

ORDINANCE NO. _____**AN ORDINANCE AMENDING CHAPTER 156, "PARK LAND DEDICATION AND DEVELOPMENT FEE" OF TITLE XV "LAND USAGE" OF THE CODE OF MANSFIELD, TEXAS IN ITS ENTIRETY; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE**

WHEREAS, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

WHEREAS, the City Council of the City of Mansfield, Texas has investigated and determined that it would be advantageous and beneficial to the citizens of the City of Mansfield to amend Chapter 156 "Park Land Dedication and Development Fee" of the Code of Mansfield, Texas as set forth below; and,

WHEREAS, the City Council finds that recreational areas in the form of public parks are necessary for the wellbeing of Mansfield's citizens and that new development impacts the need for additional parkland and park amenities to serve new development so that adequate service levels for park facilities in Mansfield may be maintained; and,

WHEREAS, the City Council finds that the provisions of this Ordinance reflect a fair method for determining parkland dedication, or cash in lieu of dedication, and assessment of park development fees in an amount proportionate to the new development to meet established levels of service; and,

WHEREAS, the City Council has determined that the amendments to the Code of Mansfield, Texas as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City of Mansfield and the public.

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

SECTION 1.

Chapter 156 of Title XV "Land Usage" of the Code of Mansfield, Texas is hereby amended to read as follows:

"CHAPTER 156: PARK LAND DEDICATION AND DEVELOPMENT FEE**§ 156.01 SHORT TITLE.**

This chapter shall be known and cited as the Park Land Dedication and Development Fee Chapter.

§ 156.02 PURPOSE AND APPLICABILITY.

(A) This chapter is adopted to provide adequate recreational areas and amenities in the form of neighborhood parks as a function of subdivision development in the city and to make the

park land dedication and park development fee requirements an integral part of the review and approval of residential developments, whether the developments consist of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.

(B) New developments or redevelopments that involve only the replacement or reconstruction of pre-existing dwelling units shall be exempt from the provisions of this chapter, provided that the developments do not increase the density of the preexisting dwelling units or involve a replat of the property.

(C) Neighborhood parks are those parks that provide a variety of outdoor, recreational facilities and within convenient distances from a majority of the residences to be served by such parks, the standards for which are set forth in the Parks Master Plan.

(D) The park quadrants established by the Department and shown in the Parks Master Plan and as attached in Exhibit "A", shall be prima facie evidence that any park located therein is within a convenient distance from the majority of residences to be served thereby. The cost of the neighborhood parks should be borne by the ultimate residential property owners who, by reason of the proximity of their property to such parks, shall be the primary beneficiaries of such parks.

(E) The provisions of this chapter shall apply to the corporate limits as well as the extraterritorial jurisdiction of the city as a portion of the subdivision regulation process.

(F) The provisions of this chapter shall not apply to properties that are included in a valid preliminary or final plat application that was submitted before the effective date of this chapter.

§ 156.03 PARK LAND DEDICATION.

(A) The city has adopted by City Council action the Parks Master Plan, which provides planning policy and guidance for the development of a municipal park and recreation system for the city. The plan has assessed the need for park land and park improvements to serve the citizens of Mansfield. The plan has carefully assessed the impact on the park and recreation system created by each new development and has established a dedication and/or cost requirement based upon individual dwelling units. The plan constitutes an individualized fact based determination of the impact of new living units on the park and recreation system and establishes an exaction system designed to ensure that new living units bear their proportional share of the cost of providing park and recreation related services. Park land dedication requirements and park development fee assessments are based upon the mathematical formulas and allocations set forth within the plan. A summary table of the dedication and cost requirements is set forth in a park land dedication table attached hereto and incorporated herein for all purposes as attached in Exhibit "B".

(B) When developing residential properties, the owner or developer shall be responsible for a fee simple dedication of park land for each proposed dwelling unit in an amount established in the attached Exhibit "B".

(C) Any proposed plat submitted to the city for approval shall show the area required to be dedicated under this section. In the event a plat is not required, the dedication of land required

under this section shall be conveyed to the city through a warranty deed, approved by the city as to form and substance, prior to the issuance of a building permit.

(D) Each corner of the park land dedication shall have an iron rod or pin set, in accordance with other lot corners in the subdivision. In the absence of a plat, the location of iron rods or pins set for corners shall be identified on a recordable land survey completed by a land surveyor registered in the State of Texas, provided to the city by the developer, and approved by the city as to form and substance.

(E) The owner or developer shall meet with the Director of Parks and Recreation or his/her designee (hereinafter referred to the "Director") to ensure compliance with the requirements in this section prior to platting. An application for plat approval shall not be accepted unless it is accompanied by written review comments from the Director.

(F) The City Council and the Mansfield Park Facilities Development Corporation generally consider that development of an area less than five acres for neighborhood park purposes may be inefficient for public maintenance. Therefore, if fewer than five acres are proposed as park land dedication, the Director shall have the option to: (1) accept the land dedication; (2) require the developer to pay the applicable cash in lieu of land amount as provided in § 156.05 below; or (3) reject the land dedication and grant credit for a private park as provided in § 156.07.

(G) The Director, prior to plat submittal, will define the optimum location of the required park land dedication based upon the proposed park being located adjacent to current or future park land and based on the Parks Master Plan. If there is not an opportunity for the proposed park land dedication to be adjacent to current or future park land, then the Director and Developer will work together to define an optimum location for the park land dedication. If an optimum location cannot be determined, then the Director shall accept the cash in lieu of land option as outlined in § 156.05.

(H) In the case of a multi-phase development, if the developer dedicates all the park land required by this chapter in the first or early phase(s) of the development, no additional park land dedication will be required in later phases unless additional lots that are not shown in the original preliminary plat are included in the later phases of the development.

(I) Unless approved by the Director, no construction materials shall be disposed of or deposited within the dedicated park land by the developer or its contractors, subcontractors, employees, or agents, at any time while the subdivision is being built. If materials are deposited or disposed of within the park, the developer shall remove such materials within 72 hours of written notice by the city. If the developer fails to remove the materials after notice, the city may do so at the developer's expense and no building permits shall be issued for the subdivision(s) until that debt is paid to the city by the developer.

156.04 PARK LAND DEDICATION ACCEPTANCE CRITERIA

(A) Land dedicated for a park or recreational area shall be of such size, dimensions, topography, and general character as is reasonably required by the city for the type of use necessary to meet the demand and need of future residents. Recreational needs for which land is dedicated

must include multipurpose trails, open space buffer areas, active recreation for team or individual sports, playgrounds with unitary rubber surfacing, picnic areas with grills, pavilions and similar uses. Swimming pools or aquatic facilities do not meet the criteria for neighborhood parks.

(B) Rare, unique, endangered, historic or other significant natural areas will be given a high priority for dedication pursuant to this chapter. Areas that provide an opportunity for linkages between parks or that preserve the natural character of the surrounding environment may be required by the city to be included in the park land dedication.

(C) The city shall not accept land dedication pursuant to this chapter if it is subject to one or more of the following disqualification unless individually and expressly approved by the Director:

(1) Land within floodplain and floodway designated areas, based upon 100-year floodplain as defined by the Mansfield Master Drainage Plans, unless such land dedication contains an open area as part of the total park land dedication property that is topographically suitable for the installation of the park amenities as defined in § 156.04 (A)-(B) for neighborhood parks. In cases where floodplain land or property is proposed to be conveyed to satisfy the parkland requirements, a credit may be given upon the following ratio: two acres of floodplain shall equal one acre of non-floodplain land;

(2) Park land dedication sites which do not have ready access to public streets;

(3) Park land dedication sites abutted by private properties on more than two-thirds of the total boundary dimension of such site; or

(4) Areas encumbered by overhead utility lines or easements of any type which might limit the opportunity for park and recreation development.

(D) The city will not accept park land dedication sites encumbered by hazardous and or municipal waste materials or dump sites.

(E) If a developer proposes to dedicate land for park development purposes pursuant to the terms, conditions and requirements of this chapter, he or she shall permit the Director to make an onsite inspection of the property for the purposes of determining site suitability and identification of any visual hazards or impediments to park development and use. If the property owner has any form of environmental assessment on the tract, a copy of that assessment shall be provided to the Director. The Director may initiate and/or require the developer to initiate specific environmental studies or assessments if the visual inspection of the site gives rise to the belief that an environmental problem may exist on the site. The Director may require the employment of those consultants necessary to evaluate any environmental issues relating to the site providing that the Director makes such determination in good faith. If an environmental hazard is identified on the site, the developer must either remove the hazard prior to its acceptance into the park and recreation system of the City or pay the fee in § 156.05.

