

AGENDA

**PLANNING AND ZONING COMMISSION
CITY OF MANSFIELD, TEXAS
CITY HALL COUNCIL CHAMBERS
MONDAY, DECEMBER 17, 2018, 6:30 PM**

1. CALL TO ORDER

2. APPROVAL OF LAST MEETING MINUTES

- 3. CITIZEN COMMENTS:** Citizens wishing to address the Commission on non-public hearing agenda items and items not on the agenda may do so at this time. Once the business portion of the meeting begins, only comments related to public hearings will be heard. All comments are limited to 5 minutes. Please refrain from “personal criticisms”.

In order to be recognized during the “Citizens Comments” **or** during a public hearing (applicants included), please complete a yellow “Appearance Card” located at the entry to the Chambers and present it to the Planning Secretary.

4. PUBLIC HEARINGS:

- A. SD#18-038: Public hearing on a replat to create Lots 12R-1 and 12R-2, Block 1, Broad Park

5. OTHER AGENDA ITEMS:

- A. Presentation on the draft Subdivision Ordinance

6. COMMISSION ANNOUNCEMENTS

7. STAFF ANNOUNCEMENTS

8. ADJOURNMENT OF MEETING

9. NEXT MEETING DATE: January 7, 2019

I certify that the above agenda was posted on the bulletin board next to the main entrance of City Hall on **Thursday, December 13, 2018**, in accordance with Chapter 551 of the Texas Government Code.

Delia Jones, Planning and Zoning Secretary

- This building is wheelchair accessible. Disabled parking spaces are available. Request for sign interpreter services must be made 48 hours ahead of meeting to make arrangements. Call 817 473-0211 or TDD 1-800-RELAY TX, 1-800-735-2989.
- In deciding a zoning change application, the Planning & Zoning Commission and City Council are required to determine the highest and best use of the property in question. The Commission may recommend and the Council may approve a change in zoning to the category or district requested by the applicant or to any zoning category or district of lesser intensity. Notice is presumed sufficient for every District up to the intensity set forth in the zoning change application.

City of Mansfield
Planning and Zoning Commission
Agenda Items for December 17,

**SD#18-038: Broad Park
2 commercial lots**

**SD#18-038: Broad Park
2 commercial lots**

**PLANNING & ZONING COMMISSION MEETING
CITY OF MANSFIELD**

December 3, 2018

Chairman Wilshire called the meeting to order at 6:30 p.m. in the Council Chambers of City Hall, 1200 East Broad Street, with the meeting being open to the public and notice of said meeting, giving date, place, and subject thereof, having been posted as prescribed by Chapter 551, Texas Government Code.

Present:

Wayne Wilshire	Chairman
Cory Smithee	Vice-Chairman
Kent Knight	Commissioner
Mel Neuman	Commissioner
Robert Klenzendorf	Commissioner
Tamera Bounds	Commissioner
Andrew Papp	Commissioner

Absent:

None

Staff:

Art Wright	Planner
Shirley Emerson	Planner
Delia Jones	Planning & Zoning Secretary
Clay Cawood	Fire Marshal

Call to Order

Chairman Wilshire called the meeting to order at 6:30 p.m.

Minutes

Chairman Wilshire called for approval of the November 19, 2018, minutes. Commissioner Papp made a motion to approve the minutes. Commissioner Knight seconded the motion, which carried by the following vote:

Ayes: 6 - Wilshire, Neuman, Knight, Klenzendorf, Bounds and Papp

Nays: 0

Abstain: 1 - Smithee

Citizen Comments

None

At this time, Chairman Wilshire changed the order of the agenda.

SD#18-014: Final Plat of Somerset Addition, Phase II

Andrew Kubiak, representing the applicant, gave an overview of the plat, explained the requested variances and was available for questions. Max Miller, also representing the applicant, was available for questions.

After discussion, Commissioner Knight made a motion to approve the plat with requested variances. Vice-Chairman Smithee seconded the motion, which carried by the following vote:

Ayes: 7 - Wilshire, Smithee, Neuman, Knight, Klenzendorf, Bounds and Papp

Nays: 0

Abstain: 0

SD#18-037: Public Hearing on a replat to create Lots 1R, 4, 5 and 6, Vistas of Walnut Ridge

Matthew Merritt, representing the applicant, gave an overview of the request and was available for questions.

Chairman Wilshire opened the public hearing and called for anyone wishing to speak to come forward.

Seeing no one come forward to speak, Chairman Wilshire closed the public hearing.

After discussion, Commissioner Neuman made a motion to approve the request. Commissioner Klenzendorf seconded the motion which carried by the following vote:

Ayes: 7 - Wilshire, Smithee, Neuman, Knight, Klenzendorf, Bounds and Papp
Nays: 0
Abstain: 0

Commissioner Announcements

Vice-Chairman Smithee stated that truck traffic on Main Street has decreased, however, there is still a lot of traffic. Mr. Wright stated that deliveries to businesses are still allowed and citations are currently being written by the Police Department for trucks cutting through on Main Street. He also stated that it will take time to completely reroute the truck traffic. Commissioner Neuman inquired about the status of the Subdivision Control Ordinance amendments and Mr. Wright stated that he will have a report for Commissioners at the next meeting.

Staff Announcements

Mr. Wright confirmed that there will be a meeting on December 17th.

Adjournment

Vice-Chairman Smithee made a motion to adjourn the meeting. Commissioner Klenzendorf seconded the motion which carried by the following vote:

Ayes: 7 – Wilshire, Smithee, Neuman, Knight, Klenzendorf, Bounds and Papp
Nays: 0
Abstain: 0

With no further business, Chairman Wilshire adjourned the meeting at 6:52 p.m.

Wayne Wilshire, Chairman

Delia Jones, Planning & Zoning Secretary

PLANNING AND ZONING COMMUNICATION

Agenda: December 17, 2018

Subject: SD#18-038: Public hearing on a replat to create Lots 12R-1 and 12R-2, Block 1, Broad Park

GENERAL INFORMATION

Applicant:	Lauralee Development Co. Inc., owner Hamilton Duffy, engineer Spry Surveyors, LLC, surveyor
Existing Zoning:	PD
Existing/Proposed Use:	Office
Total Number of Lots:	2
R.O.W. Dedication:	None required
Compliance with Ordinances:	Yes
Location:	1756 N Broad Park Circle

COMMENTS & CONSIDERATIONS

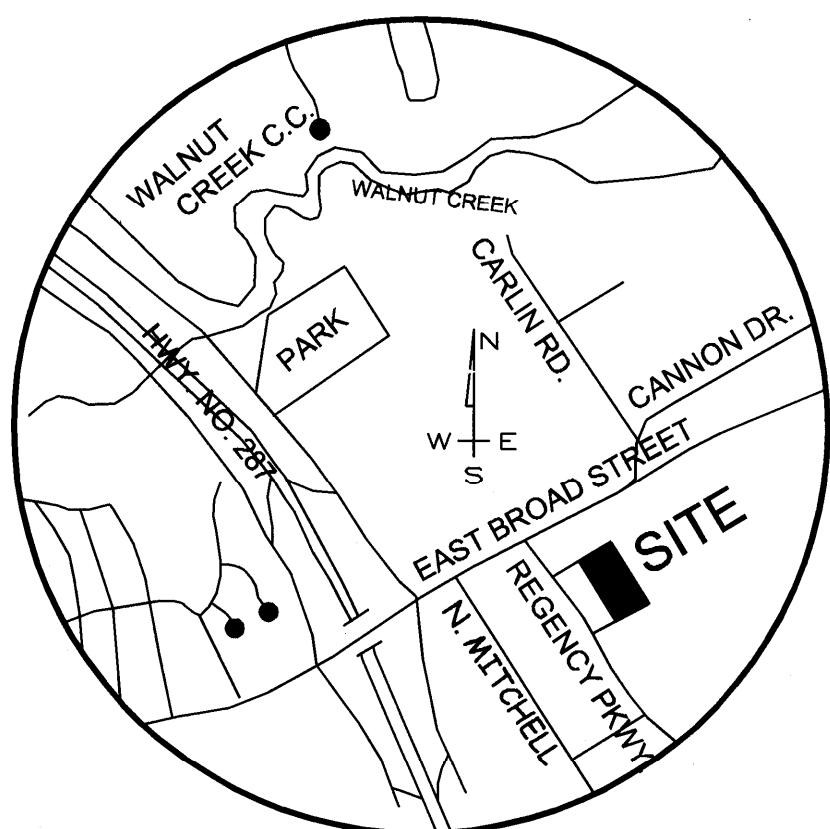
The purpose of the replat is to subdivide Lot 12, Block 1, into 2 commercial lots. Lot 12R-1 has an existing building on it. Lot 12R-2 is currently vacant but the applicant is planning on building a medical office on the property.

Although the plat in the Commission's packet does not have the owner's signature, the filing copies have been signed.

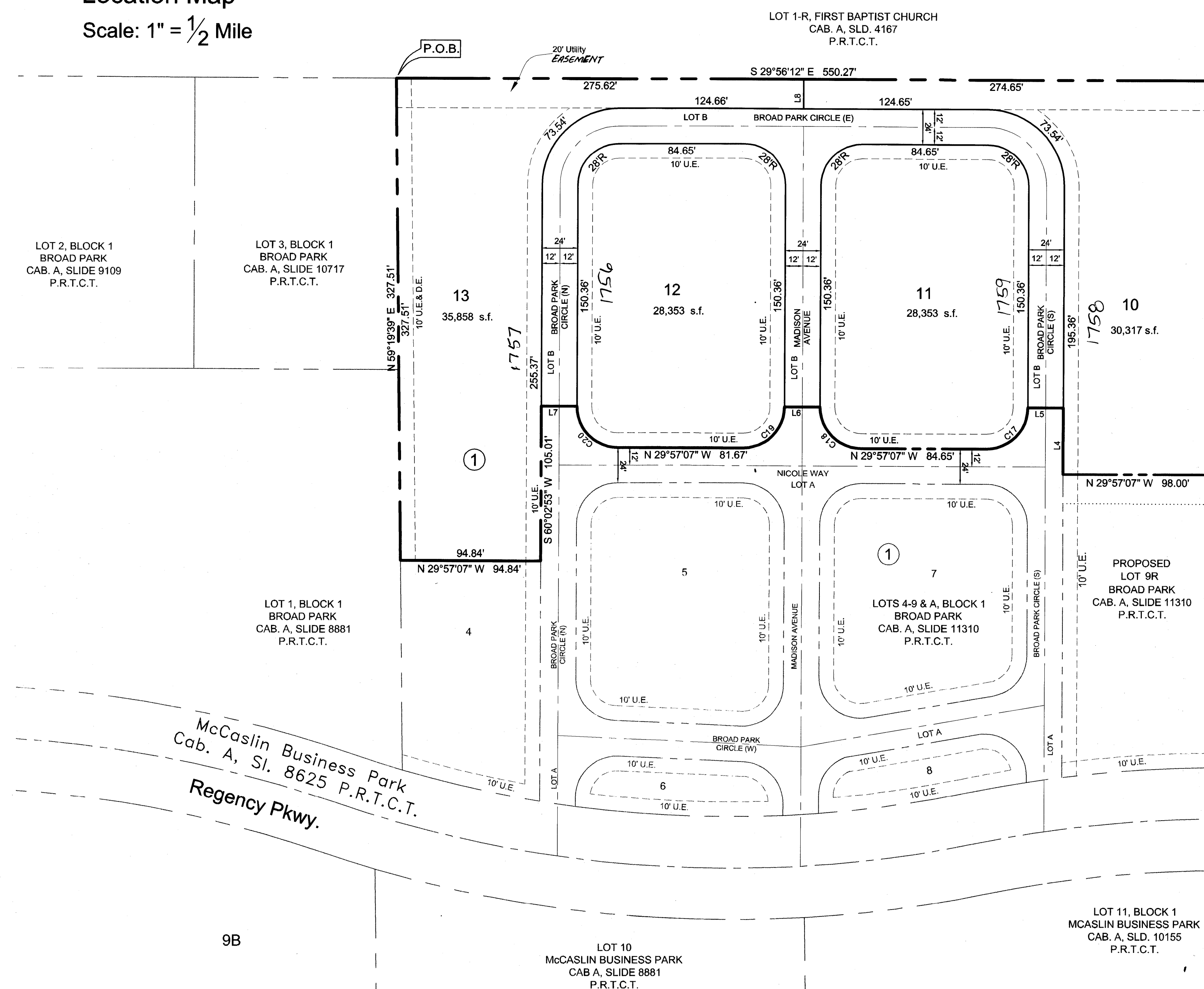
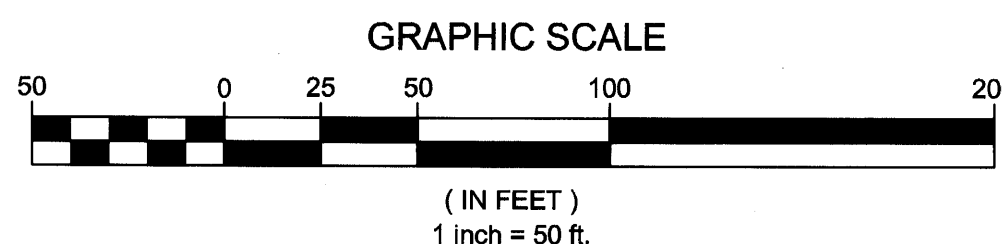
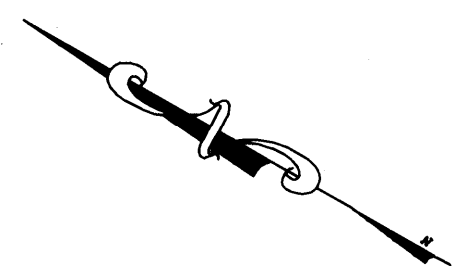
Staff recommends approval.

Attachments:

Previously Approved Plat



Location Map
Scale: 1" = 1/2 Mile



CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	BEARING
C17	43.98'	28.00'	90°00'00"	28.00'	39.60'	S74°57'07"E
C18	43.98'	28.00'	90°00'00"	28.00'	39.60'	S15°02'53"W
C19	43.98'	28.00'	90°00'00"	28.00'	39.60'	S74°57'07"E
C20	43.98'	28.00'	90°00'00"	28.00'	39.60'	S15°02'53"W

LINE TABLE		
LINE	LENGTH	BEARING
L4	45.00'	N60°02'53"E
L5	24.00'	N29°57'07"W
L6	24.00'	N29°57'07"W
L7	24.00'	N29°57'07"W
L8	20.04'	S60°03'48"W

HERBERT S. BEASLEY

P. O. BOX 8873
FORT WORTH, TEXAS 76124

REGISTERED PROFESSIONAL SURVEYORS

LAND SURVEYORS L.P.

• LAND • TOPOGRAPHIC
• CONSTRUCTION SURVEYING

METRO 817-429-0194
FAX 817-446-5488

OWNER/DEVELOPER:
LAURALEE DEVELOPMENT CO., INC.
6608 GLEN DALE
ARLINGTON, TEXAS 76017
PH: 817-478-0961
FAX: 817-561-0859

ENGINEER/SURVEYOR
WILLIAM M. SMITH & ASSOC.
404 MARY STREET
ARLINGTON, TEXAS 76010
PH: 817-265-7166
FAX: 817-861-0339



Final Plat

Lots 10-13, Block 1
BROAD PARK
3.299 acres out of the H. Odele Survey,
Abstract No. 1196
Mansfield, Tarrant County, Texas
November, 2006
4 Lots

AFTER RECORDING RETURN TO:
CITY OF MANSFIELD
1200 E. BROAD ST.
MANSFIELD, TEXAS 76063

THIS PLAT FILED IN CABINET A, SLIDE 11928
DATE 5/11/07

SD#06-070

STATE OF TEXAS:

COUNTY OF TARRANT:

WHEREAS, LAURALEE DEVELOPMENT CO., INC. acting by and through the undersigned, its duly authorized agent, is the sole owner of a tract of land situated in the H. Odele Survey, Abstract No. 1196, Mansfield, Tarrant County, Texas, and being part of that certain tract of land recorded in Inst. No. D203468572 Deed Records, Tarrant County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" iron rod stamped "Beasley 4050" found at the Southeast corner of Lot 3, Block 1, BROAD PARK, an addition to the City of Mansfield, Tarrant County, Texas, as recorded in Cabinet A, slide 10717, Plat Records, Tarrant County, Texas, said corner also being on the West line of Lot 1-R, FIRST BAPTIST CHURCH, as recorded in Cabinet A, SLIDE 4167;

THENCE S28°56'12"E along the West line of said Lot 1-R a distance of 550.27 feet to a 3/4" iron rod at the Northeast corner of said tract;

THENCE S60°02'53"W along the North line of that Mark K. and James R. Johnson tract as recorded in Inst. No. D204262881 Deed Records, Tarrant County, Texas a distance of 267.33 feet to a 1/2" iron rod set stamped "Beasley 4050";

THENCE along the East line of Lots 4 - 9 and Lot A, Block 1, BROAD PARK, an addition to the City of Mansfield, Tarrant County, Texas, as recorded in Cabinet A, slide 11310, Plat Records, Tarrant County, Texas the following calls:

N29°57'07"W a distance of 98.00 feet to a 1/2" iron rod set stamped "Beasley 4050";

N60°02'53"E a distance of 45.00 feet to a 1/2" iron rod set stamped "Beasley 4050";

N29°57'07"W a distance of 24.00 feet to a 1/2" iron rod set stamped "Beasley 4050";

43.98 feet in a Southerly direction around a curve to the right having a central angle of 90°00'00", a radius of 28.00 feet, a chord of 39.60 feet and a chord bearing of N74°57'07"W to a 1/2" iron rod set stamped "Beasley 4050";

N29°57'07"W a distance of 84.65 feet to a 1/2" iron rod set stamped "Beasley 4050";

43.98 feet in a Northerly direction around a curve to the right having a central angle of 90°00'00", a radius of 28.00 feet, a chord of 39.60 feet and a chord bearing of N15°02'53"E to a 1/2" iron rod set stamped "Beasley 4050";

N29°57'07"W a distance of 24.00 feet to a 1/2" iron rod set stamped "Beasley 4050";

43.98 feet in a Southerly direction around a curve to the right having a central angle of 90°00'00", a radius of 28.00 feet, a chord of 39.60 feet and a chord bearing of N74°57'07"W to a 1/2" iron rod set stamped "Beasley 4050";

N29°57'07"W a distance of 81.67 feet to a 1/2" iron rod set stamped "Beasley 4050";

43.98 feet in a Northerly direction around a curve to the right having a central angle of 90°00'00", a radius of 28.00 feet, a chord of 39.60 feet and a chord bearing of N15°02'53"W to a 1/2" iron rod set stamped "Beasley 4050";

N29°57'07"W a distance of 24.00 feet to a 1/2" iron rod set stamped "Beasley 4050";

S60°02'53"W a distance of 105.01 feet to a 1/2" iron rod set stamped "Beasley 4050";

THENCE N59°19'39"E along the West lines of said Lots 1 and 3, Block 1 a distance of 327.51 feet to the POINT OF BEGINNING and containing 3.299 acres.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT LAURALEE DEVELOPMENT CO., INC., acting by and through the undersigned, its duly authorized agent, does hereby adopt this plat designating the herein above described real property as Lots 10 through 13 and Lot B, Block 1, BROAD PARK, an Addition to the City of Mansfield, Tarrant County, Texas, and do hereby dedicate to the public's use the streets and easements shown thereon.

