



City of Colleyville City Council Agenda

City Hall
100 Main Street
Colleyville, Texas 76034
817.503.1000
www.colleyville.com

Tuesday, April 2, 2019

**WORKSESSION
5:00 PM
EXECUTIVE CONFERENCE ROOM
THIRD FLOOR**

CALL TO ORDER

WS-1 Discussion of an entrepreneur center

WS-2 Discussion of the April 2, 2019, City Council regular agenda items

1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including:

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26

Section 551.087 – Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

**REGULAR MEETING
7:30 P.M.
CITY COUNCIL CHAMBERS**

INVOCATION: Pastor Dale Molden, First Colleyville

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-19-4368

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS

Announcements of civic and charitable events

Presentation of calendar events and updates

Announcements of awards and recognition

Proclamation in recognition of Child Abuse Prevention month - Katia Gonzalez, Alliance for Children - Mayor Richard Newton

Recognition of Corporal Gary Moore and his 30 year anniversary with the Colleyville Police Department

4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-19-4369

4a Approval of the minutes of the regular City Council meeting of March 19, 2019

5. ITEMS NOT FOR CITY COUNCIL ACTION

5a TxDOT update on SH26

5b Discussion of the Colleyville Pedestrian Transportation Program (CPTP)

6. ORDINANCE(S): SECOND READING AND PUBLIC HEARING

6a Ordinance O-19-2078

Amending Ordinance O-09-1707 composition and terms of the Colleyville Tree Board

7. ORDINANCE(S): FIRST READING AND PUBLIC HEARING

7a Ordinance O-19-2079

Consideration of amendments to the Land Development Code, specifically Chapter 2 - Definitions

8. **CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA**
9. **ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR APRIL 2, 2019 - READING AND PUBLIC HEARING - RESOLUTION R-19-4370**
10. **ADJOURNMENT**

I hereby certify this agenda was posted on City Hall bulletin boards Friday, March 29, 2018 by 5:00 p.m.

Christine Loven, TRMC
City Secretary

A quorum of any Colleyville board, commission, or committee may be present at this meeting.

Any matter on this agenda may, at the discretion of the governing body, be opened for public comment and discussion.

If you plan to attend this public meeting and have a disability that requires special accommodations, please advise the City Secretary at least 48 hours in advance at 817.503.1133, and reasonable accommodations will be made to assist you.



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number WS-1

Agenda Date 4/2/2019

Type Worksession

Department Economic Development

Title

Discussion of an entrepreneur center

Strategic Plan

1.1 Actively involve and engage stakeholders

Explanation

The purpose of this agenda item is to allow for a discussion of an entrepreneur center. The discussion will be facilitated by Maria Meyers, of the University of Missouri Kansas City Innovation Center. She will provide background information on entrepreneur centers, share her experience on what factors contribute to the success of entrepreneur centers, and how such a center might be worth consideration in Colleyville.

This worksession discussion will conclude Ms. Meyer's two-day visit to Colleyville, which includes meetings with staff, individual Councilmembers, and potential partners and stakeholders such as the Colleyville Chamber and Tarrant County College.

Attachments



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
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Agenda Number WS-2

Agenda Date 4/2/2019

Type Worksession

Department City Secretary

Title

Discussion of the April 2, 2019, City Council regular agenda items



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number 1

Agenda Date 4/2/2019

Type Executive Session

Department City Secretary

Title

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

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Attachments

RESOLUTION R-19-4368

**A RESOLUTION APPROVING COUNCIL ACTION
REGARDING EXECUTIVE SESSION ITEMS AT THE REGULAR
CITY COUNCIL MEETING OF APRIL 2, 2019**

WHEREAS, following discussion in Executive Session, and in full accordance with the requirements of the Open Meetings Act, the City Council determines that the following action is in the best interests of the health, safety and welfare of the public.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 2ND DAY OF APRIL 2019.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Agenda Briefing

City Hall
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Agenda Number 3

Agenda Date 4/2/2019

Type Announcements, Proclamations, and Presentations

Department City Secretary

Title

Proclamation in recognition of Child Abuse Prevention month - Katia Gonzalez,
Alliance for Children - Mayor Richard Newton

Recognition of Corporal Gary Moore and his 30 year anniversary with the Colleyville
Police Department

Attachments

1. Proclamation in recognition of Child Abuse Prevention Month - April 2019
2. Proclamation in recognition of Gary Moore for 30 years of service

Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: children are our future and our greatest resource;
and

WHEREAS, every child deserves a nurturing family and safe environment to grow into a healthy, productive member of the community; and

WHEREAS, child abuse is one of our nation's most serious public health problems and threatens the safety of our community; and

WHEREAS, in Tarrant County, 5,842 children were confirmed as victims of child abuse or neglect in 2018; and

WHEREAS, Alliance for Children provided trauma-informed services to 2,510 children in 2018; and

WHEREAS, finding solutions to prevent child abuse is a community responsibility and depends on the involvement of all citizens; and

WHEREAS, effective child abuse prevention, investigation and treatment programs succeed because of partnerships among public and private agencies, schools, religious organizations, medical services, and the business community.

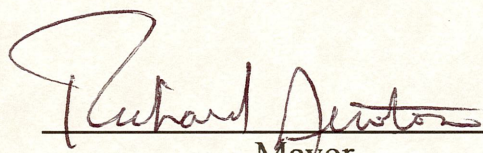
NOW, THEREFORE, I, RICHARD NEWTON, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council and the citizens of Colleyville, do hereby proclaim April 2019 to be

CHILD ABUSE PREVENTION MONTH

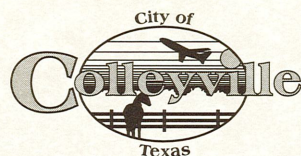
and urge all citizens to work together to help reduce child abuse and neglect significantly in the years to come.

IN WITNESS WHEREOF, I do hereby set my hand and seal of the City of Colleyville, Texas, affixed this 2nd day of April 2019.





Mayor



Proclamation

CITY OF

Colleyville,
Texas

WHEREAS: Police Corporal Gary Moore has served the City of Colleyville Police Department for 30 years; and

WHEREAS, Corporal Moore has served as a patrol officer, Crime Prevention Specialist, Bicycle Officer, Field Training Officer, Corporal and School Resource Officer; and

WHEREAS, Corporal Moore, in his capacity of School Resource Officer, is well respected and has kept the students, staff, and parents at Colleyville Heritage High School safe since 1997, and;

WHEREAS, Corporal Moore, in addition to his assigned duties, serves as the DEA Drug Take Back coordinator, is a member of the Employee Fund Board, the department hiring oral boards, and conducts security during the City Council meetings; and

WHEREAS, Corporal Moore has provided outstanding service and leadership to the Colleyville Police Department and is dedicated to protecting and serving the citizens of Colleyville.

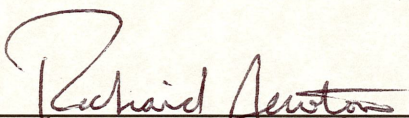
NOW, THEREFORE, I, RICHARD NEWTON, MAYOR OF THE CITY OF COLLEYVILLE, TEXAS, on behalf of the Colleyville City Council and the citizens of Colleyville, do hereby extend our recognition and appreciation to

CORPORAL GARY MOORE

for his leadership, dedication, compassion and commitment to the service of our community.

IN WITNESS WHEREOF, I do hereby set my hand, and seal of the City of Colleyville affixed this 2nd day of April 2019.





Mayor



RESOLUTION R-19-4369

**A RESOLUTION APPROVING CITY COUNCIL ACTION UNDER
CONSENT ITEMS AT THE REGULAR CITY COUNCIL MEETING OF
APRIL 2, 2019**

WHEREAS, City Council has taken action on certain items on the agenda under Consent Items.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

- Sec. 1. THAT the agenda decisions approved by City Council action under Consent Items as follows are hereby adopted:
- a. Approval of the minutes of the regular City Council meeting of March 19, 2019

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 2ND DAY OF APRIL 2019.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor



City of Colleyville City Council Minutes - Draft

City Hall
100 Main Street
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Tuesday, March 19, 2019

COUNCIL CHAMBERS

Mayor Richard Newton called the Colleyville City Council Worksession to order on Tuesday, March 19, 2019, at 5:30 p.m.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

ALSO PRESENT: City Manager Jerry Ducay, Assistant City Manager Mark Wood, Assistant City Manager Adrienne Lothery, Police Chief Michael Miller, Fire Chief Mark Cantrell, Community Development Director Ben Bryner, Public Works Director Ray Silva-Reyes, Parks and Recreation Director Lisa Escobedo, Library and Special Events Director Mary Rodne, Colleyville Center Manager Leslie Hill, Community Relations Specialist Erin Spicer, City Attorney Whitt Wyatt, and City Secretary Christine Loven.

WS-1 City attorney presentation of Robert's Rules of Order

City Attorney Whitt Wyatt presented this item and provided a review of the authority which provides for the City Council to establish their own Rules of Procedure, how the City Council currently operates, and the differences between Rules of Procedure and Robert's Rules of Order. He went on to explain Robert's Rules covers very complex issues that are necessary for large legislative bodies, but not small local city councils. Colleyville currently follows motion management procedures like Robert's Rules of Order.

City Attorney Wyatt noted he had reviewed the current Rules of Procedure and did not find any deficiencies and suggested the Council not revise our procedures. Following discussion, the City Council agreed to continue under the City Council's current Rules of Procedure.

WS-2 Discussion of the Parks house

Parks and Recreation Director Lisa Escobedo presented this item and answered questions of the City Council.

Following discussions of possible uses for the house and land, the cost of current maintenance, and estimated demolition costs, City Council directed staff to move forward with an asbestos study and cost analysis of maintenance and demolition.

WS-3 Discussion of Cheek-Sparger Road alignment project

Public Works Director Ray Silva-Reyes presented this item, explaining engineers have worked to provide a design which TxDOT will accept, which reduces the amount of right-of-way required and the number of trees to be removed.

Following discussion, the City Council thanked everyone for their efforts with this project and directed staff to continue to move forward.

WS-4 Discussion of preferred location of the City Hall backup power generator

Public Works Director Ray Silva-Reyes presented this item, provided a review of the project's key dates, and four options for placement of the generator.

Following discussion, the City Council directed staff to proceed with planning placement at the back of the center field fence at ball field number 8.

WS-5 Discussion of the March 19, 2019, City Council regular agenda items

There was no discussion of this item.

Mayor Newton adjourned the worksession at 6:26 p.m.

Mayor Newton called the Executive Session to order at 6:26 p.m. and called the roll.

ROLL CALL: Mayor Richard Newton, Mayor Pro Tem Bobby Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley and Callie Rigney.

1. EXECUTIVE SESSION - In accordance with Texas Government Code, Chapter 551, Subchapter D

Section 551.071 - Legal - Consultation with attorney on legal issues raised by items on the agenda

Section 551.071 - Legal - Consultation with attorney regarding contemplated and/or pending litigation, including:

- Glade Road eminent domain case for Parcel 150

Section 551.072 - Real Estate - Deliberate the purchase, exchange, lease, or value of real property for City facilities, including:

- Glade Road Project Phases 1B and 2
- Acquisition of real property along SH26
- Acquisition of right-of-way along Westcoat Drive

Section 551.087 - Economic Development - Discuss or deliberate regarding commercial or financial information the City has received from business

prospects the City seeks to have locate, stay, or expand in the City and with which the City is conducting economic development negotiations; deliberate the offer of a financial or other incentive to a business prospect

Mayor Newton explained the Executive Session had been called in accordance with the Texas Government Code, Chapter 551, Subchapter D, Section 551.071, Legal, Section 551.072, Real Estate, and Section 551.087, Economic Development. He further explained there would be no decisions made or action taken during this time. Executive Session was adjourned at 7:03 p.m.

The regular meeting of the Colleyville City Council was called to order by Mayor Newton at 7:33 p.m.

INVOCATION: Pastor Ricky Texada, Colleyville Covenant

PLEDGE OF ALLEGIANCE: City Attorney Whitt Wyatt

2. EXECUTIVE SESSION READING AND PUBLIC HEARING: CONSIDER AND TAKE ANY ACTION(S) NECESSARY RELATIVE TO ITEMS DISCUSSED IN EXECUTIVE SESSION - RESOLUTION R-19-4362

Mayor Newton read Resolution R-19-4362 in its entirety.

Mayor Newton stated the Westmont Homeowners Association has generously donated right-of-way required for the roundabout at McDonwell School Road and Westcoat Drive and the City wishes to accept the donation.

Councilmember Wheat stated she is President of the Westmont HOA and she recused herself from the HOA deliberations and will do so for Resolution R-19-4362.

Mayor Newton opened the public hearing at 7:39 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 7:39 p.m.

Councilmember Dodson made a motion to approve Resolution R-19-4362, Mayor Pro Tem Lindamood seconded the motion.

The motion to approve carried with the following vote:

Aye: 6 – Mayor Richard Newton, Mayor Pro Tem Lindamood, and Councilmembers Tammy Nakamura, George Dodson, Chuck Kelley, and Callie Rigney.

Abstain: 1 – Councilmember Kathy Wheat

3. ANNOUNCEMENTS, PROCLAMATIONS, AND PRESENTATIONS**Announcements of civic and charitable events****Presentation of calendar events and updates****Announcements of awards and recognition****The Mayor and City Councilmembers made the following announcements:**

Sales Tax Receipts Up 8.9%: The Texas Comptroller's Office has posted the most recent sales tax allocation information, which reflects purchases made in January. This is the fourth month of sales tax reported for Fiscal Year 2019. Our collections are up 8.9% compared to the same month last year.

Colleyville State of the City and Open House: March 20, 6:15 p.m. at Colleyville Center. Residents can discuss projects with City staff and ask questions about ongoing projects, such as SH26 construction, Storm Water Master Plan, City Hall Plaza, Glade Road, Cheek-Sparger realignment, McDonwell School Road, and Westcoat Road Roundabout. The State of the City presentation by Mayor Newton will provide an overview of the City's accomplishments in 2018, as well as the future vision and priorities for moving Colleyville forward in 2019.

TexRail Gate Malfunction Update: Staff has been in direct contact with TexRail/Trinity Metro staff regarding the recent gate malfunctions in and around our community. It is important to note the gate malfunctions involve the "exit gates" related to the quiet zone implementation. The gates directing approaching traffic to stop have been operating properly. While this is an important distinction, it does little to allay the fears and concerns of our community. Trinity Metro staff is looking into possible programming changes to prevent these incidents in the future and will keep the City and the public apprised. The City will continue the use of message boards and social media to encourage our residents to exercise caution at the rail crossings.

Library Open House: All are invited to the Colleyville Public Library Open House, Saturday, March 30, 2019, from 1:00 p.m. - 3:30 p.m. The event will culminate the completion of the Library Spatial Reconfiguration Project and celebrate the Library's 15 years of service to the community.

Temporary Sign Permit: In an effort to continue assistance to SH26 businesses, staff is working with individual business owners to allow for temporary signs as provided for in Section 7-190(k) Temporary Business Signs (LDC - Chapter 7) to continue beyond the 30 day time limit. Additionally, we are looking to waive the \$50 permit fee. This effort is intended to assist our businesses during the final stretch of the SH26 construction which is slated for completion later this year.

Fire Department Teams Up with American Red Cross: The Colleyville Fire Department has teamed up with the American Red Cross to start offering hands-only CPR instruction and Red Cross certified CPR classes. Red Cross certified fire

department personnel will teach these classes to Colleyville employees and citizens starting in May. We are also exploring an opportunity to collaborate with Red Cross to provide our facility for PTSD, re-connection workshops, and stress management classes targeting Veterans in need.

Library Sculpture Exhibit Expands: Tucked into the corners of the Colleyville Public Library and adorning tabletops and book shelves are numerous new art sculptures for patrons and visitors to enjoy. New this week in the Library are "Golden Morning," aka "Bob," a life-size dog and popular piece among surrounding libraries. Also on the first floor are sculptures entitled "Golden Dream," and "Chasing Rainbows," as well as a fishing table located on the new releases book shelves. Upstairs in the Youth Services area are new children-friendly pieces entitled, "Lotus Seeker," and "Searching for the Leprechaun's Gold." The Library has partnered with Sculptureworks, an organization that is, *"Bringing the World of Art to Life @ Your Library."*

Proclamation in recognition of Lourdes McWithey and the Colleyville Eats group - Mayor Richard Newton

Mayor Newton and Assistant City Manager Adrienne Lothery presented Ms. McWithey with a proclamation in recognition of her efforts to promote Colleyville businesses, especially those along SH26 during the construction, and developing the Colleyville Eats Facebook Group. Mayor Pro Tem Lindamood also extended his appreciation to Ms. McWithey.

In recognition of the Featured Business of the Month - Tara Tailors, 4709 Colleyville Boulevard, Sunny Lee, owner - Mayor Richard Newton and Assistant City Manager Adrienne Lothery

Mayor Richard Newton and Assistant City Manager Adrienne Lothery recognized Mr. and Mrs. Sunny Lee, owners of Tara Tailors, as the featured business of the month. Councilmember Nakamura also joined in recognizing Mr. and Mrs. Lee, noting Tara Tailors is a Colleyville staple and they do a great job.

4. CONSENT: READING AND PUBLIC HEARING- RESOLUTION R-19-4363

- 4a** Approval of the minutes of the regular City Council meeting of March 5, 2019
- 4b** Approval to purchase a replacement pipe inspection van from Silsbee Ford, and a ROVER X Basic Mainline Pipe Inspection System from Green Equipment, in an amount not to exceed \$154,319.55, and authorizing the City Manager to execute the purchase

Mayor Newton read Resolution R-19-4363 in its entirety.

Public Works Director Ray Silva-Reyes gave a presentation on item 4b. Mayor Pro Tem Lindamood stated he had reviewed the equipment and he believes this to be a smart buy and stated staff did well on the bid process.

Mayor Newton opened the public hearing at 8:08 p.m.

Walton Gilpin, 108 Mill Wood, asked City Council if the equipment could be shared with other municipalities.

There were no others wishing to speak and Mayor Newton closed the public hearing at 7:09 p.m.

City Manager Jerry Ducay explained the equipment would only be loaned on an emergency basis, as the City wishes to maximize the useful life of the equipment purchased.

Councilmember Nakamura made a motion to approve Resolution R-19-4363, amending the March 5, 2019 City Council minutes per Councilmember Dodson, and Councilmember Rigney seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

5. ITEMS NOT FOR CITY COUNCIL ACTION

Monthly Financial Report - February 28, 2019

Assistant City Manager Mark Wood presented this item, reviewed each of the accounts, and noted the City is financially sound.

Quarterly Investment Report for the quarter ended December 31, 2018

Chief Financial Officer Shereen Gendy presented this item, explaining the pools and changes to the investment policy.

Mayor Newton stated the changes to the investment policy and the reports show where every dollar is and is transparent and easy to understand.

Councilmember Dodson and Mayor Newton noted the CAFR is very complete, the City is in good financial shape, and all thanked CFO Gendy for her work.

6. ORDINANCE(S): FIRST READING AND PUBLIC HEARING**6a Ordinance O-19-2078**

Amending Ordinance O-09-1707 composition and terms of the Colleyville Tree Board

Mayor Newton read the caption of Ordinance O-19-2078.

Mayor Newton explained Keep Colleyville Beautiful no longer exists and this ordinance will change the composition of the Colleyville Tree Board to allow Colleyville Garden Club and Friends of the Colleyville Nature Center members to be appointed to the Board.

Mayor Newton opened the public hearing at 8:29 p.m.

Kathy Hadley 204 Timberline Drive North, stated the Tree Board is a good program, but has concerns for limiting membership.

Walton Gilpin, 108 Mill Wood asked how the City reaches out for members.

There were no others wishing to speak and Mayor Newton closed the public hearing at 8:32 p.m.

Mayor Newton stated the City and City Council actively solicits participation on the Boards, Commissions, and Committees.

This was the first reading therefore, City Council did not take any action.

7. RESOLUTION(S): READING AND PUBLIC HEARING**7a Resolution R-19-4364**

Approval of a resolution authorizing the execution and delivery of a continuing disclosure agreement between the City of Colleyville and the Trinity River Authority (TRA) of Texas and authorizing the City Manager to execute the agreement

Mayor Newton read Resolution R-19-4364 in its entirety.

Chief Financial Officer Shereen Gendy presented this item, stating the City first entered into an agreement with TRA in 1996 and this is not a new item to come before the Council. CFO Gendy noted there have been many changes since 1996, and all the changes have been included in an updated agreement and ensures financial disclosure by all entities.

Mayor Newton stated the City contracts for water and sewer with TRA, but Colleyville is only one partner, this agreement is simply saying the City

understands when TRA issues debt, we are one of the entities responsible for the debt.

Mayor Newton opened the public hearing at 8:41 p.m.

Kathy Hadley, 204 Timberline North, stated the City used to get water from Bedford and if this is still the case, she expressed concerns for continued affiliation with Bedford.

There were no others wishing to speak and Mayor Newton closed the public hearing at 8:43 p.m.

Mayor Newton advised Mrs. Hadley Bedford is no longer affiliated with our water and sewer services and the City is in a long term obligation with TRA. Mayor Newton stated TRA does a good job of providing water and sewer capacity to Colleyville and does provide annual updates to the City. Mayor Newton also noted TRA is responsible for the cost of water per 1,000 gallons, and the City passes this cost directly through to the citizens.

Mayor Pro Tem Lindamood made a motion to approve Resolution R-19-4364, and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

7b Resolution R-19-4365

Approval of a resolution accepting the annual audit for Fiscal Year ended September 30, 2018

Mayor Newton read Resolution R-19-4365 in its entirety.

Chief Financial Officer Shereen Gendy presented this item, noting this is the first year with the new auditors Weaver and Tidwell, L.L.P., and thanked her Finance Department team for all their work. CFO Gendy then introduced Jennifer Ripka, Weaver and Tidwell, L.L.P., who reviewed the audit, stating the City received an unmodified report which is the highest rating. Ms. Ripka provided information on GASB 75, stated the City saw a \$1.4 million increase in fund balance, and thanked the Mayor and City Council, Shereen Gendy, and Karen Hines for the opportunity to work with the City.

Mayor Newton stated the CAFR contains a lot of information and encouraged everyone to take the time to read it. He further recapped Ms. Ripka's remarks stating the City is in a great financial position and noted he has been in Austin at

the request of the governor to meet with the governor's staff to discuss property tax reduction because Colleyville is the perfect example of how to manage money.

Mayor Pro Tem Lindamood and Councilmember Dodson expressed their appreciation to the Mayor and staff for their work and noted the audit was reviewed page by page by the Audit Committee and they are very comfortable with the resulting document.

Mayor Newton opened the public hearing at 8:59 p.m. There was no one present wishing to speak and Mayor Newton closed the public hearing at 9:00 p.m.

Councilmember Kelley made a motion to approve Resolution R-19-4365, and Councilmember Rigney seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

7c Resolution R-19-4366

Approving support of the City of Colleyville - 2019 Transportation Alternatives Projects and Requests For Funding Through The Regional Transportation Council Transportation Alternatives Set-Aside Program and authorizing staff to proceed with the application submission

Mayor Newton read Resolution R-19-4366 in its entirety.

Public Works Director Ray Silva-Reyes presented this item. Mayor Newton stated this request is part of the City Manager's initiative to seek out grant money and he is very appreciative of the effort and strategy.

City Manager Jerry Ducay stated the City is being aggressive and will continue to apply, however, some of the projects will be accepted and some will not, but the process will allow the City to see how the projects are scored and the information may be helpful when applying for other grants.

Councilmember Nakamura asked Manager Ducay if it reflects negatively on the City if a grant is pursued and secured, but the City does not use the funds. Manager Ducay stated it will not reflect negatively on the City, and there are often opportunities to use the funds on a different project.

Mayor Newton opened the public hearing at 9:09 p.m.

Kathy Hadley, 204 Timberline Drive North, expressed concern the presentation stated transportation money is being sought; but all the locations are trails and she does not want the money used on roads.

There were no others wishing to speak and Mayor Newton closed the public hearing at 9:11 p.m.

Mayor Newton explained this call for projects is for trails, which falls under transportation per the NCTCOG guidelines.

Councilmember Wheat made a motion to approve Resolution R-19-4366, and Councilmember Dodson seconded the motion.

The motion to approve carried with the following vote:

Aye: 7 – Mayor Richard Newton, Mayor Pro Tem Lindamood, and Councilmembers Tammy Nakamura, Kathy Wheat, George Dodson, Chuck Kelley, and Callie Rigney.

8. CITIZEN COMMENTS/PRESENTATIONS REGARDING ITEMS NOT ON THE AGENDA

Kathy Hadley, 204 Timberline Drive North, discussed concerns on Glade Road and Cheek-Sparger Road, the need for economic/community involvement along Main Street, and thanked the Mayor and City Council for their hard work.

9. REPORTS

Parks and Recreation Advisory Board Minutes - February 4, 2019

There was no discussion of this item.

10. ACTION/RESOLUTION: DISCUSSION AND CONSIDERATION OF A RESOLUTION RATIFYING COUNCIL AGENDA ACTION FOR MARCH 19, 2019 - READING AND PUBLIC HEARING - RESOLUTION R-19-4367

This resolution was not needed.

11. ADJOURNMENT

There being no further business before the City Council, Mayor Newton adjourned the City Council meeting at 9:21 p.m.

APPROVED BY A VOTE OF _ AYES, _ NAYS, ON THIS THE 2ND DAY OF APRIL 2019.

Minutes taken and prepared by:

*Christine Loven, TRMC
City Secretary*



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5a	Agenda Date 4/2/2019	Number
Type Presentation		
Department City Manager		
Title		
TxDOT update on SH26		

Strategic Plan

1.1 Actively involve and engage stakeholders

Explanation

Mr. Minh Tran, PE, North Tarrant County Area Engineer, TxDOT, will provide an update on the progress of SH26.

Attachments



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 5b	Agenda Date 4/2/2019	Number
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Type Presentation and Discussion

Department City Manager

Title

Discussion of the Colleyville Pedestrian Transportation Program (CPTP)

Strategic Plan

1.4 Communicate thoroughly and strategically

Explanation

Staff will provide a presentation and discuss the Colleyville Pedestrian Transportation Program (CPTP).

Attachments



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 6a

Agenda Date 4/2/2019

Number Ordinance O-19-2078

Type Ordinance

Department City Secretary

Title

Amending Ordinance O-09-1707 composition and terms of the Colleyville Tree Board

Strategic Plan

1.1 Actively involve and engage stakeholders

Explanation

Second Reading and Public Hearing

There was one speaker regarding this item at the March 19, 2019 City Council meeting

First Reading and Public Hearing

The Colleyville Tree Board was created December 15, 1998, by Ordinance O-98-1130. The Tree Board was to serve in an advisory capacity to the Colleyville Parks and Recreation Board and through them, to the City Council.

In January 2009, by Ordinance O-09-1707, the composition and terms of the board were amended to include three members of the Parks and Recreation Advisory Board, and three members of the Keep Colleyville Beautiful and/or Colleyville Garden Club, who shall be appointed by the City Council, and their terms to the Tree Board would be concurrent to their terms on the organizations they represent.

Staff has been advised Keep Colleyville Beautiful has demised. At the February 4, 2019 meeting, the Parks and Recreation Advisory Board made recommendations to appoint three Parks and Recreation Advisory Board members. Two members of the Friends of Colleyville Nature Center and a Colleyville Garden Club member have expressed interest in serving the Tree Board. The proposed Ordinance follows the direction given by City Council at the March 5, 2019 Worksession and provides for the Colleyville Tree Board to be comprised of three Parks and Recreation Advisory Board members and three members of the Colleyville Garden Club and/or Colleyville residents participating in the Friends of the Colleyville Nature Center. Terms will be two years, staggered, appointed in September, with the Parks and Recreation Advisory Board members terms being concurrent with their term on the advisory board.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Ordinance O-19-2078

ORDINANCE O-19-2078

AMENDING ORDINANCE O-09-1707 SECTION 1 – CREATION AND ESTABLISHMENT, AND SECTION 2 - TERMS OF OFFICE OF THE COLLEYVILLE TREE BOARD

WHEREAS, City of Colleyville Ordinance 0-98-1130 created and established the Colleyville Tree Board, provided for the terms of office, and the responsibilities of the Board; and

WHEREAS, Ordinance O-09-1707 amended Ordinance O-98-1130, Section 2, Creation and Establishment, and Section 3, Term of Office; and

WHEREAS, the Colleyville City Council has determined an amendment to Ordinance O-09-1707 is in the best interest of the citizens of the City of Colleyville.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

Sec. 1. THAT Ordinance O-09-1707, Section 1 - Creation and Establishment of a Colleyville Tree Board is hereby amended to read as follows:

There is hereby created and established a City Tree Board for the City of Colleyville Texas, which shall consist of six (6) members, consisting of three (3) members of the Parks and Recreation Advisory Board, and three (3) members of the Colleyville Garden Club and/or Colleyville residents participating with the Friends of the Colleyville Nature Center, who shall be appointed by the City Council. This Tree Board shall serve in an advisory capacity to the Colleyville Parks and Recreation Board and through them, to the City Council.

Sec. 2. THAT Ordinance O-09-1707, Section 3 - Term of Office, is hereby amended to read as follows:

The terms of the Colleyville Tree Board members represented by the members of the Colleyville Garden Club and/or Colleyville residents participating with the Friends of the Colleyville Nature Center, shall be for two years, with terms beginning and ending annually in September, the Parks and Recreation Advisory Board member's terms shall run concurrent with their terms on the Parks and

Recreation Advisory Board. In the event that a vacancy shall occur during the term of any member, the successor shall be appointed by the City Council.

Sec. 3. THAT Ordinance 0-98-1130 shall remain in full force and effect, except where amended by this ordinance.

Sec. 4. THAT the effective date of this ordinance shall be immediate upon its passage.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 19th day of March 2019.

The second reading and public hearing being conducted on the 2nd day of April 2019.

