

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON AN APPROXIMATE 57.95 ACRE TRACT OF LAND LOCATED IN THE JOHN ROBERTSON SURVEY, ABSTRACT NO. 1317, CITY OF MANSFIELD, TARRANT COUNTY, TEXAS, GENERALLY LOCATED EAST OF U.S. HIGHWAY 287, EAST AND WEST OF N. MITCHELL ROAD, AND NORTH OF THE UNION PACIFIC RAILROAD RIGHT-OF-WAY ON PROPERTY ADDRESSED AT 101 S. U.S. HIGHWAY 287, AND AT 20 AND 24 NORTH MITCHELL ROAD, AS DESCRIBED IN EXHIBIT "A", FROM ITS CURRENT ZONING DESIGNATIONS OF PLANNED DEVELOPMENT DISTRICT "THE RESERVE PD" AND A PLANNED DEVELOPMENT FOR THE CONSTRUCTION AND OPERATION OF A SINGULAR USE FOR A CHEMICAL PLANT TO A C-2, COMMUNITY BUSINESS DISTRICT; PROVIDING FOR THE INCORPORATION OF PREMISES AND FINDINGS; PROVIDING AN AMENDMENT TO ZONING ORDINANCE AND MAP AND A PROPERTY DESCRIPTION; PROVIDING LAND USE RESTRICTED; PROVIDING A CUMULATIVE REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) A DAY FOR EACH VIOLATION OF THE ORDINANCE AND A SEPARATE OFFENSE SHALL OCCUR ON EACH DAY THAT A VIOLATION OCCURS OR CONTINUES; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE

WHEREAS, Chapter 211 of the Texas Local Government Code ("TLGC") authorizes the governing body of a municipality to adopt zoning regulations to promote the public health, safety, morals, or general welfare and protect and preserve places of historical, cultural, or architectural importance and significance; and,

WHEREAS, Section 211.005 of the TLGC authorizes the governing body of a municipality to divide the municipality into districts of a number, shape, and size that the governing body considers best for carrying out the provisions of Chapter 211, General Zoning Regulations, within which districts the governing body may regulate the erection, construction, reconstruction, alteration, repair or use of buildings, other structures or land; and,

WHEREAS, the City Council of Mansfield, Texas ("City Council") has previously adopted an ordinance adopting the Mansfield 2040 Future Land Use Plan as the primary document on which to base all zoning, platting, and other land use decisions; and,

WHEREAS, the Mansfield 2040 Future Land Use Plan provides guidance for future development; and,

WHEREAS, the Mansfield 2040 Land Use Plan recommends Retail and Office, Mixed-Use Regional, and LINQ Special Area Plan as the appropriate land use classifications for the Property; and,

WHEREAS, on May 6, 2024, BV Mitchell LLC and the City of Mansfield (the “Applicants”), filed an application to rezone (the “Application”) an approximate 57.95 acre tract of land more specifically described and depicted in **Exhibit A**, the “Property” from two (2) PD, Planned Development Districts, the first of which contains regulations adopted under The Reserve PD, Planned Development District (Highway 287 Sub-district) and the second of which contains specific regulations for the construction and operation of a singular use for a chemical plant to a new zoning classification of “S”, South Mansfield Form Based Development District, which district includes mix of residential options, neighborhood-oriented commercial and other related civic activities; and,

WHEREAS, City is the owner of an approximate 14.564acre tract of the Property which was included as part of the Application for rezoning (the “City Tract”); and,

WHEREAS, the Planning and Zoning Commission of the City of Mansfield, Texas, in compliance with the laws of the State of Texas with reference to the amendment of Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, gave the requisite notices by publication and otherwise, and held a public hearing affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties, and at its June 17, 2024 meeting, the Commission voted to recommended that the City Council approve the requested zone change for the Property; and,

WHEREAS, the City Council, in compliance with the laws of the State of Texas with reference to the amendment of Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, gave the requisite notices by publication and otherwise, and held public hearings affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties; and,

