

SECTION 2 DEFINITIONS

2.1 Usage

- A. For the purpose of these regulations, certain numbers, abbreviations, terms, and words shall be used, interpreted and defined as set forth in this Article
- B. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense and words used in the plural include the singular.
- C. The word "shall" wherever used in this article will be interpreted in its mandatory sense; the word "may" shall be deemed as permissive.

2.2 Words and Terms Defined

- 1. Abandonment. The relinquishment of property, or a cessation of the use of property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.
- 2. Addition. A subdivision.
- 3. Amending Plat. A revised plat correcting errors or making minor changes to the original recorded final plat as defined in Tex. Loc. Gov't Code Ann. § 212.016.
- 4. Amenity. An improvement providing an aesthetic, recreational or other benefit.
- 5. Base Flood Elevation. The flood having a one percent chance of being equaled or exceeded in any given year. The base flood shall be determined by using a fully developed watershed and the criteria for a 100-year storm.
- 6. Block. A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad right-of-way, shorelines of waterways, or boundary lines of municipalities.
- 7. Bond. Any form of a surety bond in an amount and form satisfactory to the City.
- 8. Building. Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind.
- 9. Capital Improvements Program. A proposed schedule of future capital improvement projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

10. Comprehensive Plan. The planning document described in Chapter 211 of the Texas Local Government Code and being the Comprehensive Plan of the City and adjoining areas recommended by the Planning and Zoning Commission and approved by the City Council, as may be amended from time to time.
11. Concept Plan. A plan for development which enables the City to evaluate major impacts of a proposed development pursuant to Section XXX of the Ladonia Zoning Regulations, or predecessor zoning regulations.
12. Contiguous. Lots are contiguous when at least one boundary line of one lot touches a boundary line or lines of another lot.
13. County. Fannin County, Texas.
14. Developer. The person, business, corporation or association responsible for the development of the subdivision, development plat, or addition. In most contexts the terms Developer and Property Owner are used interchangeably in these regulations.
15. Development. Any man-made change to improved or unimproved real estate, including but not limited to, construction, enlargement or improvements of buildings, other structures, streets, alleys, paved surfaces, drainage facilities, park facilities or utilities. Development does not include agricultural activities.
16. Development Exaction. Any dedication of land or easements for, construction of, or contribution toward construction of a public improvement required as a condition of approval of a subdivision or development plat by the City pursuant to these regulations.
17. Development Plan. The plan authorizing development in a Planned Development District pursuant to the standards and procedures of Section 20 of the Ladonia Zoning Regulations, or predecessor zoning regulations.
18. Drainage Way. All land areas needed to allow passage of the Base Flood, including sufficient access above the Base Flood elevation along each side of the parallel to the natural or excavated channel.
19. Easement. An interest in the real property of another, which is the dominant estate and is a right to use such real property for the purposes specified therein.
20. Engineer. A person duly authorized under the provisions of the Texas Engineering Practice Act, heretofore or hereafter amended, to practice the profession of engineering.

21. Escrow. A deposit of cash with the City in accordance with City policies.
22. Final Plat. The map of a subdivision or development plat to be recorded after approval by the City Council and any accompanying material and additional requirements as described in these regulations.
23. Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.
24. Flood Plain. An area of land lying below the 100-year water surface elevation. Flood plains include but are not limited to those areas designated on FEMA-FIA maps, City maps or any other area with a ground elevation below the one hundred year water surface elevation.
25. Lot. A tract, plot or portion of a subdivision or development plat occupied or to be occupied by a building and its accessory buildings, or open space, park improvements or other facilities to be privately held and maintained, such as may be required under these or other development regulations, and having its principal frontage upon a public street or officially approved place.
26. Minor Plat. A plat involving not more than four lots fronting on an existing street, which does not require the creation of any new street or extension of municipal facilities and which meets the requirements of section 3.11 of these regulations.
19. Municipal Facility. An improvement owned and maintained by the City.
28. Mutual Access Easement. An officially approved, privately maintained drive, constructed to city street standards, open to unrestricted and irrevocable public access, serving two or more lots as their primary means of access.
29. Off-Site Improvement. Improvements required to be made on an area not included within the plat application, which are required to be made to serve the proposed development with adequate public facilities, including but not limited to, road widening and upgrading, stormwater facilities, and traffic improvements.
30. One Hundred (100) Year Water Surface Elevation (100-Yr WS El.) -That water surface elevation established by hydrologic/hydraulic analysis of a stream, river, creek, or tributary, using the 100-year fully developed watershed, based upon the 100-year rainfall event.

31. On-site Sewerage Facilities. Facilities acceptable to the Texas Natural Resources Conservation Commission and other regulatory agencies having jurisdiction over the treatment and disposal of wastewater on an individual lot and which do not require a waste discharge permit. On-site sewerage facilities includes septic tanks, treatment tanks, drain fields, absorption beds, evapo transpiration beds and alternative treatment systems.
32. Performance Bond; and/or Surety Bond. Bond required to ensure the completion of a development project pursuant to Texas Local Government Code § 212.073.
33. Perimeter Street. Any existing or planned street, which abuts the subdivision or development to be platted. Perimeter streets may be included within or located outside the land to be platted.
34. Planned Development - Commercial District. A zoning district that allows a mix of retail, office, and civic uses within an urban framework, which is small in scale and compatible with adjacent developments pursuant to a concept plan, as authorized under Section 3 of The City of Ladonia Zoning Ordinance.
35. Planned Development - Residential District. A zoning district that combines standard residential zoning districts (base districts) that allows development of a residential project containing a mix of dwelling types and/or lot size, which units are clustered to achieve higher density than otherwise would be authorized within the base zoning district, pursuant to a concept plan, as authorized under Section 3 of The City of Ladonia Zoning Ordinance.
36. Planned Development District. A Planned Development - Commercial District, a Planned Development - Residential District, or any other zoning district authorized under the City's Zoning Regulations that requires approval of a concept plan prior to development within the district.
37. Planning and Zoning Commission. The agency appointed by the City Council as an advisory body to it relative to zoning, platting and planning matters and the physical development of the City and its environs and designated as the Planning and Zoning Commission.
38. Plat. The map of a proposed subdivision or development plat, as the context may indicate.
39. Preliminary Plat. The preliminary drawing or drawings, described in these regulations, indicating the proposed layout of the subdivision or development plat to be submitted to the City Council for approval (a Master Plat is a preliminary plat with multiple phases, see Section 3.3).

40. Property Owner. Any person, group of persons, firm or firms, corporation or corporations, or any other legal entity having legal title to or sufficient proprietary interest in the land comprising the subdivision or development, or any representative or agent thereto, who has express written authority to act on behalf of such owner.
41. Public Improvement. Any drainage way, roadway, parkway, sidewalk, utility, street light, pedestrian way, off-street parking area, fire lane, lot improvement, open space, buffer, screen, park, public trail, right-of-way, easement, or other facility for which the City or other governmental entity will ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established or that affects the health, safety or welfare of general public.
42. Public Improvement Agreement. A contract entered into by the developer and the City by which the developer promises to complete the required public improvements within the subdivision or development within a specified time period following final plat approval.
43. Record Drawings. Drawings that show, according to the best construction records available, the location of all public utilities constructed to serve the subdivision or development.
44. Remainder. The residual land left after platting of a portion of a tract.
45. Replatting. Any change in an approved or recorded plat, except as permitted as an amended plat, that affects any street layout on the map or area reserved or dedicated thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions or developments pursuant to Tex. Local Gov't Code §§ 212.014-.015 or §§ 212.041, et seq. Replatting includes the combination of lots into a single lot for purposes of development.
46. Resubdivision. The replatting of an approved subdivision plat.
47. Right-of-Way. A parcel of land occupied or intended to be occupied by a street or alley, and where appropriate, other facilities and utilities including sidewalks, railroad crossings, electrical, communication, oil or gas, water or sanitary or storm sewer facilities, or for any other special use. The use of right-of-way shall also include parkways and medians outside of pavement. The usage of the term "right-of-way for platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees or any other use involving maintenance by a public

agency shall be dedicated to the public use by the maker of the plat on which such right-of-way is established.

48. Security. The letter of credit, cash escrow or first and prior lien on the property provided by the applicant to secure its promises in the public improvement agreement.
49. Standard Street. A street or highway that meets or exceeds the requirements of the Engineering Design Manual and complies with the Thoroughfare Plan and the Functional Classifications in the Comprehensive Plan.
50. Standard Commercial or Residential Development District. Any residential or non-residential district established pursuant to the City's Zoning Regulations that is not a Planned Development - Commercial or Planned Development - Commercial Zoning District.
51. Street. A public thoroughfare, which affords the principal means of access to property, including any road, or other thoroughfare except an alley as defined herein.
52. Street Improvement. Any street or thoroughfare, together with all appurtenances required by City regulations to be provided with such street or thoroughfare, including but not limited to: sidewalks; drainage facilities to be situated in the right-of-way for such street or thoroughfare; traffic control devices; street lights; and street signs, for which facilities the City will ultimately assume the responsibility for maintenance and operation.
53. Subdivider. Any person who (1) having an interest in land causes it, directly or indirectly, to be divided into a subdivision or platted as an addition or who (2) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop, or advertises to sell, lease, or develop, any interest, lot, parcel site, unit, or plat in a subdivision or development, or, who (3) engages directly or through an agent in the business of selling, leasing, developing, or offering for sale, lease, or development a subdivision or addition or any interest, lot, parcel site, unit or plat in a subdivision or development, and who (4) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing.
54. Subdivision. The division of any tract or parcel of land into two or more lots, for the purpose of, whether immediate or future, offer, sale, or lease or for the purpose of development, except as expressly exempted pursuant to Section 1.4. Subdivision also includes resubdivision. Subdivision also refers to the land to be so divided, as the context may indicate.
55. Substandard Street. An existing street or highway that does not meet the minimum requirements of the Engineering Design Manual and/or does not

comply with the Thoroughfare Plan or the Functional Classifications in the Comprehensive Plan.

56. Surveyor. A Registered Professional Land Surveyor licensed under the laws of the State of Texas.
57. Temporary Improvement. Improvements built and maintained by an owner during construction of the development of the subdivision or addition and prior to release of the performance bond or improvements required for the short term use of the property.
58. Thoroughfare Plan. The official plan for streets and thoroughfares for the City of Ladonia, including transportation goals and policies, Functional Street Classifications and the Transportation System Diagram, contained in the City's adopted Comprehensive Plan
59. City. The City of Ladonia, Texas, together with all its governing and operating bodies.
60. Planning and Zoning Administrator. That person appointed by the Mayor and City Council to manage City Planning, Zoning and Subdivision reviews.
61. City Council. The governing and legislative body of the City of Ladonia, Texas.
62. City Engineer. The duly authorized Engineer of the City of Ladonia.
63. Zoning Application. An application for a tentative or final development plan, site development plan or site plan.
64. Zoning Regulations. The City of Ladonia Zoning Ordinance as adopted in 1986, as amended.