(F) The intention of this chapter is not to discourage the creation of parks and amenities in subdivisions that will be maintained by homeowners' associations.

§ 156.05 CASH IN LIEU OF LAND.

(A) An owner or developer responsible for park land dedication under this chapter may be required, at the Director's option, to meet the dedication requirements in whole or in part by a cash payment in lieu of land in the amount set forth below. Such payment in lieu of land dedication shall be made prior to filing the plat for record or prior to the issuance of a building permit where a plat is not required. All funds collected pursuant to this section shall be used solely for the acquisition or leasing of park land in the park quadrant in which the subdivision or development is located.

(B) In instances where land is required to be dedicated, the Director shall have the right to reject the park land dedication and require a cash payment in lieu of land in the amount set forth below, if the Director determines that:

(1) The park land dedication site is such a small area that it is inefficient to maintain;

(2) Sufficient park area is already in the public domain for the park quadrant where the proposed development is located, and the recreation needs of the citizens will be better served by expanding or improving existing parks in said park quadrant; or

(3) The development project is located within the extraterritorial jurisdiction of the City and the Director determines that maintaining the park land will be financially impractical.

(C) The City may from time to time acquire land for parks in or near an area of actual or potential development. If the City does acquire park land in a park quadrant, the City may require subsequent dedications within the quadrant to be cash payments in lieu of dedication only in order to reimburse the City for the costs of acquisition.

(D) The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by city ordinance sufficient to acquire neighborhood park land. Unless and until changed by city ordinance, the cash payment shall be computed on the basis of the fee per dwelling unit as set forth in the attached Exhibit "B".

(E) A cash payment in lieu of land dedication, as set forth in this section, does not relieve the owner or developer of the obligation to pay the park development fee set forth in § 156.06. The cash payment in lieu of land dedication is in addition to the required park development fee.

§ 156.06 PARK DEVELOPMENT FEE.

(A) In addition to the required dedication of land, as set forth above and based upon the study referenced in § 156.03(A), the developer or his or her successor shall pay a park development fee to the city as a condition to building permit issuance. However, for developments in the extra-territorial jurisdiction that are not subject to building permit requirement, the developer shall pay the park development fee prior to the recording of the final plat at the county. The park

development fee shall be set from time to time by city ordinance and shall be sufficient to provide for the development of amenities and improvements on dedicated neighborhood park land in the park quadrant in which the subdivision or development is located. Unless and until changed by city ordinance, the park development fee shall be calculated on the basis of the fee per dwelling unit as set forth in the attached Exhibit "B".

(B) In lieu of payment of the required park development fee, the developer, with written approval of the Director prior to initiation of work, may have the option to construct the neighborhood park and improvements. All public park improvements shall meet the minimum requirements set forth in the Parks Master Plan or amendment thereof. All development plans and specifications for the construction of said park improvements shall meet the minimum design and construction standards as provided by the Department, be sealed by a landscape architect registered in the State of Texas and be reviewed and approved by the Director prior to construction. The developer shall financially guarantee the construction of such park improvements by providing performance and payment bonds, an irrevocable letter of credit, or other similar security that is deemed acceptable by the Director prior to the recording of the plat for the subdivision. Performance and payment bonds shall name the city as dual obligee and shall cover 100% of the estimated construction cost of such park improvements as shown in a construction contract executed by the developer. The developer shall be required to provide a two year maintenance bond that is equal in amount to 100% of the construction cost of said park improvements and a manufacturers letter stating the main play structure and safety surface was installed in accordance with the manufacturers installation requirements. The developer shall also provide a copy of the application and subsequent inspection report prepared by the Texas Department of Licensing and Regulation or their contracted reviewer for compliance with the Architectural Barriers Act, codified as Article 9102, Texas Civil Statutes. All park improvements must be inspected by the city while construction is in progress. Once the park improvements are constructed, and after the Director has accepted such improvements, the developer shall deed and convey such improvements to the city and clear of any lien or other encumbrances.

§ 156.07 CREDIT AGAINST PARK LAND DEDICATION AND PARK DEVELOPMENT FEE

(A) The developer of a subdivision may receive a credit against the park land dedication and park development fee requirements if the subdivision includes a private park or recreational facility. The amount of land in such private park or recreational facility shall count towards meeting the park land dedication requirement imposed on the developer, provided that the land meets the Park Land Dedication Acceptance Criteria in § 156.04 above.

(B) The Director shall grant a maximum credit of 100 percent of the total dedication requirement for publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirements of this paragraph.

(1) To be eligible for credit, publicly accessible private park land must:

(a) be made accessible to the public on an instrument approved by the city attorney;

(b) be of a size approved by the Director to appropriately meet the needs of the development;

(c) provide landscaping and recreational amenities approved by the Director; and

(d) be open to the public during all times it is accessible to the residents of the development.

(2) Equipment in a private park must comply with City standards applicable to the type of equipment.

(3) A publicly accessible private park land instrument must:

(a) contain a legal description of the development and the publicly accessible private park land;

(b) be signed by all owners and lienholders of the development property and is binding on all holders by a subordination clause;

(c) be approved by the Director;

(d) be approved as to form by the city attorney;

(e) create a covenant running with the land;

(f) provide that the owners of the property development are responsible for all general park maintenance at a level consistent with minimum City park and recreation standards;

(g) provide necessary easements for access to the publicly accessible private park land;

(h) give the City the right, but not the obligation, to take any action needed to make necessary repairs or improvements within the publicly accessible private park land, and to place a lien on all lots within the development until the City has received full compensation for that action;

(i) provide that the owners of property in the development agree to defend and indemnify the City, and to hold the City harmless from and against all claims or liabilities arising out of or in connection with publicly accessible private park land or publicly accessible private park land instrument;

(j) provide that it is governed by the laws of the State of Texas; and

(k) provide that it may only be amended or terminated:

- i. with the consent of all the owners and lienholders of property in the development;
- ii. upon the dedication of any park land or payment of a fee-in-lieu necessary to meet the requirements of this section; and
- iii. after approval as to form by the city attorney, and approval by the Director.

(C) A maximum credit of 50 percent of the total requirement will be given for non-publicly accessible private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this subparagraph. Private park land eligible for credit must:

- (1) be of a size approved by the Director to appropriately meet the needs of the development;
- (2) be maintained at a level consistent with minimum City park and recreation maintenance standards;
- (3) provide landscaping and recreational amenities approved by the Director;
- (4) have equipment that complies with City standards applicable to the type of equipment; and
- (5) not be an interior common area.

(D) The developer may receive a proportional credit, as determined by the Director, based on actual out-of-pocket dollar costs that the developer incurred for the improvement of the private park or recreational facility. The actual out-of-pocket dollar costs must be evidenced by documentation approved by the Director. The proportional credit amount, as determined by the Director, shall count toward meeting the total park development fee imposed on the developer. The park development fee assessed against a development pursuant to this chapter is for the specific purpose of developing the acreage that would be developed for park purposes under this chapter. Each acre of park land will be developed with amenities by the park development fee charged against the development. A developer will be given credit for the amenities they install on their site but the credit will be capped by the maximum amount of the fee that would be charged for the land area they are actually using. A developer may not over commit amenity improvements on a specific tract thereby eliminating the availability of park development fees remaining to be used on the balance of the land projected for dedication by the development for park purposes. Park land development fee credits will be provided as follows:

- (1) Credit may be provided on a dollar for dollar basis for capital improvements on adjacent park land if the capital improvements:
 - (a) meet minimum park and recreation standards;

(b) are appropriate for the park land and fall in an area where the level of service is not currently being met; and

(c) are accepted by the Director.

(2) Credit may be provided on a dollar for dollar basis for capital improvements on publicly accessible private park land if the capital improvements:

(a) meet minimum park and recreation standards;

(b) are appropriate for the park land and fall in an area where the level of service is not currently being met; and

(c) are accepted by the Director.

(3) A maximum credit of 50 percent of the total requirement may be provided for capital improvements on non-publicly accessible private park land if the capital improvements:

(a) meet minimum park and recreation standards;

(b) are appropriate for the park land and fall in an area where the level of service is not currently being met; and

(c) are accepted by the Director.

(E) Credits requested pursuant to this chapter will only be given for amenities that meet the minimum design and construction standards as set forth by the Department.

(F) A developer of a subdivision who dedicates more than the required park land requirements for that specific subdivision may receive credits for future park land dedication requirements for other subdivision developments that he may undertake at a future date in the same quadrant.

(G) A developer of a subdivision may dedicate park land that is not within the boundaries of his or her development and receive park land dedication credits for that subdivision. The proposed park land dedication must be approved by the Director prior to the filing of the preliminary plat. The proposed park land dedication property must be in the same quadrant as the proposed subdivision, within a reasonable distance of existing or developing residential neighborhoods and meet the park land dedication criteria outlined in § 156.04.

§ 156.08 PARK DEVELOPMENT FUND AND RIGHT TO REFUND.

(A) All funds collected pursuant to this chapter shall be deposited in the City's Park Development Fund and used solely for the acquisition or leasing of park land and the development, improvement, or upgrades of new and existing parks. All expenditures shall be administered in

accordance with the current purchasing requirements of the city and the Mansfield Park Facilities Development Corporation. Funds shall not be used for the operation and maintenance of parks.

(B) The City shall account for all sums paid into the Park Development Fund. Any monies paid into said fund must be expended by the city within ten years from the date that all the land for a neighborhood park for the subdivision has been acquired and when the subdivision(s) adjacent to that park land has been 75% built out. If not so expended within the ten-year period, the then current owners of the property shall, on the last day of such period, be entitled to a refund of the remaining fees. Said owners must submit to the city a written request for the refund within one year of the date of entitlement or the right to receive the refund will be deemed waived and the funds shall remain as property of the city and be used for the general purpose of park land acquisition, design and development as expressed in this chapter.

§ 156.09 APPROVAL AND APPEAL PROCESS.

(A) The Director shall be responsible for the review and approval of all park land dedication and park development fees submitted in accordance with the requirements of this chapter.

(B) Any decision made by the Director may be appealed to the Mansfield Park Facilities Development Corporation.

(C) The Director may defer the approval of park land dedication or park development fees to the Mansfield Park Facilities Development Corporation for any reason.

(D) Any decision made by the Mansfield Park Facilities Development Corporation may be appealed to the City Council except for subdivision platting issues that the Planning and Zoning Commission has authority over.

§ 156.10 NON-RESIDENTIAL DEVELOPMENTS.

These requirements shall apply to all non-residential developments in the City:

(A) In instances where land is required for trail construction in accordance with the City's Trails Master Plan, the City shall have the right to require the land dedication for approval on the final plat, or to refuse same.

(B) The City shall have the right to require construction of the trail in accordance with the City's Trails Master Plan standards for trail construction. In instances where a sidewalk and hike/bike trail are in the same location, the hike/bike trail shall replace the sidewalk. If the applicant/developer constructs the hike and bike trail, the hike and bike trail layout and construction plans must be reviewed and approved by the Director prior to approval and release of the construction documents by the City. The hike and bike trail construction must be accepted by the Director and be completed in conjunction with all other public improvements/infrastructure approved by the City for release of the Building Permit. All improvements or construction on or within the dedicated land to be installed by the applicant/developer shall be completed in accordance with the approved Construction Plans. Where retaining walls are constructed adjacent

to existing or future hike and bike trails and/or hike and bike trail rights-of-way, the developer/builder shall construct the retaining wall with a subdrain system behind the wall and under the trail and/or trail rights-of-way to prevent concentrated weep hole drainage. No concentrated run-off (swales or drainage structure outfalls) will be allowed to cross over the hike and bike trail rights-of-way. Finished project shall be maintainable and acceptable as determined by the City.

§ 156.11 REVIEW.

The Director shall review the dedication, cash in lieu, and park development fee requirements every two years from the effective date of this Ordinance.

§ 156.12 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUILDING means 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 PERMIT means the permit required for new residential or nonresidential construction and/or additions to buildings pursuant to the Code of the City of Mansfield.

CITY means the City of Mansfield, Texas.

CITY COUNCIL means the City Council of Mansfield, Texas.

DEPARTMENT means the City Department of Parks and Recreation.

DEVELOPER means the owner of land proposed for subdivision or development or an authorized representative of the owner. A subdivider is a developer.

DEVELOPMENT means 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 means the superior official of the Parks and Recreation Department, or its successor agency, for the City of Mansfield or his or her authorized representative.