WITNESS MY HAND at Mansfield, Tarrant County, Texas, this the 7 day of Dec., 2006.

LAURALEE DEVELOPMENT CO., INC.

by: Nathan A. Watson
Title: President

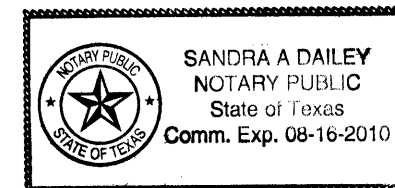
STATE OF TEXAS:

COUNTY OF TARRANT:

BEFORE ME, the undersigned authority, on this day, personally appeared Nathan A. Watson, President of LAURALEE DEVELOPMENT CO., INC., known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

GIVEN MY HAND AND SEAL on this the 7 day of Dec., 2006.

Sandra A. Dailey
Notary Public, State of Texas
My Commission Expires: 8-16-2010



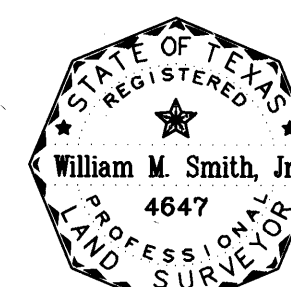
THIS IS TO CERTIFY THAT I, HERBERT S. BEASLEY, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY ON THE GROUND, AND THAT ALL LOT CORNERS, ANGLE POINTS, AND POINTS OF CURVE SHALL BE SET AFTER CONSTRUCTION AND WILL BE 1/2" IRON RODS CAPPED AND IMPRINTED "BEASLEY 4050". IRONS THAT ARE DAMAGED, DISTURBED, OR NOT SO MARKED ARE NOT ORIGINAL CORNERS.

HERBERT S. BEASLEY
REGISTERED PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION No. 4050



THIS IS TO CERTIFY THAT I, WILLIAM M. SMITH, JR., A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS, HAVE PLATTED THE ABOVE SUBDIVISION FROM AN ACTUAL SURVEY ON THE GROUND BY HERBERT S. BEASLEY, A REGISTERED PROFESSIONAL LAND SURVEYOR OF THE STATE OF TEXAS.

WILLIAM M. SMITH, JR.
REGISTERED PROFESSIONAL LAND SURVEYOR



NOTES:
ALL ARCS ARE MEASURED ON THE CHORD UNLESS OTHERWISE NOTED.

NOTES:

1.) THIS PLAT SHALL COMPLY WITH THE CONDITIONS ESTABLISHED IN THE NOTES AND STATEMENTS ON THE FINAL PLAT OF LOTS 4-9, LOT A, BLOCK 1, BROAD PARK, ACCORDING TO THE PLAT FILED IN CABINET A, SLIDE 11310, P.R.T.C.T. THIS PLAT SHALL NOT ALTER OR REMOVE SUCH CONDITIONS ON THIS PROPERTY.

RESIDENTIAL PROXIMITY

THE MINIMUM SETBACKS FROM PROPERTY LINES ABUTTING RESIDENTIAL DEVELOPMENT SHALL BE IN COMPLIANCE WITH THE RESIDENTIAL PROXIMITY STANDARDS OF THE ZONING ORDINANCE.

NOTICE:

SELLING A PORTION OF AN LOT IN THIS SUBDIVISION BY METES AND BOUNDS IS A VIOLATION OF STATE LAW AND IS SUBJECT TO PENALTIES IMPOSED BY LAW.

APPROVED BY THE CITY OF MANSFIELD

APPROVED BY: 12/8/06 P & Z CHAIRMAN

ATTEST: 12/8/06 PLANNING & ZONING SECRETARY

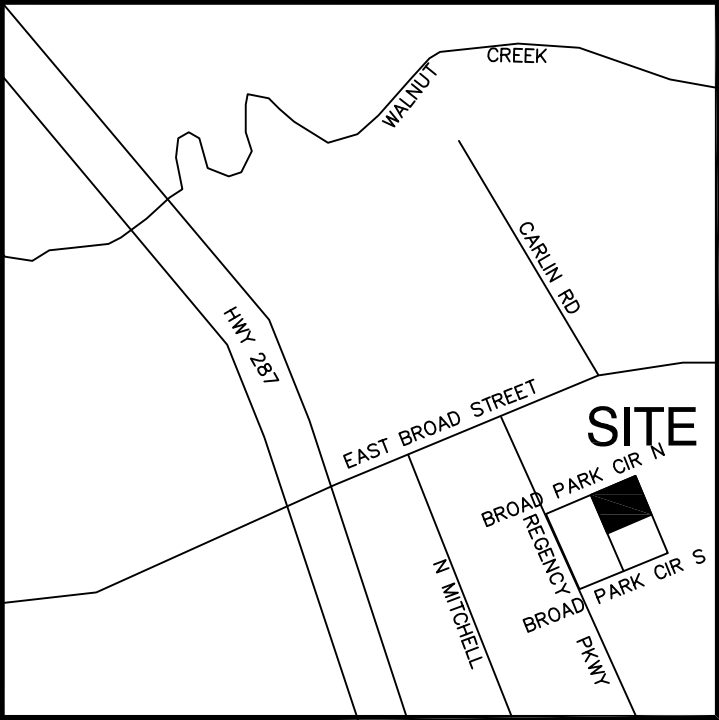
TXU ELECTRIC DELIVERY
APPROVED BY:

ATMOS ENERGY
APPROVED BY: Stephen F. Mohr

AT&T
APPROVED BY: W. J. S. S.

CHARTER COMMUNICATIONS
APPROVED BY: Mike Campbell

Dec 12, 2018 - 9:42am
S:\034 Hamilton Duff\034-238 1756 Broad Park Cir N - Mansfield\30-plat\ spry-1756 Broad Park Cir PLAT.dwg



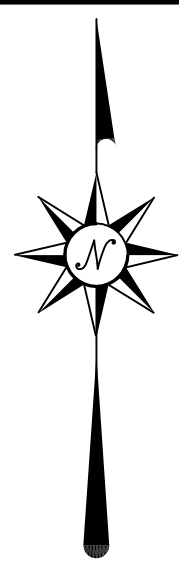
VICINITY MAP
NOT TO SCALE

NOTES

1. Notice: Selling a portion of any lot in this addition by metes and bounds is a violation of state law and City ordinance and is subject to penalties imposed by law.
2. This plat shall comply with the following conditions established in the notes and statements on the Final Plat of Lots 4-9, Lot A, Block 1, Broad Park, according to the plat filed in Cabinet A, Slide 11310. This plat shall not alter or remove such conditions on this property.
2. A mandatory property owner's association will be responsible for the maintenance of North, South, East, and West Broad Park Circle, Madison Avenue, and Nicole Way.
3. Lot 4 is a public utility and drainage easement. A mandatory property owner's association will be responsible for the maintenance of the improvements for Lot 4.
4. Parking is to be shared among all lots.
5. Lots 6 and 8 are not buildable and shall be maintained by the property owner's association.
6. Basis of bearings - Broad Park, according to the plat filed in Cabinet A, Slide 11928, P.R.T.C.T.

LEGEND

- BOUNDARY CORNER
- LOT CORNER



Graphic Scale in Feet
0 20' 40' 60'
SCALE: 1"=20'

LOT 1, BLOCK 1
BROAD PARK
D203467047
P.R.T.C.T.

LOT 13, BLOCK 1
BROAD PARK
CAB. A, SLIDE 11928
P.R.T.C.T.

LOT 4, BLOCK 1
BROAD PARK
CAB. A, SLIDE 11310
P.R.T.C.T.

P.O.C.
FOUND "X"
IN CONC. (C.M.)

LOT A, BLOCK 1
CAB. A, SLIDE 11310

LOT 5, BLOCK 1
BROAD PARK
CAB. A, SLIDE 11310
P.R.T.C.T.

SURVEYOR CERTIFICATE

That I, David Carlton Lewis, a Registered Professional Land Surveyor licensed in the State of Texas, do hereby certify that I have prepared this plat from an actual on the ground survey of the land and the monuments shown hereon were found and/or placed under my personal supervision.



David Carlton Lewis, R.P.L.S.
Texas Registration No. 5647
Spry Surveyors, LLC
8241 Mid Cities Blvd Ste 102
North Richland Hills, TX 76182

NOTARY CERTIFICATE STATE OF TEXAS COUNTY OF TARRANT

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared DAVID CARLTON LEWIS, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and considerations expressed herein.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary Signature _____ Notary Stamp: _____

$\Delta D = 90^{\circ}00'00''$
 $R = 28.00'$
 $CHB = N 74^{\circ}57'07'' W$
 $CHD = 39.60'$
 $A = 43.98'$

LOT A, BLOCK 1
BROAD PARK
CAB. A, SLIDE 11310
P.R.T.C.T.

LOT 12R-1, BLOCK 1
0.3199 ACRE
13,933 SQ. FT.

LOT 12R-2, BLOCK 1
0.3310 ACRE
14,418 SQ. FT.

LOT 11, BLOCK 1
BROAD PARK
CAB. A, SLIDE 11928
P.R.T.C.T.

FIRST BAPTIST
CHURCH
ADDITION-MANSFIELD
16.377 ACRES
D198072068
P.R.T.C.T.

OWNER'S DEDICATION STATE OF TEXAS COUNTY OF TARRANT

WHEREAS, Lauralee Development Co. Inc., acting by and through the undersigned, its duly authorized agent, is the sole owner of all that certain 0.6509 acre tract of land, by virtue of the deed as recorded in Document Number D218187152 in the Public Records of Tarrant County, Texas (P.R.T.C.T.), which is all of Lot 12, Block 1, Broad Park, as recorded in Cabinet A, Slide 11928 (P.R.T.C.T.), located in the H. Odele Survey, A-1196, City of Mansfield, Tarrant County, Texas and more particularly described by metes and bounds as follows: (all bearings referenced as shown on the Plat of said Broad Park)

COMMENCING at an "X" scribed in concrete found being the southeast corner of Lot 4, Block 1, Broad Park, as recorded in Cabinet A, Slide 11310, and the southwest corner of Lot 13, Block 1, as recorded in Cabinet A, Slide 11928, and being in the north right of way of Broad Park Circle North (24' private access easement); Thence North 60° 02' 53" East - 105.01' along the south line of said Lot 13, Block 1 and the north line of said Broad Park Circle North, to a point for corner; Thence South 29° 57' 07" East - 24.00', departing the north line of said Broad Park Circle North to an "X" scribed in concrete found in the south line of said Broad Park Circle North and being the northerly most northwest corner of said Lot 12, Block 1, and the POINT OF BEGINNING of the herein described tract;

THENCE North 60° 02' 53" East - 150.36' along the south line of said Broad Park Circle North and the north line of said Lot 12, Block 1, to an "X" scribed in concrete set being the northerly most northeast corner of the herein described tract and the beginning of a curve to the right having a central angle of 90° 00' 00", a radius of 28.00', and a chord bearing of South 74° 57' 07" East - 39.60';

THENCE along said curve to the right an arc distance of 43.98' to an "X" scribed in concrete set being in the west right-of-way of said Broad Park Circle North and being the easterly most northeast corner of the herein described tract;

THENCE South 29° 57' 07" East - 84.65' to an "X" scribed in concrete set being the easterly most southeast corner of the herein described tract and the beginning of a curve to the right having a central angle of 90° 00' 00", a radius of 28.00', and a chord bearing of South 15° 02' 53" West - 39.60';

THENCE along said curve to the right an arc distance of 43.98' to an "X" scribed in concrete set being in the north right-of-way of Madison Avenue (24' private access easement) and being the southerly most southeast corner of the herein described tract;

THENCE South 60° 02' 53" West - 150.36' along the north line of said Madison Avenue and the south line of said Lot 12, Block 1, to an "X" scribed in concrete found being the southerly most southwest corner of the herein described tract and the beginning of a curve to the right having a central angle of 90° 00' 00", a radius of 28.00', and a chord bearing of North 74° 57' 07" West - 39.60';

THENCE along said curve to the right an arc distance of 43.98' to an "X" scribed in concrete found being in the east right of way of Nicole Way (24' private access easement) and being the westerly most southwest corner of the herein described tract;

THENCE North 29° 57' 07" West - 84.65' to an "X" scribed in concrete set being the westerly most northwest corner of the herein described tract and the beginning of a curve to the right having a central angle of 90° 00' 00", a radius of 28.00', and a chord bearing of North 15° 02' 53" East - 39.60';

THENCE along said curve to the right an arc distance of 43.98' to the POINT OF BEGINNING having an area of 0.6509 of an acre or 28,352 square feet.

NOW THEREFORE, KNOW ALL PERSONS BY THESE PRESENTS:

That, LAURALEE DEVELOPMENT CO, INC., being the sole owner of the above described parcel, acting by and through the undersigned, its duly authorized agent, does hereby adopt the herein above described property as Lots 12R-1 & 12R-2, Block 1, Broad Park, an addition to the City of Mansfield, Tarrant County, Texas and does dedicate to the public use the streets and easements as shown thereon.

Witness our hands this _____ day of _____, 20____.

LAURALEE DEVELOPMENT CO, INC. Title
NATHAN WATSON

NOTARY CERTIFICATE
STATE OF TEXAS
COUNTY OF _____

Before me, the undersigned authority, a Notary Public in and for the said County and State, on this day personally appeared NATHAN WATSON (LAURALEE DEVELOPMENT CO, INC.) known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and in the capacity therein stated and as the act and deed therein stated.

Given under my hand and seal of office, this _____ day of _____, 20____.

Notary Signature _____ Notary Stamp: _____

APPROVED BY THE CITY OF MANSFIELD

APPROVED BY: _____ 20____ P & Z COMMISSION CHAIRMAN

ATTEST: _____ 20____ PLANNING & ZONING SECRETARY

REPLAT OF LOT 12R-1 & 12R-2, BLOCK 1 BROAD PARK

BEING A REVISION OF LOT 12, BLOCK 1, BROAD PARK
ACCORDING TO THE PLAT FILED IN CABINET A, SLIDE 11928,
P.R.T.C.T.
CITY OF MANSFIELD, TARRANT COUNTY, TEXAS,
2 LOTS
0.6509 ACRES

SPRY PROJECT NO. 034-238-50
DATE: DECEMBER 2018

SD#18-038

SURVEYOR: Spry Surveyors, LLC
8241 Mid-Cities Blvd., Ste.102
North Richland Hills, TX 76182
Phone: 817-776-4049
Firm Reg. No. 10112000
spry@sprysurveyors.com

ENGINEER: Hamilton Duffy, P.C.
E.S.&C.M., Inc.
8241 Mid-Cities Blvd., Ste.100
North Richland Hills, TX 76182
Phone: 817-268-0408
khamilton@hamiltonduffy.com

OWNER: Lauralee Development Co. Inc.
P.O. Box 170155
Arlington, Tx. 76003
817-268-0408
nawats1@hotmail.com

THE PURPOSE OF THIS PLAT IS TO DIVIDE
LOT 12, BLOCK 1, INTO 2 LOTS TO CREATE
A SECOND BUILDABLE LOT

THIS PLAT WAS FILED IN DOCUMENT NO. _____ ON DATE _____

After recording, return
to City of Mansfield
1200 E. Broad Street,
Mansfield, TX 76063

PLANNING AND ZONING COMMUNICATION

Date: December 17, 2018

Subject: Presentation on the draft Subdivision Ordinance

The City's original Subdivision Control Ordinance was adopted in 1968. Over the years, the ordinance has been amended many times. This has resulted in an ordinance that is hard to read and contains many obsolete regulations. In conjunction with the City Attorney and the City Engineer, the Planning Department is drafting new sections of the Subdivision Ordinance that will reflect current platting practices and procedures mandated by state law.

Articles 1 through 4 were adopted in 2006, and amended in 2015. Staff has been working on Articles 5 through 7 to complete the ordinance. Once approved, the new Subdivision Ordinance will replace all sections and amendments of the current Subdivision Control Ordinance.

These articles cover the following topics:

Article 1. General Provisions
Article 2. Requirements for Plat Submittal
Article 3. Processing Procedures
Article 4. Dedications and Rough Proportionality
Article 5. Minimum Design and Infrastructure Standards
Article 6. Requirements for Construction
Article 7. Administration
Appendices

There are some minor changes to Articles 1 through 4 to incorporate references to the other articles as well as the Appendices. These articles may have further revisions to accommodate changes to the platting requirements under state law.

The principal design standards for subdivisions are in Article 5. These regulations include:

- Maximum block length
- Minimum street frontage
- Minimum corner lot width
- Sidewalk requirements
- Private street requirements
- Subdivision screening requirements
- Requirements for streets, water, sanitary sewer and drainage

Article 6 covers the requirements for construction plan review, inspections and financial responsibility. Article 6 also requires that community improvements such as enhanced entryways, special street pavement, subdivision landscaping and other features must be constructed with the streets and utilities of a subdivision.

Article 7 contains administrative provisions, including the process and criteria for variances to the subdivision regulations. This section also has provisions related to developer's agreements. At present, developer's agreements are executed on a case-by-case basis rather than a regular requirement. Staff has sought the City Attorney's opinion as to whether these provisions are necessary.

The draft ordinance is still under review by staff and the City Attorney and is subject to change. Staff will keep the Commission informed throughout the process.

Attachment

Draft Subdivision Ordinance

EXHIBIT "A"

**SUBDIVISION ORDINANCE
OF THE CITY OF MANSFIELD, TEXAS**

DRAFT

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ARTICLE I. GENERAL PROVISIONS

Section 1.01 Title

This Ordinance shall be known, cited and referred to as the Subdivision Ordinance of the City of Mansfield, Texas, and shall be part of the Code of Ordinances of the City of Mansfield, Texas.

Section 1.02 Authority

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including Chapters 42, 43, and 212 of the Texas Local Government Code, as amended.

Section 1.03 Policy and Purpose

A. These regulations are designed and intended to achieve the following purposes:

1. to promote the health, safety, morals and general welfare of the community and the safe, orderly and healthful development of the City;
2. to establish adequate policies and procedures to guide development of the City and its extraterritorial jurisdiction;
3. to provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure improvements to maintain land values, reduce inconveniences to residents of the area and related unnecessary costs to the City for correction of inadequate facilities that are designed to serve the public;
4. to ensure that development of land and subdivisions shall be of such nature, shape and location that utilization will not impair the general welfare;
5. to ensure against the dangers of fires, floods, erosion, landslides or other such menaces;

6. to preserve the natural beauty and topography of the City and to ensure appropriate development with regard to these natural features;
7. to realistically and harmoniously relate new development to adjacent properties;
8. to provide the most beneficial circulation of traffic throughout the City, having particular regard to the avoidance of congestion in the streets and highways, to provide for pedestrian traffic movements, and to provide for the proper location and width of streets;
9. to ensure that public facilities for water supply, drainage, disposal of sanitary and industrial waste, and parks are available for every building site and with adequate capacity to serve the proposed subdivision before issuance of a certificate of occupancy or release of utility connections or final inspection within the boundaries of the plat;
10. to assure that new development adequately and fairly participates in the dedication and construction of public infrastructure improvements that are necessitated by or attributable to the development or that provide value or benefit that makes the development feasible;
11. to help prevent pollution, assure the adequacy of drainage facilities, control storm water runoff, safeguard the water table, and encourage the wise use and management of natural resources throughout the City and its extraterritorial jurisdiction in order to preserve the integrity, stability and beauty of the community, and the value of the land; and

12. to provide for open spaces through the most efficient design and layout of the land, while preserving the land use intensity as established in the Zoning Ordinance of the City.

- B. To carry out the purposes hereinabove stated, it is the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City and, where applicable, within its extraterritorial jurisdiction.
- C. Land must not be platted until proper provision has been made for adequate public facilities for water, sanitary sewer, roadways, drainage, parks, and recreation facilities.
- D. There is an essential nexus between the demand on the City's public facilities systems created by a new development and the exaction requirements necessary to offset such impacts.
- E. Proposed plats or subdivisions which do not conform to these policies and regulations shall be denied, or, in lieu of denial, disapproved subject to conformance with all conditions stipulated for approval.

Section 1.04 Enforcement

- A. The Planning and Zoning Commission, and for minor plats, the Director of Planning, are authorized to refuse approval of any plat of any subdivision unless such plat meets the requirements as set forth in this Ordinance.
- B. No building permit for the construction of a building or structure upon any property shall be issued unless the property is part of a recorded plat, except that a building permit may be issued on an unplatted tract with a "PR", "A" or "Single-Family Residential" zoning classification for one of the following purposes:
 - 1. to add to an existing building or structure;

2. to alter an existing building or structure;
3. to construct an accessory building or structure; or
4. to restore any building or structure previously destroyed by fire, explosion or any other casualty or act of God where the extent of the destruction is not more than fifty percent (50%) of its reasonable market value.

C. The City shall be under no obligation to furnish any public utilities or allow any public utility service unless and until a plat meeting all rules, regulations, and requirements of this Ordinance has been approved and recorded at the County.

Section 1.05 Minimum Standards and Levels of Service

A. The standards established in this Ordinance for dedication and construction of public facilities and infrastructure are based upon engineering studies, historical usages and demands by different categories of development. These regulations identify certain minimum requirements and sizes for utilities, roadways, drainage, parks, and other facilities that the City Council has determined to be necessary in order to provide the minimum level of service necessary to protect or promote the public health, safety, and welfare, and to assure the quality of life currently enjoyed by the citizens of Mansfield. It is the intent of these subdivision regulations that no development occurs until and unless these minimum levels of service are met. Therefore, each development in the City shall be required to dedicate, construct, or upgrade required facilities and infrastructure to a capacity that meets these minimum levels.

B. For each category of public infrastructure, a minimum standard of infrastructure has been developed based upon historic studies and construction projects of the City and other municipalities. The minimum standards take into consideration the soil conditions, the

topographic configuration of the City, and the use and impact analyses of the North Texas Central Council of Governments in developing standard specifications. The minimum standards reflect the minimum level of facilities that can be built to meet the health, safety, and welfare of the citizens of Mansfield.

- C. If adequate levels of service cannot be provided concurrent with the schedule of development proposed, the Commission may deny the plat application until the necessary public infrastructure improvements and services can be provided, or require that the subdivision be phased so that availability and delivery of services coincide with the demands generated by the development.
- D. Whenever the City Council determines that levels of service in excess of these minimum standards are necessary in order to promote the orderly development of the City, the developer shall qualify for reimbursement for any costs in excess of the minimum levels of service through City participation, to the extent funds are available, or a pro rata reimbursement policy or other means adopted by the City.

Section 1.06 Jurisdiction

- A. Subject to the provisions of this section, the regulations of this Ordinance shall apply to all land within the corporate limits of Mansfield and all land within the City's extraterritorial jurisdiction.
- B. When land is subdivided in the City's extraterritorial jurisdiction, approval by the County Commissioners of the County in which the land is located shall be required in addition to approval by the City, unless otherwise provided by interlocal agreement between the City and County. It is the obligation of an applicant seeking to plat property in the City's

extraterritorial jurisdiction to determine whether the concurrent approval of the County is required.

- C. The City shall be under no obligation to extend utilities beyond the limits of the City's Certificate of Convenience and Necessity.

Section 1.07 Definitions

- A. For the purposes of this Ordinance, the following rules shall apply in constructing, interpreting or otherwise defining the terms and provisions hereof:
1. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular.
 2. The word "shall" is mandatory and the word "may" is permissive.
 3. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for" and "occupied for" and shall apply exclusively to physical uses.
- B. When used in this Ordinance, the following words and terms shall have the meanings herein ascribed to them. Words and terms not defined herein shall be applied according to customary use in municipal planning and engineering practices.

Acreage, Gross: The acreage included within the boundary of a subdivision.

Acreage, Net: The acreage included within the boundary of a subdivision, excluding all public rights-of-way.

Adequate Public Facilities: Facilities determined to be capable of supporting and servicing the physical area and designated intensity of the proposed subdivision as determined by the City and based upon specific levels of service.

Alley: A public or private way less in size than a street, designed to accommodate the property it reaches, and not intended for general travel or primary access.

Applicant: The owner of land proposing to subdivide property or file an application for plat approval or the owner's authorized representative, including, but not limited to, a land planner, surveyor, engineer, developer, real estate agent, or contractor.

Base Flood or 100-year Flood: The flood having a one percent (1%) chance of being equaled or exceeded in any given year.

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.

Bond: Any form of security, other than a cash deposit, to be used as surety or as guarantee in an amount and form satisfactory to the City.

Building: Any temporary or permanent structure having a roof or other covering, and designed, built or intended for the shelter or enclosure or partial enclosure of persons, animals, chattels, or movable property of any kind. Where independent units with separate entrances are divided by appropriate fire separations, each unit shall be deemed a building.

Building Line: A line, generally parallel to a lot line or street right-of-way, located the required distance to provide the minimum yards established by the Zoning Ordinance, as amended, to limit the area in which buildings are permitted.

Build-To Line: A platted line a uniform distance away from the property line, up to which the front building façades are required to be built.

City: The City of Mansfield, Texas, including all its governing and operating bodies.

City Council: The governing and legislative body of the City of Mansfield.

City Engineer: A person appointed to serve as City Engineer or authorized to act in such capacity.

City Manager: A person appointed to serve as City Manager by the City Council, under the authority of the City Charter, or authorized to act in such capacity.

City Secretary: A person appointed by the City Council under the authority of the City Charter, including any appointed deputy, or authorized to act in such capacity.

Commission: The City of Mansfield Planning and Zoning Commission.

Common Area: A private lot(s) established, owned and maintained by a homeowners' association or a property owners' association.

Community Improvement: Private improvements, amenities or architectural features for a residential subdivision, including enhanced entryways, special pavement, required landscaping, screening walls or devices, decorative street lights, subdivision signage and street signage.

Comprehensive Plan: A series of planning documents intended to guide the growth and development of the City and its adjoining areas including, but not limited to, the City's Comprehensive Land Use Plan, Parks, Open Spaces and Trails Master Plan, Thoroughfare Plan, Storm Water Management Plans, and Master Utility Plans.

Concept Plan: A sketch or rough layout of the proposed development plan for use in a pre-application meeting. At a minimum, the drawing should show the perimeter of the property being platted, adjoining properties, and adjacent roadways.

Cul-de-sac: That street or part of a street having one (1) common entry and exit and no other entry and/or exit.

Density, Gross: The number of dwelling units per gross acre.

Density, Net: The number of dwelling units per net acre.

Developer: The owner of land proposed for subdivision or development or an authorized representative of the owner. A subdivider is a developer.

Development: Any activity that requires the submission of a plat or plan for development, or the securing of a permit, or any manmade change to real estate, including, but not limited to, construction of a building or structure, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials. The subdivision of land is development.

Director of Parks and Recreation: A person appointed to serve as the City's Director of Parks and Recreation or authorized to act in such capacity.

Director of Planning: A person appointed as the City's Director of Planning or authorized to act in such capacity.

Director of Public Works: A person appointed as the City's Director of Public Works or authorized to act in such capacity.

Dwelling Unit: An individual residence, including each individual residential unit in a multi-family residential structure or manufactured home park, designed or intended for habitation by a single family.

Easement: Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other City or public services.

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Easement, Common Access: An easement to provide shared access to and from commercial, industrial, and certain residential developments, owned and maintained by the owners of the property upon which the easement is located or as otherwise provided by deed restrictions or the terms of the easement instrument.

Easement, Drainage: An easement for the overland or underground transfer of storm water.

Easement, Emergency Access: An easement to provide ingress, egress, access, and passage to and across private property for police, fire, ambulance, and other public safety vehicles and personnel.

Easement, Pedestrian Access: An easement to provide pedestrian ingress, egress, and passage to and across private property.

Easement, Private: An easement granted by a property owner to a specified person, group of persons or entity in, on, across, over, or under property for a specified use or uses.

Easement, Public: An easement granted to the public or governmental agency in, on, across, over or under property for a specified use or uses.

Easement, Screening: An easement granted to a homeowners' or property owners' association for the construction and perpetual maintenance of a screening device along the perimeter of a subdivision.

Easement, Utility: An easement for the installation, maintenance, and operation of water, sewer, electric, telephone, cable, gas, and other similar utilities.

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Engineer: A person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, Chapter 1001, Occupations Code, to practice the profession of engineering.

Engineering Design Standards: The documents adopted by the City that establish the minimum criteria for the design of public infrastructure improvements.

Escrow: Money deposited with the City to guarantee performance of an obligation.

Exaction Requirement: A requirement imposed as a condition of approval for a plat or other permit to accomplish the following:

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

Extraterritorial Jurisdiction: The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of the City of Mansfield, the outer boundaries of which are measured from the extremities of the corporate limits of the City outward for such distances as prescribed in Chapter 42 of the Texas Local Government Code, as amended, according to the total population of the City and by interlocal agreements with surrounding cities.

Floodway or Regulatory Floodway: The channel of a watercourse and the adjacent floodplain that must be reserved to convey the base flood without cumulatively increasing the base flood elevation more than a designated height.

Floodplain: Any land area inundated by the base flood.

Front or Frontage: That portion of a tract of land that abuts a public or private street to which it has direct access.

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Line, Feeder: An electrical line that emanates from an electrical sub-station or hub to distribute power throughout an area.

Line, Lateral: An electrical line that emanates from a feeder line, typically through a sectionalizing device like a fuse or a disconnect, to distribute power to a smaller areas of electric consumers; such line can be either single or three phase.

Line, Secondary Service: An electrical line that, through a transformer, connects a lateral line to a customer's electrical service entrance.

Line, Transmission: An electrical line operated at voltages of 60,000 volts or higher that brings power from a generating plant to an electrical sub-station.

Lot: A parcel of land whose boundaries have been established by a recorded plat which is recognized as a separate legal entity for transfer of title.

Marker: A permanent survey device such as an iron rod, generally used on points such as lot corners, points of curvature and points of tangency.

Non-residential Subdivision: A subdivision whose intended use is primarily other than a residential subdivision.

Off-site: Any premises not located within the area of the property to be platted.

Owner: A person who has a fee simple ownership in land, or a person acting on behalf of or through authority granted by the owner.

Person: Any individual or group of individuals, general or limited partnership, joint venture, unincorporated association, corporation, limited liability company, trust, governmental or quasi-governmental entity, or other legal entity similar to the foregoing.

Plan for Development: A plan outlining the proposed use(s) of a tract or tracts of land which provides the City fair notice of the intended project and the nature of the permit

sought. It includes an application for approval of a plat or an application for approval of a zoning change or site plan which contains, at a minimum, a graphic depiction or sketch of the tract and, where required, the buildings to be located thereon, describing the proposed uses of the land and the location within the tract(s) and the general layout of streets and parks or other open spaces. It does not include any information or exhibit presented to (1) City staff for the purpose of seeking information regarding the applicable regulations or (2) the Commission or City Council unless the information or exhibit is required to be submitted with the permit application.

Plat: A map, plan or drawing of a subdivision established and provided for in this Ordinance. A plat may be a preliminary plat, final plat, replat, amending plat, minor plat, plat vacation, or other plat.

Plat, Amending: A plat that meets the requirements set forth in Section 212.016 of the Texas Local Government Code, as amended.

Plat, Final: A plat of a subdivision to be recorded after approval by the Commission and any accompanying material as described in these regulations.

Plat, Minor: A plat of subdivision for four (4) lots or less, regardless of size, that front on an existing street, which does not require the creation of any new streets or the extension of public facilities.

Plat, Preliminary: A plat consisting of a preliminary drawing or drawings, described in these regulations, indicating the proposed manner or layout of the subdivision to be submitted to the Commission for approval. A preliminary plat is only a proposal for the City to review and shall not be recorded.

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Plat Processing Schedule: An annual schedule furnished by the Planning Department including cut-off days and times, meeting dates, and other pertinent dates needed to process plats.

Plat, Vacation: A plat that meets the requirements as set forth in Section 212.013 of the Texas Local Government Code, as amended.

Public Infrastructure Improvement: The addition, extension or improvement of the public water, sanitary sewer, roadway, drainage, or park facilities.

Recordation Date: The date on which the final plat is filed of record with the County Clerk of the appropriate county for permanent recording in the plat records of the county.

Replat: A plat which provides for the re-arrangement of any part or all of any previous platted lot or lots, or for the combining of platted and unplatted property.

Residential Subdivision: A subdivision developed primarily for residential uses as enumerated in the City's Zoning Ordinance.

Site-related Facility: A public infrastructure improvement that is for the primary use or benefit of a new development for the purpose of safe and adequate minimum provision of water, sanitary sewer, roadway, drainage, or park facilities, as applicable. A site-related facility may be located offsite, within or on the perimeter of the development site.

Street: A public roadway for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

Subdivide: The act or process of creating a subdivision.

Subdivider: A person who subdivides or seeks to subdivide land or a person or persons authorized to act in such capacity.

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Subdivision: The division of a tract situated within the City or the City's extraterritorial jurisdiction into two or more parts for the purpose of sale, lease or development. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method, and shall include a replat and a one-lot plat. A division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated, shall not constitute the subdivision of land.

Submittal Fee: The fee charged for an application for approval of a plat. The amount is as stipulated in the most recently approved City of Mansfield Fee Ordinance and any amendments thereof.

Surveyor: A person registered as a licensed state land surveyor or a registered professional land surveyor (RPLS), as authorized by the Texas Land Surveyors Registration Act.

System-related Facility: A public infrastructure improvement or expansion that is for the use or benefit of the overall water, sanitary sewer, roadway, drainage, or park facilities systems, as applicable. A system-related facility has capacity larger than needed to serve a single new development and exceeds the minimum standards required. A system-related facility may include a public infrastructure improvement that is reflected in the capital improvement plan or the Comprehensive Plan. A system-related facility may be located off-site, within the development site, or on the perimeter of the development site.

Thoroughfare Plan: The master plan of major and secondary streets and highways which is a part of the City's Comprehensive Plan and adaptations, amendments or supplements

thereto as adopted by the City Council.

Tract: All contiguous property in common ownership.

Utility Provider: A person that provides a public or private utility or service to the general public, including but not necessarily limited to, a municipal water, sewer or drainage utility, electric company, telephone company, natural gas company and a cable television provider.

Section 1.08 Delegation of Authority

- A. A particular official that is assigned a specific responsibility under these regulations may delegate the authority to carry out such responsibility to an employee of the same department. Likewise, the City Manager shall be authorized to reassign specific responsibilities among different officials or departments, or delegate such responsibilities to additional officials and departments, as the case may be.
- B. Authority to approve certain types of plats may be delegated to one (1) or more officials of the City in accordance with State Law.

Section 1.09 Authority of the Director of Planning

Subject to approval of the City Manager and the Commission, the Director of Planning is authorized to promulgate, amend, and enforce rules of procedure and submittal policies to regulate interdepartmental coordination and processing of plats and other related development applications.

ARTICLE 2. REQUIREMENTS FOR PLAT SUBMITTAL

Section 2.01 Platting Required

- A. Every owner of a tract of land located within the limits or in the extraterritorial jurisdiction of the City who divides the tract into two or more parts to lay out a

subdivision of the tract, including an addition to the City, to lay out suburban lots, building lots or other lots, or to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared and approved.

