

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING TITLE XV OF THE MANSFIELD, TEXAS CODE OF ORDINANCES, ENTITLED “LAND USAGE”, RELATING TO DEVELOPMENT AGREEMENT OF SECTION 155.073, ENTITLED “S, SOUTH MANSFIELD FORM-BASED DEVELOPMENT DISTRICT”; BY AMENDING THE APPLICABLE PROVISIONS RELATING TO “DEVELOPMENT AGREEMENT” AND REPLACING IT WITH THE TERM “DEVELOPMENT PLAN” AND CLARIFYING OTHER PROVISIONS RELATED TO THE SAME; 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 TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND PROVIDING FOR 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 Chapter 155 of the Mansfield Code of Ordinances, “Zoning”, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing opportunity to all property owners generally and to all interested citizens, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance should be amended; and,

WHEREAS, the City of Mansfield, Texas is a home-rule municipality located in Tarrant County, created in accordance with the provisions of Chapter 9 of the Local Government Code and operating pursuant to its Charter; and,

WHEREAS, the City Council of the City of Mansfield, Texas recognizes the need to add clarity to the Code of Ordinances through amendments and revisions to define intent and to assist with administration and enforcement.; and,

WHEREAS, the City Council finds that it will be advantageous, beneficial and in the best interest of the citizens of Mansfield to amend Chapter 155 regarding development agreements and other clarifications as provided herein.

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

SECTION 1.

That the findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2.

That Subsection (C)(4)(e) of Section 155.073 is hereby amended to read as follows:

- (e) To modify or to alter any provisions set forth in a development ~~agreement plan~~.

SECTION 3.

That Subsection (D) of Section 155.073, is hereby amended to read as follows:

- (D) ~~Development agreement plan~~. All applications and plans for development or redevelopment under this S, South Mansfield Form-Based Development District shall be pursuant to a development ~~agreement plan reviewed and~~ approved by the City Council. A development ~~agreement plan~~ shall be approved prior to submittal of any special land assemblage plans and building plans and site plans for ~~review and~~ approval. A development ~~agreement plan~~ submitted to the City Council for review and approval shall include a concept plan depicting proposed layout, proposed transect zone boundaries, proposed civic space types, proposed development intensity, proposed building types (including height), and any other applicable attributes that may be required by the City Council. The development

~~agreement-plan~~ shall additionally include a phasing plan for the development and modification of buildings. A development ~~agreement-plan~~ shall be recorded in the public records and shall be binding upon all purchasers of property within the project and it may only be assigned subject to approval of the City Council. A development ~~agreement-plan~~ may only be altered or modified subject to the approval of the City Council. In the event that a property owner or a developer does not prepare (or have prepared on their behalf) and present a development ~~agreement-plan~~ to the City Council within 90 days for review and approval of a rezoning to S, South Mansfield Form-Based Development District, then the City Council is authorized to initiate a rezoning of the property. The property owner or the developer shall abide by the terms and conditions contained in the development ~~agreement-plan~~. In the event of any violation of any term or condition in the development ~~agreement-plan~~, the City Council shall have all rights of enforcement against the property owner or the developer, all as provided in the existing local codes and the development ~~agreement-plan~~, including initiating rezoning of the property.

SECTION 4.

That Subsection (S)(11) of Section 155.073, is hereby amended to read as follows:

- (11) *Development ~~agreement-plan~~ required.* A development ~~agreement-plan~~ shall be approved prior to submittal of a special land assemblage plan

SECTION 5.

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 6.

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 Zoning Ordinance as a whole.

SECTION 7.

Any person, firm or corporation violating any of the provisions of this ordinance or the 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 8.

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

DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS _____ DAY OF _____ 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney