

The seal of McLennan County, Texas, is a circular emblem. It features a central five-pointed star surrounded by a wreath of cotton and wheat. The words "MCCLENNAN COUNTY" are inscribed in an arc across the top, and "TEXAS" is inscribed across the bottom. The entire seal is rendered in a light gray, semi-transparent style.

**INFRASTRUCTURE
DEVELOPMENT REGULATIONS
FOR
MANUFACTURED HOME
RENTAL COMMUNITIES**
McLennan County, Texas

**INFRASTRUCTURE DEVELOPMENT REGULATIONS
FOR MANUFACTURED HOME RENTAL COMMUNITIES**

McLennan County, Texas

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**INFRASTRUCTURE DEVELOPMENT REGULATIONS
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McLennan County, Texas

Article I

Purpose and Authority

Section 1.1 Purpose

These Infrastructure Development Regulations for Manufactured Home Rental Communities have been adopted to encourage the development of a quality physical environment within McLennan County by establishing minimum standards for the provision of adequate stormwater drainage, transportation, public utilities and facilities, and other infrastructure that are necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. These Regulations have been prepared to promote the health, safety and general welfare of the citizens of McLennan County.

Section 1.2 Findings

The McLennan County Commissioners Court hereby makes the following findings:

- A. The Commissioners Court has been delegated the authority to regulate the manufactured home rental community and development process pursuant to Local Government Code, Section 232.007, and designates the County Engineer as administrator of these Regulations with authority to approve or reject infrastructure development plans;
- B. The Commissioners Court has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewage facilities within McLennan County, and these Regulations are a necessary component of such regulation;
- C. The Commissioners Court has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures development within McLennan County, and these Regulations are a necessary component of such obligations;
- D. The Commissioners Court has been granted authority and responsibility under the Federal Emergency Management Agency (FEMA), Chapter 16, Section 16.315, Water Code, to administer floodplain development regulations within McLennan County, and to regulate associated development;

- E. The Commissioners Court has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewage facilities within McLennan County, and has adopted these Regulations in part to abate or prevent the potential pollution, nuisances or injury to public health;
- F. The Commissioners Court has the authority and obligation to protect the public health, safety and welfare of the citizens of McLennan County;
- G. The Commissioners Court has considered the potential burden upon landowners and taxpayers of substandard development and/or road construction;
- H. The infrastructure standards contained within these Regulations are no more stringent than requirements applicable to subdivisions within McLennan County; and,
- I. These Regulations are adopted to preserve and protect the resources, public health and private property interests within McLennan County.

Section 1.3 Order

The Commissioners Court of McLennan County, following public notice, investigation and hearing, has declared and hereby declares these Infrastructure Development Regulations for Manufactured Home Rental Communities to be necessary and appropriate to accomplish the purposes and goals stated above. These Regulations have been adopted by order of the McLennan County Commissioners Court to provide a model for the orderly and efficient development of the rural and suburban areas within McLennan County.

Section 1.4 Applicable Jurisdiction

These regulations apply to areas within McLennan County that are located outside of the corporate limits of a municipality. The owner bears the burden of establishing to the Commissioners Court that no HUD-code manufactured home or mobile home ordinance approval is lawfully required from the municipality.

Section 1.5 Interpretation

In the interpretation and application of the provisions of these Regulations, it is the intention of the Commissioners Court that the principles, standards and requirements provided for herein shall be minimum requirements for the planning and development of manufactured home rental communities within McLennan County, and shall supersede any conflicting regulations. Furthermore, it is the intent of the Commissioners Court that these Regulations shall be interpreted in conjunction with the Court's orders relating to floodplain development, on-site sewage facilities, and road requirements.

Section 1.6 Application

Upon adoption of these Regulations, proposed manufactured home rental communities or any expansion of an existing manufactured home rental community shall adhere to the requirements of these Regulations. No manufactured home rental community shall be permitted or constructed until the owner has submitted and received approval of the infrastructure development plan by the County Engineer. Section 222.007(e) of the Local Government Code requires that any owner of land who intends to use the land for a manufactured home rental community must submit an infrastructure development plan in accordance with these Regulations. Subsection (g) of that same statute provides that no construction can begin on a manufactured home rental community until an infrastructure development plan has been submitted in accordance with these Regulations and approved in accordance with these Regulations.

Section 1.7 Exceptions

All manufactured home rental communities proposed for development or developed on land located outside of the corporate limits of a municipality must comply with the requirements established by these Regulations. There are no exceptions to the requirements of these Regulations.

