

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS,
AMENDING THE COMPREHENSIVE ZONING
ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AS
HERETOFORE AMENDED BY AMENDING SECTION
8600.A OF SAID ORDINANCE TO REVISE THE
REGULATIONS FOR ISSUING OR REVOKING SPECIFIC
USE PERMITS; 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 Comprehensive Zoning Ordinance of the City of Mansfield, Texas (hereinafter “the Zoning Ordinance”), 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;

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

SECTION 1.

That Section 8600.A of the Zoning Ordinance is hereby amended to read as follows:

- A. Authority to Amend:** The City Council may, from time to time, on its own motion or on the petition of an interested property owner or owners:
1. Amend, supplement, or change by ordinance the zoning classification of any property or the regulations herein established; or
 2. Issue or revoke Specific Use Permits. Following the receipt of a report from the Planning & Zoning Commission on any application for a Specific Use Permit, the Council may:
 - a. Authorize the issuance of the permit.
 - b. Attach conditions relating to use limits, duration of the permit, time of operation, or other appropriate conditions to the proposed permit and then authorize its issuance.

- c. If the Council approves a Specific Use Permit that authorizes specialized construction of improvements that may only be utilized under the terms of the Specific Use Permit, the Council will not consider revocation of the permit unless evidence is presented showing that the property owner/operator is in direct and knowing violation of a specific performance condition attached to the Specific Use Permit when issued.
- d. The Council may consider the revocation of any Specific Use Permit if after a properly noticed hearing in which any interested party has an opportunity to present evidence and be heard, the Council makes a determination that a performance condition attached to the original permit has been violated by the owner/operator of the permitted activity, or if the original permit was issued with an expressly stated condition that the permit was for a limited period of time and was subject to periodic review to determine impact on adjoining properties or activities. If a permit is issued for a limited duration, the applicant undertakes the permitted activity with the knowledge that the permit may be revoked or not renewed by future Council action.
- e. Specific Use Permits issued for a limited time duration may be extended for additional increments of time following a properly noticed hearing.
- f. All Specific Use Permits shall be approved, conditioned, modified or revoked following a public hearing in a single meeting action of the City Council. Specific Use Permits do not constitute a change in zoning and, therefore, do not proceed through a three reading ordinance amendment requirement as would be required for a change in zoning classification.

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 Zoning Ordinance as a whole.

SECTION 4.

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

Ordinance No. ____

Page 3

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 ____ day of _____, 2019.

Second reading approved on the ____ day of _____, 2019.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this ____ day of _____, 2019.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney