

CHAPTER 16.08 DEFINITIONS

16.08.005 **USAGE**

The following words and phrases when used in these Rules, Regulations and Procedures have the meaning respectively ascribed to them in this Section unless a different meaning is plainly required by the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the work "herein" means "in these Rules, Regulations and Procedures". A "person" includes a corporation, a partnership, and an incorporated association of persons such as a club; a "building" includes a "structure"; a "building" or "structure" include any part thereof; "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designated to used or occupied". Any office referred to in these Rules, Regulations and Procedures by title means the person employed or appointed by the City in the position, or their duly authorized representative. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

16.08.010 **DEFINITIONS**

Access – Adequate access is defined as having frontage on a paved road meeting the right-of-way and pavement dimensions set forth in the Official Thoroughfare Plan.

Access Easement – An easement across a lot, or lots, providing vehicular access to adjoining lots and/or a public street. Access easements shall include emergency access and fire lanes when such access is required.

Access Controller – The facility controlling vehicular access to private street developments that may be a mechanism or a manned structure.

Acreage, Gross – The total acreage of a subdivision, including areas dedicated to the public use such as street and alley rights-of-way.

Acreage, Net – The total acreage of a subdivision less those areas dedicated to public use such as street and alley rights-of-way. Easements, however, shall be included in net acreage calculations.

Administrative Officers – Any office referred to in this Ordinance by title, i.e., Mayor, City Attorney, City Secretary, City Engineer, City Planner, etc., shall be the person so retained in this position by the City, or their duly authorized representative.

Alley – A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is primarily for vehicular service access to the back or sides of lots or properties otherwise abutting on a street.

Applicant – The owner of land proposed to be subdivided, or his representative when written consent is obtained from the legal owner of the premises. The terms "applicant", "developer", and "subdivider" are used interchangeably in these Rules, Regulations and Procedures.

Arterial – See Street, Arterial

Authorized Agent – A person empowered by another by notarized statement or Power of Attorney to represent, act for and transact business with the City.

Benbrook Water Authority (BWA) – The water control and improvement district created under the laws of the State of Texas for the purpose of supplying water and sewage service within the corporate limits of the City of Benbrook.

Benchmark, Elevation – A permanent benchmark that identifies the vertical elevation above mean sea level or other approved level.

Block – An area enclosed by streets and occupied by or intended for buildings; or if said word is used as a term for measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on the said side. When necessary, the City Planner shall determine the outline of the block in cases where platting is incomplete or disconnected.

Bond – Any form of security including a cash deposit, surety bond, collateral, property, or instrument of 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 or these Rules, Regulations and Procedures.

Building – Any structure built for the support, shelter, and/or enclosure of persons, animals, chattels or moveable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

Building Set-Back Line – A line parallel or approximately parallel to the street right-of-way line at a specific distance therefrom marking the minimum distance from the street right-of way line that a building may be erected.

Building Site – Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this Ordinance and having direct access to a public street.

Capital Improvements – Facilities of a permanent nature, such as streets, drainage, sanitary sewer, etc.

City – The City of Benbrook, Texas.

City Council – The City Council of the City of Benbrook, Texas.

City Engineer – The person designated by the City Manager to review engineering aspects of projects located within the City.

City Inspector – The person designated by the City Manager to provide inspection services for public improvements or buildings.

City Manager – The person duly approved by the City Council and charged with the responsibility of administering the City's various departments.

City Planner – The person designated by the City Manager and charged with the responsibility of administering the City's planning and zoning regulations.

Collector Street – See Street, Collector

Commission – Planning and Zoning Commission of the City.

Common Area – An area or facility that is owned jointly by the owners within the subdivision and/or members of the property owners association. Common areas include, but are not limited to, private parks, community buildings, and screening walls.

Comprehensive Plan – The Comprehensive Plan of the City of Benbrook, Texas, as adopted by the City Council of the City of Benbrook, Texas.

Connectivity Index – The number of street links divided by the number of nodes or link ends (including cul-de-sac heads). In calculating the index, nodes connecting the subdivision streets to the external street network may be excluded.

Construction Plans – The maps or construction drawings accompanying a subdivision plat that show the specific location and design of all required or proposed improvements to be installed in the subdivision.

Crosswalk – A public right-of-way, four (4) feet or more in width between property lines, which provides pedestrian circulations.

Covenant – An agreement to do or refrain from doing certain acts.

Cul-de-sac – A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

Dead-end Street – A street, other than a cul-de-sac, with only one outlet.

Dedication – A gift or donation of property or interest in property by the owner to the public.

Density – The number of dwelling units per gross acre of subdivision, excluding any areas that are non-residential in use.

Detention Pond – A pond or impoundment designed to store storm water runoff for controlled release during or immediately following the storm event.

Developer – An individual, partnership, corporation, or governmental entity undertaking the subdivision or improvement of land and other activities covered by the Subdivision Ordinance or the Design Standards and Criteria, including the preparation of a subdivision plat showing the lay out of the land and the public improvements involved therein. The term "developer" is intended to include the term "subdivider" even though personnel in successive stages of a project may vary.

Developer's Agreement – A written contractual agreement between the City and the Developer establishing the terms and conditions for approval and acceptance of the public improvements required for a development.

Drainage Plan – An engineering study evaluating storm water runoff and flows that recommends drainage improvements necessary to comply with design standards adopted by the City.

Dwelling – Any building or portion thereof, which is designed for or used for residential purposes.

Easement – An interest in land granted to the City, to the public generally, and/or to a private or public utility corporation for the purpose of installing and/or maintaining public facilities or utilities.

Easement, Access – An easement created for the purpose of providing vehicular or pedestrian access to a property.

Easement, Drainage – An easement created for the purpose of conveying storm water across property either on the surface or in an underground system. A drainage easement entitles the City to make necessary improvements within the easement to adequately convey storm water.

Emergency – Response by the appropriate City Department to an alarm or call requiring immediate action in the interest of the public health and safety.

Engineer – A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.

Entry turnaround – An opening or other accommodation provided at the entrance to a private street development in order to allow vehicles denied access to re-enter the public street with a forward motion without unduly disturbing other vehicles at the entrance.

Erosion Control – Structural and nonstructural techniques to prevent the erosion and sedimentation of soil from rainfall and/or runoff.

E.T.J. - Extra Territorial Jurisdiction – That property which lies within the Jurisdiction of the City of Benbrook for enforcing subdivision plat regulations.

Exaction – A requirement imposed as a condition for approval of a plat, preliminary plat, building permit, planned development district or other development permit application to:

- (1) dedicate an interest in land for a public infrastructure improvement,
- (2) construct a public infrastructure improvement, or
- (3) pay a fee in lieu of constructing a public infrastructure improvement.

Final Plat – 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 with the subdivision location references to a survey corner or other established reference and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references. Angular measurements and bearings shall be accurate to the nearest tenth of a foot. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Plat Records of Tarrant County, Texas.

Flood Plain – An area identified by the Federal Emergency Management Agency as possibly being flood prone at or below the base flood elevation (100 year flood plain, or one-percent probability flood event). The issuance of building permits for construction of any structure within such flood plain is regulated by a separate specific ordinance governing the safeguards, preventing actions against flooding, types of uses permitted in flood prone areas, etc.

Floodway – The channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood as defined by the Federal Emergency Management Agency without cumulatively increasing the water surface elevation more than one foot.

Floodway Fringe – The area within the flood plain but outside of the floodway.

Geotechnical Testing – Testing by a qualified professional testing laboratory to determine the engineering characteristics of soil, rock and/or fill material.

Government Employees In Pursuit Of Their Official Duties – A government employee, such as the following, but not necessarily limited to; police, fire, code enforcement, public works, city engineer, planning, building inspections, and other local, county, state, and/or Federal employees; i.e., postal workers, school districts (e.g. school buses), and/or their designee/contractor in the process of addressing functions and activities that relate to the public health, welfare, and safety.

Green belt – An open space area consisting of primarily natural features, that may be located in a floodplain or along a creek channel or be used as a buffer between land uses or be used as an open space linkage between various land uses.

Hike and Bike Trail – A hike and bike trail has a minimum ten foot (10') concrete surface width and is a trail which serves as a linkage for residential access to recreational and educational areas and facilities.

Infrastructure – Facilities needed to sustain manufacturing, residential, commercial and all other land use activities. Infrastructure includes water lines, sewer lines, and other utilities, streets and roads, communications, and public facilities, such as fire stations, parks, schools, and other similar type uses.

iSWM™ – Integrated Storm Water Management Design Manual as published by the North central Texas Council of Governments and adopted by the City of Benbrook.

Land Use Plan – Part of Comprehensive Plan showing future land use.

Landscape Plan – A plan showing the proposed landscape improvements to be made on a site.

Lot – An undivided tract or parcel of land having frontage on a public street, or upon an approved open space, having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number of symbol in a duly approved subdivision Plat which has been properly approved by the City and filed on record with the County Clerk.

