

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING SECTIONS 156.03(A) AND (B), “PARK LAND DEDICATION”, SECTION 156.05(D), “CASH IN LIEU OF LAND”, AND SECTION 156.06(A), “PARK DEVELOPMENT FEE” OF CHAPTER 156, “PARK LAND DEDICATION AND DEVELOPMENT FEE” OF TITLE XV “LAND USAGE” OF THE CODE OF MANSFIELD, TEXAS TO REFERENCE AN AMENDED EXHIBIT B; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE

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

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

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

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

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

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

SECTION 1.

That Section 156.03(A) and (B), “Park Land Dedication” of Chapter 156 “Park Land Dedication and Development Fee” of Title XV “Land Usage” of the Code of Mansfield, Texas is hereby amended to read as follows:

“§156.03 PARK LAND DEDICATION.

(A) The city has adopted by City Council action the Parks Master Plan, which provides planning policy and guidance for the development of a municipal park and recreation system for the city. The plan has assessed the need for park land and park improvements to serve the citizens

of Mansfield. The plan has carefully assessed the impact on the park and recreation system created by each new development and has established a dedication and/or cost requirement based upon individual dwelling units. The plan constitutes an individualized fact based determination of the impact of new living units on the park and recreation system and establishes an exaction system designed to ensure that new living units bear their proportional share of the cost of providing park and recreation related services. Park land dedication requirements and park development fee assessments are based upon the mathematical formulas and allocations set forth within the plan. A summary table of the dedication and cost requirements is set forth in a park land dedication table attached hereto and incorporated herein for all purposes as Exhibit "B", and as hereafter amended from time to time by City Council.

(B) When developing residential properties, the owner or developer shall be responsible for a fee simple dedication of park land for each proposed dwelling unit in an amount established by the park land dedication table referenced in §156.03(A)."

SECTION 2.

That Section 156.05(D), "Cash in Lieu of Land" of Chapter 156 "Park Land Dedication and Development Fee" of Title XV "Land Usage" of the Code of Mansfield, Texas is hereby amended to read as follows:

"§156.05 PARK LAND DEDICATION.

(D) The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by city ordinance sufficient to acquire neighborhood park land. The cash payment shall be computed on the basis of the fee per dwelling unit as set forth in the park land dedication table referenced in §156.03(A)."

SECTION 3.

That Section 156.06(A), "Park Development Fee" of Chapter 156 "Park Land Dedication and Development Fee" of Title XV "Land Usage" of the Code of Mansfield, Texas is hereby amended to read as follows:

"§156.06 PARK DEVELOPMENT FEE.

(A) In addition to the required dedication of land, as set forth above and based upon the study referenced in §156.03(A), the developer or his or her successor shall pay a park development fee to the city as a condition to building permit issuance. However, for developments in the extraterritorial jurisdiction that are not subject to building permit requirement, the developer shall pay the park development fee prior to the recording of the final plat at the county. The park development fee shall be set from time to time by city ordinance and shall be sufficient to provide for the development of amenities and improvements on dedicated neighborhood park land in the park quadrant in which the subdivision or development is located. The park development fee shall be calculated on the basis of the fee per dwelling unit as set forth in the park land dedication table referenced in §156.03(A)."

SECTION 4.

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

SECTION 5.

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

SECTION 6.

The caption of this ordinance shall be published in compliance with Section 3.13 of the City Charter.

SECTION 7.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 11TH DAY OF DECEMBER, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Bradley Anderle, City Attorney