B. A person is required to obtain approval of a plat for any of the following purposes:

1. to create a building site on a single lot or tract;
2. to subdivide a lot or tract into two or more parcels;
3. to combine lots or tracts;
4. to amend a plat;
5. to include vacated and abandoned property into a legal building site; or
6. to correct errors on an approved and recorded plat.

Section 2.02 Rules Applicable to All Plats

- A. All plats shall be prepared by a professional engineer or surveyor. Folded paper copies of the plat shall be submitted to the City in the manner and quantity specified by the most current submittal policies.
- B. In addition to the paper copies of the plat, the developer shall also provide the City with a digital copy of the plat, using the North American Datum 1983 (NAD 83), Texas State Plane - North Central Zone (4202), United States, according to the Electronic Data Submittal requirements in Appendix A.
- C. The proposed name of the subdivision shall not have the same spelling as or be pronounced similarly to the name of any other subdivision located within the City or its

extraterritorial jurisdiction, unless an approved preliminary plat establishes multiple phases, in which case, the proposed name may be used for the entire subdivision.

D. Prior to the submission of an application for approval of a plat, a developer shall provide a copy of the plat to each utility provider that will serve the subdivision.

E. All plats shall be submitted with a complete application to include all required information and shall be signed by the owner of the property to be platted or the owner's authorized agent as assigned on the appropriate Property Owner Representation Form.

F. All plats shall be drawn on a sheet size of 24" x 36" or 18" x 24" unless otherwise approved by the Planning Department. If the plat requires more than one (1) sheet, each sheet shall be numbered as it corresponds to the total number of sheets (i.e., 1 of 2, 2 of 2). When a match line is required, a key map shall be provided.

~~F.G.~~ Where a plat is submitted on multiple sheets, the Planning Department may require that the plat be consolidated on one (1) or more sheets. Lots shall be drawn so as to be entirely on one (1) sheet of the plat and shall not be divided between two (2) or more sheets.

~~G.H.~~ All plats shall contain the following information:

1. the case number, provided by staff after the first submittal, in the lower right hand corner of the plat;
2. a permissible scale of 1"=100' or larger unless otherwise approved by the Planning Department;
3. a north arrow, graphic scale and written scale in close proximity;
4. a vicinity map showing the location of the subdivision by references to existing streets or highways;

5. a title block placed in the lower right corner of the plat to include the information specified in Appendix B;
6. the name, address, telephone number, and fax number and/or electronic mail address of the record owner, developer, engineer, and surveyor;
7. the name of the record owner and the volume and page of the corresponding deed of record for all unplatted tracts within two hundred (200) feet, to include owners across any adjacent rights-of-way;
8. all adjacent platted properties within two hundred (200) feet, shown in dashed lines, labeling the lot and block numbers, subdivision name, street names and plat record reference;
9. a legend identifying and describing all symbols used on the plat;
10. the location of City limit lines and/or the outer border of the City's extraterritorial jurisdiction when such lines or borders traverse or are contiguous to or within two hundred (200) feet of the subdivision;
11. all existing and proposed easements on or adjacent to the subdivision shown and labeled as to type, size, and deed or plat record information;
12. the legal description, by metes and bounds, of the land to include the current owner's deed record reference, survey name and abstract number, city, county, state and gross acreage;
13. lots and blocks labeled with numbers in consecutive order. Common areas shall be assigned a lot and block number;
14. building ~~setback~~-lines or build-to lines along street frontages shown and labeled;
15. the square footage of each lot noted on the graphic or in a table on the plat;

16. the point of beginning labeled on the plat and tied to a survey corner or previously filed subdivision corner;
17. graphic depiction of all boundary lines shown in heavy lines with deed record dimensions or field surveyed dimensions if available, matching the legal description;
18. the location of existing and proposed rights-of-way, labeled and dimensioned, including, but not limited to, streets, highways, alleys, and railroads;
19. proposed street names, which shall not have the same spelling or be pronounced similarly to the name of any other street located within the City or the City's extraterritorial jurisdiction, unless a proposed street is a continuation of an existing street;
20. right-of-way dedications or reservations;
21. floodplain and floodway delineations from the current FEMA Flood Insurance Rate Maps, the City Master Drainage Plan, or other analyses approved by the City Engineer;
22. minimum finished floor elevations for all lots adjacent to the floodplain or other significant drainage ways; and
23. a description of the project which shall include the proposed uses of the property and of the location of the proposed uses within the development.

H.L. Plats for developments located adjacent to gas wells shall be subject to the following requirements:

1. The provisions of this Subsection shall apply to all land within the corporate limits of Mansfield and all land within the City's extraterritorial jurisdiction:

- a. that is subject to any zoning designation which allows for a single family dwelling within the City, or is designated for single-family residential use by plat within the City's extraterritorial jurisdiction;
- b. where any portion of the boundary of the land is located within three hundred (300) feet of the boundary of an existing drill site as established by the applicable Specific Use Permit authorizing the drill site on property within the City limits, or the boundary of an existing drill site established by lease, surface use agreement or other documentation on property within the City's extraterritorial jurisdiction; and
- c. whose owner is required to have a plat prepared and approved pursuant to the Subdivision Control Ordinance of the City of Mansfield, Texas.
2. The owner of land meeting the criteria set forth in this Subsection shall, at the time of platting, include on the face of the plat, framed in a bold line so as to be distinctly visible, in capital letters and in a minimum type font size of fourteen (14) point, the following note: "LOTS _____ ARE LOCATED WITHIN 300 FEET OF AN APPROVED GAS WELL DRILL SITE." The owner of the property shall complete the blank in the plat note to indicate the lots subject to this Subsection.
3. For the purposes of this Subsection the terms "owner" and "plat" shall have the meanings ascribed to them by the Subdivision Control Ordinance of the City of Mansfield, Texas. (*Ordinance No. OR-1943-15, Adopted 4/13/15*)

Section 2.03 Preliminary Plat

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- A. Approval of a preliminary plat is required for any proposed subdivision of five (5) or more lots or proposing any public infrastructure improvements unless the Director of Planning and City Engineer approve a waiver of the preliminary plat requirement.
 - B. When subdividing an unplatted tract into four (4) or fewer lots, the developer may submit a preliminary plat for processing and approval before approval of a final plat. The developer may elect to subdivide an unplatted tract into four (4) or fewer lots without a preliminary plat and may submit an application for approval of a final plat or a minor plat as authorized by this Ordinance.
 - C. In addition to the information required by Section 2.02 above, the preliminary plat submittal must contain the following information:
 - 1. topographical information, including contour lines on a basis of two (2) vertical feet in terrain, based upon City of Mansfield datum;
 - 2. a designation of the existing zoning of land within the subdivision and properties adjacent to the subdivision;
 - 3. the sections or phases of the subdivision, if any; and
 - 4. a lot summary table showing the following:
 - a. the total gross acreage of the subdivision; and
 - b. the number of lots and common areas in the subdivision.
 - D. The following plans shall be required with a preliminary plat submittal:
 - 1. Preliminary Drainage Study: The developer shall submit a preliminary drainage plan that indicates the general location and approximate size of all existing and proposed drainage facilities. A preliminary drainage analysis shall be submitted to support the

- plan. The plan and analysis shall be prepared in accordance with the drainage requirements established by the City Engineering Design Standards.
2. Preliminary Utility Plan: The developer shall submit a preliminary utility plan that indicates the general location and approximate sizes of all existing and proposed public water and sanitary sewer utilities. The proposed water and sewer lines shall be designed in accordance with the requirements established by the City Engineering Design Standards.
 3. Tree Preservation Plan: The developer shall submit a tree survey or an aerial photograph indicating the general coverage of trees as required by the City's Natural Resources Management Ordinance.
 4. Preliminary Access Plan and Preliminary Traffic Impact Analysis: The developer shall submit a preliminary plan indicating all access points to the proposed subdivision and any internal and external routes providing interconnection. A traffic impact analysis may be required to determine the traffic generated by the proposed subdivision and to demonstrate the adequacy of the proposed access points as well as the impact to and the adequacy of the adjacent roadway systems. The analysis shall be prepared in accordance with the requirements of the City Engineering Design Standards.
 5. Community Improvement Plan: For residential subdivisions, the developer shall submit a construction plan demonstrating compliance with all applicable City requirements for community improvements, including enhanced entryways, special pavement, required landscaping, screening walls or devices, standard and decorative street lights, subdivision signage and street signage. The Community Improvement

Plan must be accompanied by a certification from the project engineer stating that the engineer has coordinated with the developer's landscape architect or design consultant, and that the approved entryway features, landscaping, special pavement, park or amenity center features, and other community features will be designed and constructed according to the approved development plan or approved enhanced entryway plan.

- E. The preliminary drainage plan, utility plan, access plan, and traffic impact analysis submitted by the applicant shall be prepared by an engineer and shall identify the adequacy of existing facilities, the nature and extent of any deficiencies, and the public infrastructure improvements needed to meet the adopted level of service assuming development at the uses and intensity proposed in the plat application. The plans and analyses shall be subject to approval by the City Engineer who may request additional information.
- F. If an owner proposes substantive changes to a preliminary plat after the Commission has approved it, a revised preliminary plat shall be prepared, processed and approved by the Commission prior to the preparation of the final plat. If the Director of Planning determines the proposed changes are not substantive, a revised preliminary plat may be approved administratively.
- G. The revised preliminary plat shall include all property within the boundary of the original preliminary plat that is not part of an approved final plat. A revision to an approved preliminary plat shall not extend the expiration date of the preliminary plat.
- H. Approval of a preliminary plat shall not constitute approval of the final plat. The preliminary plat shall be used as a guide in the preparation of the final plat.

- I. An application for approval of a preliminary plat shall not be deemed as filed until the requirements of Section 3.05 are satisfied.

Section 2.04 Final Plat

- A. A final plat application may only be filed with the Planning Department if the final plat substantially conforms to the approved preliminary plat and any and all conditions of approval. A final plat may include all or only a portion of the area of the approved preliminary plat.
- B. When a final plat deviates substantially from the approved preliminary plat, a revised preliminary plat must be approved prior to the submission of the final plat.
- C. In addition to the requirements set forth in Sections 2.02 and 2.10 of this Ordinance, the final plat shall contain or show the following information:
1. plat notes and conditions listed on the plat in a readily identifiable location with each note numbered consecutively;
 2. the location and dimensions of all property proposed to be set aside for public use or common reservation shown on the plat, with designation of the purpose thereof, and conditions, if any, of the dedication or reservation;
 3. a certification that the land being platted was surveyed under the supervision of a surveyor, containing the registered professional land surveyor's name, registration number, seal, and signature;
 4. a City approval signature block as shown in Appendix C;
 5. a dedication statement executed by the owner(s) and notarized by a notary public in the form as shown in Appendix D;

6. for a subdivision that contains improvements such as common areas, private streets, and screening walls or devices, a statement regarding responsibility, maintenance and indemnification, as required by this Ordinance;

7. a recording information block shown on the plat as shown in Appendix E; ~~in the lower right side corner, to read as follows:~~

~~—This plat filed in Cabinet _____ Slide _____ Date _____.~~

8. a note shown at the lower left hand corner of the plat to read as follows:

After recording, return to City of Mansfield
1200 E. Broad Street, Mansfield, TX 76063;

9. complete curve data (delta, length, radius, chord, and chord bearing) for street centerlines, property lines, boundaries, and easements labeled on the graphic or shown in a curve data table; and

10. a note on the plat to read: Notice: Selling a portion of any lot in this addition by metes and bounds is a violation of state law and City ordinance and is subject to penalties imposed by law.

D. The following plans shall be required with a final plat submittal:

1. Final Drainage Analysis: The developer shall submit a final drainage analysis to support the drainage improvements proposed in the final construction documents. The plan and analysis shall be prepared in accordance with the drainage requirements established by the City Engineering Design Standards.

2. Final Construction Documents: The developer shall submit construction plans and specifications adequate for the construction of all necessary public infrastructure improvements to serve the proposed subdivision. The proposed improvements shall be designed in accordance with the City Engineering Design Standards.

3. Final Access Plan and Final Traffic Impact Analysis: The developer shall submit a plan and report indicating all access points to the proposed subdivision and any internal and external routes providing interconnection. A traffic impact analysis shall be required to determine the traffic generated by the proposed development and to demonstrate the adequacy of the proposed access points as well as the impact to and the adequacy of the adjacent roadway systems. The City Engineer may waive the requirement for a traffic impact analysis if he determines that the proposed development does not warrant the preparation and submission of an analysis.
4. Tree Preservation Plan: The developer shall submit a tree survey or an aerial photograph indicating the general coverage of trees as required by the City's Natural Resources Management Ordinance.
5. Community Improvement Plan: For residential subdivisions, the developer shall submit a construction plan demonstrating compliance with all applicable City requirements for community improvements, including enhanced entryways, special pavement, required landscaping, screening walls or devices, standard and decorative street lights, subdivision signage and street signage. The Community Improvement Plan must be accompanied by a certification from the project engineer stating that the engineer has coordinated with the developer's landscape architect or design consultant, and that the approved entryway features, landscaping, special pavement, park or amenity center features, and other community features will be designed and constructed according to the approved development plan or approved enhanced entryway plan.

-E. The final drainage analysis, construction documents, access plan, and traffic impact analysis submitted by the applicant shall be prepared, signed and sealed by an engineer and shall identify at a minimum the adequacy of existing facilities, the nature and extent of any deficiencies, and the public infrastructure improvements needed to meet the adopted level of service assuming development at the uses and intensity proposed in the plat application. The plans and analyses shall be subject to approval by the City Engineer who may request additional information.

F. An application for approval of a final plat shall not be deemed as filed until the requirements of Section 3.05 are satisfied.

Section 2.05 Minor Plat

A. When a tract of land has not been previously platted and filed of record, the developer may elect to submit a minor plat if the proposed subdivision:

1. is to be subdivided into four (4) or fewer lots;
 2. fronts on an existing street;
 3. does not require the creation of any new street or the extension of municipal facilities;
- and
4. does not require that a public hearing be held in accordance with Chapter 212 of the Texas Local Government Code, as amended.

B. An application for approval of a minor plat shall not be deemed as filed until the requirements of Section 3.05 are satisfied.

Section 2.06 Replat

A. A replat of a subdivision or part of a subdivision shall be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. is signed and acknowledged by only the owners of the property being replatted;
2. is approved by the Commission after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard; and
3. does not attempt to amend or remove any covenants or restrictions.

B. If any of the proposed property to be re-subdivided or replatted, within the immediate preceding five (5) years, was limited by any interim or permanent zoning classification to residential use for not more than two (2) residential units per lot, or if any lot in the approved subdivision was limited by deed restriction to residential use for not more than two (2) residential units per lot, notice of the public hearing shall be given in accordance with state law.

C. A replat shall contain a note describing the purpose of the change or modification framed in a bold line so as to be distinctly visible on the face of the plat.

D. An application for approval of a replat shall not be deemed as filed until the requirements of Section 3.05 are satisfied.

Section 2.07 Amending Plat

A. A developer may elect to submit an amending plat, when such plat will not increase the number of lots or alter or remove existing covenants or restrictions, for one (1) or more of the following purposes:

1. to correct an error in course or distance shown on the preceding plat;
2. to add a course or distance that was omitted on the preceding plat;
3. to correct an error in real property description shown on the preceding plat;
4. to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;

5. to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
6. to correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
7. to correct an error in courses and distance of lot lines between two adjacent lots if:
 - a. both lot owners join in the application for amending the plat;
 - b. neither lot is abolished;
 - c. the amendment does not attempt to remove recorded covenants or restrictions; and
 - d. the amendment does not have a material adverse effect on the property rights of the other owners in the plat;
8. to relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line;
9. to relocate one (1) or more lot lines between one or more adjacent lots if:
 - a. the owners of all those lots join in the application for amending plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots;
10. to make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
 - a. the changes do not affect applicable zoning and other regulations of the City;
 - b. the changes do not attempt to amend or remove any covenants or restrictions; and

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- c. the area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area; or
11. to revise a plat of one (1) or more lots fronting on an existing street if:
- a. the owners of all those lots join in the application for an amending plat;
 - b. the amendment does not attempt to remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots; and the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- B. Notice, a public hearing, and the approval of other lot owners shall not be required for approval of an amending plat.
- C. Amending plats shall contain a note describing the change, correction, or modification framed in a bold line so as to be distinctly visible on the face of the plat.
- D. The following certification shall be added to the owner's dedication on all amending plats: This plat does not increase the number of lots or alter or remove existing covenants or restrictions, if any, on this property.
- E. An application for approval of an amending plat shall not be deemed as filed until the requirements of Section 3.05 are satisfied.

Section 2.08 Plat Vacation

- A. An application for approval of a plat vacation shall include the following:
- 1. a completed plat vacation application form supplied by the Planning Department, signed by all owners, notarized by a notary public and identifying the plat to be vacated; and

2. the signatures from authorized representatives of each utility provider serving the property.

- B. Any easements in which improvements have been constructed or installed must be dedicated by separate instrument prior to recording of the plat vacation instrument.
- C. The owners of a tract or tracts covered by a plat may vacate the plat or any portion of a plat by submitting a plat vacation application form signed by all the current owners of the lots in the original plat. A request for plat vacation shall be placed before the Commission for consideration and approval.
- D. Upon the execution and recording of the vacation instrument, the vacated plat or portion vacated thereof shall have no effect.

Section 2.09 Subdivision Ties to City Monuments

- A. All plats to be recorded shall have two (2) corners (permanent control corners) tied, either by conventional surveying methods, or by use of GPS equipment, to official GPS monuments within the City. A list of official GPS monuments, their locations and their coordinates are available from the City of Mansfield GIS Department.
- B. These control corners shall be on intervisible corners of the subdivision, with a note identifying the Texas State Plane coordinates (Texas State Plane Coordinate System, North Central Zone, NAD 83, US Survey Feet) for each corner. The State Plane Coordinates will be generated from GPS monuments described in the City of Mansfield Horizontal and Vertical Control Manual. The plat shall include a note describing the official City GPS monuments to which the subdivision is tied.
- C. The plat will have a bearing basis note on the face of the plat as follows:

Bearing Basis Note:

The bearing basis for the survey shown hereon was taken from the grid bearings referenced in the City of Mansfield Horizontal and Vertical Control Manual, which is based upon the grid bearings for the Texas State Plane coordinate system.