Section 1.8 Appendices Incorporated

The appendices to these Regulations are incorporated herein by reference and are hereby made a part of these Regulations.

Article II

Definitions

Section 2.1 Interpretation

For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

Acre – A unit of area equal to 43,560 square feet. When calculating the acreage of any rental space, the gross square footage within the space shall be used, provided that any area that is dedicated for right-of-way purposes, within a private roadway easement, or an easement for a shared access driveway, shall be excluded.

Alley – A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a road.

Applicant – An owner or owner’s authorized representative who seeks approval of a proposed manufactured home rental community pursuant to these Regulations.

Arterial Street – A principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting street with state highways.

Base Flood Elevation – The height of the base (100-year) flood in relation to a specified datum, usually the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum of 1988.

Building Setback Line – The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street and/or property line(s).

Business Day – The days of the week when County offices are normally open (excludes official holidays and weekends).

Certificate of Compliance – Document issued to a manufactured home rental community owner/developer by the Commissioners Court certifying that the completed infrastructure complies with the infrastructure development plan for the manufactured home rental community.

Collector Street – A street or road providing for travel between local streets and the arterial street network, or serving multi-family development or neighborhood centers or services such as schools, parks or fire stations.

Commissioners Court – The Commissioners Court of McLennan County.

County – McLennan County, Texas.

County Clerk – The County Clerk of McLennan County.

County Engineer – The County Engineer of McLennan County or other person(s) designated by the Commissioners Court.

County Judge – The County Judge of McLennan County.

County Road – A public roadway under the control and maintenance of the County.

County Road System – Public roads that have been accepted for County maintenance.

Dedication – The appropriation of land, or an easement therein, by an owner, for the use of the public and accepted for such use by or on the behalf of the public.

Developer – Any person, partnership, firm association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participated in the performing of any act toward the development of a manufactured home rental community, within the intent, scope and purview of these Standards.

Development – All land modification activity, including the grading or construction of buildings, roads, parking lots and/or other impervious structures or surfaces.

Drainage Plan or Study – A general plan for handling stormwater affecting existing and proposed property and/or roads due to development.

Easement – The word “easement” shall mean an area for restricted use on private property upon which a public utility/entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

Engineer – A person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Existing Roadways – Roadways that have been constructed and in place prior to the passage of these Regulations.

Expansion - An increase in the number of lots or spaces parceled for separate habitations, an increase in the geographic area of the Manufactured Home Rental Community, or a change in an existing Manufactured Home Rental Community which would create the need for construction or extension of road or street infrastructure to provide ingress and egress to previously parceled lots or spaces.

Extraterritorial Jurisdiction (ETJ) – The unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in Local Government Code, Chapter 42.

FEMA – Federal Emergency Management Agency.

Final Acceptance – Formal acceptance by order of the McLennan County Commissioners Court.

Floodplain – That area subject to inundation by flood, having a one percent probability of occurrence in any given year (100-year flood), based on existing

conditions of development within the watershed area, as shown on the Flood Insurance Rate Maps (FIRM) provided by FEMA.

Grade – The horizontal elevation of a finished surface of the ground or paving at a point where height is to be measured or the degree of inclination of a surface.

Infrastructure Development Plan – A plan indicating compliance with and provisions for streets, utilities, drainage, water, sewer and other requirements for the development of a manufactured home rental community, including but not limited to a survey identifying the proposed boundaries of the manufactured home rental community, any significant features of the community, the proposed location of manufactured home rental community spaces, utility easements, facilities and lines, and right-of-way limits; and specifications of streets and road ingress and egress for fire and emergency vehicles.

Local Street – A street or road which is intended primarily to serve traffic within a neighborhood or limited residential area and which is not continuous through several residential areas.

Lot – Any tract or parcel of land divided or undivided for individual rental, lease or for any other distinct purpose, such as a community center, within the overall manufactured home rental community and which is identified by a tract or lot number or letter (i.e., rental space).

Manufactured Home – Either a HUD-code manufactured home or mobile home. A HUD-code manufactured home is a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and destined to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems.

Manufactured Home Rental Community - A plot or tract of land that is separated into two (2) or more spaces or lots that are rented, leased or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences. For manufactured home rental communities with spaces or lots that are rented, leased or offered for rent, for a term of sixty (60) months or greater, with or without a purchase option, or rented or leased, or offered for rent with a purchase option, regardless of the lease term, please refer to McLennan County's *Subdivision Regulations*.

Manufactured Home Rental Space – The part of land within a manufactured home rental community designated and intended for the installation of one (1) manufactured home.

Manufactured Home Subdivision – A plot or tract of land that is separated or divided into two (2) or more parts for sale, or that are rented, leased or offered for rent or lease for the installation of manufactured homes for use and occupancy as dwelling units, either with an option to purchase or for a term of sixty (60) months or greater.

Minimum Requirements – Minimum acceptable requirements; such requirements may be modified by the County Engineer as may be necessary to protect the public health, safety, and welfare.

Mobile Home – A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditioning, and electrical systems.

On-Site Facilities – On-site facilities shall mean those existing or proposed streets, utilities, drainage, water, sewer and other infrastructure improvements provided within the boundaries of the land on which the manufactured home rental community is to be constructed. On-site facilities shall also mean those existing or proposed facilities which are required to be constructed or improved on the perimeter of the property in rights-of-way to be provided by the owner and which are required to serve the manufactured home rental community. These include streets, waterlines, stormwater drainage, curb and gutter, and any other infrastructure improvements needed to serve the property.

Owner – The owner of land of record subject to the manufactured home rental community requirements.

Perimeter Street – Any existing or planned street which abuts a manufactured home rental community.

Precinct Commissioner - McLennan County Commissioner in whose precinct the manufactured home rental community or development is located.

Private Road – A residential road that is typically owned and/or maintained by an entity other than the County and that is generally intended to serve residents located thereon but not the public at large.

Public Road – A public right-of-way, however designated, dedicated, or acquired which provides vehicular access to adjacent properties.

Regulations - McLennan County Infrastructure Development Regulations for Manufactured Home Rental Communities, as may be amended.

Residential Collector Street – A street or road collecting traffic from local streets of a residential nature and leading to streets of a higher type of classification.

Right-of-Way – A parcel of land that is occupied or intended to be occupied, by a road or alley. Where appropriate, “right-of-way” may include other facilities and/or utilities such as sidewalks; railroad crossings; electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right-of-way” shall also include parkways and medians which are located outside of the actual pavement. The usage of the term “right-of-way” for land development purposes shall mean that every public right-of-way hereafter established and shown on a development plan is to be separate and distinct from the lots or spaces adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or spaces.

Street (or Road) – A right-of-way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land.

Street (or Road) Right-of-Way – The distance between property lines measured at right angles to the centerline of the street.

Substandard Street (or Road) – A street which does not meet the minimum County road standards (as contained within the regulations “Roadway Design and Construction Requirements,” duly adopted by County order and attached hereto as Appendix C).

Surveyor – A person licensed under the provisions of the Texas Professional Land Surveying Practices Act to practice the profession of surveying.

TCEQ – Texas Commission on Environmental Quality.

Utility – Water, sewer, gas and/or electrical services owned and/or operated by either a municipality, county, special district, or any other public, non-profit or private entity.

Variance – A form of relief granted to an owner/developer by the Commissioners Court, and granted on the basis of the criteria set out in these Regulations.

Article III

Infrastructure Development Procedures

Section 3.1 Plan Required

The owner of land located outside of the corporate limits of a municipality must have an infrastructure development plan prepared and approved according to the requirements of these Regulations if the owner intends to develop and use the land for a manufactured home rental community or an expansion of an existing manufactured home rental community. The plan must be approved by the County Engineer prior to any actual development of the manufactured home rental community or the land. All dedicated easements must be evidenced by separate instrument(s) for recording in the Official Public Records of McLennan County, Texas.

Section 3.2 Pre-Development Plan Submittal

The owner/developer should consult formally with the County Engineer, County officials, and/or other designated representatives before preparing an infrastructure development plan and before formal plan submittal for review and approval, in order to avoid unnecessary delays.

Section 3.3 Submittal Materials

Each infrastructure development plan shall be submitted to the County Engineer and shall be accompanied by the following information and materials:

- A. A complete application form as approved by the County (see Appendix A) and all the information specified in these Regulations;
- B. The applicable review fee (see Appendix A);
- C. An original tax certificate showing that all taxes currently due for the land being developed as a manufactured home rental community have been paid;
- D. All required engineering and/or construction drawings/plans, where applicable, which have been signed, dated and sealed by a registered engineer;
- E. Separate instrument(s) indicating all dedicated easements for recording in the Official Public Record of McLennan County.

Section 3.4 Complete Submittal Required

- A. An infrastructure development plan shall be considered to be complete for purposes of this Section when all of the information required within these Regulations is received and approved by the County Engineer. Where time allows, the County Engineer will allow the Applicant to make

changes or additions to the submittal to make the application complete. However, the Applicant must sign a form to be attached to the submittal acknowledging that it is a revised application, and that the 60 day period addressed in §3.5 below will start over from the date the revisions are received by the County Engineer.

- B. Acceptance by the County Engineer, or his designee, of an infrastructure development plan shall not be construed as approval of the documentation or other information. In addition, acceptance of the plan shall not be construed as permission or approval to begin construction activities on the proposed development site.

Section 3.5 Action by the County Engineer

- A. The County Engineer shall consider and take final action on an infrastructure development plan not later than the sixtieth (60th) day after the date a plan is actually received by the County Engineer, or his designee. Failure of the County Engineer to approve or reject an infrastructure development plan within the sixty (60) days (plus any extension) after actual receipt of the plan constitutes approval of the plan.
- B. The County Engineer shall consider and take action on the plan based upon the criteria for plan approval as specified in these Regulations, the recommendations of the Precinct Commissioner, other officials and agencies, and the results of a taking's impact assessment, if any.
- C. The County Engineer may approve, approve with conditions with reference to the requirements of this Order, or disapprove the plan.
- D. If the County Engineer disapproves a plan, the applicant shall be mailed a written list of the reasons for the disapproval and the actions required for approval of the plan.
- E. It is the responsibility of the applicant/developer to assure compliance with applicable State, federal and local laws and regulations pertaining to the environment.

Section 3.6 Plan Review Fee

The applicant shall pay a non-refundable fee in the amount set forth in Appendix A of these Regulations. This fee shall include the cost for reviewing the plan, recording of any dedication documents, and inspection(s) of the infrastructure of the manufactured home rental community. This fee does not include the cost for the original tax certificate. In addition, upon review (or re-review) of a plan submittal by the County Engineer, if changes are made to the plan by the applicant/developer that were not a part of the plan submittal after the review or if

the items required by the review have not been addressed or satisfied when the plan is re-submitted, an additional fee will be assessed each time the plan is re-submitted and review is required. A one-time re-review will be allowed prior to the assessment of this fee. The application fee schedule may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these Regulations.

Section 3.7 Infrastructure Development Plan Submittal

One (1) 18" x 24" mylar, containing all original signatures, along with the original tax certificate (Section 12.002, Property Code), shall be submitted to the County Engineer. The original tax certificate shall be provided to the County Engineer by the applicant/developer with the final plan submittal. All writing and drawings on the final plan must be large enough and clear enough to be easily legible for reproduction methods customarily used by the County.

Section 3.8 Inspections and Certificate of Compliance

Inspection of the infrastructure during its construction and/or upon completion of its construction is required before the Commissioners Court may issue a certificate of compliance with the infrastructure development plan.

- A. The County shall conduct a final inspection following the completion of the infrastructure proposed in each infrastructure development plan. The final inspection must be completed no later than the second (2nd) business day after the date the County Engineer, or his designee, receives written confirmation from the owner or developer of the manufactured home rental community that the construction of the infrastructure is complete.
- B. If the County Engineer determines that the infrastructure complies with the approved infrastructure development plan and these Standards, the Commissioners Court shall issue a certificate of compliance no later than the fifth (5th) business day after the date the final inspection is completed.
- C. Inspection during the construction of the infrastructure may be required by the County Engineer, or his designee. The Owner/Applicant and County Engineer should coordinate for inspections at certain stages or milestones of the construction at the time the plan is approved. The Owner/Applicant shall make the work available for inspection by the County Engineer or his designee upon request.

Article IV

Infrastructure Development Plan

Section 4.1 Infrastructure Development Plan Contents

The infrastructure development plan of a proposed manufactured home rental community shall include the following:

A. General Information:

- (1) Two blueline copies shall be provided to the County Engineer for initial review. After all County reviews and requirements have been satisfied, one (1) 18" x 24" original mylar (i.e., all original signatures) and a minimum of two (2) paper copies shall be provided to the County Engineer. In addition, along with the original plan and copies, one (1) reduced copy of the plan, 8 ½" x 11" in size, shall be provided.
- (2) Name of the proposed development, which shall not be the same or similar to any other development within the County unless the development is an extension of a pre-existing, contiguous development.
- (3) Legal description of the development, bearings and distances of the boundary of the development and all rental spaces, parks, greenbelts, rights-of-way, easements, reserve spaces and all other survey information necessary to reproduce the plan on the ground. The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
- (4) A note stating the total number of rental spaces within the proposed development.
- (5) Description of monumentation used to mark all boundary corners, as established by a surveyor, and all points of curvature and tangency on street rights-of-way.
- (6) Number designations for each rental space.
- (7) Acreage and dimensions of each rental space.
- (8) The location of any spaces proposed for parks, squares, greenbelts and/or other public use facilities.
- (9) Distance from the development to the nearest road intersection.
- (10) All required drainage design calculations and information.
- (11) Name, signature, seal, date and address of the surveyor and/or engineer.
- (12) Name, address and signature of the owner of the property.
- (13) Certification of approval by the County Engineer.
- (14) A location map which shows the general location of the proposed development in relation to other developments/subdivisions, major roads, towns, cities and/or topographical features.

- (15) North arrow, scale (both graphic and written) and date. The scale shall not exceed 1 inch = 200 feet, or as required by the County Engineer. Multiple sheets may be required on larger developments.
- (16) A statement indicating in which school district(s) the development is located.
- (17) Indicate the proposed phases of development (if applicable).

B. Floodplain and Drainage Information:

- (1) Topographic contour lines on the development plan shall be shown at a contour interval which is adequate to delineate and depict existing drainage patterns and other site specific topographic features as required by the County Engineer.
- (2) All special flood hazard areas identified by the most current Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA) shall be shown on the plan.
- (3) For developments with any rental spaces located wholly or partially within a floodplain, base flood elevation information shall be provided utilizing the applicable FIRM on file at the County Engineer's office.
- (4) For developments located wholly or partially within the floodplain, finished floor elevations of each rental space located wholly or partially within the floodplain, in accordance with McLennan County's flood development criteria and as identified by FEMA shall be shown.
- (5) All existing drainage facilities, ditches, culverts and bridges shall be shown. For each development located wholly or partially within the floodplain and consisting of at least five (5) rental spaces located wholly or partially within the floodplain, at least one benchmark showing NGVD 29 elevation, as well as latitude and longitude coordinates, shall be set.
- (6) A final drainage plan prepared in accordance with the requirements contained in Appendix D of these Regulations.
- (7) The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of the proposed rental spaces and street layout upon stormwater drainage shall be included.
- (8) Depiction of all creeks, streams, rivers, ponds, lakes, stock tanks and other surface water features.
- (9) For developments not located within the floodplain, reference shall be made on the plan that the development is not located within the 100-year floodplain and the community and panel number of the appropriate FIRM shall be included.

C. Street and Right-of-Way Information:

- (1) Name, location, length (measured along the center lines) and right-of-way widths of all proposed streets and existing streets (or roads) and a depiction of how all proposed streets shall connect with previously dedicated, platted, existing and/or planned streets within the vicinity of the development. Provide written approval from the McLennan County 911 Emergency Assistance District office regarding all proposed street names.
- (2) Location, size and proposed use of all proposed access easements, if any.
- (3) Separate instrument(s) indicating all dedicated easements for recording in the Official Public Record of McLennan County.

D. Water, Wastewater and Utilities Information:

- (1) The location of all proposed utility easements and/or infrastructure, including water wells and sanitary sewer easements, if applicable. Public and private wells shall include a sanitary easement of 150-foot and 100-foot radius, respectively.
- (2) Designation of the water and/or sewer utility provider(s) for the development and the source of the water intended to serve each rental space within the development. Include the water provider's certificate of convenience and necessity (CCN) number.
- (3) The location and size of existing and/or proposed water lines that are to serve the proposed development along with all proposed fire hydrants, if any.
- (4) For manufactured home rental communities not served by a sanitary sewer system, certification that the development/rental spaces have been designed in compliance with the rules of McLennan County for on-site sewage facilities, together with all planning and evaluation materials required, including the preparation and submission of an on-site suitability report.
- (5) Certification that the public drinking water supply system for the development complies with Chapter 341, Subchapter C, of the Health and Safety Code.
- (6) Recording information (volume and page deed reference or instrument number) on all existing utility easements.

E. Building Lines:

The location of building setback lines, if any, along all streets and drainage easements and other public rights-of-way or future rights-of-way shall be shown on the plan.

