

EXHIBIT “A”

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

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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.

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.

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.

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.

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.

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.

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.

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.
- G. 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 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. 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

- 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.
- 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 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.

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
 - 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

- 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 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.
- 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

- 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 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.

SUBDIVISION CONTROL
ORDINANCE 213
City of Mansfield, Texas
1968

The City Planning and Zoning Commission

Recommended By
ROBERT W. CALDWELL AND ASSOCIATES
FREESE, NICHOLS AND ENDRESS
Planning Consultants

Bryan - Fort Worth

Retyped from Original
Ordinance 01-28-82

Retyped from above copy 01/05/95

Subdivision Control
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PREPARED THROUGH THE COOPERATION
OF THE
TEXAS STATE DEPARTMENT OF HEALTH

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AN ORDINANCE REGULATING, CONTROLLING AND GOVERNING THE SUBDIVISION OF LAND; THE PLATTING AND DEVELOPMENT OF SUBDIVISIONS AND ADDITIONS TO THE CITY; PRESCRIBING REQUIREMENTS; REPEALING ANY OTHER ORDINANCES IN CONFLICT HEREWITH; RESERVING A SAVINGS CLAUSE; PROVIDING FOR FILING FEES; PROVIDING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

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

SECTION 1. AUTHORITY; APPLICABILITY

This Ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Article 974a. Vernon's Texas Civil Statutes (V.T.C.S.); Platting and Recording Subdivision or Additions, as heretofore or hereinafter amended; Article 970a, V.T.C.S., Texas Municipal Annexation Act as heretofore or herein after amended; Article 427b, V.T.C.S., County Clerk's Failure of Duty in Recording Plats, Vernon's Penal Code; Article 6626, V.T.C.S., What May Be Recorded; Article 1137h, V.T.C.S., Recording Maps or Plats of Subdivisions of Real Estate, Vernon's Penal Code; and all other ordinances in conflict herewith are hereby repealed and the following prescribed regulations shall be in full effect.

The provisions of this ordinance and the rules adopted by the City of Mansfield governing plats and subdivisions of land are extended to the extraterritorial jurisdiction of the City as that extraterritorial jurisdiction may exist from time to time as determined by Chapter 42 of the Texas Local Government Code. The criminal penalties provided in this ordinance do not apply to violations occurring in the extraterritorial jurisdiction of the City of Mansfield, but the City is entitled to appropriate injunctive relief in district court to enjoin a violation of this ordinance or any amendment hereto in the extraterritorial jurisdiction of the City. The City may not impose zoning requirements or requirements regulating the use of any building or property within the extraterritorial jurisdiction."

SECTION 2. PURPOSE

The purpose of this Ordinance is to provide for the orderly, safe and healthful development of the area within the City and in the area surrounding the City and to promote the health, safety, morals and general welfare of the community.

SECTION 3. DEFINITIONS

For the purposes of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section. When not inconsistent with the context, words used in the present tense include the future, words used in the singular number include the plural; and words used in the plural number include the singular. Definitions not expressly prescribed herein are to be determined according to customary usage.

ALLEY: An “alley” is a minor public right-of-way which provides a secondary means of vehicular access to abutting property and which is used primarily for vehicular traffic to the rear or side of properties which otherwise abut on a public street.

BLOCK: A “block” is a tract or parcel of land designated as such on a duly recorded plat and may be entirely surrounded by public streets or by a combination of public streets and public parks, cemeteries, railroad rights-of-way, or natural or man-made physical features that disrupt what would otherwise be an unbroken landscape (for example, ditches, gullies, ridges, et cetera).

BUILDING: A “building” is any structure which is built for the support, shelter, or enclosure of persons, animals, chattels, machinery, equipment, or movable property of any kind.

BUILDING LINE OR BUILDING SETBACK LINE: The term “building line” or “building setback line” shall refer to a line parallel to the street right-of-way line and defines an area on the building lot between the street right-of-way line and the building line within which no building shall be constructed.

CITY: The word “city” shall refer to the Municipal Corporation, City of Mansfield, Texas.

CITY COUNCIL: The words “City Council” shall mean the duly and constitutionally elected governing body of the City of Mansfield, Texas.

CITY PLANNING AND ZONING COMMISSION: The words “City Planning and Zoning Commission” shall mean the duly organized body of citizens of the City of Mansfield, Texas, and duly appointed by the City Council.

CITY MANAGER: The words “City Manager” shall mean the person employed as the chief administrative officer of the City of Mansfield, Texas, and duly appointed by the City Council.

CITY ATTORNEY: The words “City Attorney” shall mean the person employed as City Attorney of the City of Mansfield, Texas, and duly appointed by the City Council.

CITY ENGINEER: The words “City Engineer” shall mean the person employed as City Engineer of the City of Mansfield, Texas, duly appointed by the City Manager with the approval of the City Council.

COUNTY: The word “county” shall refer to the County of Tarrant, Texas.

COUNTY COMMISSION: The words “County Commission” or “Commissioner’s Court” as generally termed, shall mean the duly and constitutionally elected governing body of Tarrant County, Texas.

CROSSWALK: A public right-of-way not more than six (6) feet in width between property lines which provides pedestrian circulation.

CUL-DE-SAC: A street having but one outlet to another street and terminated on the opposite end by a vehicular turn-around.

DEVELOPER: The word "developer" shall mean any person or persons, firm, or corporation subdividing a tract or parcel of land to be sold or otherwise handled for their own personal gain or use.

DEAD-END STREET: The term "dead-end street" means a street, other than a cul-de-sac, with only one outlet.

DOUBLE FRONT LOT: A "double front lot" means a building lot, not a corner lot, which has frontage on two streets that are parallel or within forty-five (45) degrees of being parallel to each other.

ENGINEER: The word "engineer" means a person duly authorized and licensed under the provisions of the Texas Engineering Registration Act, as heretofore or hereinafter amended, to practice the profession of engineering.

EASEMENT: The word "easement" means a strip of land reserved for the use of the public by the grantor, usually at the rear or side of lots or parcels of land, in which to install and maintain utility lines, drainage ditches or channels, or for other city or public services; the ownership or title to the land encompassed by the easement being retained by the owner. In granting the easement, the grantor is in effect vesting the public with authority to control the use of land within the easement and, in exercising such control, the City may specify that no building or part of a building or other permanent structure or fence, in case of a drainage easement, may be located within the limits of the easement.

EXTRATERRITORIAL JURISDICTION: Within the terms of the Texas Municipal Annexation Act, the term "extraterritorial jurisdiction" means the unincorporated area, not a part of any other city, 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 may be stipulated in the Texas Municipal Annexation Act in accordance with the total population of the incorporated City of Mansfield, in which area, within the terms of the Act, the City may enjoin the violation of its subdivision control ordinance.

FILING DATE: The term "filing date" shall refer to the date which is ten (10) days prior to the regular meeting of the City Planning and Zoning Commission at which the subdivision plat (Preliminary or Final) is to receive consideration.

FILING FEE: The term "filing fee" shall refer to the prescribed plat and lot fee rates, as hereinafter stipulated, to accompany the filing with the City Planning and Zoning Commission or preliminary and final subdivision plats.

FINAL PLAT: The term "final plat" shall refer to the map or plan of a proposed subdivision submitted to the City Planning and Zoning Department on or before the "filing date", as the term is defined herein, for approval by the City Planning and Zoning Commission, and said plat shall be prepared in accordance with this ordinance.

FRONT OR FRONTAGE: The term "front" or "frontage" shall be that portion of a tract of land which abuts on a public street to which it has direct access.

LOT: The word "lot" refers to a physically undivided tract or parcel of land having frontage on a public street and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, which is designated as a distinct and separate tract and which is identified by a lot number or tract symbol on a duly approved subdivision plat which has been properly recorded.

LOT DEPTH: The "lot depth" is the length of a straight line connecting the midpoint of the front and rear lot lines.

LOT WIDTH: The "lot width" is the average length of the front and rear property lines.

MASTER PLAN: The term "Master Plan" shall refer to the Comprehensive City Plan of Mansfield and adaptations, amendments, or supplements thereto, which has or have been adopted in principle by the City Planning and Zoning Commission as a guide to future development of the City of Mansfield and its surrounding area.

MAJOR STREET OR THOROUGHFARE PLAN: The term "Major Street" or "Major Thoroughfare" Plan shall mean the master plan of major and secondary streets and highways as a part of the City's Master Plan or "Tarrant Area Plan" and adaptations, amendments, or supplements thereto as adopted by the Planning and Zoning Commission and the City Council.

MAJOR THOROUGHFARE: The term "major thoroughfare" shall refer to a public street which is designed for and used for fast or heavy traffic, or is intended to serve as a major trafficway of considerable continuity, and is designated as such upon the most recent plan for Major Thoroughfares of the City of Mansfield, Texas, as adopted by the Planning and Zoning Commission and City Council.

MAY: The word "may" is permissive.

MINOR STREET: The term "minor street" shall refer to any public street which is not classified as a major thoroughfare or secondary street.

PLAT: The term "plat" means a map, drawing, chart, or plan showing the layout of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, building lots, easements, alleys, or any similar type of plat, which a developer submits for approval and a copy of which he intends to record in final form.

PAVEMENT WIDTH: The term "pavement width" means the portion of the surface of a street available for vehicular traffic and, where curbs are laid, it is the portion between the face of curbs.

PERSON: The term "person" means any individual, association, firm, corporation, governmental agency, or political subdivision.

PRELIMINARY PLAT: The term "preliminary plat" means the first or introductory plat of a proposed subdivision.

PRELIMINARY PLAT MASTER: The term "master preliminary plat" means the first or introductory plat of a proposed subdivision where a developer intends to submit, from time to time, fractional final plats.

PUBLIC EASEMENTS: A "public easement" is a right granted or dedicated to the public or governmental agency in, on, across, over, or under property for specified use or uses by an instrument or map duly recorded in the records of the County Clerk of Tarrant County, Texas.

PUBLIC STREET: A "public street" is a right-of-way dedicated to public use for pedestrian and vehicular traffic and public utility purposes.

RESERVE: The word "reserve" shall refer to a tract, parcel, or unit of land not physically divided, having frontage on a public street, which is proposed and intended for other than single-family residential use and which is, or in the future may be, offered for sale, conveyance, transfer, lease, or improvement, and which is designated as a distinct separate tract and which is identified by reserve symbol on a duly approved subdivision plat which has been properly recorded with the County Clerk of Tarrant County, Texas.

SHALL: The word "shall" is always mandatory.

SIDEWALK: The word "sidewalk" means a minimum forty-eight (48) inch width Portland cement paved pedestrian walkway extending for the entire length of a block or blocks parallel to a street right-of-way line or street pavement edge, which walkway shall be constructed within the right-of-way of any public street.

STREET: The word "street" means a public right-of-way, however designated, which provides vehicular circulation and access to adjacent property.

(1) A "major street", "major thoroughfare", or "arterial street" means a principal traffic artery or trafficway, usually of more or less continuous routing over long distances, whose function is to serve as a principal connecting street with State and Federal highways, and shall include each street designated as a "major thoroughfare" or "street" on the Major Street or Thoroughfare Plan of the City or so designated by the Planning and Zoning Commission and City Council. Minimum width of right-of-way shall be one hundred (100) feet.

(2) A "secondary street" or "collector street" means a street whose function is to collect and distribute traffic between major thoroughfares and minor streets, is not necessarily of continuous routing for long distances, has intersections at grades and provides direct access to abutting property, and shall include each street designated as a "secondary street" on the major street or thoroughfare plan or so designated by the Planning and Zoning Commission and City Council. Minimum width of right-of-way shall be eighty (80) feet.

(3) A "minor street" means a street whose function is to provide access to abutting residential property within neighborhoods, with all intersections at grade, and not of continuous routing for any great distance so as to discourage heavy, through traffic. Minimum width of right-of-way shall be sixty (60) feet.

SUBDIVISION: A "subdivision" is any division of property for which a plat is required to be approved and recorded under the provision of Article 974a, Vernon's Texas Civil Statutes, Article 970a, the Texas Municipal Annexation Act, and under this Ordinance. The word "subdivision" shall mean any division of any tract of land situated within the corporate limits of the City of Mansfield, Texas, or within five (5) miles of such limits, into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition of the City of Mansfield, or for laying out suburban lots or building lots, or any lots, streets, alleys, or parts or other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" shall include resubdivision and, when in the context, shall relate to the process of subdividing or to the land, area subdivided. Resubdivision shall mean the division of an existing subdivision, together with any change of lot size therein, or with the relocation of any street lines; however, it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new street, alley or easement of access.

SURVEYOR: The term "surveyor" means a licensed State Land Surveyor or a Registered Public Surveyor, as authorized by the Texas Land Surveyors Registration Act.

UNRESTRICTED: The word "unrestricted" shall be used to label or designate land proposed to be used for a purpose not consistent with the proposed use of the major portion of the subdivision.

SECTION 4. SPECIAL PROVISIONS

A. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

B. No building, repair, 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 for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

D. The City shall not sell or supply any water, electricity, or sewerage 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. In 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 as such jurisdiction is determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.

F. Provided, however, that the provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this subdivision ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Ordinance.

SECTION 5. VARIANCES

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:

A. 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

B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

C. 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

D. 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. 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 6. PRELIMINARY CONFERENCE

Prior to the official filing of a preliminary plat, the subdivider should consult with and present a proposed plan of subdivision to the City Engineer for comments and advice on the procedures, specifications, and standards required by the City for the subdivision of the land.

SECTION 7. PRELIMINARY PLAT AND ACCOMPANYING DATA

A. **GENERAL**. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance. The preliminary plat will not be recorded.

B. **TIME FOR FILING AND COPIES REQUIRED**. The subdivider shall file a formal application for preliminary plat approval in writing attaching to the application ten (10) blue or black line copies of the plat, together with the original, with the City Engineer at least ten (10) days prior to the date at which formal application for the preliminary plat approval is to be considered by the Planning and Zoning Commission. The letter of transmittal of the application shall state the name, address and telephone number of the owner, subdivider, his agent and the engineer or surveyor who prepared the plat.

C. **FILING FEES**. Such plat shall be accompanied by a filing fee as specified in Resolution 308 dated January 12, 1987 and amendments thereof. No action by the Planning and Zoning Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved. Filing fees shall be made by check made payable to the City of Mansfield, Texas, and given to the City Engineer or the Planning and Zoning Director with whom the plat is filed and at the time the plat is filed.

D. **FRACTIONAL FINAL PLAT**. A subdivider may be required to submit a Master Preliminary Plat of the entire area he proposes to subdivide over a period of time and indicate thereon his proposed plan of development by increments. After approval of this Master Preliminary Plat, he may submit Fractional Final Plats in general accordance with the Master Plat by units or areas. Each increment or area must be adjacent to a preceding developed increment or area.

E. **FORM AND CONTENT**. The plat shall be drawn on sheets 24 inches wide and 30 inches long, with a binding margin of not less than 1-1/2 inches on the left side of the sheet and margins on the other three sides of not less than 3/4 inches. The plat shall be drawn to a scale of 100 feet to one (1) inch or larger. When more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision in an appropriate graphic scale shall be attached to the plat. The plat shall show the following:

- (1) Names and addresses of the subdivider, record owner, engineer and/or surveyor.
- (2) Proposed name of the subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within the City of Mansfield or within five miles of the City of Mansfield, unless the subdivision is contiguous to a recorded subdivision and the plat represents an additional installment or increment of the original subdivision.
- (3) Names of contiguous subdivisions and the owners of contiguous parcels of unsubdivided land, along with deed record references, and an indication of whether or not contiguous properties are platted.

- (4) Description, by metes and bounds, of the subdivision.
- (5) Primary control points or descriptions, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.
- (6) Subdivision boundary lines, indicated by heavy lines and the computed acreage of the subdivision.
- (7) Existing sites as follows:
 - (a) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within the subdivision, intersecting or contiguous with its boundaries or forming such boundaries.
 - (b) The exact location, dimensions, description and name of recorded residential lots, parks, public areas, permanent structures and other sites within or contiguous with the subdivision.
 - (c) The exact location, dimensions, description, and flow line of existing water courses and drainage structures within the subdivision or on contiguous tracts.
- (8) The exact location, dimensions, description, and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision.
- (9) Date of Preparation, scale or plat and north point.
- (10) Topographical information shall include contour lines on a basis of 5 vertical feet in terrain with a slope of 2% or more, and on a basis of 2 vertical feet in terrain with a slope of less than 2%. Contour lines shall be based upon City of Mansfield datum.
- (11) A number or letter to identify each lot or site and each block.
- (12) Front building setback lines on all lots and sites. Side yard building setback lines on all lots and sites. Side yard building setback lines at street intersections and cross-walk ways.
- (13) Location of city limits line, the outer border of the City's extraterritorial jurisdiction, and boundaries, if they traverse the subdivision, form part of the boundary of the subdivision, or are contiguous to such boundary.
- (14) Vicinity sketch or key map at a smaller scale as approved by the City Engineer which shall show existing subdivisions, roads, streets, easements, highway and railroad rights-of-way, parks and public facilities and other landmarks in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows. Key map shall extend one (1) mile in all directions.

F. PROCESSING OF PRELIMINARY PLAT.

- (1) The City Engineer shall check the preliminary plat as to its conformity with the master plan, major street plan, land use plan, and the standards and specifications set forth herein or referred to herein.
- (2) Pertinent copies of the preliminary plat data shall be submitted to the City Engineer, and he shall check the same for conformity with the standards and specifications contained or referred to herein.
- (3) The City Engineer shall present the preliminary plat data to the Planning and Zoning Commission with his recommendations.
- (4) Within thirty (30) days after the preliminary plat is formally filed, the Planning and Zoning Commission shall approve, conditionally or disapprove such plat. If it is disapproved or conditionally approved with modifications, the Planning and Zoning Commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.
- (5) Approval of a preliminary plat shall not constitute automatic approval of the final plat.
- (6) Approval of a preliminary plat shall be effective for six (6) months unless reviewed by the Planning and Zoning Commission in the light of new or significant information which would necessitate a revision of the preliminary plat. If the Planning and Zoning Commission should deem changes in a preliminary plat as necessary, it shall so inform, in writing, the subdivider.
- (7) If no development has occurred which would affect the proposed plat, after (6) months of effective approval the Planning and Zoning Commission may, upon application of the subdivider, extend the approval time allowable.

SECTION 8. FINAL PLAT.

A. FORM AND CONTENT.

- (1) The final plat and accompanying data shall conform to the preliminary plat as approved by the Planning and Zoning Commission incorporating any and all changes, modifications, alterations, corrections, and conditions imposed by the Planning and Zoning Commission.
- (2) The final plat shall be drawn in India ink on linen tracing cloth or dimensionally stable matte film sheets 24 inches wide and 30 inches long with 1-1/2 inch margin on the left side of the sheet, and margins of not less than 3/4 inches on the other three sides. This plat shall be drawn at a scale of 100 feet to one (1) inch or larger. Where more than one sheet is necessary to accommodate the entire area, an index sheet showing the entire subdivision at an appropriate scale shall be attached to the plat.
- (3) The final plat shall be submitted in one original reproducible tracing as specified in A(2) above and six blue or black line prints which shall contain all of the features required for preliminary plats in Section 7 above, and it shall be accompanied by site improvement data bearing the seal of a registered professional engineer and detailed cost estimates of streets, storm drainage, water and sewer facilities to be installed.
- (4) The final plat and the accompanying site improvement data and detailed cost estimates shall be approved by the City Engineer.
- (5) In addition to the various requirements for the preliminary plat, the final plat shall also include the following:
 - (a) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curbs where appropriate.
 - (b) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots and other sites within the subdivision with accurate dimensions, bearing or deflecting angles and radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.
 - (c) All front, side and rear building setback lines.
- (6) When filed, the final plat shall be accompanied by the following data. All plans and engineering calculations shall bear the seal and signature of an engineer.
 - (a) **STREETS, ALLEYS, SIDEWALKS, CROSSWALK WAYS AND MONUMENTS.** Copies of plans and profiles of all streets, alleys, sidewalks, crosswalk ways, and monuments, and 4 copies of detailed cost estimates.
 - (b) **SANITARY SEWERS**
 - (1) Four (4) copies of the proposed plat, showing 2 foot contours and the proposed location and dimensions of existing sanitary sewer lines.

(2) Four (4) copies of plans and profiles of proposed sanitary sewer lines, indicating depths and grades of lines.

(3) When a separate sewer system or treatment plant other than that provided by the City of Mansfield is proposed, four (4) copies of proposed plans and specifications.

(4) Four (4) copies of detailed cost estimate.

(c) WATER LINES

(1) Four (4) copies of the proposed plat showing 2 foot contours and the location and size of existing water lines and fire hydrants.

(2) Four (4) copies of plans and profiles of all proposed water lines and fire hydrants, showing depths and grades of the lines.

(3) When a separate water system is planned, or when connection is proposed to a water system other than to the City of Mansfield water system, 4 copies of the plans, including fire hydrants, of the proposed system.

(4) Four (4) copies of detailed cost estimates.

(d) STORM DRAINAGE

(1) 6 copies of the proposed plat, indicating 2 foot contours based on City of Mansfield datum. All street widths and grades shall be indicated on the plat, and run-off figures shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers, and at all points in the street at changes of grade or where the water enters another street or storm sewer or drainage ditch. Drainage easements shall be indicated.

(2) A general location map of the subdivision showing the entire watershed (a U.S.G.S. quadrangle is satisfactory).

(3) Calculations showing the anticipated storm water flow, including watershed area, percent runoff, and time of concentration. When a drainage ditch or storm sewer is proposed, calculations shall be submitted showing basis for design.

(4) When a drainage channel or storm sewer is proposed, complete plans, profiles, and specifications shall be submitted, showing complete construction details.

(5) When conditions upstream or downstream from a proposed channel or storm sewer do not permit maximum design flow, high water marks based on a twenty-five year frequency, shall be indicated based on existing conditions.

(6) Four (4) copies of detailed cost estimates.

(e) The final plat shall also include the following:

(1) Owner's Acknowledgement and Dedications.

(2) Certification by the City Engineer that all requirements of this Ordinance have been met.

(3) Approval of the Planning and Zoning Commission of the City.

(4) Certification of the surveyor responsible for surveying the subdivision area, attesting to its accuracy.

(5) A certificate by the engineer responsible for the preparation of the final plat and supporting data, attesting to its accuracy.

B. PROCESSING THE FINAL PLAT.

(1) If desired by the subdivider and approved by the Planning and Zoning Commission, the final plat may constitute only that portion of the approved preliminary plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance and the portion or portions of the subdivision for which the final plat is drawn and submitted for approval shall be in successive order of development as exhibited on the previously approved preliminary master plat. All street, water, sewer and storm drainage facilities shown on the final plat shall be constructed in their entirety or acceptable surety provided before acceptance by the City and before such final plat is recorded in the office of the County Clerk.

(2) As soon as practical after subdivider is notified of the approval of the preliminary plat, his engineer shall submit to the Planning and Zoning Commission at an official meeting the final plat of the subdivision or portion thereof.

(3) No final plat shall be considered unless a preliminary plat has first been submitted and approved. However, if a preliminary plat has been duly approved and the subdivider wishes to increase the size of the lots by combining two or more lots or by combining one lot with a portion of the adjacent lot in such manner that no portion of a lot remains smaller than the original lots, no additional preliminary plat will be necessary.

(4) A final plat of an approved preliminary plat or a portion thereof shall be submitted to the Planning and Zoning Commission within six (6) months of the date of approval of the preliminary plat, otherwise the approval of the Planning and Zoning Commission shall become null and void, unless an extension of time is applied for and granted by the Planning and Zoning Commission.

(5) When the final plat is filed with the Planning and Zoning Commission for approval, it shall be accompanied by a check or checks payable to the City of Mansfield in the amount of the recordation fee for filing the final plat as amended by Resolution 308 dated January 12, 1987.

(6) Within thirty (30) days after the final plat is formally filed, the Planning and Zoning Commission shall approve or disapprove such plat. If the final plat is disapproved, the Planning and Zoning Commission shall inform the subdivider in writing of the reasons at the time such action is taken.

(7) After the final plat has been approved and the subdivider has constructed all the required improvements and such improvements have been approved, or after the plat has been approved and the subdivider has filed the required security hereinafter provided, the Planning and Zoning Commission shall cause the final plat to be recorded with the County Clerk of Tarrant County. The Planning and Zoning Commission shall also cause the check or checks for the recordation fee deposited at the time the final plat was filed or approval to be delivered with the final plat to the County Clerk. No plat shall be filed for record without written consent of the subdivider. If the subdivider fails to give such written consent within 10 days of the date of final approval of the plat, the Planning and Zoning Commission may at any time thereafter cancel such approval.

SECTION 9. GUARANTEE OF PERFORMANCE.

A. If the subdivider chooses to construct the required improvements prior to recordation of the final plat, all such construction shall be inspected while in progress by the City Engineer, and must be approved upon completion by the City Engineer. A certificate by such officer stating that the construction conforms to the specifications and standards contained in or referred to herein must be presented to the Planning and Zoning Commission prior to approval of the final plat.

B. If the subdivider chooses to file security in lieu of completing construction prior to final plat approval, he may utilize one of the following methods of posting security. If the subdivider chooses to file security, the plat shall not be approved unless the subdivider has done one of the following:

(1) **PERFORMANCE BOND:** Has filed with the Planning and Zoning Commission a bond executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City of Mansfield, on the form provided by the City, in an amount equal to the cost of the improvements required by this Ordinance and within the time for completion of the improvements as estimated by the City Engineer. The performance bond shall be approved as to form and legality by the City Attorney.

(2) **TRUST AGREEMENT:** Has placed on 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 site improvements required by this Ordinance, the cost and time of completion as estimated by the City Engineer. 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.

(3) **UNCONDITIONAL GUARANTEE FROM LOCAL BANK OR LOCAL FEDERALLY INSURED SAVINGS AND LOAN ASSOCIATION OR OTHER FINANCIAL INSTITUTION AS APPROVED BY THE CITY OF MANSFIELD:** Has filed with the Planning and Zoning Commission a letter on the form provided by the City, signed by a principal officer of a local bank or local federally insured savings and loan association or other financial institution, acceptable to the City of Mansfield, agreeing to pay to the City of Mansfield, on demand, a stipulated sum of money to apply to the estimated costs of installation of all improvements for which the subdivider or developer is responsible under this Ordinance. The guaranteed payment sum shall be the estimated costs and scheduling as prepared by the City Engineer. The letter shall state the name of the subdivision and shall list the improvements for which the subdivider or developer is required to provide.

C. **Guarantee of Materials and Workmanship:** The subdivider, or developer, shall require of his construction contractors, with whom he contracts for furnishing materials and installing the improvements, required under this Ordinance, 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 as amended by Ordinance 278 dated May 28, 1974.

D. If one of the above three types of security is filed by the subdivider under Paragraph B. of this Section, the City Engineer shall inspect the construction of the improvements while in progress and he shall inspect such improvements upon completion of construction. He shall reject such construction only if it fails to comply with the standards and specifications contained or referred to herein. If he rejects such construction, the City Attorney shall, on direction of the City Council, proceed to enforce the guarantees provided in this Ordinance.

E. Where good cause exists, the City Engineer may extend the period of time for completion under Paragraph B. of this Section. Such extension of time shall be reported to the Planning and Zoning Commission and recorded in the minutes. No such extension shall be granted unless security as provided in Paragraph B. has been provided by the subdivider covering the extended period of time.

SECTION 10. STANDARDS AND SPECIFICATIONS

No preliminary or final plat shall be approved by the Planning and Zoning Commission and no completed improvements shall be accepted by the City Engineer unless they conform to the following standards and specifications.

All streets and alleys shall be dedicated to the public in accordance with these requirements. No private streets will be permitted.

A. GENERAL.

(1) **CONFORMITY WITH COMPREHENSIVE MASTER PLAN.** The subdivision shall conform to the comprehensive plan of the City of Mansfield and/or Tarrant County and the parts, amendments and/or supplements thereof.

(2) **PROVISION FOR FUTURE SUBDIVISIONS.** If a tract is subdivided into parcels larger than ordinary building lots, such parcels shall be arranged to allow the opening of future streets.

(3) **RESERVE STRIPS PROHIBITED.** There shall be no reserve strips controlling access to land dedicated or intended to be dedicated to public use.

B. STREETS.

(1) PERIMETER STREETS.

(a) The owner shall be responsible for the total design and construction of all streets within its development as defined in B.(1) e. herein and one half of same, for unimproved perimeter street(s) defined; as any street(s) to owner's property.

(b) The owner shall be responsible for one half of the construction of the following width perimeter street(s) to this development;

1. When developing land zoned "FP", "A", "SF-1", "SF-2", "R-1", "R-2", "R-3", "2F", "MF", or "SP", if seven (7) or less dwelling units per net acre (defined herein as the gross acre less dedicated right of ways and easements) or "PD"

(residential) if seven (7) or less dwelling units per gross acre, owner shall be responsible for the construction of one half of a twenty-six (26) foot residential street or one half of the actual width of the proposed street to be constructed as determined by the City Engineer, whichever is less.

2. When developing land zoned "F", "A", "SF-1", "SF-2", "R-1", "R-2", "R-3", "2F", "MF", or "SP", if more than seven (7) dwelling units per net acre (defined herein as the gross acre less dedicated right of ways and easements) or "PD" (residential) if more than seven (7) dwellings per gross acre, owner shall be responsible for the construction of one half of a thirty-six (36) foot residential street or one half of the actual width of the proposed street to be constructed as determined by the City Engineer, whichever is less.
3. When developing land zoned "C-1", "C-2", "MF", "P", "O", "PD", (non-residential), "NS", "R", "C", or "CB", "LI", "I-1" or "I-2" owner shall be responsible for the construction of one half of a forty-eight (48) foot concrete street or one half of the actual width of the proposed street to be constructed as determined by the City Engineer, whichever is less.

(c) The owner shall construct all required internal and perimeter streets at the time of development unless, by the determination of the City Engineer, it is not feasible to do so. Upon such determination, the owner shall be required to furnish an amount equal to his/her share of the total construction cost plus six (6) percent of such sum for future engineering cost in escrow with the City. Such amount shall be furnished by cash payment, or cashier check, certified check or bank money order, made payable to the City of Mansfield. The time and method of such payment shall be as provided in the Subdivider's Agreement between the City of Mansfield and the owner.

(d) All streets shall be installed in accordance with the standards and specifications for street construction within the City of Mansfield.

(e) Interior Streets - The developer shall bear all of the costs of required street improvements interior to the development up to a roadway width of Forty-eight (48) feet regardless of zoning and as specified on the current Thoroughfare Plan adopted by the City Council, provided that consideration may be given by the City Council to allow the developer to install the actual road surface in accordance with the traffic need at different stages of development. Such consideration shall be incorporated as provisions of the Subdivider's Agreement.

With regard to all other costs the City shall be responsible as funds are available, including but not limited to drainage, culverts, etc. beyond the developer requirements.

(f) Exemptions to provisions of subparagraph (b) above - The Developer shall not be responsible for the construction cost of a perimeter street if:

1. The perimeter street is a farm-to-market road, or R-O-W thereof or a state highway or right-of-way thereof.

2. The development consists of no more than two lots, each of which is used for no more than one single-family dwelling.

The method of calculation of the Developers perimeter street requirement provided herein shall be by the lesser of the following three rules:

(a) Front Foot Rule - Calculated by taking the total frontage of Developer's property adjacent to a perimeter street and multiplying this linear frontage times one-half the current market value of construction per linear foot for each required width of street. This current market value of construction shall be updated and established by the City Engineer at the beginning of each new fiscal year.

(b) Square Root Rule - Calculated by multiplying one-half of the current market value of construction per linear foot for each required width of street times the square root of the area of property expressed in feet. In the case that multiple zoning is contained within the Developer's property, the current market value of construction shall be determined by calculating an average cost of construction per linear foot.

(c) .0035 Rule - Calculated by multiplying the factor .0035 times the current street cost per linear foot (one-half of the applicable street width, based on zoning) times the square footage of the plat. In the case that multiple zoning is contained within the Developer's property, the current market value of construction shall be determined by calculating an average cost of construction per linear foot.

The City shall maintain all funds presented in escrow for a period of six (6) years from the date of receipt by the City. If physical construction of the proposed street is not begun within six (6) year all funds not yet encumbered shall be returned to the developer, and may not be assigned to another except by written consent of the original developer and the City. All funds shall be maintained and accounted for by separate account.

(2) RELATION TO ADJOINING STREET SYSTEM. Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be at least as wide as such existing streets and in alignment therewith.

(3) PROJECTION OF STREETS. Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided area.

(4) HALF-STREETS OR ADJACENT STREETS. In the case of minor streets, no new half-streets shall be platted.

(5) STREET INTERSECTIONS. Street intersections shall be as nearly at right angles as practicable, giving due regard to terrain and topography. All streets, major, collector, or minor, unless otherwise approved by the Planning and Zoning Commission, shall intersect at or near 90 degree angles.

All intersections shall have a minimum of 25-foot radius at each corner.

Streets intersecting with or extending to meet an existing street shall be tied to the existing street on center line with distances and angles to show relationship.

(6) **DEAD-END STREETS.** Dead-end streets shall be prohibited except as short stubs to permit future expansion.

(7) **CUL-DE-SACS.** In general, cul-de-sacs shall not exceed 500 feet in length, and shall have a turnaround of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial and industrial areas.

(8) **MARGINAL ACCESS STREETS.** Where a subdivision has frontage on an arterial street, the Planning and Zoning Commission may require marginal access streets be provided on both sides or on the subdivision side of the arterial street, if the arterial street borders the subdivision, unless the adjacent lots back up to the arterial street, or unless the Planning and Zoning Commission determines such marginal access streets are not desirable under the facts of a particular case for adequate protection of the lots and separation of through and local traffic.

(9) **STREETS ON COMPREHENSIVE PLAN.** Where a subdivision embraces a street as shown on the comprehensive plan of the City, such street shall be platted in the location and of the location and of the width indicated by the comprehensive plan. All major arterial and secondary collector street location, alignment, right-of-way width, pavement width and cross section shall be determined by the Planning and Zoning Commission in accordance with its adopted Major Street Plan.

(10) **STREET PAVEMENT.** All streets of any type shall be paved in accordance with the Construction Standards of the City of Mansfield.

(11) **MINOR STREETS.** Minor streets shall be laid out so as to discourage their use by through traffic.

(12) **RIGHT-OF-WAY WIDTHS.** Widths of rights-of-way shall be as follows:

(a) Arterial streets shall have a minimum right-of-way width of at least 100 feet. Curves in major arterial streets shall have a center-line radius of 500 feet or more with exceptions to the standard granted by the Planning and Zoning Commission. Curves in major streets shall be separated by a minimum tangent of 100 feet.

(b) Collector streets shall have a right-of-way of at least 80 feet. Curves in secondary or collector streets shall have a center-line radius of 300 feet or more with exceptions to this standard granted by the Planning and Zoning Commission. Curves in secondary streets are to be separated by a minimum tangent of 75 feet.

(c) Where the proposed subdivision abuts upon an existing street or half-street that does not conform to Paragraphs (a) and (b) above, the subdivider shall dedicate right-of-way sufficient to make the full right-of-way width conform to such Paragraphs.

(d) Minor streets shall have a right-of-way of at least 60 feet, with exceptions of 50-foot widths an ultimate length of less than 800 feet. Curves in minor streets shall be a minimum center-line radius of 300 feet. Curves in minor streets shall be separated by a minimum tangent of 50 feet.

- (e) Nonresidential marginal access streets shall have a right-of-way of at least 50 feet.
- (f) Residential marginal access streets, where required, shall have a right-of-way width of at least 40 feet.

(13) **CURBS AND GUTTERS.** Curbs and gutters shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision in accordance with City of Mansfield Construction Standards.

(14) **STREET NAMES.** 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.

(15) **STREET LIGHTS.** Street lights shall be installed by the subdivider at all street intersections within the subdivision in accordance with Construction Standards of the City of Mansfield.

C. ALLEYS.

(1) **WIDTH AND PAVING.** Alleys of not less than 20 feet in the right-of-way width and pavement width shall be installed by the subdivider in all business and industrial areas. Alleys are optional in residential areas but where alleys are provided, shall be not less than 20 feet in right-of-way width, with a paved surface in accordance with City of Mansfield Standards of Construction. Alleys shall be approximately parallel to the frontage of the street.

(2) **INTERSECTING ALLEYS OF UTILITY EASEMENTS.** Where two alleys or utility easements intersect or turn at a right angle, a cutoff of not less than 10 feet from the normal intersection of the property or easement line shall be provided along each property or easement line.

(3) **DEAD-END ALLEYS.** Dead-end alleys shall not be permitted.

(4) **ALLEYS WHICH DO NOT CONNECT ON A STRAIGHT COURSE.** If alleys are not themselves straight within each block, or if the same do not connect on a straight course with the alleys of adjoining blocks, then an easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way of alleys.

D. UTILITY EASEMENTS.

(1) Each block that does not contain an alley as provided for in Paragraph C. of this Section shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be 20 feet in width taking 10 feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block.

(2) The location and width of sanitary sewer system, water, storm sewer, electrical, anchor, or other City utility easements shall be determined by the City Engineer.

(3) Where easements are required for other than public utilities, then the location and width shall be acceptable to the private utility company concerned with the approval of the Planning and Zoning Commission.

(4) Where any public or private utility line is required to be adjusted in location or elevation, then the developer shall cause such changes to be made with the approval of the City Engineer.

(5) Where the proposed subdivision adjoins an unplatted area, and a utility easement is dedicated on the unplatted property, then the owner and/or lien holder shall join in the dedication of the easement.

(6) Normal curb exposure shall be required where utility easements intersect streets.

(7) Where utility easements are not themselves straight within each block, or if the same do not connect on a straight course with the utility easements of adjoining blocks, then an additional easement shall be provided for the placing of guy wires on lot division lines in order to support poles set on curving or deviating rights-of-way or alleys.

E. SIDEWALKS. Sidewalks, of minimum 4-foot width, in accordance with construction standards of the City of Mansfield, shall be installed by the developer as follows:

(1) On the subdivision side, or sides, of all major thoroughfares, or arterial streets.

(2) On the subdivision side, or sides, of all secondary or collector streets.

(3) On the residence side, or sides, of all marginal service streets where such service streets parallel major thoroughfares, or arterial streets, adjacent to or within a subdivision.

(4) As deemed necessary by the Planning and Zoning Commission in commercial, industrial, public grounds, and multi-family dwelling areas.

F. WATER INSTALLATIONS

(1) WATER SUPPLY AND DISTRIBUTION. All subdivisions shall be provided with water supply and water distribution systems approved by the City Engineer in accordance with City of Mansfield Standards of Construction.

(2) FIRE HYDRANTS. Standard fire hydrants shall be installed as part of the water distribution system per specifications of the State Board of Insurance and in accordance with City of Mansfield Standards of Construction.

G. SEWERS.

(1) All subdivisions shall be provided with an approved sewage disposal system approved by the City Engineer in accordance with City of Mansfield Standards of Construction.

(2) Connection with the sanitary sewer system shall be required except where the City Engineer determines that such connection will require unreasonable expenditures when compared with other methods of sewer disposal. Where septic tanks are installed, the

subdivider shall conduct percolation tests under the supervision of the City Engineer in order to determine the adequacy of proposed lot sizes. If a sanitary sewage disposal system is to be installed, the plans for such system must be approved by the Texas State Health Department, prior to approval of the final plat by the Planning and Zoning Commission.

H. UTILITY LINES. All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least 3 feet beyond the edge of the pavement.

I. MONUMENTS

(1) All block corners, angle points, and points of curve, and all corners of boundary lines of the subdivision shall be with concrete monuments.

(2) The exact intersection point on the monument shall be marked by a 3/4 inch diameter galvanized iron pipe 3 feet in length with the top of the pipe one inch (1") above the top of the concrete which shall be flush with the existing ground surface.

(3) 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 1/2 inch in diameter by 2 feet long driven nearly flush with the ground or counter-sunk slightly to avoid being disturbed.

(4) 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.

J. DRAINAGE.

(1) EASEMENT. Where a subdivision is traversed by a water course, drainage way, natural channel or stream there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus additional width to accommodate future needs. Drainage easements shall be determined by the City Engineer both as to location and width.

(2) DRAINAGE FACILITIES. Drainage facilities shall be provided and constructed as specified by the City Engineer in accordance with City of Mansfield Standards of Construction.

K. BLOCKS. Block length shall not exceed 1,200 feet, except along major thoroughfares. Maximum block lengths along a major street shall be 1,600 feet except under special conditions determined by the Planning and Zoning Commission.

L. CROSSWALK WAYS. Crosswalk ways 6 feet in width shall be dedicated where deemed necessary by the Planning and Zoning Commission to provide circulation or access to schools, playgrounds, shopping centers, and transportation and other community facilities, or to provide

pedestrian circulation within the subdivision. Crosswalk ways shall be provided with a concrete sidewalk 6 feet wide.

M. MINIMUM LOT SIZES.

- (1) Rectangular residential lots shall have a width of at least 50 feet.
- (2) Rectangular business lots shall have a width of at least 25 feet.
- (3) All lots shall have a depth of at least 100 feet, unless otherwise approved by the Planning and Zoning Commission.
- (4) Radial residential lots shall have a minimum width of 50 feet frontage on the street. Business lots shall have at least 25 feet.
- (5) Residential lots shall have a minimum of 6,000 square feet.
- (6) Corner residential lots shall have a minimum width 15 feet greater than the adjacent lot except on a major street, then they shall have a width 30 feet greater than the width of the adjacent lot.
- (7) Lots facing a major street shall be at least 20 feet deeper than average interior lot depths facing a minor street.
- (8) In general, lots on one side of a street shall not be offset from the lots on the opposite side of the street.
- (9) Each lot shall front upon a public street. Lots of irregular shape shall have a frontage of at least 50 feet.
- (10) Side of lot lines shall be substantially at right angles to straight street lines and radial to curved street lines.

N. SCREENING WALL

- (1) When residential subdivisions are platted so that the side or rear yard of the subdivision lots are adjacent to a highway frontage road or an existing or proposed four-lane-undivided or larger thoroughfare as shown in the City's most recent Thoroughfare Plan, a screening wall shall be provided along said frontage road or thoroughfare according to the following requirements:
 - (a) Height - A minimum of six (6) feet and a maximum of eight (8) feet as measured at the highest finished grade.
 - (b) Exemption -- The screening wall requirement shall not apply when a residential subdivision is platted so that the side or rear yard setback adjacent to said highway frontage road or thoroughfare is seventy-five (75) feet or greater. Further, in exceptional cases, the Planning and Zoning Commission may grant a variance or

modify the screening wall requirement described herein. A wood stockade fence shall not be erected along said highway frontage road or thoroughfare if a residential subdivision is exempted from the screening wall requirement described herein.

(c) Location - the screening wall required herein shall be located entirely on private property. No part of the wall shall be in the public right-of-way.

(d) Construction Material - Only brick, stone, decorative or split-face block shall be used with the exception that a reinforced concrete wall may be used provided it has the same appearance and durability as brick, stone, decorative or split-face block. Wrought iron may be incorporated into the construction material provided that it is not used within the first five feet of the screening wall elevation as measured from the ground up. Other alternate construction materials are permitted provided that they are explicitly authorized by the Planning and Zoning Commission.

(e) Construction Design - The screening wall shall be placed on an appropriate structural footing. Columns shall be expressed at a minimum of ten (10) feet and a maximum of thirty-five (35) feet on center and shall be taller than the remainder of the screening wall. Construction and location details shall be provided and sealed by a registered professional engineer or architect. Said screening wall construction and location details shall be submitted in conjunction with the final plat, but do not have to be part of the construction plans for public improvements.

(f) Color and Exterior Finish - When walls are built in sections, the color and exterior finish shall be as closely similar as possible, but shall, in no case, be incompatible. The screening wall shall be equally finished on both sides.

(g) Openings - No openings or any kind shall be permitted except for approved intersecting streets, openings at the bottom of the screening wall for drainage purposes, and the wrought iron construction material as decried hereinabove.

(h) Mow Edge - A continuous reinforced concrete mow edge with a minimum width of six (6) inches shall be provided along the street side of the screening wall. Mow edges shall have a minimum thickness of four (4) inches and shall be reinforced with a minimum of two (2) steel reinforcing bars three-eighths (3/8) in diameter, running continuously through such mow edge.

(i) Completion Time - The required screening wall shall be in place before the acceptance of the subdivision. The developer may submit performance bond and payment bond in lieu of completing the wall before the acceptance of the subdivision. The performance bond and payment bond must be executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City Engineer, in an amount equal to the construction cost of the screening wall and within the time for completion as estimated by the City Engineer.

(j) Intersection Visibility Obstruction - 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 all street intersections, clear view shall be

maintained across the lot for a distance of twenty-five feet (25') back from the corner of the lot along both streets..

(k) Maintenance Responsibility - The developer of a residential subdivision shall create a mandatory homeowners association, which shall be responsible for maintaining the screening wall required herein and the parkway between said wall and the curb or street pavement. The association's document must indicate that the screening wall is privately owned and maintained by the association, and that the City has no obligation to maintain the screening wall. If the homeowners association fails to maintain said screening wall and parkway, the City shall have the right to levy an assessment for the expense of the needed repairs or maintenance. Said assessment shall constitute as 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. 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 longterm maintenance of the screening wall. The developer will remain responsible for ensuring that some longterm maintenance system is created to meet the intent of this section. The developer shall be free to propose to the Planning & Zoning Commission, in writing, an alternate approach which may involve any method that the Planning & Zoning Commission and City Council ultimately determine to provide at least as much guarantee of longterm maintenance as the requirement of creating a Homeowner's Association would provide.

(2) When residential subdivisions are platted so that an alley is parallel to and adjacent to a public street, a screening wall shall be erected by the developer between the alley and the street according to the above requirements. The maintenance of the screening wall and parkway shall be in accordance to the provisions in the paragraph above.

(3) A screening wall shall be provided according to the above requirements when a final plat is approved for a multi-family residential development adjacent to a highway frontage road or an existing or proposed four-lane-undivided or larger thoroughfare 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 is completed. The screening wall shall be maintained by the owner of the multi-family development. If the owner fails to maintain the screening wall, 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 II. RESPONSIBILITY FOR STREET AND UTILITIES INSTALLATION

A. In general, the subdivider or developer shall be required to construct, at his expense, all streets, alleys, sidewalks, cross-walks, sanitary sewers, sewage lift stations, septic tanks or other sewage facilities, water mains, and water systems, drainage culverts, storm sewers, bridges, street lights and other appurtenances in strict accordance with the Construction of Standards of the City of Mansfield, necessary and required to adequately serve the subdivision or addition to be developed by him.

B. All 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.

C. Upon the passage of this Ordinance, it will be the policy of the City of Mansfield to participate with the developer in the cost of construction of such facilities where sizes and capacities of facilities are required to service urban development of a larger area than that being subdivided or areas extending beyond the limits of the proposed subdivision to the extent hereinafter set forth; but the City reserves the right to consider each facility on its own merits.

SECTION 12. PARKS, PLAYGROUNDS, SCHOOLS AND OTHER PUBLIC FACILITIES.

A. PARKS AND PLAYGROUNDS. The location, size and shape of any proposed park or playground shall be in accordance with the Master Plan of the City of Mansfield and/or Tarrant County as amended or supplemented, as approved by the Planning and Zoning Commission and finally accepted by the City Council.

B. SCHOOLS. The location, size and shape of any proposed school site shall be in accordance with the Master Plan of the City of Mansfield and/or Tarrant County as amended or supplemented, as approved by the Planning and Zoning Commission and finally accepted by the City Council.

C. PUBLIC FACILITIES AND OTHER SPECIAL LAND USES. The location, size and shape of any proposed public facility or other special land use site shall be in accordance with the Master Plan for the City of Mansfield and/or Tarrant County, as amended and supplemented, as approved by the Planning and Zoning Commission and finally accepted by the City Council.

D. The disapproval of any proposed park, playground, school, public facility or other special land use site, as above described, by the Planning and Zoning Commission and/or the City Council shall be deemed a refusal by the proper authority to accept the offered dedication.

SECTION 13. WHERE SUBDIVISION IS UNIT OF A LARGER TRACT

Where the proposed subdivision constitutes a unit of a larger tract owned by the subdivider, which is intended to be subsequently subdivided as additional units of the same subdivision, the preliminary and final plats shall be accompanied by a layout of the entire area, showing the tentative proposed layout of streets, blocks, drainage, water, sewage, and other improvements for such area. The overall layout, if approved by the Planning and Zoning Commission, shall be attached to and filed with a copy of the approved subdivision plat in the

permanent files of the City Engineer. Thereafter, plats of subsequent units of such subdivision shall conform to such approved overall layout, unless changed by the Planning and Zoning Commission. However, except where the subdivider agrees to such change, the Planning and Zoning Commission may change such approved overall layout only when the Planning and Zoning Commission finds:

- (1) That adherence to the previously approved overall layout will hinder the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance: or
- (2) That adherence to the previously approved overall layout will be detrimental to the public health, safety or welfare, or will be injurious to other property in the area.

SECTION 14. REGULATIONS FOR "TOWNHOUSE SUBDIVISION"

A. DEFINITIONS

- (1) TOWNHOUSE: The term "townhouse" and "row house" shall be used interchangeably and shall mean a structure which is one of a series of dwelling units designed for single family occupancy, which are connected or immediately adjacent to each other.
- (2) TOWNHOUSE SUBDIVISION: The term "townhouse subdivision" shall apply to those developments in which it is proposed to partition land into individual lots and construct townhouses which may be individually owned and where the minimum lot sizes are to be less than those required under Section 10 of this Ordinance.
- (3) INTERIOR STREET: The term "interior street" shall apply to public streets not more than 600 feet long within a "townhouse subdivision", which streets are located and designed to serve a limited area within such subdivision and shall not serve other properties outside the subdivision.
- (4) ACCESS STREET: The term "access street" shall apply to those public streets within or bounding a "townhouse subdivision" which serve a townhouse subdivision and other adjacent property.
- (5) OPEN SPACE: The term "open space" shall apply to private property under common ownership designated for recreation area, private park, plat lot area, plaza area, building setbacks and ornamental area open to general view within the subdivision. Open space does not include streets, alleys, utility easements, required building setbacks.

B. REQUIREMENTS

- (1) GENERAL. All those persons proposing or intending to develop a "townhouse subdivision" within the City of Mansfield or within its area jurisdiction shall comply with the procedural requirements set out in Section 6 through 9 of this Ordinance.
- (2) STREETS:
 - (a) Interior streets, if dedicated to public use shall have a minimum right-of-way width of 55 feet and shall be developed with a minimum of 36 foot paving section with

concrete curbs and gutters in accordance with City of Mansfield Construction Standards.