- D. No GPS monumentation shall be used other than those available through the City's list of official GPS monuments or National Geodetic Survey (NGS) H.A.R.N. Monuments shall be utilized by the surveyor to establish the coordinates of subdivision corners.
- E. These corners shall be set as Permanent Control Monuments as required by this Ordinance.

ARTICLE 3. PROCESSING PROCEDURES

Section 3.01 Pre-application Conference

- A. An applicant may request a pre-application conference or meeting with the Director of Planning, Director of Parks and Recreation, or City Engineer for the following purposes:
 - 1. to identify requirements that are applicable to a proposed plat; and/or
 - 2. to present a plan for development or plat that describes the property, the proposed uses for the property, and their proposed location on the property and the permit which is sought.
- B. If the request for the meeting is to ascertain platting requirements, the request shall be made in writing on a form prepared by the responsible official and shall state that any proposed development concept discussed at the pre-application conference is not intended as a plan for development or application for plat approval. If the request for the meeting is to present a plan for development or application which meets the criteria set forth in subsection A.2., the Director of Planning shall process the plan or application in accordance with Section 3.03.

Section 3.02 Requirement for Completeness Determination

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- A. Every application for approval of any type of plat or plan for development shall be subject to a determination of completeness by the Director of Planning.
 - B. No application shall be deemed complete and accepted for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Ordinance or other applicable ordinances.
 - C. The Director of Planning and the City Engineer may from time to time impose additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Ordinance.
 - D. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Ordinance.

Section 3.03 Process for Completeness Determination

- A. Not later than the tenth (10th) business day after the date an application for approval of a plat or plan for development is submitted, the Director of Planning shall make a determination whether the application constitutes a complete application and that the developer has submitted the following required information:
 - 1. for a preliminary plat application, the documents and information specified in Section 2.03;
 - 2. for a final plat application, the documents and information specified in Section 2.04;
 - 3. for a minor plat application, the documents and information specified in Section 2.05;
 - 4. for an amending plat application, the documents and information specified in Section 2.07;
 - 5. for an application of any other type, the documents and information specified in applicable ordinances;

6. for all applications, a statement signed by the Director of Parks and Recreation regarding the requirement for park land dedication or fee in lieu thereof; and

7. for applications, a description of the project which is the subject of the application, which shall include the proposed uses and their proposed locations.

B. The Director of Planning shall mail the applicant a written determination that the application is incomplete not later than the 10th business day after the application is submitted. The determination shall be mailed by United States Certified Mail or regular mail to the address listed on the application or hand delivered to the applicant or the applicant's representative. The determination shall specify the documents or other information needed to complete the application and shall state that the application will expire if the documents or other information is not submitted within forty-five (45) days after the date the application was submitted.

C. The processing of an application by any City employee prior to the time the application is determined to be complete shall not be binding on the City as the date of filing. The filing date shall be determined as set forth in Section 3.05. The incompleteness of an application shall be grounds for denial of the application regardless of whether a determination of incompleteness was mailed to the applicant.

Section 3.04 Expiration of Incomplete Application

A. An application for approval of a plat or plan for development shall be deemed to expire on the forty-fifth (45th) day after the application is submitted to the Director of Planning for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Ordinance or such other applicable ordinances as specified in the determination provided to the applicant. Upon expiration, the application

will be returned to the applicant together with any accompanying documents. Thereafter, a new application must be submitted.

- B. No vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.

Section 3.05 Application Review

- A. A developer shall submit a written application for approval of a plat or plan for development to the Department of Planning on forms prepared by the City, together with all required documents, such as studies, drawing, exhibits, or other ordinance requirements, in sufficient size and number as required by the City's current submittal policies, and any reasonable information requested by the Department of Planning to assist the City in its review of the application.
- B. An application shall not be processed for review until after a determination of completeness has been issued. An application lacking required documentation or information shall be returned to the applicant by the Department of Planning as provided in Section 3.04.
- C. After the Director of Planning has determined that the application is complete, the Department of Planning shall compile a report of written comments regarding the compliance of the application with City ordinances and provide a copy of the report to the applicant.
- D. The plat application shall be deemed filed with the City on the date that the Director of Planning determines that the application and all supporting documents meet the requirements of this Ordinance and other applicable ordinances, except for any variances requested in writing by the applicant. This shall constitute the filing date. Thereafter, the

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plat shall be scheduled for review by the Commission.

Section 3.06 Proper Zoning

Except as otherwise provided herein, a plat application must conform to the zoning regulations applicable to the property at the time of the application. If a zoning change is contemplated for the property, the zoning change must be completed before the approval of any final plat of the property. The Commission shall not approve a plat reflecting a condition not in accordance with the zoning requirements until any available relief from the board of adjustment has been obtained.

Section 3.07 Official Filing Date

The time period established by state law for processing or deciding a plat application shall commence on the filing date, as established by Section 3.05.D.

Section 3.08 Thirty Day Action Required

- A. The Commission shall review a plat and associated materials and shall, within thirty (30) days of the filing date, approve, approve with conditions, or deny a plat application. If approved with conditions, the Commission shall state the conditions of such approval; or if denied, shall state reasons for denial. A plat approved with conditions shall constitute approval subject to conformity with the prescribed conditions, but shall constitute disapproval until such conditions are met.
- B. If no action is taken within thirty days of the filing date, the plat is considered approved.
- C. The action of the Commission shall be entered into the minutes of the meeting and kept on file in the Department of Planning.
- D. Except for a preliminary plat, the Commission's approval of the plat shall authorize the chairperson and secretary of the Commission to execute the certificate of approval on the

reproducible transparency of the plat.

- E. A certificate, showing the submittal date and failure to take action on the plat within thirty (30) days of the filing date, shall be issued upon request.

Section 3.09 Methods of Approval

- A. The Commission shall review and approve all preliminary plats, final plats, any plat requiring a public hearing, any plat requiring variances and plat vacations.
- B. The Director of Planning may review and approve amending plats and minor plats.

Section 3.10 Action Required on Administrative Plats

- A. The Director of Planning may, for any reason, elect to withhold approval and present a plat described by Section 3.09B for approval to the Commission.
- B. The Director of Planning shall not disapprove any plat, and shall be required to refer any plat which the Director of Planning refuses to approve to the Commission within the time period specified in Section 212.009 of the Texas Local Government Code. The Commission's decision shall be final.
- B. A plat requiring a public hearing shall not be eligible for administrative approval.

Section 3.11 Denial of Plat

- A. Regardless of the type of plat being submitted for review, no further action shall be taken on a plat that has been denied except as specified in Section 3.13.
- B. A denied plat may not be resubmitted for approval in the same form until six (6) months have elapsed from the date the plat was denied.
- C. The re-submittal of a denied plat shall constitute a new application and require payment of applicable fees.

Section 3.12 Plat Expiration

- A. Approval of a preliminary plat shall expire six (6) months from the date of approval unless a final plat of all or a portion of the preliminary plat has been filed with the Department of Planning. If a final plat consistent with the approved preliminary plat for the property is not submitted within six (6) months from the date of approval of the preliminary plat, the preliminary plat will be void.
- B. In the case of a development involving multiple phases and incremental final plats, the approval of a preliminary plat shall become null and void if no further final plat is submitted for review within twenty-four (24) months from the approval of the most recent final plat. Thereafter, a new preliminary plat shall be submitted for approval before any final plat will be accepted for the remaining portion of the development.
- C. Approval of a final plat, replat, amending plat or a minor plat that has not been recorded in the County Plat Records shall expire twenty-four (24) months from the date of approval.
- D. Prior to the expiration of an approved plat, the developer may submit a written request for an extension of the expiration date to the Commission. The Commission may grant an extension for a period not to exceed twelve (12) months.

Section 3.13 Project Expiration

For purposes of this Section, “project” means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor. A project shall expire on the fifth anniversary of the date the application for the first permit for the project was filed with the City if no progress has been made towards completion of the project. Progress towards completion of the project shall include any one of the following:

1. An application for a final plat or plan for development is submitted to a regulatory agency.
2. A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project.
3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located.
4. Fiscal security is posted with a regulatory agency to ensure performance of an obligation required by the regulatory agency.
5. Utility connection fees or impact fees for the project have been paid to a regulatory agency.

Section 3.14 Continuance of Plat Application

If the applicant desires that the Commission delay action on a plat application beyond the statutory thirty (30) day period, the applicant shall submit a written request to the Commission stating the applicant's desire to waive the requirement for action within thirty (30) days.

Section 3.15 Recording of Plats

A. For a plat to be recorded after approval by the Commission, all conditions of approval must be satisfied, including, but not limited to, the following:

1. All required fees shall be paid.

2. All plats other than minor plats shall be provided in an electronic format approved by the City geographic information system officer.
3. All covenants required by ordinances shall be reviewed and approved by the City.
4. On-site easements and rights-of-way shall be properly described and noted on the proposed plat.
5. Off-site easements and rights-of-way shall be dedicated by the respective owners and filed of record with the county.
6. All required abandonments of public rights-of-way or easements that must be approved by the City Council and the abandonment ordinance numbers shall be shown on the plat.
7. Original tax certificates shall be presented from each taxing unit with jurisdiction of the real property.
8. A copy of the ownership and dedication statement from the plat shall be submitted on separate letter or legal size paper, executed before a notary public, with all original signatures.
9. A copy of the executed developer's agreement, if required, shall be submitted.
10. The required financial assurance and contractor's proof of insurance for any proposed public improvements shall be submitted.
11. Approval of any necessary permits from the Texas Department of Transportation, any utility district, the U.S. Army Corps of Engineers, or any other state or federal agency shall be submitted.

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- B. Any lienholder of the property to be platted must execute a statement on the plat or a separate instrument subordinating the lienholder's interest to the plat and the dedications thereon.
 - C. The owner shall furnish the City a title insurance policy or other documentation of title satisfactory to the City, covering the platted area dedicated to the City. The documents shall reflect that the applicant has fee simple title to the property to be dedicated and shall be updated to the date the City Engineer releases the plat to be filed with the county clerk.
 - D. The plat must be filed and recorded with the county clerk of the county or counties in which the subdivision is located.

ARTICLE 4. DEDICATIONS AND ROUGH PROPORTIONALITY

Section 4.01 Dedications

- A. Subject to the provisions of Subsection 4.02.D. hereof, dedications shall be determined in accordance with the requirements of the Comprehensive Plan in relation to the nature and extent of the impact of the proposed subdivision upon the water, sanitary sewer, roadways, drainage, parks and other public facilities of the City. The City will determine the location of the required dedication based upon the maximum benefit to the public and the requirements of this Ordinance and the Comprehensive Plan.
- B. The approval of a plat is not considered an acceptance of any proposed dedication and does not impose on the City any duty regarding the maintenance or improvement of any dedicated property until the City accepts the dedication by use, entry or improvements. The disapproval of a plat is considered a refusal by the City of the offered dedication indicated on the plat.

Section 4.02 Exaction Requirements

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- A. The owner(s) of property for which a development application has been submitted shall dedicate to the City that portion of such property as is necessary for the orderly development of water and sanitary sewer facilities, roadways, drainage, parks or other public purposes, as required by these regulations, and in accordance with the City's Comprehensive Plan.
 - B. The developer of property for which a development application has been submitted shall construct such public infrastructure improvements as required by this Ordinance and the determination of the City Engineer.
 - C. Prior to a decision on an application for approval of a plat by the Commission or other permit application by the City official responsible for issuance of the plat or permit, the City Engineer shall affirm in writing that each exaction requirement to be imposed as a condition of approval is roughly proportionate to the impact and demand created by the development on the City's public infrastructure, taking into consideration the nature and extent of the development proposed.
 - D. In making a determination in this regard, the City Engineer may rely upon the following:
 - 1. the proposed or potential use of the land;
 - 2. the timing and sequence of development in relation to availability of adequate levels of public infrastructure facilities;
 - 3. impact fee studies or other studies that measure the demand for services created by the development and the impact on the City's public infrastructure;
 - 4. the function of the public infrastructure improvements in serving the proposed subdivision;

5. the degree to which public infrastructure improvements necessary to serve the subdivision are supplied by other developments;
6. any reimbursements for the costs of public infrastructure improvements for which the proposed development is eligible; and/or
7. the anticipated participation by the City in the costs of public infrastructure improvements.

E. Based upon the proportionality determination, the City Engineer shall affirm that the exaction requirements of this Ordinance or other applicable ordinances do not impose costs on the developer for such improvements that exceed those roughly proportionate to those costs incurred in providing public infrastructure improvements to serve the development.

F. The City Engineer may require that the applicant submit any information or studies, at applicant's sole expense, that may assist in making the proportionality determination.

Section 4.03 Rough Proportionality Appeal

- A. An applicant seeking approval of any type of plat or permit which imposes an exaction requirement as a condition of approval may file an appeal to contest any exaction requirement, other than impact fees, imposed as a condition of approval or in which the failure to comply is grounds for denying the application.
- B. The purpose of a proportionality appeal is to assure that an exaction requirement imposed on a proposed plat or other permit as a condition of approval does not result in a disproportionate cost burden on the applicant, taking into consideration the nature and extent of the demands created by the proposed development on the City's system-related facilities.

Section 4.04 Rough Proportionality Appeal Procedure

- A. An applicant seeking approval of a plat or other permit for which an exaction requirement is imposed as a condition of approval shall file a written appeal appealing the imposition of an exaction requirement with the City Secretary within ten (10) days of the date the Commission or the City official responsible for issuing the permit takes action applying the exaction requirement. This may include denial of the plat or permit. A separate appeal shall be submitted for each exaction requirement for which relief is sought. The applicant shall submit the number of copies of the appeal as required by the Director of Planning. The City Secretary shall forward a copy of the appeal to the Director of Planning and the City Engineer and to the City Council for consideration.
- B. In an appeal of an exaction requirement related to a plat application, the plat application shall be denied unless the applicant requests postponement of consideration of the plat application pending preparation of the study required by subsection D., in which case the applicant shall also file a written waiver of the statutory period for acting upon a plat for the time necessary to decide the appeal.
- C. The appeal shall state the reasons that application of the exaction requirement is not roughly proportional to the nature and extent of the impacts created by the proposed development on the City's system-related facilities.
- D. The appellant shall submit to the City Secretary a study in support of the appeal within thirty (30) days of the date of filing the appeal. The applicant shall submit the number of copies of the study as determined by the Director of Planning. For each specific exaction requirement appealed, the study shall include the following information:

1. the total capacity of the City's water, sanitary sewer, roadway, drainage, or park system, as applicable, to be utilized by the proposed development for each phase, employing standard measures of capacity and equivalency tables relating the type of development proposed to the quantity of system capacity to be consumed by the development;
2. the total capacity to be supplied to the City's system-related facilities for water, sanitary sewer, roadway, drainage or parks, as applicable, by the exaction requirement, including any capacity supplied by prior public infrastructure improvements;
3. a comparison of the capacity of the applicable City system-related facilities to be consumed by the proposed development with the capacity to be supplied to such facilities by the proposed exaction requirement, taking into consideration the impacts on the City's system-related facilities from the entire development;
4. the amount of any City participation in the costs of oversizing the system-related facilities to be constructed by the applicant in accordance with the City's requirements;
5. a comparison of the minimum size and capacity required by City standards for the applicable public infrastructure improvements to be utilized by the proposed development with the size and capacity to be supplied by the proposed exaction requirement; and
6. any other information that shows the alleged disproportionality between the impacts created by the proposed development and the exaction requirement imposed by the City.

- E. If the development or the public infrastructure improvements are located in the extraterritorial jurisdiction of the City and are to be dedicated to a county under an interlocal agreement under Texas Local Government Code Ch. 242, an appeal or study in support of the appeal shall not be accepted as complete unless the appeal or study is accompanied by verification that a copy has been delivered to the county in which the facilities are to be located.
- F. The City Engineer shall evaluate the appeal and supporting study and shall make a recommendation to the City Council based upon the City Engineer's analysis of the information contained in the study.

Section 4.05 City Council Decision

- A. The City Council shall decide the appeal within thirty (30) days of the date the applicant files a written certification with the City Secretary that all evidence is submitted. After the applicant certifies to the City Secretary that all evidence is submitted, the City Secretary shall schedule a time and date for the City Council to consider the appeal and shall cause the applicant to be notified at the address specified in the appeal of the time, date and location at which the City Council shall consider the appeal.
- B. The applicant shall be allotted time, not to exceed fifteen (15) minutes, to present testimony at the City Council meeting. The City Council shall base its decision on the criteria listed in subsections 4.02.C. and 4.04.E.
- C. The City Council may grant the appeal, in whole or in part, or deny the appeal and impose the exaction requirement in accordance with the City Engineer's recommendation or the decision of the Planning and Zoning Commission on the plat application or the decision of the official responsible for approving any other type of permit application. If

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the appeal is granted, the City Council may waive, in whole or in part, an exaction requirement to the extent necessary to achieve proportionality or direct that the City participate in the costs associated with the system-related facilities.

D. In deciding an appeal, the City Council shall determine whether application of the exaction requirement is roughly proportional to the nature and extent of the impact created by the proposed development on the City's public infrastructure for water, sanitary sewer, roadway, drainage, or park facilities, as applicable, and reasonably benefits the development. In making such determination, the Council shall consider the following information:

1. the evidence submitted by the applicant;
2. the City Engineer's recommendation, considering in particular the factors identified in Sections 4.02.C. and 4.04.E.; and
3. if the property is located within the City's extraterritorial jurisdiction, any recommendations from the County, or, if the property abuts a state highway, any recommendations from the State.

D. The City Council may require additional information that it deems relevant in making its decision.

E. The applicant shall not be deemed to have prevailed in the event that the City Council modifies the exaction requirement.

Section 4.06 Action Following City Council Decision

A. If the City Council finds in favor of the applicant and waives the exaction requirement or modifies the exaction requirement to the extent necessary to achieve rough proportionality, the applicant shall resubmit the plat to the Commission or permit

application to the City official responsible for issuing the permit within thirty (30) days of the date the City Council takes action, with any modifications necessary to conform to the City Council's decision. Failure to do so shall result in expiration of any relief granted by the City Council.

- B. If the City Council denies the appeal and the applicant has executed a waiver of the statutory period for acting upon a plat, the City staff shall place the plat application on the agenda of the Commission within thirty (30) days of the City Council's decision.
- C. If the plat application is modified to increase the number of residential dwelling units or the intensity of non-residential uses, the Director of Planning or City Engineer may require a new study to validate the relief granted by the City Council.
- D. If the plat application for which relief was granted is denied on other grounds, a new appeal shall be required on any subsequent application.

Section 4.07 Appeal of City Council's Decision

An applicant may appeal the decision of the City Council to the county or district court of the county in which the property is located within thirty (30) days of the date that the City Council makes its decision. In the event the applicant prevails in such action, the applicant is entitled to reasonable attorney's fees and costs, including expert witness fees.

ARTICLE 5. MINIMUM DESIGN AND INFRASTRUCTURE STANDARDS

Section 5.01 General Standards

- A. The purpose of this Article is to establish the minimum standards of design and minimum infrastructure requirements for developments and subdivisions. No preliminary or final plat shall be approved by the Planning and Zoning Commission unless the development conforms to the minimum standards and specifications set forth in this Article.

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- B. A subdivision shall conform to the comprehensive plan of the City and the parts, amendments and supplements thereof.
 - C. All developments and subdivisions shall design and construct necessary infrastructure to its boundary to accommodate development of adjacent property and continuity of the City's comprehensive plan.
 - D. Developers are responsible for all on-site, perimeter, and off-site infrastructure necessary to meet the minimum standards of this Article. Such improvements may be eligible for financial assistance subject to a proportionality determination.

Section 5.02 Lot and Block Standards

- A. All subdivision lots shall be designed in accordance with the following minimum standards:
 - 1. The dimensions of a lot shall be appropriate for the location of the subdivision and for the type of development and use contemplated and, except for lots in the extraterritorial jurisdiction of the City, shall conform to the minimum lot area, lot width and lot depth specified in the Zoning Ordinance.
 - 2. Depth and width of properties reserved or laid out for non-residential purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - 3. Each lot shall front upon a public or private street.
 - 4. Residential lots shall not have direct access onto arterial streets or thoroughfare collector streets without the approval of the City Engineer. Where permitted, a turn-around shall be provided for head-out egress. These lots shall be at least twenty (20) feet deeper than the minimum lot depth.

5. Double frontage lots should be avoided. Where proposed, the front yard of a double frontage lot shall be designated on the plat. The minimum lot depth of a double frontage lot shall be increased by at least ten (10) feet.
6. Side lot lines shall be substantially at right angles or radial to street lines, unless otherwise approved by the City.
7. Corner residential lots shall have a minimum width that is at least ten (10) feet greater than the minimum lot width required for the zoning classification in which the property is located.
8. Residential lots on one side of a street should not be offset from the lots on the opposite side of the street.
9. The minimum street frontage (as measured along the street right-of-way) shall be forty-five (45) feet for residential lots and twenty-five (25) feet for non-residential lots.

10. Where there are existing buildings or structures on a property, lot lines shall not be platted in manner which would result in the existing buildings or structures becoming nonconforming to the zoning regulations applicable to the property at the time of platting.

B. All blocks within a subdivision shall be designed in accordance with the following minimum standards:

1. Lots shall be arranged in a contiguous pattern within blocks or abutting a cul-de-sac.

For minor subdivisions, all lots shall be contiguous, and any new lots subdivided from a tract that has been previously subdivided shall adjoin the existing lots.

2. Blocks to the interior of a residential subdivision shall have sufficient width to provide for two tiers of lots. One tier of required block width is permitted in blocks adjacent to collector or arterial streets or waterways. Not more than two tiers of lots shall be provided for any block. This subsection shall not apply to flag lots.
3. The maximum block length for residential developments shall be nine hundred (900) feet. For all other developments, the maximum block length along all streets except major thoroughfares shall be one thousand, two hundred (1,200) feet. Along a major thoroughfare, the maximum block length shall be one thousand, six hundred (1,600) feet except under special conditions determined by the Planning and Zoning Commission.

Section 5.03 Rights-of-Way and Easements

- A. Rights-of-way and easements shall be dedicated by plat as needed to support all required infrastructure. Off-site easements shall be dedicated by separate legal instrument.
- B. The minimum right-of-way width for local residential streets is fifty (50) feet. Right-of-way widths for all other street sections are as specified in the Master Thoroughfare Plan. Private streets shall be dedicated as access easements with a minimum width of fifty (50) feet.
- C. Some developments may require local collector streets that are not designated on the Master Thoroughfare Plan. The local collector street section requires a sixty (60) foot right-of-way.
- D. All street intersections require right-of-way corner clips. Refer to the Roadway Design Manual for the criteria.

- E. Additional right-of-way may be required for non-standard intersections, street sections, turn lanes, and other related infrastructure.
- F. Visibility easements will be required as specified in the Roadway Design Manual.
- G. All developments shall dedicate easements for utilities by plat. The developer is responsible for coordinating with the providers of electric, gas and telecommunications services for the necessary location and width. Unless otherwise specified by the City, a ten (10) foot utility easement is required along all street frontages
- H. A minimum ten (10) foot easement width is required for public water, sewer or drainage infrastructure. Additional width shall be required for large mains, excessive depth, or difficult access.
- I. Pedestrian access or sidewalk easements shall be dedicated where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide pedestrian circulation within the subdivision.
- J. The property owner shall maintain easement areas. The property owner shall keep the area clear of any structure, debris, landscaping, etc., except as approved by the City Engineer.

Section 5.04 Street Improvements

- A. Developers shall provide internal, perimeter and off-site streets as necessary to adequately serve the proposed development. Guidance for specific requirements can be found in the City of Mansfield Roadway Design Manual, Master Thoroughfare Plan and Standard Construction Details.

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- B. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper extension of streets into such undeveloped area.
 - C. All street intersections shall be at ninety (90) degrees with a minimum tangent length as specified in the Roadway Design Manual unless otherwise approved by the City Engineer.
 - D. The developer shall be responsible for the design and improvement of any unimproved or substandard streets located along the perimeter of or off-site from the proposed development to provide necessary access as determined by the City Engineer. The developer may be required to submit a traffic impact analysis as part of the determination. Off-site roadway improvements that are included in the capital improvement plan that form the basis of the City's roadway impact fee structure may be eligible for roadway impact fee credits.
 - E. A proposed subdivision or phase of a subdivision shall be connected to the existing street system through at least two (2) separate street connections. The developer shall provide any on-site or off-site street improvements that are necessary to comply with this requirement. If approved by the City, this requirement may be waived for residential developments with 30 lots or less.
 - F. Dead-end streets shall be prohibited except as stubs to permit future extension. Such stubs shall not exceed one hundred fifty (150) feet as measured along right-of-way
 - G. Cul-de-sacs shall not exceed six hundred (600) feet in length, and shall have a turnaround right-of-way of not less than one hundred (100) feet in diameter unless otherwise approved by the City Engineer.

- H. Residential streets should be configured to discourage high speed and use by through traffic. Residential lots fronting local collector streets shall be limited due to higher traffic volumes and speeds.
- I. Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- J. Street lights, signs and markings shall be installed by the developer in accordance with the City of Mansfield Roadway Design Manual and Standard Construction Details.

Section 5.05 Private Streets in Residential Subdivisions

- A. The City Council, after receiving recommendations from the Planning and Zoning Commission and holding a public hearing, may allow a residential subdivision with private streets and entrance gates, provided that the subdivision complies with the minimum requirements listed below plus any other requirements deemed necessary. The terms "private street" or "private streets" shall include but not be limited to streets, alleys, storm drainage systems, street lights, entrance gates and structures, signs and markings.
- B. A request for a subdivision with private streets must be reviewed by the Planning and Zoning Commission and City Council with each body holding a public hearing. Notice of said public hearings shall be given at least ten (10) days prior to the hearing date of the Planning and Zoning Commission by publication in a newspaper with circulation in the City of Mansfield and by written notice to the owners of properties that are within two hundred (200) feet of the proposed subdivision with private streets, as indicated on the most recently approved municipal tax roll. The written notice may be delivered by depositing the notice, properly addressed and postage prepaid, in a post office or postal

depository. The Planning and Zoning Commission will act in an advisory capacity to the City Council in this matter. A subdivision with private streets and alleys is permitted only after a final decision has been made by the City Council.

C. A subdivision with private streets shall meet the following conditions:

1. A subdivision with private streets shall not impede or cross an existing or proposed street as shown on the City's most recent Master Thoroughfare Plan or approved preliminary or final plats.
2. A subdivision with private streets and alleys must not disrupt or disconnect an existing or proposed City public pedestrian pathway, hike and bike trail, or park as shown on the Master Parks Plan.

D. In addition to the conditions above, the Planning and Zoning Commission and City Council may reject a request for private streets for one of the following reasons:

1. The proposed private street subdivision is adjacent to an existing subdivision with public streets, and the streets between the two subdivisions can be reasonably connected.
2. Allowing private streets would negatively affect traffic circulation on public streets, impair access to properties or future developments that are either on-site or off-site to the subdivision, impair access to or from public facilities such as schools, parks and libraries, or delay the response time of emergency vehicles.

E. The design standards and construction specifications for private streets shall be the same as for public streets.

- F. All traffic regulatory signs along private streets must conform to the Texas Manual of Uniform Traffic Control Devices. Street name markers for private streets shall have a white background with green letters.
- G. A subdivision with private streets shall have a mandatory homeowners' or property owners' association which includes all properties served by the private streets. The association shall own and be responsible for the maintenance of the private streets and appurtenances. The association's covenants and deed restriction document must indicate that the streets within the development are private, owned and maintained by the association, and that the City has no obligation to maintain the private streets. The documents shall be filed of record with the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association must not be dissolved without the prior written consent of the City. No portion of the association's documents pertaining to the maintenance of the private streets and assessments therefore shall be amended without the written consent of the City.
- H. The homeowners' or property owners' association shall establish a reserve fund for the reconstruction of the private streets and related appurtenances. The reserve fund should be accounted for separately from other funds maintained for annual operating expenses of the association in order to better demonstrate that the amounts deposited therein are intended for capital improvements.
- I. Private streets must be constructed within a separate lot owned by the homeowners association. This lot must conform to the City's standards for public streets and right-of-way. The street lot must be dedicated as Common Access, Drainage and Utility

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easement. These easement rights shall extend to all utility providers operating within the City. The easement must also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the private street lot that impairs emergency access.

- J. The City shall not pay for any portion of the cost of constructing or maintaining a private street.
- K. Water, sewer, storm drainage facilities and street lights placed within the private street lot must be installed to city standards. After completion and approval of such facilities, the water and sewer facilities shall be dedicated to the city. All city regulations relating to infrastructure financing, performance, payment and maintenance bonds, inspection fees, developer cost participation and capital cost recovery shall apply to developments with private streets with the exception of those applying to street maintenance.
- L. Proposed subdivisions with private streets must submit to the City the same plans and engineering information required to construct public streets, utilities and related appurtenances. Requirements pertaining to inspection and approval of improvements prior to the City's acceptance of the subdivision shall apply. Fees charged for these services shall also apply. The Fire Department shall have the right to inspect the private streets and related appurtenances at any time, and require the homeowners association to provide the repairs needed to ensure emergency access. The Fire Department shall be the sole judge of whether repairs are needed.

- M. The entrances to all private streets must be marked with a sign stating that it is a private street. All restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuing access to the subdivision by the City and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide city or utility services, the City shall have the right to enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association's documents must contain provisions in conformity with this paragraph which must not be amended without the written consent of the City.
- N. Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of 28 feet or 18 feet each side if divided at the location of the access control device. If an overhead barrier is used, it must have a minimum height above the road surface as required by the Fire Code for fire lanes. The design of all gates, cross arms and access control devices, including automatic opening systems and manual backup systems, must meet the Fire Department's guidelines or policies and must be approved by the Fire Department prior to installation. The gates, cross arms, and opening devices must be tested and accepted by the Fire Department prior to being put into operation. Gate designs may incorporate one or two gate sections. If the entrance is to incorporate a median, guard shack, or similar structure that necessitates a divided gate arrangement, the gate and street pavement widths may be reduced if approved by the Fire Department, but in no case shall any single gate or street pavement have a clear opening of less than eighteen (18) feet.

- O. At least one entrance per subdivision with private streets must be equipped for visitor access. In addition to the standards in Paragraph N, a visitor entrance must be equipped with a call or code box located at least fifty (50) feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing. The City reserves the right to require the developer to provide a detailed study to determine if the traffic generated by the proposed development will warrant the call or code box to be setback greater than the fifty (50) foot minimum requirement in order to ensure sufficient vehicle storage or queuing space. A turnaround space with a minimum outside radius of thirty (30) feet must be located between any call or code box and access control gate or cross arm to allow vehicles denied access to safely exit onto public streets in a "head out" position. A sign must be erected next to the edge of such turn around space to prohibit vehicle parking in such space.
- P. In addition to the standards in Paragraph N above, an access control gate or cross arm that requires residents to use a key, card or code to gain access must setback a minimum of fifty (50) feet from the boundary of the subdivision to provide for automobile queuing.
- Q. The subdivision final plat and the homeowners' or property owners' association's documents must contain language whereby the association, as owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the City, its officers, agents, licensees, servants and employees, from and against any and all claims or suits for property damage or loss and/or personal injury, including death, to any and all persons, of whatever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: 1) the reasonable use of the private streets, emergency access, utility easements, entrance gate or structure by the City, its officers,

agents, licensees, servants and employees; 2) the condition of the private streets, private street lights, private entrance gates or structures, private walls or fences, private pedestrian access, private storm drainage systems and emergency access; or 3) any use of the subdivision with private streets by the City, its officers, agents, licensees, servants and employees for any purpose related to the exercise of a governmental function or service, whether or not caused, in whole or in part, by alleged negligence of officers, agents, servants, employees, contractors, subcontractors, licensees or invitees of City. The association shall be responsible for carrying liability insurance to meet the requirements in this paragraph. Those portions of the association's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

R. The City Council, after giving a sixty (60) day notice to the homeowners association, its successors or assigns and holding a public hearing, may revoke private street status to streets within a subdivision for the reasons stated herein below.

1. the private street permit was obtained by fraud or deception;
2. the homeowners' or property owners' association fails to provide reliable emergency access;
3. the homeowners' or property owners' association fails to provide the repairs required by the Director of Public Works as prescribed hereinabove; or
4. one or more of the requirements stated hereinabove has not been met or has been violated.

The revocation of private street status shall give the City the right to inspect the private streets and levy an assessment upon each lot on a pro-rata basis for the expense of needed

repairs. Said assessment shall constitute an assessment lien upon the lot against which each assessment is made. The City Council shall be the sole judge of whether repairs are needed. The City shall also have the right to require, at the association's expense, the removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The homeowners' or property owners' association's documents must provide for the City's right to require said assessment and removal of improvements. Those portions of the association's documents appertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

S. The homeowners' or property owners' association may petition the City Council to accept private streets as public streets and right-of-way upon written notice to all association members and the approval signatures of 80% of the association's membership. However, in no event shall the City be obligated to accept the private streets as public. Should the City Council elect to grant the petition, the City shall have the right to inspect the private streets and estimate the expense of repairing the private streets and removing gates, guard houses, access control devices, landscaping or other amenities located within the private street lot. The City shall be the sole judge of whether repairs are needed to the private streets prior to acceptance. Before approval by the City Council, the petitioners or their designee must contract with the City for payment of 100% of the City's estimated expenses.

T. All homeowners' or property owners' association documents must be reviewed and approved by the City Attorney to ensure that they conform to this and other applicable

City policies prior to being filed of record at the County. The developer shall pay for the cost of the City Attorney's review.

- U. The plat dedication certificate and conditions of approval shown in Appendix I must be provided in all final plats for subdivisions with private streets.

Section 5.06 Alley Improvements

- A. The City of Mansfield does not promote the use of alleys. Generally, alleys may only be permitted in developments that require site plan approval.
- B. Alleys shall be within rights-of-way or easements with a minimum width of twenty (20) feet. Pavement shall be a minimum width of fifteen (15) feet or as required for fire lane access. Pavement section shall be equal to the construction standards for Local Residential Streets.
- C. Where an alley intersects a street or another alley a ten (10) foot corner clip shall be dedicated. Visibility easements will be required at intersections.

Section 5.07 Sidewalk Improvements

- A. Sidewalks shall be required on both sides of all internal public or private streets and the subdivision side of all adjacent or perimeter streets. This Section shall not apply to the following:
 - 1. developments on streets within the existing industrial areas depicted on the map in Appendix J;
 - 2. street improvement projects funded by an approved City Bond Program adjacent to tracts of vacant, rural or undeveloped areas;
 - 3. street reconstruction projects funded by the City where no sidewalks had previously been constructed; or

4. developments on property included in an approved preliminary or final plat where sidewalks were not originally required as part of the subdivision improvements.

B. In addition to the exceptions above, a developer may be exempt from constructing sidewalks when the City Engineer and the Director of Planning determine that the construction is not practical or feasible at the time of development or expansion of existing structures or land use.

C. Sidewalks shall be installed in accordance with City of Mansfield Standard Construction Details.

D. All sidewalks shall be a minimum of five (5) feet in width.

Section 5.08 Water System Improvements

A. All developments shall provide public water supply and distribution systems for fire protection and domestic use. Developers shall provide internal, perimeter and off-site public water system improvements as necessary to adequately serve proposed developments. Connection to the existing public water system shall be required except where the City Engineer determines that such connection will result in unreasonable expenditures when compared with alternative water supply and distribution systems. Water distribution system design and construction shall comply with the applicable City of Mansfield Codes and Standards, Water and Wastewater Master Plan, and criteria established by the Texas Commission on Environmental Quality (TCEQ).

B. The minimum water main diameter is eight (8) inches, except in single family residential subdivisions where six (6) inch diameter mains may be approved by the City Engineer.

Section 5.09 Sanitary Sewer System Improvements

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- A. All developments shall provide public wastewater collection systems. Developers shall provide internal, perimeter and off-site public wastewater collection system improvements as necessary to adequately serve proposed developments. Connection to the existing public wastewater collection system shall be required except where the City Engineer determines that such connection will result in unreasonable expenditures when compared with alternative wastewater disposal or treatment systems.
 - B. Wastewater collection system design and construction shall comply with the applicable City of Mansfield Codes and Standards, Water and Wastewater Master Plan, and criteria established by the Texas Commission on Environmental Quality (TCEQ).
 - C. Private treatment systems, if approved, shall meet all applicable state and county regulatory standards. Plans for such systems must be approved by these agencies prior to approval of the final plat by the Planning and Zoning Commission.
 - D. The minimum wastewater main diameter is eight (8) inches, except in single family residential subdivisions where six (6) inch diameter mains may be approved by the City Engineer.

