

**Section 2: Definitions**

The following words and terms, when used in this Ordinance, shall have the following meanings, unless the context clearly indicates otherwise.

1. Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a street.
2. Arterial Streets: See major or minor arterial
3. Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or boundary lines of municipalities or a block in a subdivision that consists of a grouping of lots that are contiguous or phases in a development plat.
4. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.
5. Building Setback Line: The line within a property defining the minimum horizontal distance between a building and the adjacent street right-of-way line.
6. CCN – Certificate of Convenience and Necessity (for water or sewer service area).
7. Capital Improvement: A public facility with a life expectancy of three or more years, to be owned and operated by or on behalf of the local government.
8. City Commission: The elected City Commission.
9. City: The City of Harlingen, Cameron County, Texas. Any reference to an act of the City shall be deemed to include acts of the City Commission, or other such elected governing body of the City.
10. Collector Streets: Streets that carry traffic from the interior of neighborhoods or developments to adjoining arterial streets. Their primary role is land access but with a higher level of traffic movement than local streets. Collectors should provide two traffic lanes and two parking lanes, and in a few cases four travel lanes. (Requires 80’R-O-W dedication.)
11. Comprehensive Plan: The most current plan or collection of plans promulgated by the City Commission or administration, including, but not limited to arterial street plans or combination thereof.
12. Construction Plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of improvements to be installed in the

subdivision in accordance with the requirements of the Planning Commission as a condition of the approval of the plat.

13. County: – Cameron County, Texas.
14. Cul-de-sac: A street having only one, (other than an alley or easement), outlet to another street, and terminated on the opposite end by a vehicular turn-around. (Maximum allowed length 600') The length of a cul-de-sac shall be measured from the near side right-of-way line of the intersection street to the center of the cul-de-sac turnaround.
15. Dead-end Street: A street, other than cul-de-sac, with only one outlet, other than an alley or easement. (Maximum length allowed is 150')
16. Developer: The owner of land proposed to be subdivided or the owners' representative who is responsible for any undertaking that requires review and/or approval under these regulations. (See also Subdivider.)
17. Drinking Water: - All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing. (Also referred to as potable water.)
18. Easement: Authorization by a property owner for another to use the owner's property for a specified purpose (such as for utilities, access, etc.)
19. Engineer: A person licensed and duly authorized under the provision of Texas Engineering Registration Act to practice the profession of engineering.
20. Extraterritorial Jurisdiction: That territory outside corporate city limits defined in the Texas Local Government Code as area that is subject to City Subdivision regulations. (For the purpose of annexation that area is defined in V.T.C.A. Local Government Code, Chapter 42, Subchapter B, as amended, based on population. For the purpose of subdivision regulations that area is defined in V.T.C.A. Local Government Code, Section 212.001, as amended.)
21. Final Subdivision Plat: A map or drawing of a subdivision to be recorded after approval by the Planning and Zoning Commission and any accompanying material of a proposed subdivision prepared in a manner suitable for recording in the county records and prepared as described in these regulations.
22. Flag-Shaped Lot: A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way or driveway. (See Exhibit D). Flag shaped residential lots will not be allowed within the City limits or within the 3 ½ mile ETJ.

23. Flood: A temporary rise in a stream level that results in inundation of areas not ordinarily covered by water.
24. Floodway: The channel of a watercourse and portions of the adjoining flood plain that are reasonably required to carry and discharge the regulatory flood.
25. Frontage: That side of a lot abutting on a street or way and ordinarily regarded as the front of the lot; the side of a corner lot is considered frontage for road assessment purposes. For lot frontage requirements, only the front of the lot shall be considered in the measurements.
26. Half-street: A street that is one-half the required street width constructed adjacent to a development for an interim period of time.
27. Local Streets: Serve primarily residential areas and commercial/industrial areas to some extent to provide access to individual properties. Through traffic on such streets should be discouraged by discontinuous, and often curving street layout. The paved width would desirably provide for two travel lanes and one or two parking lanes. (Requires 50' –60' R-O-W dedication. The 60' dedication is required on streets required to be paved 37' b-b.)
28. Lot: An undivided tract or parcel of land having frontage on a public street and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed for record. A flag shaped lot is an irregular shaped lot that has an area for a building site that complies with this Ordinance, which is located some distance from a public street or road and connected by a narrower, generally rectangular, strip of land.
29. Lot Improvement: Any building, structure, work of art, or other object situated on a lot.
30. Major Arterial: Similar to minor arterial in their function but serve higher traffic volumes, act as principal crosstown surface routes, and in some cases serve as urban extensions of major intercity routes. These streets will require two to six travel lanes depending on traffic, with considerable access control as necessary. (Requires 120' R-O-W dedication.)
31. Major Outfall: A large pipe or open channel that has the capacity to accept drainage runoff collected through smaller systems (pipes, manholes, inlets, gutters, ditches, etc.) from a given drainage basin and has the ability to convey the volume of runoff generated on such basin to a discharge point on a stream that becomes the ultimate receiver.
32. Major Subdivision: All subdivisions not classified as minor subdivisions, including but not limited to subdivisions of more than four (4) lots, or any number lots and size

subdivision requiring any new street, drainage, extension of utilities or the creation of any other public improvements.

33. Minor Arterial: Provide direct access between various sectors of the City and connect residential areas with commercial and industrial land uses. Their width and directness promotes efficient traffic movement. Minor arterial should provide two or four travel lanes with parking an optional feature. Since traffic movement is their key functions, land access from minor arterial may be legitimately restricted. (Requires 100' R-O-W dedication.)
34. Minor Subdivision: Any subdivision containing not more than four (4) lots fronting on an existing street, not involving any new street or road, or the extension of municipal facilities or the creation of any public improvements, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the Comprehensive Plan, Zoning Ordinance, or these regulations.
35. Non-Access Easement: An easement placed across the edge of lots generally used to prevent rear access driveways and curb cuts onto an arterial or collector road or to prohibit access near intersections.
36. Non-Public Water System: Any water system supplying water for domestic purposes that is not a public water system.
37. OSSF: On-site sewage facilities as that term is defined in rules and/or regulations adopted by TNRCC, including, but not limited to, 30 TAC Chapter 285.
38. Pavement Width: The portion of a street available for vehicular traffic. Where curbs are laid, "pavement width" is the portion between the back of curbs.
39. Person: Any individual, association, firm corporation, governmental agency, or political subdivision,
40. Phased Subdivision Application: An application for subdivision approval submitted pursuant to a specific plan in which the applicant proposes to immediately subdivide the property but will develop in one or more individual phase(s) over a period of time. A phased subdivision application may include an application for approval of, or conversion to, commercial or non-commercial developments.
41. Planning & Zoning Commission: The Planning & Zoning Commission of the City of Harlingen, TX.
42. Platted: Recorded with the county in an official plat record.
43. Public Improvement: Any street, drainage ditch, roadway, parkway, sidewalk, pedestrian way, off-street parking area, lot improvement, or other facility for which

the local government may ultimately assume the responsibility for maintenance and operation, or which may effect an improvement for which local government responsibility is established.

44. Public Water System: A system for the provision to the public of water for human consumption through pipes or other constructed conveyances, which includes all uses described under the definition for drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms “individual” or “served,” an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system.
45. Purchaser: Includes, but is not limited to, purchasers under executory contracts for conveyance of real property.
46. Regulatory Flood: A flood which is representative of large floods known to have occurred generally in the area and reasonably characteristic of what can be expected to occur on a particular stream. The regulatory flood generally has a flood frequency of approximately 100 years determined from an analysis of floods on a particular stream and other streams in the same general region.
47. Regulatory Flood Protection Elevation: The elevation of the regulatory flood.
48. Resubdivision: Any change in a map of an approved or recorded subdivision plat that affects any street layout on the map or area reserved thereon for public use or any lot line, or that affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.
49. Right-of-Way (or R-O-W): A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term “right-of-way” for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains, shade trees, or any other use

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

50. Sanitarian: A person registered as a Professional Sanitarian by the Texas Department of Health under the authority of Texas Civil Statutes, Article 4477-3.
51. Sewerage Facilities: The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these rules.
52. Shall, Should and May: The word "shall" is always mandatory. The word "should" is an advisory condition. The word "may" is merely directory.
53. Street: A public right-of-way, however designated, which provides vehicular access to adjacent land.
54. Subdivider: Any owner of land or any authorized agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land sought to be subdivided. (See also Developer.)
55. Subdivision: A division of any tract of land situated within the corporate limits of the city or within the extra territorial jurisdiction referred to in TEX. REV. CIV. STAT. ANN., Art. 974a, as amended, into one or more parts for the purpose of laying out suburban lots or building lots, or any lots and streets, alleys or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes re-subdivision (replat) of land divided into one or more parts that results in the creation of two or more lots of five acres or less, but it does not include the division of land for agricultural purposes in parcels of tracts of five acres or more and not involving any new street, alley, or easement of access.
56. Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.
57. TAC: Texas Administrative Code, as compiled by the Texas Secretary of State.
58. TCEQ: Texas Commission on Environmental Quality.
59. Tract: A lot. The term "tract" is used interchangeably with the term "lot," particularly in the context of a subdivision, where a "tract" is subdivided into several lots, blocks, parcels, sites, units, tracts, or interests.
60. Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across,

over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.

61. Water Facilities: Any devices and systems that are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of water for safe human use and consumption.

Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative. Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.