F. Infrastructure Development Plan Notes and Certifications:

Certifications and the appropriate plan notes (i.e., language) set forth in Appendix B of these Regulations or as may be required by the County Engineer.

G. Requirements for Roads to be Maintained by the County:

Prior to the submittal of an infrastructure development plan for approval, an applicant seeking to construct streets and/or drainage improvements that the applicant wishes the County to accept upon completion of construction shall adhere to the following:

- (1) Meet the requirements of the County regulations entitled “Roadway Design and Construction Requirements,” attached hereto as Appendix C;
- (2) No infrastructure development plan will be approved until the construction plans have been approved by the County Engineer;
- (3) Certification by a professional engineer that the construction plans are in compliance with the requirements set forth in these Regulations; and,
- (4) Provide the total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the development.

H. Requirements for Streets that are to Remain Private:

Prior to the submittal of an infrastructure development plan for approval, an applicant seeking to construct streets and/or drainage improvements that the applicant wishes to remain private (i.e., seeks to have a private association or other entity maintain said streets and/or drainage improvements) shall adhere to the following:

- (1) Meet the road requirements of the County regulations entitled “Roadway Design and Construction Requirements,” attached hereto as Appendix C;
- (2) No infrastructure development plan will be approved until the construction plans have been approved by the County Engineer;
- (3) No infrastructure development plan will be approved which does not provide adequate vehicular access for fire and other emergency vehicles. The owner or developer shall be required to construct and maintain all streets, roadways or drives internal to the manufactured home rental community required for the safe passage of fire and other emergency vehicles.
- (4) The certification of a professional engineer that the construction plans are in compliance with the requirements set forth in these Regulations;
- (5) The total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the development.

Section 4.2 Standards for Approval

The County Engineer shall approve an infrastructure development plan if it satisfies the requirements of these Regulations.

Section 4.3 Approval of Infrastructure Development Plan

Approval of an infrastructure development plan by the County Engineer does not constitute any obligation on the part of the County for maintenance of any road(s) or other improvements. Acceptance for maintenance shall require a separate order of the Commissioners Court entered at a date after the roads and improvements have actually been constructed and inspected pursuant to Appendix C of these Regulations.

Article V

Mobile Home Rental Community Design and Street Construction Requirements

Section 5.1 Rental Spaces – General Provisions

The purpose of this section is to provide general guidelines for the establishment of individual rental spaces within a mobile home rental community.

- A. Rental spaces shall be of sufficient size and shape to allow for the installation of residential dwelling units that will meet the requirements of established building or construction codes, public health codes, local ordinances, and accepted family living standards.
- B. Rental spaces shall be of sufficient size and shape to accommodate easements for all public and private utility services and facilities that are to serve the development.
- C. Each manufactured home in a manufactured home rental community shall be a minimum of 25 feet from any other manufactured home in the community to permit sufficient ingress and egress access for fire and other emergency personnel and equipment.

Section 5.2 Rental Space Frontage

- A. Rental spaces shall be of sufficient width along roadways so as not to create any adverse drainage conditions or traffic hazards.
- B. Rental spaces fronting along State maintained roadways shall adhere to the requirements of the agency having control over said roadways and associated right-of-way.

Section 5.3 Types of Streets (or Roads)

All streets serving a manufactured home rental community, whether maintained or designated to be maintained by the County or for private maintenance (e.g., by private association, etc.), shall be designed and constructed in accordance with the standards in this Article and as contained within the “Roadway Design and Construction Requirements” (Appendix C), as may be amended from time to time, and shall be classified as one of the following types of streets:

- A. Public streets; or
- B. Private streets, to be maintained by a private association or other maintenance entity.

Section 5.4 Roadway Layout

The infrastructure development plan shall satisfy the requirements of these Regulations relating to the design of roadways, and shall contain a written certification from a professional engineer or licensed surveyor that the locations and dimensions of roadways as set forth and laid out on the plan are in accordance with these Regulations.

- A. Residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent developments.
- B. All manufactured home rental communities shall provide no less than one (1) point of access for each seventy-five (75) rental spaces, including street stubs for future connections or extensions into a future development or phase and/or connection to an existing major collector or arterial or as required by the County Engineer.

Section 5.5 Dedication to the Public

Any dedicated easements or right-of-way shall be accomplished by separate instrument(s) indicating all dedications for recording in the Official Public Record of McLennan County (Appendix B).

Section 5.6 Design and Construction of Public Improvements

All improvements shall be designed and installed to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets to permit continuity of improvements to adjacent properties. Proposed streets should conform to existing topography, to the extent possible, in order to help eliminate or reduce potential drainage problems and to form a drainage collection system for surface water run-off.

- A. Design Criteria and Construction Standards for Streets (or Roads):

All streets shall be constructed in accordance with the “Roadway Design and Construction Requirements”, as may be amended (Appendix C).

B. Utility Easements:

Utility easements of not less than ten (10) feet shall be provided for existing utility lines and for proposed utility lines/improvements, which shall be identified and shown on the infrastructure development plan.

Section 5.7 Publicly Maintained and Dedicated Paved Streets

Paved streets dedicated to the public shall be required in all developments except those satisfying the criteria for private streets, as contained herein. The boundary lines of all rental spaces fronting onto a publicly dedicated right-of-way shall be contiguous with the boundary of the right-of-way.

Section 5.8 Private Streets

The term “private street” shall be inclusive of alleys, if such are to be provided within the manufactured home rental community.

A. Eligibility Criteria:

Private streets shall not be intended for regional or local through traffic circulation.

B. Construction and Maintenance:

The County shall not pay for any portion of the cost of constructing or maintaining a private street, or for any utilities or related facilities that are adjacent to private streets. Private streets must meet the standards as public streets to be maintained by the County.

C. Infrastructure:

All required water, sewer and drainage facilities and signs placed along private streets shall be installed in accordance with County standards.

D. Plans and Inspections:

Developments with private streets must include the same engineering consideration and plans required for public streets and utilities.

E. Petition to Convert to County Maintained Streets:

The owner of a manufactured home rental community may request that the County accept the private street(s) as a public street(s) and right(s)-of-way upon dedication of said private street(s) to the public and submission of a written request to the County Engineer. However, in no event shall the County be obligated to accept said street(s) for County maintenance. Should the Commissioners Court elect to accept the street(s) for maintenance, the County may inspect the street(s) and determine the costs of needed repairs and/or street rehabilitation. Such costs shall be borne by the owner prior to the County’s acceptance of the street(s). The County

shall be the sole judge of whether repairs or rehabilitation are needed. The County may also require, at the owners expense, the removal of guard houses, access control devices, landscaping and/or other aesthetic amenities located within the street right(s)-of-way.

Section 5.9 Mailboxes

- A. Mailboxes shall be set a minimum of three (3) feet from the edge of the pavement or one (1) foot behind curbs. When placement of the mailbox outside of the 3 foot minimum is not possible, a “break-away” type design shall be used.
- B. All mailboxes within County rights-of-way shall meet current TxDOT standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in developments with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the efficient movement of traffic or with visibility from driveways, side streets or other access points.
- C. For the purpose of public safety, the use of clustered or community mail facilities, whenever possible, is encouraged.

Section 5.10 Street Names and Signs

- A. All streets shall be named, with prior approval being received from the McLennan County 911 Emergency Assistance District office.
- B. All signs required by the County Engineer, including street name signs, regulatory signs (e.g., stop and yield), warning signs, and informational signs, shall be installed by the owner or developer. All traffic control signs and devices shall be installed in accordance with the most current version of the “*Texas Manual of Uniform Traffic Control Devices.*”

Article VI

Acceptance of Road Maintenance

Section 6.1 Owner’s Maintenance Responsibility

The owner shall remain responsible for all maintenance and repair of streets and drainage facilities within the manufactured home rental community until the Commissioners Court, by formal court action, accepts the obligation to maintain and repair such roads. The County Engineer’s decision to approve an infrastructure development plan, or the dedication of the right-of-way for a road shall not be deemed to constitute acceptance of the road for maintenance.

Section 6.2 County Acceptance of Roadways

The County may accept a road or street and may assume maintenance responsibility when the following conditions have been satisfied:

- A. The associated right-of-way has been dedicated to the public pursuant to these Regulations and such dedication has been recorded with the County Clerk;
- B. The requirements contained within the “Roadway Design and Construction Requirements” have been met (Appendix C);
- C. The owner has submitted a written request to the County Engineer;
- D. The County Engineer recommends acceptance of the roadways.

Article VII

Water and Wastewater Standards

Section 7.1 Compliance with On-Site Sewage Rules

The manufactured home rental community shall be designed in compliance with the rules and regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, as may be amended from time to time.

Section 7.2 Individual Septic Systems

All septic systems must be inspected and approved by the County’s Designated Representative. All sewage disposal systems must be designed and constructed in accordance with regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, as may be amended from time to time.