(b) Access streets shall have a minimum right-of-way width of 50 feet and shall be developed with a minimum 32 foot pavement section.

(c) All "townhouse subdivisions" shall have direct access streets to at least one dedicated and accessible public street having a right-of-way width of not less than 50 feet.

(d) Alleys shall have a minimum right-of-way of 20 feet and shall be developed with a concrete pavement in accordance with City of Mansfield Construction Standards.

(3) BUILDING SETBACK LINES:

(a) Building setback lines of 20 feet shall be required on all lots fronting or backing on an access street.

(b) Building setback lines of 20 feet shall be required on all lots siding on access streets or upon a plat boundary.

(c) No building setback lines shall be required on the sides of lots abutting interior streets, except where traffic safety or other factors necessitate the establishment of such setbacks.

(d) Where townhouse lots and dwelling units are designed to face upon an open or common access court rather than upon a public street, said open or common court shall be at least forty feet (40') wide and not more than two hundred feet (200') long, measured from the public street upon which the court must open. Said court may not include vehicular drives or parking area in front of dwelling units.

(4) LOTS:

(a) Lot area shall be a minimum of 2,500 square feet.

(b) Lot width shall be a minimum of 25 feet.

(c) Dwelling units may be constructed up to side lot lines, and openings shall not face a side lot line unless the side wall of the dwelling unit is at least 10 feet from the side lot line.

(d) Lot size may be reduced under the provision that open space, as defined herein, be dedicated according to the following schedule:

For every 100 square feet of open space per lot provided, the minimum lot area may be reduced by 200 square feet. No lot shall, however, have a lot area of less than 2,000 square feet, and a width of less than 25 feet.

OPEN SPACE <u>Per Dwelling</u>	MINIMUM <u>Lot Area</u>
0	2,500 sf
100	2,300 sf
200	2,100 sf
250	2,000 sf

(5) UTILITIES: All utilities such as sanitary sewer, water, gas, telephone, T.V. cable and electrical, shall be placed underground.

SECTION 15. AUTHORITY OF THE CITY ENGINEER.

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 file same with the Planning and Zoning Commission for approval, and thereafter, file with the City Clerk at least 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 Clerk at least 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 16. LARGE SCALE NEIGHBORHOOD DEVELOPMENT

The standards and requirements of the regulations contained in this Ordinance may be modified by the Planning and Zoning Commission in the case of a plan and program of development of a new town, a complete large residential community of neighborhood unit, or mass housing project, which contains adequate provisions for circulation, recreation, light, air and service needs of the tract when fully developed and populated and equal to or better than the detailed requirements of these regulations in this Ordinance and which also provides such covenants or other legal provisions as will assure conformity to the Master Plan of the City of Mansfield and/or Tarrant County.

SECTION 17. DEDICATIONS AND CERTIFICATES

A. Dedications of streets, alleys, easements and public use sites shall be according to the most recent forms in use by the City of Mansfield and as directed by the City Engineer.

B. All owners and/or lien holders must join in the dedication.

C. If any plat or replat is disapproved by the City Planning and Zoning Commission for any reason, then such disapproval shall be deemed a refusal by the City of Mansfield to accept the offered dedication shown on the plat thereof or to accept any planned or completed improvements within the area covered by any such plat or replat.

SECTION 18. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed to the extent of said conflict.

SECTION 19. SEVERABILITY OR SEPARABILITY CLAUSE

Should any portion or part of this Ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid conditions hereof shall remain in full force and effect.

SECTION 20. PENAL PROVISIONS

Any person violating any provision of this Ordinance within the corporate limits of the City of Mansfield, Texas, or within its area of extraterritorial jurisdiction, shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this Ordinance.

This Ordinance shall be effective from and after publication as required by the City Charter.

PASSED AND APPROVED this 13th day of May, A.D., 1969.

ATTEST:

SIGNED:

Mary B. Johnston

Thomas Y. Watson

AN ORDINANCE AMENDING SECTION 12 OF ORDINANCE NO. 213, CITY OF MANSFIELD, SO AS TO PROVIDE FOR THE DEDICATION OF A PORTION OF A SUBDIVISION FOR USE AS PUBLIC PARKS AND PLAYGROUNDS; PROVIDING FOR THE DEVELOPMENT OF SUCH DEDICATED PROPERTY IN ACCORDANCE WITH AN APPROPRIATELY APPROVED PROGRAM; PROVIDING THAT SUCH DEDICATION SHALL BE IN ADDITION TO PROPERTY OTHERWISE DEDICATED FOR PUBLIC USE IN SAID SUBDIVISION; DEFINING A "DWELLING UNIT"; PROVIDING FOR RATIFICATION AND READOPTION OF ORDINANCE NO. 213; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, it is in the interest of the public peace, health and welfare that appropriate provision be made in the subdivision and development of property within the City of Mansfield for areas to be developed and utilized as public parks and playgrounds, and

WHEREAS, acquisition of property for utilization as public parks and playgrounds for the City of Mansfield can best be implemented by the dedication and setting aside of appropriate property at the time designated tracts are subdivided and initial development undertaken, and

WHEREAS, in order to facilitate comprehensive planning for parks, public areas, grounds and open spaces, it is necessary that the standard be established and implemented.

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

SECTION 1:

Ordinance 213, Section 12, of the City of Mansfield is amended so as to add the following provision to Section 12 which addition shall be designated as Section 12(E):

Section 12 . . .

E. A subdivision shall include an area of not less than .02 acre per contemplated dwelling unit

or an area extending an average of 50 feet from and parallel to each cutbank of any creek or stream (as same is reflected in the January, 1970, Master Plan Drainage System Map, which map is specifically incorporated into and made a part of this ordinance) whichever area is greater, which property shall be dedicated for use as public parks and playgrounds. In the event the subdivision is traversed by any creek, stream or waterway, dedication of property contiguous thereto as above provided shall have priority.

(1) Development and improvement of any such land dedicated as herein provided shall be in accordance with a program duly approved by the City of Mansfield Planning and Zoning Commission, Park Commission and City Council.

(2) Dedication of property as above provided shall be in addition to any area otherwise dedicated for or intended for use as streets, alleys, utility or other easements or public buildings.

(3) For purposes of this section, a "dwelling unit" shall mean one unit or living area as is intended for occupancy by persons. Such dwelling unit may be enclosed within a single building, as in the case of a single family residence, or contiguous to other like units, as in the case of multiple family or apartment structures.

SECTION 2:

Except as otherwise herein provided, Ordinance No. 213, City of Mansfield, is in all respects hereby ratified, confirmed and readopted.

SECTION 3:

Should any portion or part of this Ordinance be held for any reason invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect.

SECTION 4:

This Ordinance shall be effective from and after the date of its passage and publication as required by law.

PASSED AND ADOPTED this 26th day of June,
1973.

THE CITY OF MANSFIELD

By Thomas Y. Watson
Thomas Y. Watson, Mayor

WITNESSETH:

Mary B. Johnston
City Secretary

RESOLUTION NO. 308

Effective 1/13/87

A RESOLUTION REVISING FEES FOR SUBMISSION OF ZONING AMENDMENT, PLATS, BOARD OF ADJUSTMENT APPLICATIONS AND OTHER SERVICES RENDERED BY THE PLANNING AND DEVELOPMENT DIVISION OF THE CITY OF MANSFIELD.

WHEREAS, the City Council of the City of Mansfield, Texas, desires to insure that all costs incurred by the City to provide proper review for zoning amendments, plats, Board of Adjustment applications, as well as other services offered by the Planning and Development Division of the City are reimbursed;

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

Section 1.

The following list of fees shall be required with the submission of all plats, zoning amendments and Board of Adjustment applications, as well as requests for services rendered by the Planning and Development Division of the City;

Amendment of Zoning Ordinance and Zoning Map

\$1,000 + \$40 per Multi-family, residential or non-residential acre
(Maximum \$5,000)

Board of Adjustment

\$250.00

Preliminary or Final Plat

\$375 + \$25 per acre

Revised or Corrected Plat

\$375 + \$25 per acre with property owner notification
\$200 + \$25 per acre without property owner notification

Plat Vacation

\$200

Easement Abandonment

\$200

Postponement of Public Hearing

The applicant shall reimburse the City for all costs related to the requested postponement, including but not limited to costs incurred for advertisement, notification, printing and staff time, etc; said reimbursement shall take place prior to the rescheduled public hearing.

Section 2.

All fees previously set for the items or services listed in Section 1 above are hereby repealed.

Section 3.

The fees shall be non-refundable and shall be required on all submissions and requests for services unless waived by the City Council.

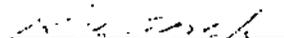
Section 4.

Should the actual cost of review and processing plats, zoning amendments, Board of Adjustment applications, and providing services exceed the amount of fees listed in Section 1 above, the applicant(s), person(s), or firm(s) requesting approval or service(s) shall be required to reimburse the City for any additional cost.

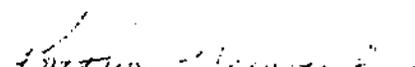
Section 5.

The above fees shall become effective on all submissions and requests for services after January 12, 1987.

PASSED AND ADOPTED this 12th day of January, 1987.


Bobby F. Block, Mayor

ATTEST:


Kathryn Howard, City Secretary

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MANSFIELD (1978) AS AMENDED, BY AMENDING SECTION 7-C AND SECTION 8-B-(5) OF APPENDIX B (THE SUBDIVISION ORDINANCE, BEING ORDINANCE NO. 213, DATED MAY 13, 1969, AND AMENDMENTS THERETO ON FILE IN THE OFFICE OF THE CITY SECRETARY); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF PROVISIONS IN CONFLICT HERewith; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENAL CLAUSE; DIRECTING PUBLICATION OF THE CAPTION AND NAMING AN EFFECTIVE DATE.

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

SECTION 1.

That Section 7-C of Appendix B of the Code of the City of Mansfield, Texas (1978), as amended, (The Subdivision Ordinance, being Ordinance No. 213, dated May 13, 1969, and amendments thereto on file in the office of the City Secretary) and reading as follows:

"SECTION 7. PRELIMINARY PLAT AND ACCOMPANYING DATA

x x x

"C. FILING FEES. Such plat shall be accompanied by a filing fee of \$10.00 per plat, plus \$0.25 per lot. The fee shall be \$2.00 per acre for multiple dwelling area, commercial and/or industrial districts, and other areas not subdivided into lots. No action by the Planning and Zoning Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved. Filing fees shall be made by check made payable to the City of Mansfield, Texas, and given to the City Engineer or the Planning and Zoning Director with whom the plat is filed at the time the plat is filed."

shall be and is hereby amended and after such amendment shall read as follows:

"SECTION 7. PRELIMINARY PLAT AND ACCOMPANYING DATA

x x x

"C. FILING FEES. Such plat shall be accompanied by a filing fee as follows:

Preliminary Application Fee:

Lots: \$150 per plat plus \$2 per lot (20 lots or less)
\$200 per plat plus \$2 per lot (21 lots or more)

Acreage: \$150 per plat plus \$10 per acre (less than 3 acres)
\$200 per plat plus \$20 per acre (more than 3 acres)

No action by the Planning and Zoning Commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved. Filing fees shall be made by check made payable to the City of Mansfield, Texas, and given to the City Engineer or the Planning and Zoning Director with whom the plat is filed at the time the plat is filed."

SECTION 2.

That Section 8-B-(5) of Appendix B of the Code of the City of Mansfield, Texas (1978), as amended, (The Subdivision Ordinance, being Ordinance No. 213, dated May 13, 1969, and amendments thereto on file in the office of the City Secretary) and reading as follows:

"SECTION 8. FINAL PLAT

X X X

B. PROCESSING THE FINAL PLAT

X X X

(5)When the final plat is filed with the Planning and Zoning Commission for approval, it shall be accompanied by the following fees:

(a)\$10.00 per plat

(b)For multiple dwelling areas, commercial and/or industrial districts and other areas not subdivided into lots the fee shall be \$2.00 per acre.

(c)A check or checks payable to the City of Mansfield in the amount of the recordation fee for filing the final plat."

shall be and is hereby amended and after such amendment shall read as follows:

"SECTION 8. FINAL PLAT

X X X

B. PROCESSING THE FINAL PLAT

X X X

(5)When the final plat is filed with the Planning and Zoning Commission for approval, it shall be accompanied by the following fees:

Final Application Fee: Same as Preliminary

Plat Revisions: \$100 for a plat adjustment in boundaries, building lines or other minor features.

The maximum charge is \$1500 for a combined preliminary and final plat of a major subdivision or a minor subdivision.

A check or checks payable to the City of Mansfield in the amount of the recordation fee for filing the final plat."

SECTION 3.

This Ordinance shall and does hereby amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this Ordinance shall be and is hereby made cumulative.

SECTION 4.

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

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MANSFIELD (1978) AS AMENDED, BY AMENDING SECTION 10-D-(1) OF APPENDIX B (THE SUBDIVISION ORDINANCE, BEING ORDINANCE NO. 213, DATED MAY 13, 1969, AND AMENDMENTS THERETO ON FILE IN THE OFFICE OF THE CITY SECRETARY); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF PROVISIONS IN CONFLICT HEREWITH; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENAL CLAUSE; DIRECTING PUBLICATION OF THE CAPTION AND NAMING AN EFFECTIVE DATE.

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

Section 1

That Section 10-D-(1) of appendix B of the Code of the City of Mansfield, Texas (1978), as amended, (The Subdivision Ordinance, being Ordinance No. 213, dated May 13, 1969, and amendments thereto on file in the office of the City Secretary) and reading as follows:

"Section 10. STANDARDS AND SPECIFICATIONS

XXX

D. UTILITY EASEMENTS

(1) Each block that does not contain an alley as provided for in Paragraph C. of this Section shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be 20 feet in width taking 10 feet from each lot where the rear of two lots abut each other and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block."

shall be and is hereby amended and after such amendment shall read as follows:

"Section 10. STANDARDS AND SPECIFICATIONS

XXX

D. UTILITY EASEMENTS

(1) Each block that does not contain an alley as provided for in Paragraph C. of this Section shall have a utility easement at the rear of all lots reserved for the use of all public utility lines, conduits, and equipment. These utility easements shall be 15 feet in width taking 7.5 feet from each lot where the rear of two lots abut each other, and shall be continuous for the entire length of the block. These easements shall parallel as closely as possible the street line frontage of the block."

Section 2

This ordinance shall and does hereby amend and/or repeal every prior ordinance or rule or regulation or policy in conflict herewith, but as to all other ordinances or rules or regulations or policies not in

in conflict herewith, this ordinance shall be and is hereby made cumulative.

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 voidness, 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 herein of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

Section 4

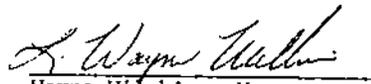
Any person violating any provision of this Ordinance within the corporate limits of the City of Mansfield, Texas, or within its area of extraterritorial jurisdiction, shall be guilty of a misdemeanor, and, upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00). Each day that such violation continues shall be a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this Ordinance.

Section 5

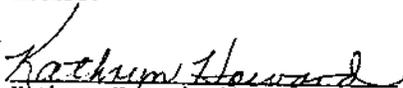
PASSED AND ADOPTED on the first reading this 23rd day of July, 1984.

PASSED AND ADOPTED on the second reading this 13th day of August, 1984.

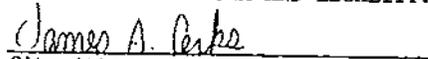
PASSED AND ADOPTED on the third and final reading this 27th day of August, 1984.


Wayne Wilshire, Mayor

ATTEST:


Kathryn Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY:


City Attorney

ORDINANCE NO. 588

AN ORDINANCE AMENDING ORDINANCE NO. 213 SUBDIVISION CONTROL OF THE CODE OF THE CITY OF MANSFIELD, TEXAS BY THE AMENDMENT OF SECTION 10, B-1 REGARDING DEVELOPER CONSTRUCTION RESPONSIBILITY FOR PERIMETER STREETS; PRESCRIBING A PENALTY FOR VIOLATION HEREOF; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITIES; PROVIDING FOR INJUNCTION; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1.

Ordinance No. 213 "Subdivision Control" of the City of Mansfield, Texas is hereby amended by the amendment of Section 10, B-1 thereof, so that hereafter the same shall be and read as follows:

SECTION 10. STANDARDS AND SPECIFICATIONS

B. STREETS

(1) PERIMETER STREETS.

(a) The owner shall be responsible for the total design and construction of all streets within its development as defined in B. (1) e. herein and one half of same, for unimproved perimeter street(s) defined; as any street(s) adjacent to owner's property.

(b) The owner shall be responsible for one half of the construction of the following width perimeter street(s) to this development;

1. When developing land zoned "FP", "A", "SF-1", "SF-2", "R-1", "R-2", "R-3", "2F", "MF", or "SP", if seven (7) or less dwelling units per net acre (defined herein as the gross acre less dedicated right of ways and easements) or "PD" (residential) if seven (7) or less dwelling units per gross acre, owner shall be responsible for the construction of one half of a twenty-six (26) foot residential street or one half of the actual width of the proposed street to be constructed as determined by the City Engineer, whichever is less.