DWELLING UNIT means a building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping (includes structures for single family residences, multi-family, senior living, and senior assisted living facilities).

FLOODPLAIN means any land area inundated by the base flood.

FLOODWAY or REGULATORY FLOODWAY means 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.

LEVEL OF SERVICE means the standards and guidelines that define service areas based on population and are used to support investment decisions related to parks, facilities and amenities.

LOT means a designated parcel tract or area of land established by a plat to be separately owned, used, developed or built upon.

NEIGHBORHOOD PARK means a park of approximately 5-10 acres accessible to residents who live within a ½ mile radius of the park. Neighborhood parks should be designed to service a specific neighborhood area and may include the following: multipurpose trails, open space buffer areas, active recreation for team or individual sports, playgrounds with unitary rubber safety surfacing, picnic areas with grills, pavilions and similar uses. (Refer to the Park, Recreation, Open Space and Trails Master Plan for a more detailed description, recreation activity menu and an example of a typical Neighborhood Based Park).

NONRESIDENTIAL means a use other than residential including, but not limited to, commercial, industrial, office, retail, institutional and a religious institution.

OPEN SPACE means areas remaining free of buildings, structures or other improvements.

PARK DEVELOPMENT FEE means a fee assessed to an applicant to offset the pro-rata costs for the development of amenities and improvements as a result of the new residential development.

PARKS MASTER PLAN means the official adopted Parks, Recreation, Open Space and Trails Master Plan for the City of Mansfield and amendments thereto, including policies or development strategies in the City's Comprehensive Plan.

PLAT means a map, plan or drawing of a subdivision established and provided for in the city's Subdivision Ordinance. A plat may be a preliminary plat, final plat, replat, amending plat, minor plat, plat vacation, or other plat.

PROPERTY means a legally described parcel of land capable of development pursuant to applicable City ordinances and regulations.

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

RESIDENTIAL DEVELOPMENT means the development of any property for a dwelling or dwellings, other than motels, hotels, shelter used temporarily for transients, or other similar uses.

SUBDIVISION means 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, 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.

TRAILS MASTER PLAN means the long-range plan that guides the creation of a network of trails, sidewalks, and bike routes that connect the entire City.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the City of Mansfield, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

This ordinance shall take effect immediately from and after its passage.

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 8TH DAY OF NOVEMBER, 2021.

Michael Evans, Mayor

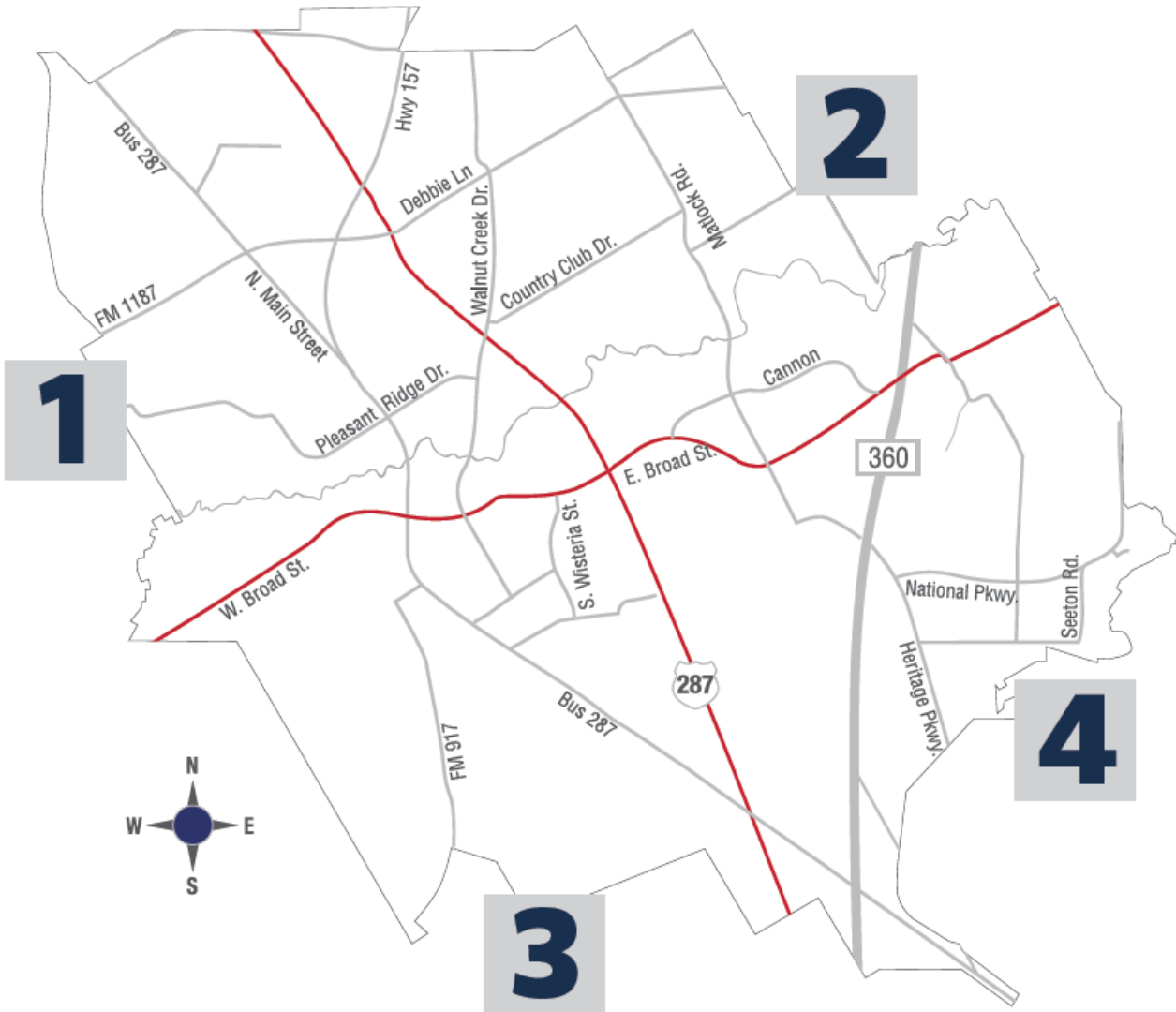
ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney

EXHIBIT A
Mansfield Park Land Dedication and Development Fee Ordinance
Park Planning Quadrants



EXHIBT B

Mansfield Park Land Dedication and Development Fee Ordinance Fee Calculation Methodology

Park Land Level of Service in 2020 Citywide Parks Master Plan

Neighborhood Parks - 1.5 Acres per 1000 population
 Community Parks - 5.0 Acres per 1000 population
 Linear Parks – 2.0 Acres minimum per 1000 population

Land Requirements

- Neighborhood Parks and Linear Parks - 3.5 Acres per 1000 population
- $1000 / 3.5 \text{ acres} = 1 \text{ acre of neighborhood/linear park per every } 285 \text{ residents of Mansfield}$
- Average household size in Mansfield per 2020 Census – 3.07 residents per household
- $285 \text{ residents per acre of neighborhood park and linear park} / 3.07 \text{ persons per household} = 93.1 \text{ dwelling units per acre of parkland required.}$

Round up to 100 dwelling units per acre of parkland required

**** In cases where floodplain land or property is proposed to be conveyed to satisfy the parkland requirements, a credit may be given based upon the following formula or ratio: two acres of floodplain shall equal one acre of non-floodplain land.**

Park Acquisition Cost (to determine fee in lieu of land)

Assumption that 1 acre of land costs \$100,000 to purchase (in area that is being developed, not large agricultural tracts)

Residential Type	Fee Calculation	Fee per Dwelling Unit
Single Family	\$100,000 / 100 dwelling units	\$1,000
Multi-Family	\$100,000 / 80 dwelling units	\$1,250

Park Development Cost (to determine fee for development)

- Recommended size of neighborhood parks in Mansfield - 5 acres minimum
- Development cost per neighborhood park (5 to 10 acre size) - \$1,270,750
- Cost per acre of development - \$127,075 to \$254,150
- Average per acre cost is \$190,000 per acre

Residential Type	Fee Calculation	Fee per Dwelling Unit
Single Family	\$190,000 / 100 dwelling units	\$1,900
Multi-Family	\$190,000 / 80 dwelling units	\$2,375

Summary	Fee in Lieu of Land	Park Development Fee	Total
Single Family Residential	\$1,000 per du	\$1,900 per du	\$2,900 per du
Multi Family Residential	\$1,250 per du	\$2,375 per du	\$3,625 per du