of merchandise or commodities.

Wastewater Facility. Improvement for providing wastewater service, including, but not limited to, land or easements, treatment facilities, lift stations, or interceptor mains. Wastewater facility excludes wastewater lines or mains which are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the facilities and which are maintained in dedicated trusts. Wastewater facilities also exclude dedication of rights-of-way or easements or construction or dedication of onsite wastewater collection facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Wastewater Facility Expansion. Expansion of the capacity of any existing wastewater improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing wastewater facility to serve existing development.

Wastewater Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the wastewater facilities or wastewater facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of wastewater impact fees pursuant to this Chapter.

Water Facility. Improvement for providing water service, including, but not limited to, land or easements, water supply facilities, treatment facilities, pumping facilities, storage facilities, or transmission mains. Water facility excludes water lines or mains that are constructed by developers, the costs of which are reimbursed from charges paid by subsequent users of the

facilities and which are maintained in dedicated trusts. Water facilities also exclude dedication of rights-of-way or easements or construction or dedication of on-site water distribution facilities required by valid ordinances of the City and necessitated by and attributable to the new development.

Water Facility Expansion. Expansion of the capacity of any existing water improvement for the purpose of serving new development, not including the repair, maintenance, modernization or expansion of an existing water facility to serve existing development.

Water Improvements Plan. Portion of the CIP, as may be amended from time to time, which identifies the water facilities or water facility expansions and their associated growth-related costs which are necessitated by and which are attributable to new development, and for a period not to exceed ten (10) years, and which are to be financed in whole or in part through the imposition of water impact fees pursuant to this Chapter.

Yy - Zz

Yard. An open space on the same building lot with a building, unoccupied and unobstructed from the ground upward, except for fences or walls.

Yard, Front. The area extending across the entire width of the lot between the front lot line and the front building line. The depth of front yards shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the front lot line.

Yard, Rear. The area extending across the entire width of the lot and situated between the rear lot line and the rear building line. The depth of a rear yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side. The area lying between the side lot line and the side yard building line, and extending from the front yard to the rear yard. The width of a side yard shall be measured in such a manner that the yard established is a strip of land with the minimum width required by district regulations with its inner edge parallel with the side lot line.

Zoning District Map. The official certified map or maps upon which the boundaries of the various zoning districts are drawn, and which is an integral part of the Land Development Code.

Zoning District. Contiguous areas containing one or more parcels of land having the same zoning classification. Also, a section of the City for which the regulations governing the area, height and use of buildings and land are uniform.

Zoning. Control on the use and development of land, whether improved or not, by the City for the supposed benefit of citizens in the community and the public welfare. Control is accomplished through zoning restrictions and development standards.

Section 2.6 Amendments to This Chapter

Ord. Number	Date	Subject
O-00-1249	11/08/00	Added Large Commercial Building definition
O-02-1330	02/26/02	Tents
O-09-1734	11/4/09	Amended Tree related definitions as part of Chapter 5 amendments
O-10-1750	05/04/10	Addition of Definition of Package Store
O-19-2079	04/16/2019	Several Amendments as part of an overall LDC review