1. **Area, Lot** – The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.
2. **Lot Depth** – The distance between midpoints of straight lines connecting the foremost points of the side lot line in front and the rearmost points of the side lot lines in the rear (the mean horizontal distance between the front and rear lot line.)
3. **Lot, Double Frontage or Through** – A lot, other than a corner lot, with frontage on more than one street.
4. **Lot, Frontage** – The length of street frontage between property lines.
5. **Lot, Irregular** – Any lot not having equal front or rear lot lines, or equal side lot lines; a lot, the opposite lot lines of which vary in dimension and the corners of which have an angle of either more or less than ninety (90) degrees.
6. **Lot Orientation** – The compass reading for a line drawn from a point midway-between the side lot lines at the required front yard setback to a point midway between the side lot lines at the required rear yard setback.
7. **Lot Width** – The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than eighty percent (80%) of the required lot width except in the case of lots on the turning circle of cul-de-sacs, where the eighty percent (80%) requirement shall not apply.

Master Plan – The phrase "Master Plan" shall be the comprehensive plan of the City and adjoining areas as adopted by the City Council and the Planning and Zoning Commission, including all its revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, and other public and private developments and improvements.

Neighborhood Park – See Park, Neighborhood.

Notice to Proceed – A written authorization permitting the developer to proceed with construction of the approved public facilities.

Open Space, Private – Within a subdivision, private open space is private property under common ownership designated for recreational area, private park (for use of property owners within the subdivision), play lot area, plaza area, building setbacks (other than those normally required), and ornamental areas open to the general view within the subdivision. Private open space does not include streets, alleys, utility easements, public parks or required setbacks. Private open space within a specific lot is the area included in any side, rear or front yard or any unoccupied space on the lot that is left open and unobstructed to the sky except for the ordinary projections or cornices, eaves or porches.

Open Space, Public – Within a subdivision, public open space is property which has been designated for park land, recreation, or wildlife conservation areas which have been dedicated to, and accepted by, the City of Benbrook or other Federal, State, or Municipal governmental entity.

Owner of Record – Legal owner or owners of the land.

Park – Land dedicated to, or purchased by, the City or other Federal, State, or Municipal governmental entity for the purpose of providing public recreation or open space areas.

Park, Neighborhood – A public park intended to serve the recreation needs of people living or working within a one-half mile radius of the park.

Park, Private – A tract of land presently owned or controlled and used by private or semi-public persons, entities or groups for active or passive recreational purposes.

Party-in-Interest – Authorized agent of the Owner of Record.

Pavement Width – The portion of a street available for vehicular traffic; where curbs are laid, it is the portion from the face of a standard seven inch (7") curb to the face of the opposite curb.

Person – Any individual, association, firm corporation, governmental agency, or political subdivision.

Petition -- A written request.

Phased Development – A plat presented by the developer that proposes that only part of the tract is to be developed; the remainder of the tract to be developed at a later date.

Planned Development – A subdivision that consists of a variety of land use types, incorporating a single or variety of types of residential dwelling units, public open spaces, and common open space and recreational areas, adequate to service the needs of the tract when fully developed and populated, which is to be developed as a single entity, under unified control. In tracts within a single zoning district, the planned development suffix allows for flexibility in subdivision while preserving the overall density.

Planning and Zoning Commission – Same as Commission.

Plat – The map, drawing, chart, or plan showing the exact layout of a subdivision into lots, block, streets, parks, school sites, drainage ways, easements and/or any other element required by this Ordinance which a subdivider shall submit for approval in accordance with this Ordinance.

Policy – A statement or document which has been enacted by the governing body of the City that forms the basis for enacting legislation or making decisions.

Preliminary Plat – A formal document showing the detailed concept of the subdivision, presented with the required accompanying material to the Planning and Zoning Commission for approval. 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 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 proposed development.

Private Access Amenity Plan – A detailed plan to be submitted by the applicant that contains all of the key elements for the private access development, including, but not limited to, private access control mechanisms, screening wall(s), signage, and landscaping.

Private Deed Restrictions – Written stipulations which the developer imposes on buyer of property in the subdivision, such as, but not limited to lot size, set back lines, building size, accessory buildings, and permitted land use.

Private Street – A platted street providing limited local traffic circulation among adjacent lots which is privately owned and maintained, contained within a private street lot, and constructed in accordance with the requirements of this Ordinance.

Private Street Lot – A separate lot owned by the property owners association whereupon a private street is constructed.

Property Owners Association – An organization established for the ownership, care, and maintenance of private streets and other private facilities.

Public Facilities – Any facilities authorized or franchised by the City for the public welfare, usually including public utilities, governmental buildings, and public schools.

Public Facilities System – With respect to water, wastewater, roadway, drainage or parks, the facilities owned or operated by or on behalf of the City to provide services to the public, including existing and new developments and subdivisions.

Public Improvements – Facilities such as streets or drainage systems which are dedicated for public use.

Public Infrastructure Improvement – A water, wastewater, roadway, drainage or park facility that is part of one or more of the City's public facilities systems.