2. When developing land zoned "FP", "A", "SF-1", "SF-2", "R-1", "R-2", "R-3", "2F", "MF", or "SP", if more than seven (7) dwelling units per net acre (defined herein as the gross acre less dedicated right of ways and easements) or "PD", (residential) if more than seven (7) dwelling units per gross acre, owner shall be responsible for the construction of one half of a thirty-six (36) foot residential street or one half of the actual width of the proposed street to be constructed as determined by the City Engineer, whichever is less.

3. When developing land zoned "C-1", "C-2", "MF", "P", "O", "PD", (non-residential), "NS", "R", "C", or "CB", "LI", "I-1" or "I-2" owner shall be responsible for the construction of one half of a forty-eight (48) foot concrete street or one half of the actual width of the proposed street to be constructed as determined by the City Engineer, whichever is less.

(c) The owner shall construct all required internal and perimeter streets at the time of development unless, by the determination of the City Engineer, it is not feasible to do so. Upon such determination, the owner shall be required to furnish either an irrevocable letter of credit or an amount equal to his/her share of the total construction cost plus six (6) percent of such sum for future engineering cost in escrow with the City, (the time and method of such payment shall be as provided in the

Subdivider's Agreement between the City of Mansfield and the owner). Any letter of credit must be issued as a liability of an approved chartered bank of the State of Texas in such form as may be required by the City Council. Should the letter of credit have an expiration date less than the period specified in Section 3 herein, Developer shall be required to renew each letter of credit at least fifteen (15) days prior to each expiration date during the entire six year period. Such assurances set forth herein shall be provided upon execution of a subdivider's agreement.

- (d) All streets shall be installed in accordance with the standards and specifications for street construction within the City of Mansfield.
- (e) Interior Streets - The developer shall bear all of the costs of required street improvements interior to the development up to a roadway width of Forty-eight (48) feet regardless of zoning and as specified on the current Thoroughfare Plan adopted by the City Council, provided that consideration may be given by the City Council to allow the developer to install the actual road surface in accordance with the traffic need at different stages of development. Such consideration shall be incorporated as provisions of the Subdivider's Agreement.

With regard to all other costs the City shall be responsible as funds are available, including but not limited to drainage, culverts, etc. beyond the developer requirements.

Section 2.

The method of calculation of the Developers perimeter street requirement provided herein shall be by the lesser of the following three rules:

- (a) Front Foot Rule - Calculated by taking the total frontage of Developer's property adjacent to a perimeter street and multiplying this linear frontage times one-half the current market value of construction per linear foot for each required width of street. This current market value of construction shall be updated and established by the City Engineer at the beginning of each new fiscal year.
- (b) Square Root Rule - Calculated by multiplying one-half of the current market value of construction per linear foot for each required width of street times the square root of the area of property expressed in feet. In the case that multiple zoning is contained within the Developer's property, the current market value of construction shall be determined by calculating an average cost of construction per linear foot.
- (c) .0035 Rule - Calculated by multiplying the factor .0035 times the current street cost per linear foot (one-half of the applicable street width, based on zoning) times the square footage of the plat. In the case that multiple zoning is contained within the Developer's property, the current market value of construction shall be determined by calculating an average cost of construction per linear foot.

Section 3.

The City shall maintain all funds presented in escrow for a period of six (6) years from the date of receipt by the City. If physical construction of the proposed street is not begun within six (6) years all funds not yet encumbered shall be returned to the developer, and may not be assigned to another except by written consent of the original developer and the City. All funds shall be maintained and accounted for by separate account.

Provided that the type of assurance utilized is that of an irrevocable letter of credit the Developer upon cancellation of a letter of credit shall be required to furnish a equivalent amount to be held by the City in escrow in fulfillment of obligations for the remainder of the six (6) year period.

Section 4.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed TWO HUNDRED AND NO/100 (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 5.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mansfield, Texas, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of the ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Section 6.

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional such holding shall not affect the validity of the remaining portions of this ordinance.

Section 7.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Mansfield, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 8.

Any violation of this ordinance can be enjoined by suit filed in the name of the city of Mansfield in a court of competent jurisdiction, and this remedy shall be an addition to any penal provision in this ordinance or in the Code of the City of Mansfield.

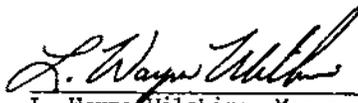
Section 9.

This ordinance shall become effective from and after its final adoption and publication as required by law; provided that, any requirements put forth herein shall not apply to any development for which a final plat has been approved.

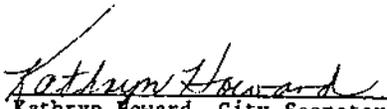
PASSED AND ADOPTED on the first reading this 18 day of December, 1984.

PASSED AND ADOPTED on the second reading this 14 day of January, 1985.

PASSED AND ADOPTED on the third and final reading this 28 day of January, 1985.


L. Wayne Wilshire, Mayor

ATTEST:


Kathryn Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY:


James A. Cerka, City Attorney

AN ORDINANCE AMENDING ORDINANCE NO. 213 SUBDIVISION CONTROL OF THE CODE OF THE CITY OF MANSFIELD, TEXAS BY THE AMENDMENT OF SECTION 10, B-1 AND ORDINANCE NO. 588 IS HEREBY AMENDED BY ADDING SUBPARAGRAPH (F) TO SECTION 1 REGARDING THE EXEMPTION OF CERTAIN DEVELOPER'S RESPONSIBILITY FOR PERIMETER STREETS; PRESCRIBING A PENALTY FOR VIOLATION HEREOF; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITIES; PROVIDING FOR INJUNCTION; PROVIDING FOR PUBLICATION AND ESTABLISHING AN EFFECTIVE DATE.

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

SECTION 1.

Section 10, B-1, Ordinance No. 213 "Subdivision Control" of the city of Mansfield, Texas is hereby amended by adding the following new subparagraph at the end thereof and Ordinance No. 588 is hereby amended by adding subparagraph (f) to Section 1:

- (f) Exemptions to provisions of subparagraph (b) above - The Developer shall not be responsible for the construction cost of a perimeter street if:
1. The perimeter street is a farm-to-market road, or R-O-W thereof or a state highway or right-of-way thereof.
 2. The development consists of no more than two lots, each of which is used for no more than one single-family dwelling.

Section 2.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed TWO HUNDRED AND NO/100 (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

Section 3.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mansfield, Texas, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of the ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

Section 4.

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional such holding shall not affect the validity of the remaining portions of this ordinance.

Section 5.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Mansfield, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

Section 6.

Any violation of this ordinance can be enjoined by suit filed in the name of the city of Mansfield in a court of competent jurisdiction, and this remedy shall be an addition to any penal provision in this ordinance or in the Code of the City of Mansfield.

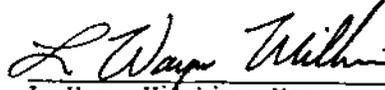
Section 7.

This ordinance shall become effective from and after its final adoption and publication as required by law; provided that, any requirements put forth herein shall not apply to any development for which a final plat has been approved.

PASSED AND ADOPTED on the first reading this 26th day of August, 1985.

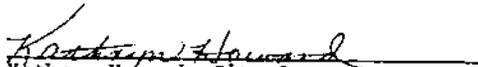
PASSED AND ADOPTED on the second reading this 9th day of September, 1985.

²³
PASSED AND ADOPTED on the third and final reading this 23rd day of September, 1985.



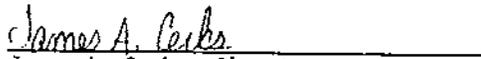
L. Wayne Wilshire, Mayor

ATTEST:



Kathryn Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY:



James A. Cerka, City Attorney

AN ORDINANCE AMENDING SECTION 3, ORDINANCE NO. 588 AND PARAGRAPH C, SECTION 10, B-1 OF THE SUBDIVISION CONTROL ORDINANCE NO. 213 REGARDING CASH PAYMENT OF THE PERIMETER STREET FEE, PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF ONE THOUSAND DOLLARS (\$1,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1.

Paragraph C, Section 10, B-1 of Subdivision Control Ordinance No. 213 is hereby amended to read as follows:

- (c) The owner shall construct all required internal and perimeter streets at the time of development unless, by the determination of the City Engineer, it is not feasible to do so. Upon such determination, the owner shall be required to furnish an amount equal to his/her share of the total construction cost plus six (6) percent of such sum for future engineering cost in escrow with the City. Such amount shall be furnished by cash payment, or cashier check, certified check or bank money order, made payable to the City of Mansfield. The time and method of such payment shall be as provided in the Subdivider's Agreement between the City of Mansfield and the owner.

SECTION 2.

Ordinance No. 588 is hereby amended by deleting the following paragraph from Section 3 of said Ordinance:

"Provided that the type of assurance utilized is that of an irrevocable letter of credit the Developer upon cancellation of a letter of credit shall be required to furnish a equivalent amount to be held by the City in escrow in fulfillment of obligations for the remainder of the six (6) year period".

SECTION 3.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of this Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of One Thousand Dollars (\$1,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading held on the 26th day of January, 1987.

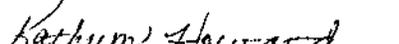
Second reading held on the 9th day of February, 1987.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this 23rd day of February, 1987.

APPROVED:


Bobby F. Block, Mayor

ATTEST:


Kathryn Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY


Robert L. Dillard, III, City Attorney

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING ORDINANCE NO. 213, AS HERETOFORE AMENDED, TO PROVIDE APPLICATION OF THE SUBDIVISION REGULATIONS TO THE EXTRATERRITORIAL JURISDICTION OF THE CITY; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:
SECTION 1.

That Ordinance No. 213 of the City of Mansfield be, and the same is hereby, amended by adding a new second paragraph to Section 1 thereof, said paragraph to read as follows:

"SECTION 1. AUTHORITY; APPLICABILITY

. . . .

The provisions of this ordinance and the rules adopted by the City of Mansfield governing plats and subdivisions of land are extended to the extraterritorial jurisdiction of the City as that extraterritorial jurisdiction may exist from time to time as determined by Chapter 42 of the Texas Local Government Code. The criminal penalties provided in this ordinance do not apply to violations occurring in the extraterritorial jurisdiction of the City of Mansfield, but the City is entitled to appropriate injunctive relief in district court to enjoin a violation of this ordinance or any amendment hereto in the extraterritorial jurisdiction of the City. The City may not impose zoning requirements or requirements regulating the use of any building or property within the extraterritorial jurisdiction."

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 5.

This ordinance shall take effect immediately from and after its passage as the law and charter in such cases provide.

DULY PASSED AND ADOPTED on first reading the 9th day of
October, 1989.

DULY PASSED AND ADOPTED on second reading the 23rd day of
October, 1989.

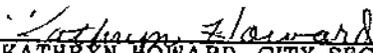
DULY PASSED AND ADOPTED on third and final reading the 13th day of
November, 1989.

APPROVED:



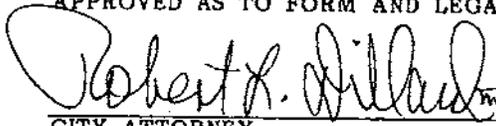
GARY DALTON, MAYOR

ATTEST:



KATHRYN HOWARD, CITY SECRETARY

APPROVED AS TO FORM AND LEGALITY:



CITY ATTORNEY

ORDINANCE NO. 913

AN ORDINANCE AMENDING SUBDIVISION CONTROL ORDINANCE NO. 213 BY PROVIDING RULES AND REGULATIONS REQUIRING CERTAIN UTILITY FACILITIES TO BE PLACED UNDERGROUND; PROVIDING FOR DEFINITIONS; PROVIDING FOR EXCEPTIONS; PROVIDING FOR THE DEVELOPMENT OF ADMINISTRATION POLICIES AND COST REIMBURSEMENT PROCEDURES BY UTILITY COMPANIES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; PROVIDING A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1.

That "Section 3, Definitions" of the Subdivision Control Ordinance No. 213 is hereby amended by adding at the end thereof the following definitions:

FEEDER LINE - Utility/Service Company lines that emanate from substations/hubs for distribution throughout an area.

LATERAL LINE - Utility/Service Company lines that emanate from a feeder line and are used for distribution to smaller areas of consumers. They are normally connected to a feeder line through a sectionalizing device such as a fuse or disconnect switch.

SERVICE LINE - Utility/Service Company lines which, through a transformer or directional tap, connect a lateral line to a customer's service entrance.

TRANSMISSION LINE - Electrical lines operated at nominal voltages of 60,000 volts or higher that bring power from a power plant to a substation.

UTILITY/SERVICE COMPANY - Any company or corporation other than the City of Mansfield that provides a public or private utility or service to the general public, including but not necessarily limited to electric utility companies, telephone service companies and/or cable television providers.

SECTION 2.

That Subsection H under "Section 10, Standards and Specifications" of the Subdivision Control Ordinance No. 213 is hereby amended by adding at the end thereof the following:

1. Underground Electrical, Telephone and Cable Television Utilities - All telephone, cable television and electrical utility lines shall be placed underground throughout new residential subdivisions subsequent to the effective date of this ordinance, subject to the following conditions:

- (a) All electrical transmission lines may be placed overhead.
- (b) Any utility/service company feeder lines may be placed overhead.
- (c) Lateral utility/service company lines may be placed overhead only when they are located along rear property lines and along the perimeter of the subdivisions to provide power or service to subdivisions; 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.
- (d) Where service is to be placed underground, electrical service for street or site lighting shall also be placed underground except for the lighting standards.

- (e) 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.
- (f) The electrical utility company may plan and construct necessary overhead utility lines on perimeters of subdivisions or property subject to the provisions of this section. Telephone and cable television lines may be constructed overhead only where overhead electric utility lines are permitted.
- (g) Each of the utility/service companies shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of their underground utilities/service. Nothing herein shall prohibit or restrict any utility/service company from recovering the difference in cost of overhead facilities and underground utilities/service from the owner or developer, in accordance with the provisions of such utility/service companies approved tariff. No utility/service company shall be required to begin construction of underground facilities unless and until the owner or developer of the subdivision has made arrangements satisfactory to the specific utility/service company for the payment of such difference between the cost of overhead facilities and underground facilities.
- (h) 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.
- (i) All electrical, cable television and telephone support equipment (transformers, amplifiers, switching devices, etc.) necessary for underground installation shall be pad mounted or placed underground and the difference in cost of such facilities shall be paid to the installing utility/service company in accordance with provisions established under Paragraph (g) above.
- (j) In special or unique circumstances, or to avoid undue hardship, the Planning and Zoning Commission may authorize variances in conjunction with final plat approval to the requirement to provide underground utilities and facilities.
- (k) Nothing contained herein¹ 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.
- (l) 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.

SECTION 3.

All ordinances or parts of ordinances not consistent or conflicting with the provisions of this Ordinance are hereby repealed. Provided that such repeal shall be only to the extent of such inconsistency and in all other respects this Ordinance shall be cumulative of the ordinances regulating and governing the subject matter covered in this Ordinance.

SECTION 4.

If any section or part of any section, paragraph or clause of this ordinance is declared invalid or unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of any section, paragraph, or clause of this Ordinance.

SECTION 5.

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Ordinance shall be fined upon conviction of not less than one

dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of non-compliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by state law and the power of civil action and injunction as provided in Local Government Code, §54, and as may be amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

SECTION 6.

This ordinance shall become effective from and after the date of its approval and publication as provided by law.

PASSED AND APPROVED on the first reading this the 12th day of November, 1991.

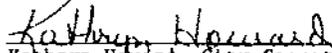
PASSED AND APPROVED on the second reading this the 25th day of November, 1991.

PASSED AND APPROVED on the third and final reading this the 2nd day of December, 1991.

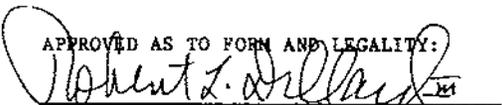


Gary Dalton, Mayor

ATTEST:



Kathryn Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY:


Robert L. Dillard, III., City Attorney

AN ORDINANCE AMENDING THE SUBDIVISION CONTROL ORDINANCE NO. 213 OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO AMEND PARAGRAPH 6, SUBSECTION B, SECTION 10 OF SAID ORDINANCE REGARDING TURNAROUNDS AT THE END OF STREET STUBS; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Subdivision Control Ordinance No. 213, has held the required public hearing and afforded a full and fair hearing to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Control Ordinance should be amended; NOW THEREFORE,

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

SECTION 1.

That Paragraph 6, Subsection B, Section 10 of the Subdivision Control Ordinance No. 213 of the City of Mansfield, Texas, be, and the same is hereby amended so the same shall read as follows:

(6) DEAD-END STREETS. Dead-end streets shall be prohibited except as stubs to permit future expansion. Such stubs shall not exceed 150 feet in length as illustrated in Option 1 of Exhibit "A" attached hereto and made a part hereof for all purposes. An exception to the 150 foot limit is permitted if turnarounds are provided at the end of the stubs in accordance with the following regulations:

(a) Turnarounds shall be provided per the specifications of either Option 2 or Option 3 illustrated in Exhibit "A" mentioned hereinabove.

(b) Turnarounds shall have a minimum radius of forty feet (40').

(c) Prior to any subdivision improvements, the developer or subdivider shall secure construction and public access easements for all turnarounds or portions of turnarounds that are outside of any dedicated street right-of-ways, and furnish said easements to the City Engineer for recording. The documents for said easements shall consist of a clause terminating such easements upon the future extension of the street stubs or the development of the property abutting such stubs.

(d) Turnarounds shall be constructed per the City's standards and specifications for public streets as specified in Options 2 and 3 mentioned above, except that curbs are not required for the turnarounds and turnaround areas beyond the full pavement width of the street stubs are to be constructed with six inches of asphalt over six inches of lime stabilization.

(e) If the subdivider or developer opts to provide turnarounds per the specifications of Option 3 mentioned above, he shall deposit a cash escrow in an amount specified by the City Engineer to cover the future expenses of removing the asphalt portions of turnarounds and restoring curbs, lawns and other subdivision improvements in areas previously covered by the turnarounds. The subdivider or developer shall deposit said cash escrow with the City before starting any subdivision improvements.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional for any reason, such declaration shall not be held to invalidate or impair the validity, force, or effect of any other section or sections, part of any section, paragraph, or clause of this Ordinance.

SECTION 4.

Any person, firm, association of persons, company, corporation, or their agents, servants, or employees violating or failing to comply with any of the provisions of this Ordinance shall be fined upon conviction of not less than one dollar (\$1.00) nor more than two thousand dollars (\$2,000.00), and each day any violation of non-compliance continues shall constitute a separate and distinct offense. The penalty provided herein shall be cumulative of other remedies provided by state law and the power of civil action and injunction as provided in Local Government Code, §54, and as may be amended, may be exercised in enforcing this ordinance whether or not there has been a complaint filed.

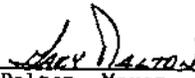
SECTION 5.

This ordinance shall become effective from and after the date of its approval and publication as provided by law.

PASSED AND APPROVED on the first reading this the 24th day of February, 1992.

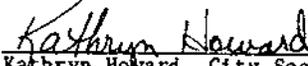
PASSED AND APPROVED on the second reading this the 9th day of March, 1992.

PASSED AND APPROVED on the third and final reading this the 23rd day of March, 1992.



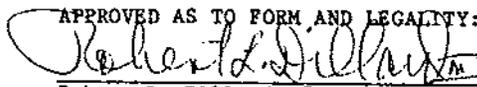
Gary Dalton, Mayor

ATTEST:



Kathryn Howard, City Secretary

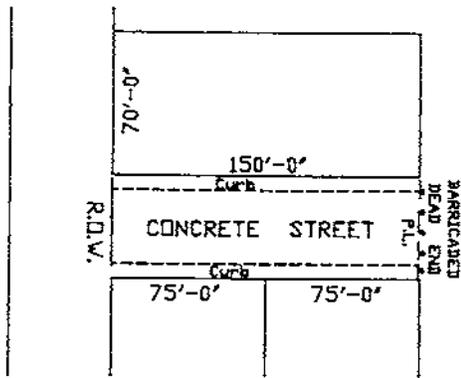
APPROVED AS TO FORM AND LEGALITY:



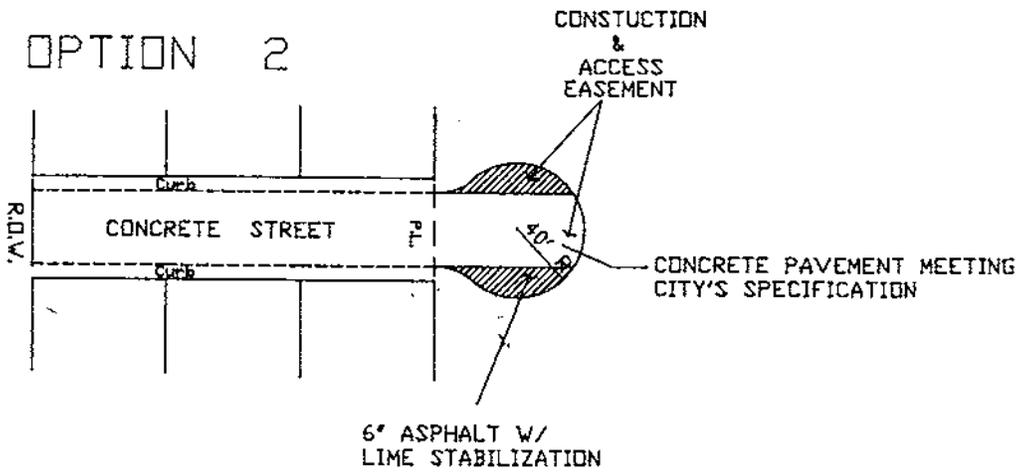
Robert L. Dillard, III., City Attorney

EXHIBIT "A"

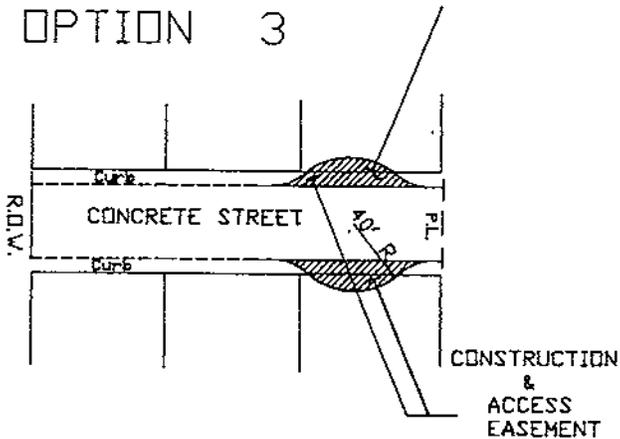
OPTION 1



OPTION 2



OPTION 3



ORDINANCE NO. 980

AN ORDINANCE AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY THE AMENDMENT OF SECTION 11 THROUGH THE ADDITION OF PARAGRAPH D ENTITLED REVIEW AND INSPECTION FEES; PRESCRIBING A PENALTY FOR VIOLATION HEREOF; MAKING THIS ORDINANCE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR GOVERNMENTAL IMMUNITY; PROVIDING FOR INJUNCTIONS; PROVIDING FOR PUBLICATION AND NAMING AN EFFECTIVE DATE.

WHEREAS, the Engineering Staff of the City of Mansfield spends many hours coordinating the development of new subdivisions/developments, reviewing flood/drainage studies, reviewing construction plans for public works improvements and inspecting the construction of said improvements within the subdivision developments; and,

WHEREAS, the City Council recognizes the need to require the developer of a subdivision/development to bear the cost of said flood/drainage studies and construction plan review and construction inspection.

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

SECTION 1.

That the Subdivision Control Ordinance of the Code of Ordinances of the City of Mansfield, Texas, is hereby amended by the amendment of Section 11 through the addition of Paragraph D so that hereafter same shall be and read as follows:

There is hereby levied a fee for review of flood/drainage studies, and construction plan review and construction inspection necessary to carry out the provisions of this Ordinance.

SECTION 2.

The fees are hereby levied according to the following fee schedule in order that the Engineering Department of the City of Mansfield may recover the cost of staff time and effort:

A. FLOOD/DRAINAGE STUDIES

1. Non-computer drainage studies if^d required by the City Engineer - \$500.00/each.
2. Computer flood studies (HEC-2 Program, WSPN Program or similar program)

The fees shown below will include a maximum of three reviews by the staff. An additional fee of \$500.00 will be levied for each additional review.

- a. Minimum fee levied will be \$500.00
- b. For four or less computer runs (profiles): \$1.00/linear foot as measured along the centerline of the creek.
- c. For five or six computer runs (profiles): \$1.25/linear foot as measured along the centerline of the creek.

d. For seven or more computer runs (profiles): \$1.50/linear foot as measured along the centerline of the creek.

3. The above fees are to be paid upon submittal of the flood study for review.

B. PLAN REVIEW AND INSPECTION FEE

1. Subdivisions or developments that require public paving, drainage, water and/or sewer improvements shall be assessed a fee of 3-1/4% of the actual construction cost of the paving, drainage, water and/or sewer improvements as calculated by the City Engineer, or his authorized representative.

a. The minimum total fee for a plat requiring improvements shall be \$100.00 per plat.

b. The inspection fee shall be paid by the developer to the City upon submittal of the construction contract and bonds prior to the beginning of construction of the proposed facilities.

SECTION 3.

Any person, firm, corporation, agent or employee thereof who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not to exceed Two Hundred and 00/100 Dollars (\$200.00) for each offense. Each day that a violation is permitted to exist shall constitute a separate offense.

SECTION 4.

This ordinance shall be and is hereby declared to be cumulative of all other ordinances of the City of Mansfield, Texas, and this ordinance shall not operate to repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of the ordinance, in which event such conflicting provisions, if any, in such other ordinance or ordinances are hereby repealed.

SECTION 5.

If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such holding shall not affect the validity of the remaining portions of this ordinance.

SECTION 6.

All of the regulations provided in this ordinance are hereby declared to be governmental and for the health, safety, and welfare of the general public. Any member of the City Council or any City official or employee charged with the enforcement of this ordinance, acting for the City of Mansfield, in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of his said duties.

SECTION 7.

Any violation of this ordinance can be enjoined by suit filed in the name of the City of Mansfield in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this ordinance or in the Code of Ordinances of the City of Mansfield.

SECTION 8.

The caption and penalty clause of this ordinance shall be published in a newspaper of general circulation in the City of Mansfield in compliance with the provisions of Section 3.13 of the City Charter.

SECTION 9.

This ordinance shall become effective from and after its final adoption and publication as required by law and the City Charter.

DULY PASSED by the City Council of the City of Mansfield, Texas, on first reading on the 23rd day of August, 1993.

DULY PASSED by the City Council of the City of Mansfield, Texas, on second reading on the 13th day of September, 1993.

DULY PASSED by the City Council of the City of Mansfield, Texas, on third reading on the 27th day of September, 1993.



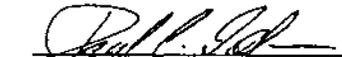
Tom Corbin, Mayor

ATTEST:



Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY:



Paul C. Isham, City Attorney

ORDINANCE NO. 1014

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE PROCESSING PROCEDURES OF PRELIMINARY PLATS OF RECONFIGURED SUBDIVISIONS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has recommended the Subdivision Control Ordinance amendments described hereinafter pertaining to preliminary plats of reconfigured subdivisions; and

WHEREAS, the City Council of the City of Mansfield, Texas, is of the opinion that the recommended ordinance amendments would be beneficial to the citizens of Mansfield;

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

SECTION 1.

That the Subdivision Control Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by adding a new Subsection G to the end of Section 7 of said ordinance to read as follows:

"G. PROCESSING OF PRELIMINARY PLAT OF RECONFIGURED SUBDIVISIONS.

A preliminary plat that involves properties which were included in a previously recorded plat must meet the following requirements prior to being approved:

- (1) A public hearing to be held before the Planning and Zoning Commission at which parties in interest and citizens have an opportunity to be heard.
- (2) Written notice of the hearing must be published and mailed to property owners in accordance to the same procedures or requirements for replat."

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

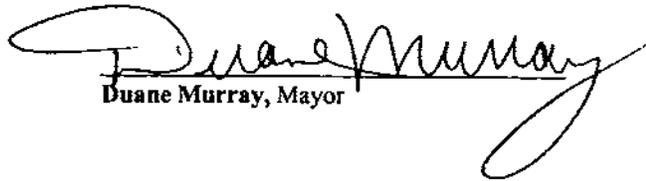
SECTION 4.

This ordinance shall take effect immediately from and after its passage on third and final reading.

First reading approved on the 11th day of July, 1994.

Second reading approved on the 25th day of July, 1994.

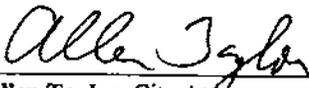
DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this 8th day of August, 1994.


Duane Murray, Mayor

ATTEST:


Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY


Allen Taylor, City Attorney

ORDINANCE NO. 1070

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO AMEND SECTIONS 3 AND 4 OF SAID ORDINANCE REGARDING DEFINITION OF SUBDIVISION AND PLATTING REQUIREMENT; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, desire to amend Sections 3 and 4 of the Subdivision Control Ordinance as hereinafter amended, and after holding due hearings and affording a full and fair hearing to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Control Ordinance should be amended;

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

SECTION 1.

That Section 3 of the Subdivision Control Ordinance No. 213 of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the definition of the term "Subdivision" to read as follows:

"SUBDIVISION: The division or proposed division of any land, whether vacant or improved, by metes and bounds, deed, contract for deed, lease, or by any other instrument or method, into two or more lots, parcels, sites, units, plots, parts or interests for the purpose of offer, sale, lease or development, either on the installment plan or upon any other plan, terms or conditions, including resubdivision."

SECTION 2.

That Section 4 of the Subdivision Control Ordinance No. 213 of the City of Mansfield, Texas, be, and the same is hereby, amended so the same shall read as follows:

"Section 4 Platting Required; Special Provisions

A. Hereafter, every owner of any tract of land within the corporate limits of the City or within the extraterritorial jurisdiction of the City who engages in the act of subdivision as described and defined herein, or who otherwise uses or proposes to use his property in a manner which requires a permit for which platting is required, as provided herein, shall cause a plat to be made thereof which shall accurately describe all of said tract by metes and bounds and locate same as required by Section 8. No plat may be recorded, no lot may be sold and no transfer of title to any part of such tract of land shall be made until a final plat accurately describing the property to be conveyed is approved in accordance with these provisions and filed in the county plat records.

B. The processing and approval of a preliminary plat shall be required prior to approval of a final plat where required in this ordinance. A subdivision of land under this ordinance or state law shall require the submission of a preliminary plat on the entire tract out of which a subdivision has been made, irrespective of whether any portion of the tract is not intended to be sold or conveyed. The Planning and Zoning Commission has the option to act on an application for final plat approval without a preceding preliminary plat if the Commission determines that a preliminary plat for a subdivision will serve no particular purpose or public

interest in the platting process. The Planning and Zoning Commission also has the option to accept a preliminary or final plat for part of a tract being subdivided if the tract is already divided by a major roadway, significant drainage channel or creek, or other natural or man-made features. The Planning and Zoning Commission reserves the right to accept or reject any of the aforementioned options, and take whatever action is necessary to safeguard the health, safety and general welfare of the citizens of Mansfield and the orderly development of the City.

C. No permit shall be issued by the city for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

D. 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.

E. 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 for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

F. 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.

G. 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.

H. 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 issuance of permits for the reconstruction, restoration, alteration or extension of an existing or pre-existing single family residential building.

5. 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.

6. 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 3.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 6.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 9th day of January, 1995.

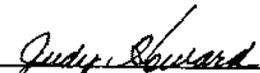
Second reading approved on the 23rd day of January, 1995.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this 13th day of February, 1995.



Duane Murray, Mayor

ATTEST:



Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY



Allen Taylor, City Attorney

ORDINANCE NO. 1104

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO AMEND SECTION 10 OF SAID ORDINANCE; PROVIDING REGULATIONS FOR DEVELOPMENTS WITH PRIVATE STREETS AND ENTRANCE GATES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, desire to amend Section 10 of the Subdivision Control Ordinance as hereinafter amended, to provide regulations for single family residential developments with private streets;

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

SECTION 1.

That Section 10 of the Subdivision Control Ordinance No. 213 of the City of Mansfield, Texas, be, and the same is hereby, amended by adding a new Subsection "P" to read as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That the last sentence in the first paragraph of Section 10 of the Subdivision Control Ordinance No. 213 of the City of Mansfield, Texas, be, and the same is hereby, revised to read as follows:

".....No private streets will be permitted except as provided in Section P of this ordinance."

SECTION 3.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 4.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional.

SECTION 5.

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive Zoning Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

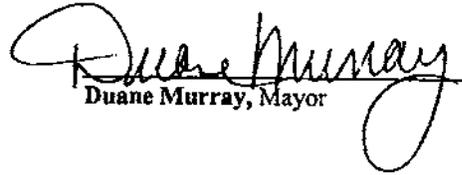
SECTION 6.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

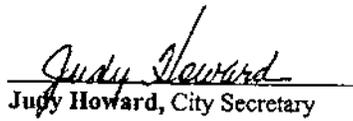
First reading approved on the 23rd day of October, 1995.

Second reading approved on the 13th day of November, 1995.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this 27th day of November, 1995.