WHEREAS, after public hearing at the August 12, 2024, Council meeting, the Applicant requested that the case be tabled indefinitely, and the City Council unanimously voted to table the Application as requested; and,

WHEREAS, subsequently, the Applicant requested that the City Council again consider the same Application at its meeting on December 9, 2024, and at that meeting, the City Council voted unanimously to table the Application at the request of the Applicant; and,

WHEREAS, the Applicant has not provided any substantive changes to the Application since its filing in May 2024 or its tabling in August 2024 or December 2024; and,

WHEREAS, at the February 24, 2025 City Council meeting, the City Council conducted and continued a public hearing affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties, and had a First Reading of the Ordinance rezoning the Property, considered the rezoning Application for the Property, including the City Tract, considered the land use designations for the Property identified in the Mansfield 2040 Future Land Use Plan, and a motion was made and approved by the City Council to rezone the Property to C-2, Community Business District; and,

WHEREAS, at the March 3, 2025 City Council meeting, the City Council conducted a public hearing affording a full and fair hearing opportunity to all property owners generally and to owners of the affected properties, and had a Second Reading of the Ordinance rezoning the Property, again considered the rezoning Application for the Property, including the City Tract, again considered the land use designations for the Property identified in the Mansfield 2040 Future Land Use Plan, and a motion was made and approved by the City Council to rezone the Property to C-2, Community Business District; and,

WHEREAS, having considered the Property, the Mansfield 2040 Future Land Use Plan, public hearing comments, and the land uses authorized by the C-2, Community Business District, the City Council finds and determines that zoning the Property to C-2, Community Business District serves the best interests of public health, safety and welfare and thus is an appropriate land use classification for this Property and provides an intensity of land use consistent with the S District and also provides land uses in accordance with the plan of development identified in the Mansfield 2040 Plan;

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

SECTION 1.
INCORPORATION OF PREMISES AND FINDINGS

That the above and foregoing recitals constitute legislative findings of the City Council of the City of Mansfield, are true and correct and are incorporated into the body of this Ordinance for all purposes.

SECTION 2.
**AMENDMENT TO ZONING ORDINANCE AND MAP;
PROPERTY DESCRIPTION**

That Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, and the Zoning Map of the City of Mansfield, are hereby amended to change the zoning classification for an approximate 57.95 acre tract of land more specifically described and depicted in **Exhibit A**, attached hereto and incorporated herein (the “Property”) from its current designation of two Planned Development Districts, the first of which contains regulations adopted under The Reserve PD, Planned Development District (Highway 287 Sub-district) and the second of which contains specific regulations for the construction and operation of a singular use for a chemical plant, to the new zoning classification of C-2 Community Business District.

SECTION 3.
LAND USE RESTRICTED

That the Property shall be used only in the manner and for the purposes provided for in the Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas of the City, as amended

herein by the approval of the C-2 Community Business District zoning classification for the Property.

SECTION 4.
CUMULATIVE REPEALER

That this Ordinance shall be cumulative of all other Ordinances of the City and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and those that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 5.
SEVERABILITY

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 Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas as a whole, and the remaining paragraphs, sentences, subdivisions, clause, phrases or sections of this Ordinance, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated.

SECTION 6.
PENALTY

Any person, firm or corporation violating any of the provisions of this ordinance or Chapter 155 “Zoning” of the Code of Ordinances, City of Mansfield, Texas, as amended hereby, shall upon conviction in the Municipal Court of the City of Mansfield, Texas, be deemed guilty of a misdemeanor and 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 7.
PUBLICATION AND EFFECTIVE DATE

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

FIRST READING APPROVED ON THE 24TH OF FEBRUARY, 2025.

**DULY PASSED ON THE SECOND AND FINAL READING BY THE CITY
COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 3RD DAY OF MARCH, 2025.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM:

Patricia Adams, City Attorney