Public Open Space Easement – An easement that restricts construction or plantings so that open space and/or sight visibility is maintained.

Public Utility And Storm Sewer Easement – An easement upon a private street not having the same width as the lot which is intended to contain a privately owned and maintained pavement as well as publicly owned and maintained water lines, sanitary sewer lines, storm sewers and such other utility or franchise infrastructure as can be reasonably accommodated.

Replatting – Replatting is the resubdivision of any part or all of any block or blocks of a previously platted subdivision, addition, lot or tract.

Reserve Strip – A privately owned strip of land, normally one foot in depth, adjacent to a public right-of-way or along the edge of a subdivision with the intent of preventing public access to the subdivision.

Re-subdivision -- A change in an approved or recorded subdivision plat if such change affects any street layout or area reserved thereon for public use, or any lot line.

Retention Pond – A pond or other impoundment designed to store storm water runoff permanently.

Right-of-Way – Lands dedicated to the public for use as a street, alley or crosswalk.

Road Bed Width – Portion of street available for vehicular traffic.

Screening, Vegetative – An area of a least ten feet (10') wide, densely planted (or having equivalent natural growth with approved shrubs or trees at least four feet (4') high at time of planting, of a type that will form a year-round dense screen approximately eight feet (8') high with a minimum height of six feet (6').

Screening, Wall or Fence – An opaque wall or barrier or fence at least six feet (6') high.

Shall, May – The word "shall" is always mandatory. The word "may" is merely "permissive".

Sidewalk – A paved pedestrian way generally located within public street right-of-way, but outside of the roadway, and built in accordance with City specifications.

Sketch Plat – A sketch drawing of initial development ideas superimposed on a topographic map to indicate generally the plan of development and to serve as a working base for noting and incorporating suggestions of the staff, City Engineer, utilities or others who are consulted prior to the preparation of the preliminary plat.

Stacking Area – A setback measured from the public street right-of-way to the access controller.

Steep Slope – Areas that contain slopes over fifteen percent (15%) grade and are characterized by increased run-off and erosion hazards.

Stop Work Order – A written directive issued by a City employee or authorized agent of the City to cease construction activity.

Street – A public right-of-way, however designated on the City's Comprehensive Plan, which provides vehicular access to adjacent land.

1. An "**arterial**" is designed to efficiently carry large volumes of traffic through the City.
2. A "**collector street**" primarily provides circulation within neighborhoods, to carry traffic from local streets to arterials, or to carry traffic through or adjacent to commercial or industrial areas.
3. A "**local street**" is one used primarily for access to abutting residential property.
4. A "**private street**" is a vehicular access way under private ownership and maintenance that has not been dedicated to the City or accepted by the City.
5. **Street, Internal** – Generally any street whose entire width is contained within a development.
6. **Street, Perimeter** – Any street which abuts a development or one whose width lies partly within a development and partly without, unless otherwise defined by the City Engineer.

7. **Street Width** – The word "street width" shall be the shortest distance between the lines which delineate the rights-of-way of a street.

Structure – Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, billboards, and poster panels.

Subdivider – Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "Subdivider" shall be restricted to include only the owner or equitable owner, of land sought to be subdivided.

Subdivider's Agreement – see Developer's Agreement.

Subdivision – A division of any tract of land situated within the corporate limits, or extraterritorial limits, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition in Benbrook or its extraterritorial jurisdiction, or for laying out suburban lots or building lots, or any lots and streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. Subdivision includes re-subdivision and one-lot plats.

Surety Company – An entity which undertakes to pay money or to do any other act, in event that his principal fails therein and is bound with the principal for the payment of a sum of money, or for the performance of some duty or promise.

Surveyor – A Registered Public Surveyor, as authorized by the State statutes to practice the profession of surveying.

Thoroughfare – The public vehicular infrastructure composed of arterials, collectors, and local streets. See Streets.

Thoroughfare Plan – The officially adopted plan, a part of the Comprehensive Plan that identifies and classifies the existing and proposed thoroughfares in the City.

Tract – An undivided parcel of land having access to a public street which can be subdivided into lots.

Utility Easement – An interest in land granted to the City, to the public generally, and/or to a private utility corporation or public utility district, for installing, maintaining, repairing or enlarging utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the installation, maintenance, replacement or enlargement of said utilities at any time.

Vacation – To cancel, rescind, or render an act that has the effect of voiding a subdivision Plat or a portion thereof as public easement, right-of-way or other dedication.

Yard – A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from thirty inches (30") above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, furniture, and roof overhangs not exceeding thirty inches (30"), may be permitted in any yard subject to height limitations and requirements limiting obstructions of visibility.