Duane Murray, Mayor

ATTEST:


Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY

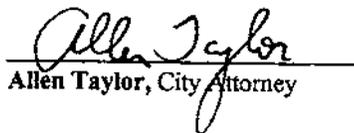

Allen Taylor, City Attorney

EXHIBIT "A"

P. PRIVATE STREETS

The City Council, after receiving recommendations from the Planning and Zoning Commission and holding a public hearing, may grant a variance to allow a subdivision with private streets and entrance gates, provided that the subdivision complies with the minimum requirements listed below plus any other requirements deemed necessary by the City Council. The terms "private street" or "private streets" shall be inclusive of streets, alleys, storm drainage systems, street lights, entrance gates and structures.

(1) **Public Hearings Required** - 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 Commission and Council hearings shall be given at least 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 200 feet of the proposed subdivision with private street, 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 to issue a private street permit.

(2) **Conditions of Approval:**

(a) Streets shown on the adopted Thoroughfare Plan of the City of Mansfield must not be used, maintained or constructed as private streets.

(b) A subdivision with private streets and alleys must not impede or cross an existing or proposed street as shown on the City's most recent Thoroughfare Plan or approved preliminary or final plats.

(c) A subdivision with private streets and alleys must not disrupt or disconnect an existing or proposed City of Mansfield public pedestrian pathway, hike and bike trail, or park as shown on the City's most recent Park Plan.

(d) A subdivision with private streets and alleys must provide a minimum of 50 feet of street frontage.

(e) The proposed subdivision with private streets must be zoned for residential purposes by the Zoning Ordinance of the City.

(f) A proposed subdivision with private streets adjacent to an existing subdivision with public streets that can be reasonably connected, including the need to build a bridge or culvert for example, should not be approved as a private street subdivision. The two developments should be connected as public street subdivisions.

(3) **Additional Criteria** - In addition to the above conditions of approval, the Planning and Zoning Commission may recommend denial and the City Council may reject a request for a subdivision with private streets if in the Commission's and Council's judgment the 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, etc., or delay the response time of emergency vehicles.

(4) **Private Street Design and Construction Standards** - Private streets must conform to the same standards regulating the design and construction of public streets. These standards shall include, but are not limited to the concrete street standards, engineering design guidelines and construction standards and details, street naming and addressing policy.

(5) **Traffic Signs** - 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.

(6) **Homeowners Associations Required** - A subdivision developed with private streets must have a mandatory homeowners 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 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 prior to the approval of 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.

(7) **Reserve Fund** - The homeowners association should 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.

(8) **Private Street Lot** - 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 street and alley right-of-way. An easement covering the street lot must be granted to the City providing unrestricted use of the property for utilities and the maintenance of same. This right shall extend to all utility providers including telecable companies 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.

(9) **Construction and Maintenance Cost** - The City shall not pay for any portion of the cost of constructing or maintaining a private street.

(10) **City Utilities** - Water, sewer, storm drainage facilities and street lights placed within the private street and alley lot must be installed to city standards. After completion and acceptance of such facilities, the water and sewer facilities shall be dedicated to the city. All city regulations relating to infrastructure financing, performance bonds, developer cost participation and capital cost recovery shall apply to developments with private streets with the exception of those applying to street maintenance.

(11) **Plans & Inspections** - Proposed subdivision 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 insure emergency access. The Fire Department shall be the sole judge of whether repairs are needed.

(12) **Access Restrictions** - The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances must be manned 24 hours every day, or provide an alternative means of ensuring 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.

(13) **Restricted Access Entrance Design Standards** - Any private street which has an access control gate or cross arm must have a minimum uninterrupted pavement width of 24 feet 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 to meet the required minimum width of 24 feet. 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 18 feet.

(14) **Visitor Entrance Design Standards** - At least one entrance per subdivision with private streets must be equipped for visitor access. In addition to the above Restricted Access Entrance Design Standards, said visitor entrance must be equipped with a call or code box located at least 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 50 foot minimum requirement in order to ensure sufficient vehicle storage or queuing space. A turn-around space with a minimum outside radius of 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. Residents entrance used in combination with a visitor entrance shall comply with the requirements of this paragraph.

(15) **Resident Only Entrance Design Standards** - In addition to the above Restricted Access Entrance Design Standards, access control gate or cross arm that requires residents to use a key, card or code to gain access must setback a minimum of 50 feet from the boundary of the subdivision to provide for automobile queuing. Resident entrances equipped with an electronic opener that allows residents to remotely open the control access gate or cross arm and enter the subdivision without having to stop are exempted from this requirement. A sign must be erected next to any resident entrance that does not meet the 50 setback requirement of this paragraph and does not provide a turn-around space with a minimum outside radius of 30 feet to indicate that it is for resident use only and not for visitors.

(16) **Hold Harmless** - The subdivision final plat and the homeowners association's documents must contain language whereby the homeowners 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 whatsoever kind of character, whether real or asserted, arising out of or in connection with, directly or indirectly: a) 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; b) 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 c) 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 homeowners association shall be responsible for carrying liability insurance to meet the requirements in this paragraph. Those portions of the homeowners association's documents pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

(17) **Revocation of Private Street Permit** - 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 a private street permit issued to a subdivision with private streets for the reasons stated hereinbelow. The revocation of a private street permit 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 association's documents must provide for the City's right to require said assessment and removal of improvements. Those portions of the homeowners association's documents

pertaining to the subject matter contained in this paragraph must not be amended without the written consent of the City.

- (a) The private street permit was obtained by fraud or deception;
- (b) The homeowners association fails to provide reliable emergency access;
- (c) The homeowners association fails to provide the repairs required by the City Engineer as prescribed hereinabove; or
- (d) One or more of the requirements stated hereinabove has not been met or has been violated.

(18) Petition to Convert to Public Streets - The homeowners association may petition the City Council to accept private streets as public streets and right-of-ways 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 repair 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.

(19) City Attorney Review - All homeowners association's 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.

(20) Subdivision Plat Requirements - The plat dedication certificate and conditions of approval shown in the attached Exhibits "A" and "B" must be provided in all final plats for subdivisions with private streets.

ORDINANCE NO. 1107

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO EXTEND THE MAXIMUM ALLOWABLE LENGTH FOR CUL-DE-SACS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has recommended the Subdivision Control Ordinance amendments described hereinafter; and

WHEREAS, the City Council of the City of Mansfield, Texas, is of the opinion that the recommended ordinance amendments would be beneficial to the citizens of Mansfield;

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

SECTION 1.

That Section 10.B(7) of the Subdivision Control Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended to read as follows:

“CUL-DE-SACS. Cul-de-sacs shall not exceed 600 feet in length, and shall have a turnaround of not less than 100 feet in diameter in residential areas, and not less than 200 feet in diameter in commercial and industrial areas.”

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Control Ordinance as a whole.

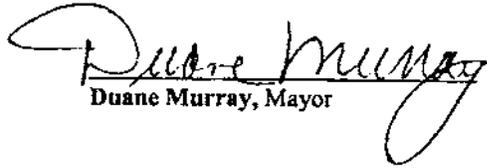
SECTION 4.

This ordinance shall take effect immediately from and after its passage on third and final reading.

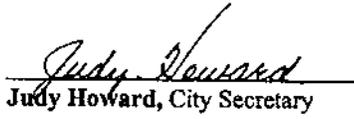
First reading approved on this the 11th day of December, 1995.

Second reading approved on this the 8th day of January, 1996.

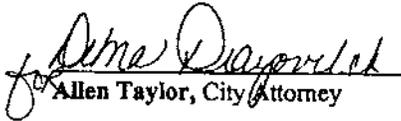
DULY PASSED on the third and final reading by the City Council of the City of
Mansfield, Texas, this 22nd day of January, 1996.


Duane Murray, Mayor

ATTEST:


Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY


Allen Taylor, City Attorney

ORDINANCE NO. 1109

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO REDUCE THE MINIMUM STREET FRONTAGE REQUIREMENT ON RADIAL LOTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission has recommended the Subdivision Control Ordinance amendments described hereinafter; and

WHEREAS, the City Council of the City of Mansfield, Texas, is of the opinion that the recommended ordinance amendments would be beneficial to the citizens of Mansfield;

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

SECTION 1.

That Section 10.M(4) of the Subdivision Control Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended to read as follows:

"(4) Radial residential lots shall have a minimum width of 50 feet frontage on the street. Business lots shall have at least 25 feet."

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Control Ordinance as a whole.

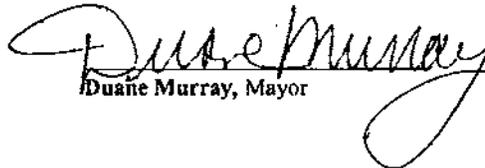
SECTION 4.

This ordinance shall take effect immediately from and after its passage on third and final reading.

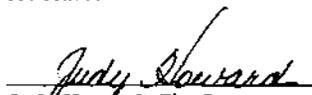
First reading approved on the 8th day of January, 1996.

Second reading approved on the 22nd day of January, 1996.

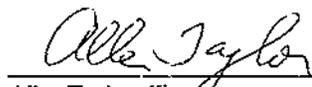
DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the 12th day of February, 1996.


Duane Murray, Mayor

ATTEST:


Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY


Allen Taylor, City Attorney

ORDINANCE NO. 1129

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO AMEND SECTION 10 OF SAID ORDINANCE PROVIDING MASONRY SCREENING REGULATIONS FOR RESIDENTIAL DEVELOPMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Subdivision Control Ordinance, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Control Ordinance should be amended;

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

SECTION 1.

That Subsection N. of Section 10 of the Subdivision Control Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended to read as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Control Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Subdivision Control Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

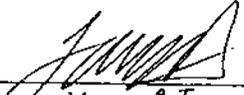
SECTION 5.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 9th day of September, 1996.

Second reading approved on the 23rd day of September, 1996.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the 14th day of October, 1996.



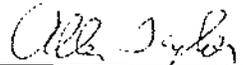
Duane Murray, Mayor - Pro Tem
handwritten initials

ATTEST:



Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY



Allen Taylor, City Attorney

EXHIBIT "A"

N. SCREENING WALL

1. When residential subdivisions are platted so that the side or rear yard of the subdivision lots are adjacent to a highway frontage road or an existing or proposed four-lane-undivided or larger thoroughfare as shown in the City's most recent Thoroughfare Plan, a screening wall shall be provided along said frontage road or thoroughfare according to the following requirements:
 - a) Height - A minimum of six (6) feet and a maximum of eight (8) feet as measured at the highest finished grade.
 - b) Exemption – The screening wall requirement shall not apply when a residential subdivision is platted so that the side or rear yard setback adjacent to said highway frontage road or thoroughfare is seventy-five (75) feet or greater. Further, in exceptional cases, the Planning and Zoning Commission may grant a variance or modify the screening wall requirement described herein. A wood stockade fence shall not be erected along said highway frontage road or thoroughfare if a residential subdivision is exempted from the screening wall requirement described herein.
 - c) Location - the screening wall required herein shall be located entirely on private property. No part of the wall shall be in the public right-of-way.
 - d) Construction Material - Only brick, stone, decorative or split-face block shall be used with the exception that a reinforced concrete wall may be used provided it has the same appearance and durability as brick, stone, decorative or split-face block. Wrought iron may be incorporated into the construction material provided that it is not used within the first five feet of the screening wall elevation as measured from the ground up. Other alternate construction materials are permitted provided that they are explicitly authorized by the Planning and Zoning Commission.
 - e) Construction Design - The screening wall shall be placed on an appropriate structural footing. Columns shall be expressed at a minimum of ten (10) feet and a maximum of thirty-five (35) feet on center and shall be taller than the remainder of the screening wall. Construction and location details shall be provided and sealed by a registered professional engineer or architect. Said screening wall construction and location details shall be submitted in conjunction with the final plat, but do not have to be part of the construction plans for public improvements.
 - f) Color and Exterior Finish - When walls are built in sections, the color and exterior finish shall be as closely similar as possible, but shall, in no case, be incompatible. The screening wall shall be equally finished on both sides.
 - g) Openings - No openings or any kind shall be permitted except for approved intersecting streets, openings at the bottom of the screening wall for drainage purposes, and the wrought iron construction material as decreed hereinabove.

- h) Mow Edge - A continuous reinforced concrete mow edge with a minimum width of six (6) inches shall be provided along the street side of the screening wall. Mow edges shall have a minimum thickness of four (4) inches and shall be reinforced with a minimum of two (2) steel reinforcing bars three-eighths (3/8) in diameter, running continuously through such mow edge.
 - i) Completion Time - The required screening wall shall be in place before the acceptance of the subdivision. The developer may submit performance bond and payment bond in lieu of completing the wall before the acceptance of the subdivision. The performance bond and payment bond must be executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City Engineer, in an amount equal to the construction cost of the screening wall and within the time for completion as estimated by the City Engineer.
 - j) Intersection Visibility Obstruction - 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 all street intersections, clear view shall be maintained across the lot for a distance of twenty-five feet (25') back from the corner of the lot along both streets..
 - k) Maintenance Responsibility - The developer of a residential subdivision shall create a mandatory homeowners association, which shall be responsible for maintaining the screening wall required herein and the parkway between said wall and the curb or street pavement. The association's document must indicate that the screening wall is privately owned and maintained by the association, and that the City has no obligation to maintain the screening wall. If the homeowners association fails to maintain said screening wall and parkway, the City shall have the right to levy an assessment for the expense of the needed repairs or maintenance. Said assessment shall constitute as 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. 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 longterm maintenance of the screening wall. The developer will remain responsible for ensuring that some longterm maintenance system is created to meet the intent of this section. The developer shall be free to propose to the Planning & Zoning Commission, in writing, an alternate approach which may involve any method that the Planning & Zoning Commission and City Council ultimately determine to provide at least as much guarantee of longterm maintenance as the requirement of creating a Homeowner's Association would provide.
2. When residential subdivisions are platted so that an alley is parallel to and adjacent to a public street, a screening wall shall be erected by the developer between the alley and the street according to the above requirements. The maintenance of the screening wall and parkway shall be in accordance to the provisions in the paragraph above.
3. A screening wall shall be provided according to the above requirements when a final plat is approved for a multi-family residential development adjacent to a highway frontage road or an existing or proposed four-lane-undivided or larger thoroughfare 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 is completed. The screening wall shall be maintained by the owner of the multi-family development. If the owner fails to maintain the screening wall, 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.

ORDINANCE NO. 1159

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 7F REGARDING THE EXPIRATION OF PRELIMINARY PLATS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, have given notices by publication, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Control Ordinance should be amended;

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

SECTION 1.

That Section 7F of the Subdivision Control Ordinance is hereby amended by inserting a new paragraph 8 at the end thereof to read as follows:

8. 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 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. The Planning and Zoning Commission may extend the 24 month time limit upon application of the developer.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Control Ordinance as a whole.

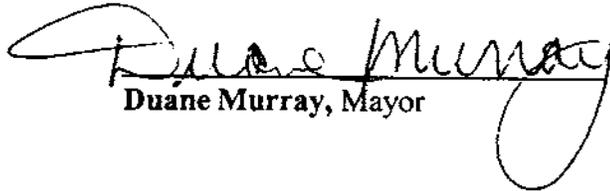
SECTION 4.

This ordinance shall take effect immediately from and after its passage on third and final reading.

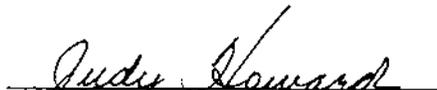
First reading approved on the 24th day of March, 1997.

Second reading approved on the 14th day of April, 1997.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the 28th day of April, 1997.


Duane Murray, Mayor

ATTEST:


Judy Howard, City Secretary

APPROVED AS TO FORM AND LEGALITY


Allen Taylor, City Attorney

ORDINANCE NO. 1270

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO AMEND SECTION 10 OF SAID ORDINANCE, PERTAINING TO THE SCREENING REGULATIONS FOR RESIDENTIAL DEVELOPMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Subdivision Control Ordinance, have given notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Control Ordinance should be amended;

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

SECTION 1.

That Subsection N. of Section 10 of the Subdivision Control Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended to read as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Control Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Subdivision Control Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 28th day of June, 1999.

Second reading approved on the 12th day of July, 1999.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the 26th day of July, 1999.


David Harry, Mayor

ATTEST:


Barbara J. Greene, Acting City Secretary

APPROVED AS TO FORM AND LEGALITY


Allen Taylor, City Attorney

EXHIBIT "A"

N. SCREENING WALL

1. Adjacent to highway frontage road or a four-lane-undivided or larger thoroughfare -

When a residential subdivisions are-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 four-lane-undivided or larger thoroughfare as shown in the City's most recent Thoroughfare Plan, a screening wall shall be provided along said frontage road or thoroughfare according to the following requirements:

- a) Height - A minimum of six (6) feet and a maximum of eight (8) feet as measured at the highest finished grade.
- b) Exemption – The screening wall requirement shall not apply when a residential subdivision is platted so that the side or rear yard setback adjacent to said highway frontage road or thoroughfare is seventy-five (75) feet or greater. Further, in exceptional cases, the Planning and Zoning Commission may grant a variance or modify the screening wall requirement described herein. A wood stockade fence shall not be erected along said highway frontage road or thoroughfare if a residential subdivision is exempted from the screening wall requirement described herein.
- c) Location - the screening wall required herein shall be located entirely on private property. No part of the wall shall be in the public right-of-way.
- d) Construction Material - Only brick, stone, decorative or split-face block shall be used with the exception that a reinforced concrete wall may be used provided it has the same appearance and durability as brick, stone, decorative or split-face block. Wrought iron or tubular steel may be incorporated into the construction material provided that it is not used within the first five feet of the screening wall elevation as measured from the ground up. Other alternate construction materials are permitted provided that the Planning and Zoning Commission explicitly authorize them.
- e) Construction Design - The screening wall shall be placed on an appropriate structural footing. Columns shall be ~~expressed at a minimum of ten (10) feet and a maximum placed at intervals of no longer than~~ thirty-five (35) feet on center and shall be taller than the remainder of the screening wall. Construction and location details shall be provided and sealed by a registered professional engineer or architect. Said screening wall construction and location details shall be submitted in conjunction with the final plat, but do not have to be part of the construction plans for public improvements.
- f) Color and Exterior Finish - When walls are built in ~~sections~~phases for a development, the color, height and exterior finish for all phases shall be as closely similar as possible, but shall, in no case, be incompatible. The screening wall shall be equally finished on both sides.