PASSED AND APPROVED by the City Council of the City of Colleyville, Texas, on this the 2ND day of April 2019.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney



City of Colleyville City Council Agenda Briefing

City Hall
100 Main Street
Colleyville, Texas 76034
www.colleyville.com

Agenda Number 7a

Agenda Date 4/2/2019

Number Ordinance O-19-2079

Type Ordinance

Department Community Development

Title

Consideration of amendments to the Land Development Code, specifically Chapter 2 - Definitions

Strategic Plan

4.3 Adopt best-practice planning and development processes

Explanation

The City Council had instructed staff to review and propose amendments to each chapter within the City's Land Development Code (LDC). The process for adopting amendments to the LDC include formal review and recommendation by the Planning and Zoning Commission followed by formal review and approval by the City Council.

The attached chapter is a continuation of the formal adoption process. Any remaining chapters will be brought forward over the next several months until the entire Land Development Code has been reviewed.

Financial Impact

There is no financial impact to the City.

Recommendation

Approve

Attachments

1. Ch. 02 Definitions - Redline v3 (03.26.19)
2. Ordinance - O-19-2079

Chapter 2

Definitions

Rev. 05XX/04XX/20102019

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 and 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 LCD or a particular portion of the Code.

Adult Day Care. An adult day care center is a non-residential 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 cementconcrete, 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 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.~~ See Dwelling, Multi-Family.

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 congregate residence 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, for ten or more elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation and social or recreational services may be provided or associated with the assisted living facility. Units may be attached or detached, single or double occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis, e.g. visiting nurses.~~

Automobile Dealership. ~~A commercial business which conducts the retail sales of new or used automobiles.~~

Automobile Repair & Service 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, that~~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

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

Commented [EW1]: Added clarification for location

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

Block. ~~A tract of land or a lot or group of lots, bounded by streets, public parks, railroad rights of way, water courses or foreshores, unsubdivided land, or a city limit line, or by any combination of the above. In cases where platting is incomplete or disconnected, the administrative official shall determine the boundary of the 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. A breezeway shall be considered 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.

~~**Buildable Area.** The portion of a residential lot which includes: all property between the front yard setback and the rear property line; and all the property which lies under a single driveway not greater than twenty (20) feet in width, extending from the front property line to the garage. Applicable only to tree preservation requirements in residential developments.~~

~~**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 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.** *See Diameter.* 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 Engineer (Engineer). City Engineer of the City of Colleyville.

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

City Official. Any person; (elected or appointed), ~~or any 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, chiroprodists, 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 one (1) or more subdivisions.

~~**Commercial Building Footprint.** The portion of the lot which lies beneath the building pad. Applicable only to tree preservation requirements in commercial developments.~~

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~~ of services or products.

Common Area. Land within or related to a development, not individually owned or dedicated for public ~~use, that use, that use, which~~ is designed and intended for the common use of the residents and their guests of the development, ~~and~~ 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 (3) 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 area of undisturbed natural soil around a tree defined by a concentric circle with a radius in feet equal to the number of inches of trunk diameter. The Critical Root Zone is used by plan reviewers to determine compliance with design standards and construction specifications, and is considered the minimum portion of a tree's extensive root system that must be protected during construction. Applicable to tree preservation.~~ 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).

~~**Day Care Center.** A child care facility that provides care for more than twelve (12) children under fourteen (14) years of age for less than twenty four (24) hours a day. This definition shall not include kindergartens, pre-kindergartens, and schools listed elsewhere in this Chapter.~~

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. 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.

Dilapidated or Deteriorated Condition. For the purposes of sign regulations, a situation where the structural support or frame members are visibly bent, broken, dented, deteriorated or torn to such an extent that a danger of injury to persons or property is created; or where the sign or the structure is not in compliance with a building or construction code adopted by the City.

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

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

Diameter. The thickness of a tree trunk measured perpendicular to its axis at four and one-half feet (4½) above the surrounding grade, measured, if the tree is on a slope, from the high side of the slope and measured above or below unusual swells in the trunk. For replacement trees, diameter is measured at a point one foot (1) above the soil line of the tree. Applicable to tree preservation and landscape requirements.

To determine the diameter of a multi-trunk tree, add the diameter of the largest trunk to one half (½) the diameter of each additional trunk. A multi-trunk tree is distinguished from individual trees growing from common rootstock if there is a visible connection between the trunks above ground.

Diameter At Breast Height of an Existing Tree (DBH). That measurement of the size/diameter of a tree as determined by measuring at four and one-half feet above the soil level. For a multi-trunk tree, the diameter shall be the total diameter of the largest trunk plus one-half the diameter of each additional trunk.

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 4.5ft if there are low branches or other abnormalities.

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 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 and 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.

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 building or portion thereof arranged, intended or designated for occupancy by three or more families. 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, including, 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 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.

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

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 or, place, or an 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 service and emergency vehicles.

Engineer. A person ~~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 ~~five~~ fourteen (14) (54) ~~unrelated persons,~~ excluding servants, living together by joint agreement and occupying a single housekeeping unit with single kitchen facilities, ~~on a non-profit cost-sharing basis.~~ 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

Commented [JR2]: Ft. Worth and Southlake use 5 unrelated persons

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., usually made of posts, wire or wood, ~~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 (7075)~~ seventy-five (7075) percent open. A solid fence is one in which the vertical surface is not greater than ~~thirty-twenty-five (3025)~~ thirty-twenty-five (3025) percent open, 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. ~~For buildings having walls facing one street only, the elevation of the sidewalk at the center of the wall adjoining the street. For buildings having walls facing more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the street. For buildings having no walls facing the street, the average level of the finished surface of the ground adjacent to the exterior wall of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as facing the street. Where no sidewalk has been constructed, the Building Official Administrative Official shall establish such sidewalk level or its equivalent for the purpose of establishing the 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.

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

Home Occupation. An occupancy wholly within the primary dwelling unit provided: 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.

- ~~No person other than members of the family residing on the premises shall be engaged in such occupation;~~
- ~~The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than~~

Commented [EW3]: Attempt to provide defined margins for fencing so that it does not have to be in contact with the ground and allows for decorative cap along the top.

Commented [EW4]: Aligns definition under the Sign category

twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

- There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign installed in accordance with the applicable provisions;
- No home occupation shall be conducted in any accessory building;
- No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required yard;
- No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses;
- Home occupation uses shall not include beauty and barber shops, medical or chiropractic offices, or other uses of a similar nature and character

Commented [EW5]: Provisions added to provide clarity of specific requirements

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 shall also contain a restaurant and conference rooms, and may also include various personal service shops.