Section 5.10 Storm Drainage Improvements

- A. All developments shall include planning, design and construction of storm drainage systems in accordance with the City of Mansfield Storm Water Management Design Manual. The manual constitutes adoption of the North Central Texas Council of Governments (NCTCOG) integrated Storm Water Management (iSWM) program with modifications identified in the City of Mansfield Local Criteria Section. Developers shall construct all necessary drainage infrastructure to accommodate on-site and off-site discharges. Mansfield supports preservation of natural drainage ways for storm water

conveyance and multi-use functions such as trails, parks, green space, habitat corridors and water quality enhancement.

- B. All drainage studies and infrastructure design shall be based on ultimate, fully developed watershed or drainage area runoff conditions. Discharge from the 100-year event shall be contained within dedicated right-of-way, easement or floodplain. Requirements for conceptual, preliminary and final drainage plan submittals are described in the Storm Water Management Design Manual.
- C. Downstream assessments shall be completed to determine adequate outfall conditions. The result may warrant on-site or off-site mitigation as described in the Storm Water Management Design Manual.
- D. Developers are required to comply with all applicable regulations of Federal and State agencies including, but not limited to, the EPA, USACE, FEMA and TCEQ.
- E. Additional requirements can be found in the City of Mansfield Flood Damage Prevention Ordinance, Storm Water Quality Protection Ordinance, and Standard Construction Details.

Section 5.11 Screening Walls and Screening Devices

- A. When a residential subdivision is platted so that the side or rear yard of the subdivision lots are adjacent to a highway frontage road or an existing or proposed major collector classification (four-lane-undivided) or greater classification as described in the City's most recent Thoroughfare Plan, screening shall be provided along said frontage road or thoroughfare according to the following requirements:
 - 1. Community perimeter walls or fences shall be constructed of masonry materials or ornamental metal, such as wrought iron, or a combination of both, and located within

a minimum ~~fifteen~~-twenty (~~15~~20) foot landscaped area adjacent to the thoroughfare. The landscaped area and perimeter wall or fence shall be on separate open space lots maintained by the homeowners' association. To ensure compliance with this paragraph, the Director of Planning must approve the design of the screening wall and landscaped area with the application for a preliminary plat.

2. For walls or fences greater than one hundred (100) feet in length, a minimum two (2) foot change in plane for at least ten (10) feet must be incorporated into the design.
3. Masonry columns must be provided at thirty-five (35) foot intervals and changes in wall planes.
4. Where ornamental metal fencing is used, enhanced landscape must be provided.
5. Personnel gates may be provided in walls or fences to allow emergency access and to facilitate convenient pedestrian access to activity areas and adjacent uses.
6. A wall(s) may be eliminated or located to provide additional setback areas at project entries to accommodate distinctive landscaping, ornamental gateways, signage, and street furniture.
7. Walls shall be curved or angled at corner locations to accommodate appropriate visibility and add variety.
8. Masonry walls shall have a design life of thirty (30) years to prevent vertical or horizontal movement that results in cracking of masonry units and mortar. All columns shall be on piers of such a depth to prevent vertical or axial movement or leaning.

9. The screening requirement in this subsection shall not apply to a subdivision of three (3) lots or less in cases where such screening is inconsistent or uncomplimentary with the frontage of adjacent properties as determined by the Director of Planning.
10. In exceptional cases, the Planning and Zoning Commission may grant a variance or modify the screening wall requirement described herein.
11. When walls are built in phases for a development, the walls for each phase shall be compatible in color, height and exterior finish. The screening wall shall be equally finished on both sides.
12. Where necessary, openings shall be provided at the bottom of the screening wall for drainage purposes.
13. Provisions shall be made for maintenance of grass edge along entire length of fence and masonry wall bases. If a concrete mow edge is provided, it shall be a minimum eight (8) inches in width and six (6) inches thick with appropriate steel reinforcement.
14. The required screening wall shall be in place before the acceptance of the subdivision.
- B. No fence, screening wall or other visual barrier shall be so located or placed that it obstructs the view of a motor vehicle driver approaching any street intersection. At a minimum, an unobstructed view shall be maintained across the lot in an area seven (7) feet deep and sixty (60) feet in length along the right-of-way.
- C. When a residential subdivision is platted so that the side or rear yard of the subdivision lots are adjacent to an existing; or proposed minor collector street classification or lesser classification as described in the City's most recent Master Thoroughfare Plan and said street is located along the perimeter of the subdivision a screening device shall be provided along said perimeter street according to the following requirements:

1. The screening device shall have a minimum height of six (6) feet and a maximum of eight (8) feet as measured at the highest finished grade.
2. The screening device required herein shall be located entirely on private property. No part of the screening device shall be in the public right-of-way.
3. The screening device may be constructed of the following materials:
 - a. cedar or redwood;
 - b. brick stone, decorative or split-face block;
 - c. wrought iron or tubular steel in combination with a vegetative screen located within an appropriate landscaped area as approved by the Director of Planning;
 - d. a combination of two or more of the above construction materials; or
 - e. other alternate construction materials approved by the Planning and Zoning Commission.
4. The design of the screening device shall be in accordance with the following requirements:
 - a. Masonry columns shall be placed at intervals of no more than thirty-five (35) feet and shall be taller than the remainder of the screening device. All columns shall be on piers of such a depth to prevent vertical or axial movement or leaning.
 - b. A screening fence with cedar or redwood panels shall be supported by horizontal rails of the same material as the panels and galvanized steel posts spaced eight feet (8') on center or less and set into concrete post footings. The minimum depth of the concrete post footings shall be twenty-four (24) inches for fences that are six (6) feet in height and thirty-six (36) inches for fences that are eight (8) feet in height. Vertical slats shall be nailed or screwed to horizontal bracing stringers

running from vertical post to post. The size of the stringers shall be no less than one-and-a-half (1.5) inches by three-and-a-half (3.5) inches. One stringer will be required for every two feet (2') in height. There shall be at least three (3) horizontal rails for a six (6) foot high fence, and four (4) horizontal rails for an eight (8) foot high fence. Fence planks or panels must have at least one (1) inch gap between the ground and the wood.

- c. The side of a screening fence with horizontal rails and posts shall not face the street along the perimeter of the development.
5. When a screening device is built in phases for a development, the color, height, style, and exterior finish for all phases shall be as closely similar as possible and shall in no case be incompatible. If a masonry wall is used as a screening device, it shall be equally finished on both sides.
6. The required screening device shall be in place before the acceptance of the subdivision.
7. No fence, screening wall or other visual barrier shall be so located or placed that it obstructs the view of a motor vehicle driver approaching any street intersection. At a minimum, an unobstructed view shall be maintained across a lot in a triangular area seven (7) feet wide and sixty (60) feet in length along the right-of-way
8. Where a homeowner's association is required for any purpose by the City, the homeowner's association shall be responsible for maintaining the screening device and the parkway between said device and the curb or street pavement. If the homeowner's association fails to maintain said screening device and parkway, the City shall have the right to levy an assessment for the expense of the needed repairs

or maintenance against all owners of lots within the subdivision. The City shall be the sole judge of whether repair or maintenance is needed.

- C. When residential subdivisions are platted so that an alley is parallel to and adjacent to a public street along the perimeter of the subdivision, a screening wall or device shall be erected and maintained between the alley and the perimeter street according to the above requirements.
- D. When a final plat is approved for a multi-family residential development, a screening wall or device shall be provided in accordance with the above requirements as governed by the size of the street along the perimeter of the development as existing; or as shown in the City's most recent Thoroughfare Plan. No final building inspection shall be approved for said development until the required screening wall or device is completed. The owner of the multi-family development shall maintain the screening wall or device. If the owner fails to maintain the screening wall or device, the City shall have the right to levy an assessment for the expense of the needed repairs. Said assessment shall constitute as a lien upon the property against which the assessment is made. The City shall be the sole judge of whether repairs are needed.

Section 5.12 Development Entryway Features

- A. The entryway(s) to a residential subdivision shall comply with the requirements of Section 4600.D.18 of the Zoning Ordinance.

Section 5.13 Utility Installation Standards

- A. All electric, gas and telecommunications utility lines shall be placed underground within any new residential subdivision subject to the following conditions:
1. All electric transmission and feeder lines may be placed overhead.

2. Electric and telecommunication lateral lines may be placed overhead when they are located along rear property lines and along the perimeter of a subdivision to provide power or service to the subdivision; in such events, the plat shall provide that utility/service companies shall have the right of ingress and egress to perform maintenance on their lines. Perpendicular overhead street crossings are permitted when connecting rear lateral lines in one block to rear lateral lines in an adjacent block. However, no lateral line, when located overhead, may be used to provide overhead service to adjacent residential customers.
3. Electric service for street or site lighting shall be placed underground.
4. Temporary service during construction may be provided by overhead facilities prior to activation of the underground service. Following activation of the underground permanent service, the temporary overhead service shall be removed as soon as possible.
5. The electric utility company may plan and construct necessary overhead utility lines on perimeters of subdivisions or property subject to the provisions of this Section. Telecommunication lines may be constructed overhead only where overhead electric utility lines are permitted.
6. The City of Mansfield shall not be held financially responsible for any portion of such additional cost to the developer for underground utility/service lines or service connections.
7. All electric, gas, and telecommunication support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pad mounted or placed underground.

8. Nothing contained herein shall be construed to require any existing overhead facilities to be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead construction.
9. Nothing contained herein shall be construed to alter the intent of any utility/service company franchise agreement in effect on the effective date of this Ordinance.

ARTICLE 6. REQUIREMENTS FOR CONSTRUCTION

Section 6.01 Authority of the City Engineer

- A. The City Engineer is hereby authorized and directed to promulgate rules, regulations, standards and specifications for construction, installation, design, location and arrangement of streets, curbs, street lights, alleys, utility layouts, utility easements, gates for utility easements, sidewalks, water supply and water distribution systems, fire hydrants, sewage disposal systems, septic tanks, water wells, monuments, criteria for drainage easement requirements, drainage facilities, and crosswalk ways. He shall submit such rules, regulations, standards and specifications to the Planning and Zoning Commission for approval, and thereafter, file with the City Secretary at least ten (10) days before they become effective. He may amend the same from time to time, upon the approval of the Planning and Zoning Commission, and such amendment shall be filed with the City Secretary at least ten (10) days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with this or any other ordinance of the City of Mansfield, Texas. All such improvements shall be constructed, installed, designed, located and arranged by the subdivider in accordance with such rules, regulations, standards and specifications.

Section 6.02 Financial Responsibility for Infrastructure

- A. The subdivider or developer shall be required to construct, at his expense, all paving, water, sewer, drainage systems and other infrastructure in strict accordance with the City of Mansfield Standards, necessary and required to adequately serve the subdivision or development.

Section 6.03 Processing of Construction Plans

- A. Construction plans for development improvements shall be submitted with plat application in accordance with Article 2. The City Engineer will review plans for conformance with Mansfield Engineering Design Standards and release plans for construction. Construction shall not commence until construction plans have been released and final plat has been approved by Planning & Zoning Commission.

Section 6.04 Guarantee of Performance

- A. A developer or contractor performing construction of public infrastructure that exceeds \$25,000 shall provide financial surety for all proposed public infrastructure. The plat shall not be recorded until financial surety has been provided. The developer may utilize one of the following methods of posting security of improvements:
1. Performance and payment bonds executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City of Mansfield, in an amount equal to the cost of the public improvements.
 2. Deposit in a bank or trust company in the name of the City, and approved by the City of Mansfield, in a trust account a sum of money equal to the estimated cost of all public improvements. Selection of the trustee shall be subject to approval by the City of Mansfield and the trust agreement shall be executed on the form provided by the City and approved as to form and legality by the City Attorney. Periodic withdrawals

may be made from the trust account for a progressive payment of installation costs.

The amounts of such withdrawals shall be based upon progress work estimates approved by the City Engineer. All such withdrawals shall be approved by the trustee.

- B. A developer shall require of his construction contractors, with whom he contracts for furnishing materials and installing the improvements, and shall himself be responsible for guaranteeing that all materials and workmanship in connection with such improvements; are free of defects for a period of two (2) years after acceptance of the improvements by the City Engineer. Prior to acceptance by the City of any public infrastructure improvements, the developer shall furnish the City a maintenance bond on the City's form in an amount of one hundred (100) percent of the contract amount of all public infrastructure improvements.

Section 6.05 Inspections

- A. The City of Mansfield will perform construction inspections to ensure conformity with the approved plans, specifications, and standards. City inspectors may make inspections at any time during the progress of work. Where inspections are made by individuals or agencies, other than the City, the applicant shall provide the City with written reports of each inspection.
- B. A developer is required to pay an inspection fee to the City prior to commencement of construction. The fee shall be a percentage of the construction cost of all public infrastructure and private streets. Refer to development fee schedule for actual fee.
- C. A developer shall schedule a Preconstruction Meeting with Engineering Department prior to commencement of construction.

- D. Construction materials testing shall be the responsibility of the developer and be performed in accordance with City of Mansfield Materials Testing Policies. All test results shall be submitted for review to City of Mansfield Engineering Department to ensure compliance.
- E. The developer or the construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of these regulations and the standards and specifications of other public agencies.

Section 6.06 Acceptance by the City

- A. All street, water, sewer and storm drainage facilities shown on the construction plans to serve the development shall be constructed in their entirety before acceptance of the public infrastructure by the City. Additionally, all ~~private~~ community improvements necessary to comply with all applicable City ordinances and requirements, including but not limited to the Stormwater Pollution Prevention Plan (SWPPP), installation of franchise utilities, enhanced entryways, special pavement, required landscaping, screening walls or devices, standard and decorative street lights, subdivision signage and street signage, must be completed in their entirety before acceptance of the public infrastructure by the City.
- B. If in the opinion of the City Engineer portions of the required infrastructure cannot be constructed until a future date, the developer shall be required to submit cash in lieu of construction. Amount shall be based on the Engineer's Opinion of Probable Cost as approved by City Engineer.

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- C. All public streets, utilities and other appurtenances constructed by the developer shall become the property of the City of Mansfield upon completion and acceptance by the City Engineer.
 - D. The City shall not have any responsibility for infrastructure improvements until improvements have been accepted.
 - E. The applicant shall be responsible for removal of all equipment, material, and general construction debris from the development and from any lot, street, public way, or property therein or adjacent thereto.
 - F. When improvements have been constructed in accordance with the requirements of the City of Mansfield and the developer has submitted record drawings to the City Engineer, the City Engineer shall accept the public improvements for maintenance by the City.

Section 6.07 Issuance of Building Permits

- A. No permit shall be issued for residential structures, except multi-family structures, prior to acceptance of all required improvements.
- B. Except as provided below, no building, mechanical, plumbing, or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein or referred to herein have not been complied with in full.
- C. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed far record, nor in which the standards contained herein or referred to herein have not been complied with in full.

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- D. The City shall neither sell or supply, nor allow the sale or supply of any water, electricity, or sewage service within a subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- E. On behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City, or within any area subject to all or a part of the provisions of this ordinance.
- F. The provisions of this Section shall not be construed to require platting as a condition of any of the following:
1. The issuance of permits for the repair, restoration, alteration, extension or reconstruction of a residential building in existence on a lot prior to passage of Ordinance No. 213.
 2. The repair, maintenance, or installation of any street or public utility service for, to or abutting any lot, the last recorded conveyance of which was by metes and bounds, prior to passage of Ordinance No. 213, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of Ordinance No. 213.
 3. The issuance of permits for the construction, reconstruction, repair, restoration, alteration or extension of an accessory building or structure on property zoned for single-family residential use.

4. The repair, maintenance or installation of any street or public utility service for, to or abutting any subdivision, or lot therein which are annexed into the City under a service plan which calls for the repair, maintenance or installation of such specified streets or public utility services.
5. The repair, maintenance, or installation of any street or public utility service that is deemed necessary by the City Council for the general health, safety and welfare of the citizens of Mansfield.

Section 6.08 Monumentation (Raymond to get with Brittain & Crawford and Kelly)

- A. All block corners, angle points, and points of curve, and all corners of boundary lines of the subdivision shall be marked with concrete monuments.
- B. The exact intersection point on the monument shall be marked by a three-quarter (3/4) inch diameter galvanized iron pipe three (3) feet in length with the top of the pipe one (1) inch above the top of the concrete which shall be flush with the existing ground surface.
- C. Where, due to topographic conditions, permanent structures, or other conditions, the view is obstructed between any two adjacent monuments, intermediate monuments shall be set so as to assure a clear view between adjacent monuments. All such intermediate property corners shall be marked with reinforcing iron bars one-half (1/2) inch in diameter by two (2) feet long driven nearly flush with the ground or counter-sunk slightly to avoid being disturbed.
- D. All final plats must be in full accordance with the certification signed by the engineer or surveyor in regard to the plat being properly staked on the ground and in compliance with requirements concerning the markers or monuments used.

Section 6.09 Homeowners' and Property Owners' Associations

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- A. When a development contains common areas, common property, open space, private streets, required private drainage facilities, or other improvements not intended to be dedicated to the City for public use, a homeowners' or property owners' association shall be created, and the duties and responsibilities shall be established in a declaration consistent with state law.
 - B. The common areas shall be shown on the final plat and dedicated to the homeowners' or property owners' association.
 - C. An association shall be an incorporated nonprofit organization operating under recorded land declarations through which:
 - 1. Each lot owner in a described land area is automatically a member; and
 - 2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of common recreational facilities.
 - D. To assure the establishment of a permanent homeowners' or property owners' association, including its financing and the rights and responsibilities of the owners in relation to the use, management and ownership of common areas or common property, the plat, dedication documents, covenants, and other recorded legal agreements must provide for the following:
 - 1. Creation of an automatic membership, nonprofit home or property owners' association;
 - 2. Placement of title to the common property in the homeowners' or property owners' association or definite assurance that it automatically will be so placed within a reasonable, definite time;

3. Appropriate limitation of the uses of the common property;
 4. The grant to each owner of a lot within the development of the right to the use and enjoyment of the common property;
 5. Placement of responsibility for operation and maintenance of the common property with the association;
 6. Imposition of an association charge or assessment on each lot in a manner which will assure sufficient association funds to maintain the common property or improvements;
 7. The grant to each owner voting rights in the association; and
 8. Identification of the land area within the association's jurisdiction including, but not limited to, the following:
 - a. The property to be transferred to public agencies;
 - b. The individual residential lots;
 - c. The common properties to be transferred by the developer to the association; and
 - d. Other parcels.
- E. Protective covenants shall be developed which shall make the homeowners' association responsible for the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.
- F. The articles of incorporation of the homeowners' or property owners' association, its bylaws, and the restrictive covenants shall be submitted to the Director of Planning for approval along with the final plat. Prior to filing the plat, the developer shall create an incorporated nonprofit association, and record the covenants in the deed records.

- G. The homeowners' or property owners' documents must indicate that the facilities referenced in Paragraph A of this Section shall be privately owned and maintained by the association, and that the City has no obligation to maintain said facilities. If the homeowners' or property owners' association fails to maintain said facilities, and the parkway between a screening wall, fence or device and a street, the City shall have the right to levy an assessment for the expense of the needed repairs or maintenance. Said assessment shall constitute a lien upon each lot against which the assessment is made. The City shall be the sole judge of whether repair or maintenance is needed.
- H. If a subdivision proposal contains five or fewer lots, the developer may determine that the creation of a Homeowner's Association is not the most effective method for ensuring long term maintenance of a screening wall. The developer will remain responsible for ensuring that some long-term maintenance system is created to meet the intent of this section. The developer shall be free to propose to the Director of Planning, in writing, an alternate approach which may involve any method that provides at least as much guarantee of long term maintenance as the requirement of creating a homeowner's association would provide.

ARTICLE 7. ADMINISTRATION

Section 7.01 Variances

- A. The Planning and Zoning Commission may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Planning and Zoning Commission shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings herein below required, the Planning and Zoning Commission shall take into account the nature

of the proposed use of the land involved, existing uses of land and zoning in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity. No variance shall be granted unless the Planning and Zoning Commission finds:

1. that there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
2. that the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
3. that the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
4. that the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance.

B. Such findings of the Planning and Zoning Commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Planning and Zoning Commission meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

Section 7.02 Requirement for Development Agreement (Check with City Attorney if this section is needed)

A. This section applies to any development agreement entered into between an applicant and the City in order to:

1. enforce a condition of development approval;
2. recognize the existence of vested rights;
3. provide for the provision of infrastructure, design amenities, or other conditions; and/or
4. resolve potential legal disputes.

B. The City may enter into a development agreement pursuant to this section if it finds that:

1. the development agreement has been duly adopted in accordance with the provisions of this section; and
2. the development to which the development agreement pertains is consistent with the comprehensive plan and capital improvements program, zoning regulations, impact fee regulations, and other applicable requirements; and the development subject to the agreement contains outstanding features that advance the policies, goals, and objectives of the comprehensive plan or growth management plan beyond mere conformity, in accordance with the criteria established in the zoning regulations; or the property owner agrees to make contributions of capital improvements for community-related facilities for one or more types of public improvements, which are in excess of the development's proportionate share of the costs of the facilities needed to serve the development and which thereby advance provision of such facilities to serve the community.

C. An application for a development agreement shall be made to the Planning Department.

Application may be made by the owner, subdivider or developer of the property on a form prescribed by the City.

D. The development agreement shall include, at a minimum, provisions pertaining to the following:

1. The land that is the subject of the agreement;
2. The duration of the agreement;
3. The permitted land use or uses and density/intensity for the proposed development project and any conditions attached thereto;
4. The maximum height and size of the proposed buildings; and
5. Any provisions for the dedication of any portion of the land for public use.

E. If agreed to by the applicant and approved by the City, the development agreement may include, without limitation, provisions pertaining to the following:

1. the phasing of the proposed development project in coordination with the provision of public facilities, including, but not limited to, roads, water, sewer, drainage, parks, municipal, and other facilities, required to accommodate the impacts of the proposed development project on such facilities at the City's adopted levels of service standards;
2. the identification of public facilities to be dedicated, constructed, or financed by the developer pursuant to the development agreement and the designation of such facilities as project improvements, system improvements, or subsystem improvements;

3. the determination of the development project's proportionate share of the total system and subsystem improvement costs required to be dedicated, constructed, or financed by the developer of the development project;
4. the determination of offsets to impact fees otherwise due from the dedication, construction, or financing of system or subsystem improvements;
5. the City's share of the costs of system and subsystem improvements to be dedicated, constructed, or financed pursuant to the development agreement;
6. reimbursements, as applicable, to the owner of the subject property for the amount of any contributions for system or subsystem improvements in excess of the proportionate share of the benefit derived from such facility by the subject property;
7. the rules, regulations, ordinances, laws, plans, and official policies of the City governing development applicable to the subject property; and
8. if the property to which the development agreement relates is located outside the incorporated area of the City, the period of time within which each property shall be annexed to the City.

F. Upon submission of an application for a development agreement, the Director of Planning shall review the application and accompanying documentation for legal sufficiency, compliance with technical requirements, consistency with the adopted comprehensive plan for the City, and applicable specific plans and applicable City rules, regulations, and policies. Upon satisfactory completion of such review, the Director of Planning shall place the matter on the agenda of the City Council at the next regularly scheduled meeting.

G. The City Council shall consider the proposed development agreement and may:

1. approve the development agreement as presented;
2. approve the development agreement with modifications; or
3. reject the development agreement, in whole or in part, and take such further action as it deems to be in the public interest.

H. If approved by the City Council, the development agreement shall become effective upon execution by the City, acting by and through the City Manager, by the applicant, and by any other parties to the development agreement.

I. Within ten (10) days following rejection of a development agreement, the City Secretary shall give notice of such action to the applicant at the address shown on the application.

J. Within ten (10) days following complete execution of a development agreement, the City Secretary shall record with the recorder of deeds a fully executed copy of the development agreement and ordinance, which shall describe the land subject thereto. The agreement shall be binding upon, and the benefits of the agreement shall inure to the parties and all successors in interest to, the parties of the development agreement.

K. Unless otherwise provided by the development agreement, rules, regulations, ordinances, laws, general or specific plans, and official policies of the City governing permitted uses, development, density and intensity of use, permitted uses of the land, growth management, adequacy of public facilities, environmental considerations, and governing design, improvement, and construction standards and specifications applicable to the subject property shall be those in force and effect at the time of commencement of the term of the development agreement.

L. The adoption of a development agreement, however, shall not prevent the City, in subsequent actions applicable to the property or to the City in general, from applying

such newer, modified rules, regulations, ordinances, laws, general or specific plans, and official policies that do not conflict with those applicable to the property at the time of commencement of the development agreement and that do not prevent the development of the land as set forth in the development agreement. The existence of the development agreement shall not prevent the City from denying or conditionally approving any subsequent project development application not expressly addressed in said agreement on the basis of such existing or new rules, regulations, and policies.

M. Application, processing and inspection fees, development fees, improvement standards, and specifications that are revised during the term of a development agreement shall apply to the property, provided that:

1. such fees, standards, and specifications apply to public works within the City; and
2. their application to the subject property is prospective only as to applications for building and other development approvals or approvals of tentative subdivision maps not yet accepted for processing.

N. In the event that state or federal laws or regulations are enacted following approval of a development agreement that prevent or preclude compliance with one or more provisions of the development agreement, the provisions of the agreement shall be modified or suspended as may be necessary to comply with such state or federal laws or regulations, and every such development agreement shall so provide.

O. An adopted development agreement shall be reviewed at least every twenty-four (24) months, at which time the owner or owners of the property subject to the development agreement shall be required to demonstrate good faith compliance with the terms of the development agreement.

- P. If, as a result of such review, the City finds and determines, on the basis of substantial evidence, that the owner or owners have not complied in good faith with the conditions of the development agreement, the City may unilaterally terminate or modify the agreement. Such action shall be taken by the City at a regular or special meeting, provided that the developer is notified at least 10 days in advance of such meeting.
- Q. A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties to the development agreement or their successors in interest. The procedure for amendment or cancellation shall be the same as that for adoption as provided in this Section. Notice of intent to amend or cancel any portion of the development agreement shall be given in the manner provided in this Section.
- R. If a development agreement relates to property located outside the incorporated area of the City, the development agreement does not become operative unless annexation proceedings to annex the property to the City are completed within the period of time specified by the development agreement or any extension of such time. Any development agreement relating to such property shall specify a time period within which such property shall be annexed to the City.
- S. A development agreement shall be enforceable by any party to the agreement, even if there is a change in any applicable rule, regulation, ordinance, law, plan, or official policy of the City that alters or amends the rules, regulations, ordinances, laws, plans, or official policies specified in the agreement as provided in this Section, or in the development agreement itself, except insofar as new plans or regulations are made applicable to the development by the terms of this chapter or by provisions of the development agreement.

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T. The remedies specified herein and in the development agreement are not exclusive, and any party to the agreement may pursue any other available remedies at law or in equity.

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APPENDIX A

Electronic Data Submittal Requirements

Graphics files shall use the same bearing structure and coordinate system as the City of Mansfield Geodetic Control Network and the Horizontal Control Stations. Information regarding Horizontal Control Stations may be obtained from the City's Public Works Division. Information regarding the City's coordinate system is listed below.

Datum: North American Datum 1983 (NAD 83)
Projection: Texas State Plane - North Central Zone (4202)
Units: US Feet

Northing and Easting coordinate values shall be double-precision real numbers, with fifteen (15) significant digits of precision (1234567.89012345). Elevation values shall be double-precision real numbers, with five (5) significant digits of precision (123.45).

Questions concerning the required format and information should be directed to the City's GIS Manager at 817-276-4242.

APPENDIX B

Sample title blocks:

FINAL PLAT [OR PRELIMINARY PLAT OR MINOR PLAT]

Lot # (or #s), Block #

Subdivision Name

Acres out of the XXXX Survey, Abstract No. XXXX

City of Mansfield (omit for ETJ plats), County Name, Texas

Lots

Date of Preparation

OR

REPLAT [OR AMENDING PLAT]

Lots # and #, Block #

Subdivision Name

Being a revision of Lots ## and ##, Block #, Subdivision Name,
according to the plat filed in Cabinet __, Slide _____, P.R.T.C.T.,

City of Mansfield (omit for ETJ plats), County Name, Texas

Lots

Acres

APPENDIX C

Approval Signature Blocks:

Final Plats or Replats:

APPROVED BY THE CITY OF MANSFIELD	
_____ 20__	_____
APPROVED BY:	P & Z COMMISSION CHAIRMAN
_____ 20__	_____
ATTEST:	PLANNING & ZONING SECRETARY

OR

Minor Plats or Amending Plats:

Approved by the Director of Planning on _____, 20__

DIRECTOR OF PLANNING

For plats in the Tarrant County ETJ, include the following block in addition to the City approval block:

AUTHORIZED BY ORDER OF COMMISSIONERS COURT OF TARRANT COUNTY, TEXAS	
This the _____ day of _____, 20__	
By: _____	_____
	County Clerk
By: _____	_____
	Deputy

APPENDIX D

Sample legal description opening:

WHEREAS, [Owner Name(s)] is(are) the sole owner(s) of an ##.### acre tract of land located in the _____ Survey, Abstract No. _____, City of Mansfield [omit if ETJ plat], _____ County, Texas as recorded in Instrument No. _____ [or Volume and Page], Deed Records, _____ County, Texas, being more particularly described as follows:

OR

WHEREAS, [Company Name(s)], acting by and through the undersigned, its duly authorized agent, is the sole owner of an ##.### acre tract of land located in the _____ Survey, Abstract No. _____, City of Mansfield [omit if ETJ plat], _____ County, Texas as recorded in Instrument No. _____ [or Volume and Page], Deed Records, _____ County, Texas, being more particularly described as follows:

Sample dedication statement:

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, [Owner Name(s)], being the sole owner of the above described parcel, does hereby adopt the herein above described property as Lot #, Block #, [Subdivision Name], an addition to the City of Mansfield [omit if ETJ plat], _____ County, Texas and does dedicate to the public use the streets and easements as shown thereon.

OR

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS:

That, [Company Name(s)], being the sole owner of the above described parcel, acting by and through the undersigned, its duly authorized agent, does hereby adopt the herein above described property as Lot #, Block #, [Subdivision Name], an addition to the City of Mansfield [omit if ETJ plat], _____ County, Texas and does dedicate to the public use the streets and easements as shown thereon.

With Parkland Dedication:

Revise the last line of the dedication statement to read "...dedicate to the public use the streets, easements and parkland as shown thereon."

Include a note on the plat that the park land must be conveyed to the City by deed.

APPENDIX E

Filing Blocks:

Tarrant County:

This plat filed in Instrument No. _____ Date _____, 20__.

Johnson County:

FILED FOR RECORD _____, 20__
PLAT RECORDED IN VOLUME _____, PAGE _____, SLIDE _____

COUNTY CLERK, JOHNSON COUNTY, TEXAS

DEPUTY CLERK

*****If the plat is more than one sheet, use the block on each page as Johnson County assigns each sheet a different page number***

Ellis County (3 paper copies of plats at 18"x24"):

PLAT RECORDED AS INSTRUMENT NO _____
DRAWER _____ AND SLIDE _____
DATE _____, 20__

Summary of City Council Actions

December 10, 2018

Third and Final Reading of an Ordinance approving a change of zoning from PR, Pre-Development District and I-1, Light Industrial District to PD, Planned Development District for I-1, Light Industrial uses on approximately 156.223 acres out of the J. Wheeler Survey, Abstract #571, Johnson County, TX, generally located at the southeast corner of Easy Drive and 7th Avenue and 14.395 acres out of the W. Styles Survey, Abstract No. 791, Johnson County, TX, generally located at the northwest corner of Hanks Drive and 7th Avenue, altogether totaling approximately 169.618 acres; Richard Nevins of the Mansfield Economic Development Corporation (ZC#17-010)

Approved 7 – 0

Third and Final Reading of an Ordinance approving a change of zoning from PR, Pre-Development District and I-1, Light Industrial District to PD, Planned Development District for Single-Family Residential and C-2 Uses on approximately 185.644 acres out of the BBB & CRR Survey, Abstract No. 83, the A. Bedford Survey, Abstract No. 60 and the P. George Survey, Abstract No. 299, Johnson County, TX, generally located at 1601 & 1651 Bedford Street and 1621 Lone Star Road; Clayton Snodgrass of BBCP Acquisitions, LLC on behalf of Brian Dalton of Dalton's Best Maid Products, Inc. (ZC#18-020)

Approved 6 – 1 (Leyman)

Third and Final Reading of an Ordinance approving a change of zoning from SF-7.5/12, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on approximately 1.3 acres being a portion of Lot 5, Block 3 of the Original Town of Britton, generally located at 913 Cope Street; Jordan Riness of Riness Holdings, LLC (ZC#18-022)

Approved 7 – 0

Third and Final Reading on an Ordinance approving a change of zoning from SF-7.5/12, Single-Family Residential District to PD, Planned Development District for Single-Family Residential Uses on approximately 0.28 acres known as Lot 18, Block 5 of the Hillcrest Addition, generally located at 801 Stell Avenue, City of Mansfield (ZC#18-023)

Approved 7 – 0

Public Hearing Continuation and Second Reading on an Ordinance approving a change of zoning from PD Planned Development District to PD Planned Development District for a Church and Associated Uses on approximately 7.59 acres known as Lot 6R, Block 4, Hillcrest West Add and approximately 4.74 acres out of the W.C. Price Survey, Abstract No. 1240, Tarrant County, TX, totaling approximately 12.33 acres located at 500 & 600 E. Dallas St., 310 Graves St., and 303 & 305 S. Waxahachie St.; Justin S. Gilmore of Level 5 Design Group, on behalf of Pastor Thu Nguyen of St. Jude Catholic Church (ZC#18-026)

Approved 7 – 0

Public Hearing Continuation and Second Reading on an Ordinance amending Section 4500.B of the Zoning Ordinance to increase the minimum floor area for houses in the SF-12/22, PR, SF-9.6/20 and SF-8.4/18 zoning districts (OA#18-002A)

Approved 7 – 0

Public Hearing Continuation and Second Reading on an Ordinance amending Section 4600.D.15 of the Zoning Ordinance to revise the regulations on reduced size lots (OA#18-002B)

Approved 7 – 0

Public Hearing Continuation and Second Reading on an Ordinance amending Section 6300.E.6 of the Zoning Ordinance to revise the criteria for a Special Exception to allow an increase in the maximum allowable area or height, or a reduction of the minimum setback requirements for accessory buildings or structures on lots of 12,000 square feet or larger (OA#18-003)

Approved 7 – 0

Public Hearing and Consideration of a Request for a Specific Use Permit for an Auto Repair Garage on approximately 1.86 acres known as Lots 5R1 and 5R2, Block 1, Golden Acres Addition, located at 130 W. Debbie Lane and 1821 Towne Crossing Blvd.; Sidney Stratton of Manhard Consulting, Ltd., on behalf of William L. Dismuke, Trustee, of Mansfield Lane, Ltd. And Britt Lane, Manager of Bobby and Leona Cox, LLC, General Partner of BDC Family Limited Partnership (ZC#18-029)

Approved 7 – 0

Public Hearing and First Reading of an Ordinance approving a change of zoning from C-2, Community Business District to PD, Planned Development District for Bar, Eating Place and Outdoor Entertainment uses on approximately 0.297 acres located at 101 E. Kimball Street; Debi and Billy McGill of Crescent Moon Drink Café (ZC#18-027)

Approved 7 – 0 with a wrought iron fence being placed in the front yard along Main Street

Public Hearing and First Reading of an Ordinance approving a change of zoning from C-2, Community Business District to PD, Planned Development District for C-2 uses with additional use for campground or recreational vehicle park on approximately 15.115 acres known as Lot 1R, Block 1, Eaton Estates Campground, located at 1961 Lone Star Road; Craig Turner of Via Bayou, Inc. dba Texas RV Resort (ZC#18-028)

Approved 4 – 3 (Lewis, Moore and Newsom)