- g) Openings - No openings of any kind shall be permitted except for approved intersecting streets, openings at the bottom of the screening wall for drainage purposes, and the wrought iron construction material as described hereinabove.
- h) Mow Edge - A continuous reinforced concrete mow edge with a minimum width of six (6) inches shall be provided along the street side of the screening wall. Mow edges shall have a minimum thickness of four (4) inches and shall be reinforced with a minimum of two (2) steel reinforcing bars three-eighths (3/8) in diameter, running continuously through such mow edge. The top of the mow edge shall be flush with the ground level.
- i) Completion Time - The required screening wall shall be in place before the acceptance of the subdivision. The developer may submit performance bond and payment bond in lieu of completing the wall before the acceptance of the subdivision. The performance bond and payment bond must be executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City Engineer, in an amount equal to the construction cost of the screening wall and within the time for completion as estimated by the City Engineer.
- j) ~~Intersection Visibility~~ Site Obstruction - 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 all street intersections, ~~clear an unobstructed view~~ shall be maintained across the lot for a distance of twenty-five feet (25') back from the corner of the lot along both streets and in accordance with the intersection site distance provisions depicted in the most recent Thoroughfare Plan.
- k) Maintenance Responsibility - The developer of a residential subdivision shall create a mandatory homeowners association, which shall be responsible for maintaining the screening wall required herein and the parkway between said wall and the curb or street pavement. The association's document must indicate that the screening wall is privately owned and maintained by the association, and that the City has no obligation to maintain the screening wall. If the homeowners association fails to maintain said screening wall and parkway, 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. 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 the 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 Planning & Zoning Commission, in writing, an alternate approach which may involve any method that the Planning & Zoning Commission and City Council ultimately determine to provide at least as much guarantee of long term maintenance as the requirement of creating a Homeowner's Association would provide.

2. Adjacent to a street with 60' or narrower right-of-way - When a residential subdivision is platted so that the side or rear yard of the subdivision lots are adjacent to an existing or proposed street with a sixty (60) foot or narrower right-of-way as shown in the City's most recent 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:

- a) Height - A minimum of six (6) feet and a maximum of eight (8) feet as measured at the highest finished grade.
- b) Location - 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.
- c) Construction Material – the following materials shall be used for the screening device required herein:
 - i) Wood – Cedar or redwood only;
 - ii) Masonry – Brick, stone, decorative or split-face block only;
 - iii) Reinforced concrete wall provided it has a finished appearance similar to wood or masonry;
 - iv) Wrought iron or tubular steel provided that shrubs are placed three (3) foot on center adjacent to the fence on private property;
 - v) Combination of two or more the above construction materials; or
 - vi) Other alternate construction materials provided that the Planning and Zoning Commission explicitly authorize them.
- d) Construction Design of the screening device shall be in accordance with the following:
 - i) Masonry columns shall be placed at intervals of no longer than thirty-two (32) feet on center and shall be taller than the remainder of the screening device. Columns shall be placed on appropriate structural footings.
 - ii) In addition to masonry columns, screening fence with cedar or redwood panels shall be supported by horizontal rails of the same material as the panels and galvanized steel posts with concrete footings placed at intervals of no longer than eight (8) feet on center. The galvanized steel posts shall be 15 to 18 gage and 2 3/8" in diameter. 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. A hole with a minimum diameter of ten (10) inches and a minimum depth of twenty-four (24) inches shall be required for the concrete footings.
 - iii) The side of a screening fence with horizontal rails and posts shall not face the street along the perimeter of the development.
- e) Color and Exterior Finish - 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. The screening device shall be equally finished on both sides.

- g)f) Mow Edge - A continuous reinforced concrete mow edge with a minimum width of six (6) inches shall be provided along the street side of the screening device. The top of the mow edges shall be flush with the ground level.
- h)g) Completion Time - The required screening device shall be in place before the acceptance of the subdivision. The developer may submit performance bond and payment bond in lieu of completing the screening device before the acceptance of the subdivision. The performance bond and payment bond must be executed by a surety company holding a license to do business in the State of Texas, and acceptable to the City Engineer, in an amount equal to the construction cost of the screening device and within the time for completion as estimated by the City Engineer.
- i)h) Intersection Site Distance - No screening device 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 all street intersections, an unobstructed view shall be maintained across the lot for a distance of twenty-five feet (25') back from the corner of the lot along both streets and in accordance with the intersection site distance provisions depicted in the most recent Thoroughfare Plan.
- j)i) Maintenance Responsibility - The owner of the lot or property where a screening device is located shall be responsible for maintaining the screening device plus the parkway between said device and the curb or street pavement. If the property owner 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. Said assessment shall constitute a lien upon each lot or property against which the assessment is made. The City shall be the sole judge of whether repair or maintenance is needed.

~~2.3. When a residential subdivisions are-is~~ 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 by the developer and maintained between the alley and the perimeter street according to the above requirements. The maintenance of the screening wall and parkway shall be in accordance with the provisions in the paragraph above.

~~3. A screening wall shall be provided according to the above requirements when a final plat is approved for a multi-family residential development adjacent to a highway frontage road or an existing or proposed four-lane undivided or larger thoroughfare. When multi-family residential property is final platted for 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.

ORDINANCE NO. 1301

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS HERETOFORE AMENDED BY AMENDING SECTION 10B OF SAID ORDINANCE REGARDING PERIMETER, INTERNAL, AND OFF-SITE STREET IMPROVEMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Subdivision Ordinance of the City of Mansfield, Texas, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Ordinance should be amended;

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

SECTION 1.

That Paragraph (1), Subsection B of Section 10 of the Subdivision Ordinance is hereby amended by replacing said Paragraph (1) with Paragraphs (1) through (8) as shown in Exhibit "A" attached hereto and made a part hereof for all purposes and by renumbering all subsequent paragraphs in Subsection B accordingly.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Subdivision Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

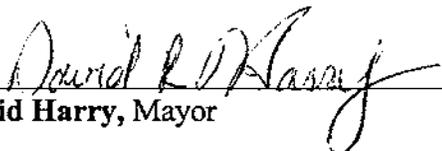
SECTION 5.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 24th day of January, 2000.

Second reading approved on the 14th day of February, 2000.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this 28th day of February, 2000.



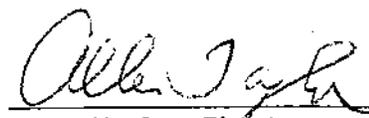
David Harry, Mayor

ATTEST:



Barbara J. Greene, Acting City Secretary

APPROVED AS TO FORM AND LEGALITY



Allen Taylor, City Attorney

Exhibit "A"

SECTION 10. STANDARDS AND SPECIFICATIONS

xxx

B. Streets

1. **Internal Streets** – The developer shall provide all street improvements within his proposed development as specified on the current Thoroughfare Plan adopted by the City Council, provided that the developer shall not be responsible for a roadway width greater than forty-eight (48) feet.
2. **Perimeter Streets** – The developer shall be responsible for the design and construction of one-half of any unimproved or substandard streets that are located along the perimeter of his proposed development that have an existing right-of-way width of fifty (50) feet or less. However, a developer shall never be required to design or construct any portion of a perimeter street that has been included in the capital improvements plan that forms the basis of the City's roadway impact fee structure.
3. **Two Points of Street Connection** – Any proposed subdivision or phase or a subdivision shall be connected to the existing street system through at least two separate street connections. The developer shall provide any on-site or off-site street improvements that are necessary to comply with this requirement. The width of such street improvements shall be as specified in the current Thoroughfare Plan adopted by the City Council, provided that the developer shall not be responsible for a roadway width greater than forty-eight (48) feet. In case such street improvements are located along the perimeter of the proposed development or off-site from the development, the developer may be required to provide no more than one-half of said forty-eight (48) foot roadway width if determined to be feasible by the City Engineer.
4. **Exemption** – The Developer shall not be required to provide perimeter street improvements or two points of street connection if the proposed development consists of no more than two residential lots, each of which is used for no more than one single-family dwelling.
5. **Construction Standards** - All streets shall be provided in accordance with the standards and specifications for street construction as established by the City Engineer.
6. **Cash Escrow in Lieu of Construction** - The developer shall design and construct all internal and perimeter streets at the time of development unless, by the determination of the City Engineer, it is not feasible to do so. Upon such determination, the developer shall be required to furnish an amount equal to his share of the total street design and construction cost plus six (6) percent of such sum for future engineering cost in escrow with the City. Such amount shall be furnished by cash payment, cashier's check, certified check or bank money order, made payable to the City of Mansfield.

7. **Refund of Cash Escrow** – The City shall maintain all funds presented in cash escrow for a period of six (6) years from the date of receipt by the City. If physical construction of the proposed street has not begun within six (6) year, all funds not yet encumbered shall be returned to the developer and may not be assigned to another except by written consent of the developer and the City.
8. **Calculation of Cash Escrow for Perimeter Street** – The amount of the cash escrow in lieu of perimeter street improvements shall be determined by the lesser of the following methods:
 - a. **Front Foot Method** –Multiply the total frontage of the proposed development adjacent to a perimeter street expressed in feet times one-half of the current construction cost per linear foot of street as determined by the City Engineer.
 - b. **Square Root Method** – Multiply the square root of the area of the proposed development expressed in feet times one-half of the current construction cost per linear foot of street as determined by the City Engineer.

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE SUBDIVISION CONTROL ORDINANCE OF THE CITY OF MANSFIELD, BY AMENDING SECTION 10 OF SAID ORDINANCE, REQUIRING SIDEWALKS ALONG PUBLIC AND PRIVATE STREETS AND ALONG THE STREET FRONTAGE OF DEVELOPMENTS; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the governing body of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of the Subdivision Control Ordinance, have given notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all interested citizens, the governing body of the City is of the opinion and finds that the Subdivision Control Ordinance should be amended;

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

SECTION 1.

That Subsection E of Section 10 of the Subdivision Control Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended to read as shown in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3.

Should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof, other than the part so declared to be invalid, illegal or unconstitutional, and shall not affect the validity of the Subdivision Control Ordinance as a whole.

SECTION 4.

Any person, firm or corporation violating any of the provisions of this ordinance or the Subdivision Control Ordinance, as amended hereby, shall be deemed guilty of a misdemeanor and, upon conviction in the Municipal Court of the City of Mansfield,

Texas, shall be punished by a fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

SECTION 5.

This ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

First reading approved on the 8th day of December, 2003.

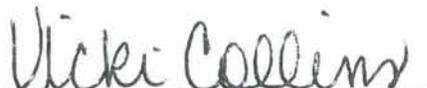
Second reading approved on the 12th day of January, 2004.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this the 26th day of January, 2004.



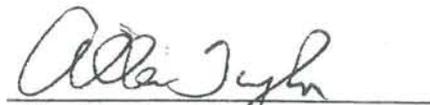
David Harry, Mayor

ATTEST:



Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY

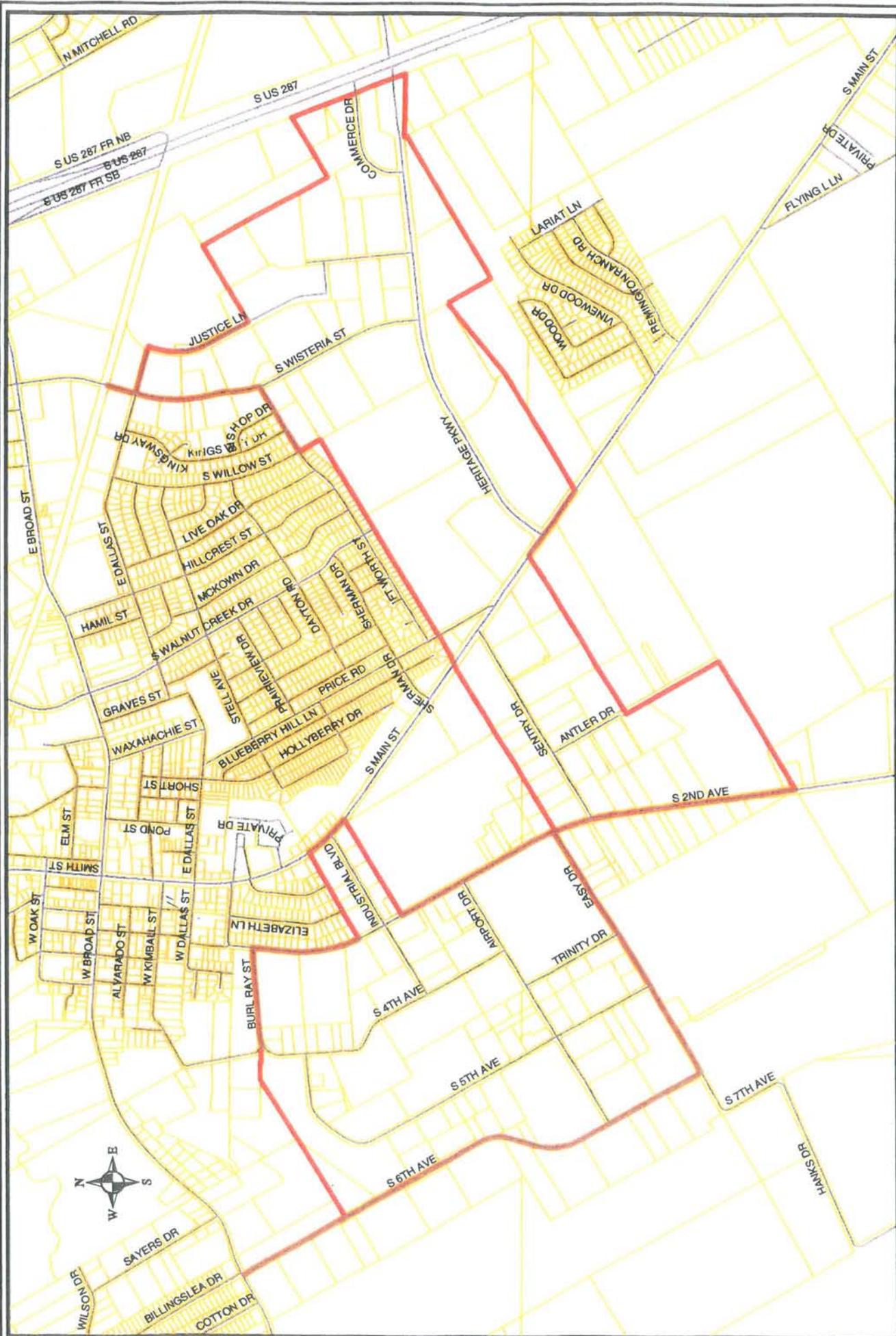


Allen Taylor, City Attorney

EXHIBIT "A"

E. SIDEWALKS

1. Sidewalks shall be installed along all new or reconstructed public or private streets and along the street frontage of all developments, except as follows:
 - a) Streets within existing industrial areas depicted on the maps in Appendix "A" shall be exempt from installing sidewalks.
 - b) Street improvement projects funded by an approved City Bond Program adjacent to large tracts of vacant, rural or undeveloped areas shall be exempt from installing sidewalks unless expressly approved by the City Council.
 - c) Street reconstruction projects funded by the City where no sidewalks previously existed shall be exempt from installing sidewalks, unless expressly approved by City Council.
 - d) Street improvement, construction or reconstruction projects that are funded or managed by the Texas Department of Transportation (TxDOT) shall be exempt from installing sidewalks.
 - e) Development along the access roads of Highway 360 and Highway 287 shall be exempt from installing sidewalks.
 - f) Development in a preliminary or final plat that was previously approved where sidewalks were not required as part of the subdivision improvements are exempt from installing sidewalks.
 - g) Expansion of existing development that increases the square footage of an existing structure or land use by no more than fifty (50) percent or 10,000 square feet, whichever is less.
2. In addition to the 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.
3. Sidewalks shall be installed in accordance with specifications provided by the Engineering Department.
4. All sidewalks along residential local streets and residential collectors within residential subdivisions shall be a minimum of 4 (four) feet in width. All other sidewalks shall be a minimum of five (5) feet in width.



APPENDIX A