Ii - Jj

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

Commented [EW6]: Renamed to align definition under Sign category

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.

Commented [EW7]: Renamed to align definition under Sign category

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.

Commented [EW8]: Renamed to align under Sign category

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.

Commented [EW9]: Renamed to align under Sign category

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, sidewalks 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.

~~Junk.~~ ~~Material including, but not limited to, scrap iron, scrap tin, scrap brass, scrap copper, scrap lead, scrap zinc and other metals and their alloys; bones, rags, used cloth, used rubber, used rope, used tinfoil, used bottles, old cotton, or used machinery, used tools, used appliances, used fixtures, used utensils, used boxes or crates, used pipe or pipe fittings, used automobile or airplane parts, and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition.~~

~~Junk or Salvage Yard.~~ ~~A lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires and bottles. A junkyard includes an automobile wrecking yard and automobile parts yard.~~

Commented [JR10]: There is junk or salvage yard use and in defining junk it may be better served for this to be addressed as a code enforcement issue.

Kk

Kenel. 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.

LI

~~Land Planner.~~ ~~A person skilled in the art and science of arranging and designing the layout of land so as to create adequate and desirable building sites, a coordinated street system and space appropriate to the efficient removal of storm water and the provision of public services and utilities all consistent with the long-range goals and the objectives of the city plan.~~

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, ~~upon which the capital improvement plan is based.~~

Commented [JR11]: This definition may not be necessary because many different disciplines can also be land planners.

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)

~~**Lawn Grasses.** Thin blade surface growing plants typically planted from seed, sprigs, plugs or sod.~~

Commented [JR12]: This definition may not be needed.

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.

~~**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.~~

Commented [EW13]: Renamed to align under Sign category

Lot. A parcel of land at least sufficient in size to meet the minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required, and having frontage on an approved public or private street. A lot may 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 gross 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, 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 Line. The property boundary of a building lot.

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.

~~**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 with frontage on only one street.~~

Mm

~~**Major Street.** A street designated on the adopted city plan as a thoroughfare, boulevard, freeway, highway, expressway, parkway or scenic route or any other traffic artery having regional continuity.~~

~~**Manufactured Home.** A structure.~~

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.** 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. 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.

~~**Mortuary.** A facility in which dead bodies are prepared for burial or cremation or funeral services are conducted.~~

~~**Motorcycle.** A usually two wheeled self propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this ordinance, motorbikes, motor scooters, mopeds, and similar vehicles are classified as motorcycles.~~

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, or PUD-1~~ 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.

Off-Premise Sign. ~~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.~~

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.~~

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

Open Space. ~~A space not occupied by a structure, open to the sky except for the ordinary projections of cornices, eaves or porches, and on the same lot with the building or structures.~~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 display of merchandise outside of the structure on the property in which such merchandise is sold, stored, or maintained, whether said display is for the purposes of sale or advertisement.~~Any use of a premises whereon goods, materials, or merchandise is displayed 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 approve-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 (HOA) Recreational Facilities.** 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.~~

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-~~1~~15, RD, RMF, ~~or 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, Drive-Thru.** A business...~~

~~**Residential Setback Envelope.** The portion of a residential lot which lies between the front setback and rear setback of a residential lot. Applicable only to tree preservation plans and grading/drainage plans for residential subdivisions.~~

Restaurant, Standard. 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 ~~material fence or wall~~ constructed of brick, masonry, ~~or of a~~ concrete, ~~or metal frame~~, or wood, ~~or base that supports a permanent type material~~, the vertical surface of which is not more than ~~thirty-25~~ (3025) 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.

~~**Sign, Search Light.** An apparatus for projecting a beam or beams of light, in excess of 2,000,000 peak candlepower or 250,000 lumen.~~

~~**Servant's Quarters.** An accessory 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. 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

Commented [EW14]: Renamed to align under Sign category

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 street between the curb, or the lateral line of the roadway, and the adjacent property line, intended for the use of pedestrians.

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

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, Amenity. ~~A sign advertising options, features, or conveniences offered by a business and installed in a temporary manner.~~

Sign, Apartment. ~~A sign identifying an apartment building or complex of apartment buildings.~~

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, 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, Billboard. ~~A sign that promotes or advertises commodities or services, and the erection or maintenance of the sign is the primary use of the land upon which the sign is located. A billboard sign shall include, but is not limited to, those signs whose message space is available for lease, rent or hire, separate and apart from any commodity or service which is not limited to being offered solely on the premises on which such sign is located.~~

Commented [EW15]: Added clarification for location

~~**Sign, Changing (Automatic).** 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, 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, industrial site, retail district, office districts, and commercial sites located on the same premises 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, Fence.** A sign which is affixed or attached to a fence, whether permanent or temporary.~~

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

~~**Sign, Ground (Temporary).** A sign which has a display surface comprised of non-permanent letters which allows a change of copy by adding or removing letters and is temporarily fixed to a vertical framework consisting of two or more uprights and which is designed to be readily movable from site to site.~~

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

~~**Signs, Height.** The vertical distance measured from the surrounding grade to the top of the sign.~~

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

~~**Sign, Illegal Non-conforming.** A sign which was in violation of any of the ordinances of the City of Colleyville governing the erection or construction of such a sign at the time of its erection, and which has never been erected or displayed in conformance with all such ordinances, including this code, and which shall include signs which are pasted, nailed, painted or otherwise unlawfully displayed upon structures, utility poles, trees, fences or other structures.~~

Commented [EW16]: Aligns definition under the Sign category

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

Commented [EW17]: Renamed to align definition under Sign category

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 viewer's eye.

Commented [EW18]: Renamed to align definition under Sign category

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.

Commented [EW19]: Renamed to align under Sign category

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.

Commented [EW20]: Renamed to align under Sign category

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

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

Sign, Legal Non-conforming. A sign which was lawfully erected and maintained prior to the enactment of the Sign Code and any amendments thereto, and which does not conform to all of the applicable regulations and restrictions of the Sign Code.

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.