Article VIII

Variances

Section 8.1 Criteria for Variances

The Commissioners Court shall have the authority to grant variances from these Regulations when a special public interest and/or the requirements of justice demands relaxation of the strict requirements of these rules. Any variance granted shall not have the effect of nullifying the intent and/or purpose of these Regulations. The conditions upon which the request for a variance is based shall be unique to the property in question, and not generally applicable to other property.

Factors to be considered by the Commissioners Court in evaluating a request for variance shall include:

- A. Whether strict enforcement of the Regulations would deny the applicant the privileges or safety of similarly situated property with similarly timed development;
- B. The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted;
- C. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not prevent the orderly development of the land in the area in accordance with these Regulations; and,
- D. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of these Regulations would deprive the applicant of the responsible use of their land, that failure to approve the variance would result in undue hardship to the applicant, and such is through no fault of the applicant.

Section 8.2 Application Materials

Any person who wishes to apply for a variance should apply in writing to the County Engineer with a list of, and detailed justification for, any variance(s) requested. The application will be submitted to the Commissioners Court for action within thirty (30) days of receipt by the County Engineer.

Section 8.3 Grant or Denial of Variance

The decision of the Commissioners Court to grant or deny a variance will be final.

Article IX

Enforcement; Prohibitions; Appeals; Conflict of Interest; Severability

Section 9.1 Enforcement Actions

At the request of the Commissioners Court, the District Attorney, County Attorney or other attorney designated by the County may file an action in court of competent jurisdiction to enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations.

Section 9.2 Prohibitions

A utility may not provide utility services, including water, sewer, gas and electric services, to a manufactured home rental community subject to an infrastructure development plan or to a manufactured home in the community unless the owner/developer provides the utility with a copy of the certificate of compliance issued under Article III, Section 3.8.

This section applies only to:

- (1) A municipality that provides utility services;
- (2) A municipality owned or municipally operated utility that provides utility services;
- (3) A public utility that provides utility services;
- (4) A nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;
- (5) A county that provides utility services; and,
- (6) A special district or authority created by state law that provides utility services.

Section 9.3 Enforcement of Infrastructure Development Plan Notes

The enforcement of plan notes or restrictions is generally the responsibility of the owner/developer and other persons holding property interest, whether in fee simple or by easement, in the development.

Section 9.4 Conflict of Interest

No member of the Commissioners Court shall participate in the decisions regarding a manufactured home rental community's infrastructure development plan for property in which the person holds a "substantial interest" as that term is defined in Chapter 171, Local Government Code.

Section 9.5 Severability

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction for any reason, such declaration shall not affect any remaining part of these Regulations. It is the express intent of the McLennan County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

Section 9.6 Amendment to Regulations

The Commissioners Court may amend these Regulations from time to time and may adopt new orders by vote of simple majority after a public hearing thereon is noticed and is held.

Section 9.7 Appeal

In any instance under these Regulations where a decision is made by the County Engineer on an infrastructure development plan or road acceptance process, that decision may be appealed to the Commissioners Court when the applicant believes the decision to be improper, outside of the scope of these Regulations, or contrary to these Regulations or existing law. The appeal shall be requested in writing to the County Judge no later than five (5) business days after the decision of which the applicant complains. The Commissioners Court will take up the matter within twenty (20) business days.

Section 9.8 Appeal to Court of Competent Jurisdiction

An applicant may appeal a decision of the Commissioners Court on an appeal regarding approval or disapproval of a plan to a court of competent jurisdiction if the applicant believes the decision of the Commissioners Court to be improper, based on matters outside the scope of these Regulations, contrary to these Regulations or existing law, or an abuse of discretion.

AND IT IS SO ORDERED:

PASSED AND APPROVED BY THE McLENNAN COUNTY COMMISSIONERS COURT
THIS 1st DAY OF April, 2003.

JIM LEWIS
McLennan County Judge

ATTEST:

Deputy County Clerk for and on
Behalf of J.A. "Andy" Harwell,
McLennan County Clerk

APPENDIX A

Infrastructure Development Plan Application Form

Infrastructure Development Plan Application/Review/Inspection Fees

Infrastructure Development Plan Review Checklist

APPENDIX B

Infrastructure Development Plan Language and Certifications

APPENDIX C

Roadway Design and Construction Requirements

APPENDIX D

Drainage and Flood Control Requirements