Commented [EW21]: Renamed to align under Sign category

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, Marquee. A permanent structure which is attached to and supported by a building and which projects outward from the building.

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. The sign base or pedestal may be constructed of any solid material. The sign shall be a minimum of 4-1/2 inches thick, and the base or pedestal shall be a minimum of 6 inches thick.

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, Multi-Purpose. An identification sign combined with a directory sign and/or a reader board sign.

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, Obsolete.** A sign that previously was a legal sign, or a legal, non-conforming sign but the commodity and/or service promoted or advertised by said sign is no longer offered in accordance with the content of the sign.~~

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

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, Private Sale.** A temporary sign used to announce a sale on a private homeowner's property. The following include, but are not limited to estate sales, garage sales, porch sales, rummage sales, sample sales, and yard sales.~~

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, Pylon.** A sign supported by two or more free-standing poles, and having no guys or braces.~~

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, Seasonal/Special Sales/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 Directional.** A sign which is both temporary and directional in nature. Such signs may be placed during the weekends only, from 12:00 noon on Friday to 12:00 noon on~~

~~Monday. Such signs may be located on or off premise. Text on such signs may only contain the name of the subdivision, which must be located within the City of Colleyville, Texas.~~

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, ~~searchlight~~, 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 halfstoryhalf-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. ~~A thoroughfare or public driveway, other than an alley, which has been dedicated or deeded to the public for general use and affords a principal means of vehicular or other access to property abutting thereon.~~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 Line. A dividing line between a lot, tract or parcel and a contiguous street.

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

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, ~~but does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley, or easement of access.~~ 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 ~~of greater than thirty five feet in height~~ 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. (O-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 Tree).~~ 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.

~~Tree (Heritage).~~ Any existing tree listed as an approved replacement tree in Chapter 5 and whose diameter is at least 50% of the diameter of its representative species on the Big Tree Registry, as published by the Texas Forest Service.

~~Tree (Protected).~~ A self-supporting woody perennial plant which has attained a trunk diameter of six (6) inches or more when measured at a point four and one-half (4½) feet above the surrounding grade and normally having an overall height of at least fifteen (15) feet at maturity, usually with a single elongated main stem with few or no branches on its lower part. Tree species that do not meet this definition include: Mesquite, Hackberry and Chinese Tallow.

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 ~~at right angles to a straight line joining the foremost points of the side lot lines 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.~~ ~~The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.~~

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.

~~**Yard, Street.** The lot area which lies between the street right-of-way and the actual front wall line of the building and as imaginatively extended from the outward corners of the building, parallel to the street to the side lot lines. Steps and unenclosed porches shall be excluded, but such wall line shall include any irregular building indentations. On corner lots, the street yard shall consist of all lot area between both streets and their corresponding actual front building wall lines, as such lines are imaginatively extended in the manner described above. When there are multiple buildings on a lot, the street yard shall consist of all the area between the street right-of-way and any imaginary line beginning at one side of the lot, running parallel to the street, connecting to the foremost corner of the building wall fronting the street and nearest such side lot line, then following and connecting the foremost walls of all buildings fronting the street, and then extending parallel to the street side lot line. If a building has a rounded front, the front building wall corners~~

~~shall be the points closest to the side boundaries. Isolated buildings (e.g. fast food restaurants in a shopping center, photo processing drop-offs, bank drive through, etc.) shall not be considered in delineating street yards. On land used only for off street parking purposes, the street yard shall consist of the entire lot.~~

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

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-xxxx	Xx/xx/2019	Several Amendments as part of an overall LDC review

ORDINANCE O-19-2079

AMENDING CHAPTER 2 – DEFINITIONS OF THE LAND DEVELOPMENT CODE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR INJUNCTIVE RELIEF; PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City Council of the City of Colleyville approved Ordinance O-00-1214 on April 18, 2000, adopting the Land Development Code; and

WHEREAS, the City of Colleyville desires to amend Chapter 2 – Definitions of the Land Development Code as part of a comprehensive review of the Land Development Code; and

WHEREAS, notice of a public hearing before the City Council was published in a newspaper of general circulation in Colleyville at least 15 days before such hearing.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEYVILLE, TEXAS:

- Sec. 1. THAT *Chapter 2 – Definitions* of the Land Development Code are hereby amended to read as depicted in the attached Exhibit "A".
- Sec. 2. THAT any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Colleyville, and upon conviction shall be punishable by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense.
- Sec. 3. THAT if any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.
- Sec. 4. THAT in addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

Sec. 5. THAT this ordinance shall take effect immediately from and after its passage.

Sec. 6. THAT all other provisions of the Land Development Code shall remain in full force and effect, except as amended herein.

AND IT IS SO ORDERED.

The first reading and public hearing being conducted on the 2nd day of April 2019.

The second reading and public hearing being conducted on the 16th day of April 2019.

PASSED AND APPROVED BY A VOTE OF _ AYES, _ NAYS, AND _ ABSTENTIONS ON THIS THE 16TH DAY OF APRIL 2019.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 5, Chuck Kelley	_____
Place 3, Kathy Wheat	_____	Place 6, Callie Rigney	_____
Place 4, George Dodson	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor

APPROVED AS TO FORM:

Whitt L. Wyatt
City Attorney

Exhibit “A”

{Chapter 2}

RESOLUTION R-19-4370

**A RESOLUTION APPROVING CITY COUNCIL ACTION
UNDER BUSINESS AT THE REGULAR CITY COUNCIL MEETING OF
APRIL 2, 2019**

WHEREAS, City Council has taken action on certain items on the agenda under Business.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF COLLEYVILLE, TEXAS:**

a. THAT

AND IT IS SO RESOLVED.

APPROVED BY A VOTE OF _ AYES, _ NAYS ON THIS THE 2ND DAY OF APRIL 2019.

Mayor Richard Newton	_____	Mayor Pro Tem Bobby Lindamood	_____
Place 1, Tammy Nakamura	_____	Place 3, Kathy Wheat	_____
Place 4, George Dodson	_____	Place 5, Chuck Kelley	_____
Place 6, Callie Rigney	_____		

ATTEST:

CITY OF COLLEYVILLE

Christine Loven, TRMC
City Secretary

Richard Newton
Mayor