

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING CHAPTER 155 OF THE MANSFIELD CODE OF ORDINANCES BY AMENDING THE REGULATIONS IN SECTION 155.082(E)(6) RELATED TO ACCESSORY BUILDINGS OR STRUCTURES AND SECTION 155.099(B)(5), “RESIDENTIAL ACCESSORY BUILDINGS”; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF A 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 Chapter 155 the Code of Ordinances of the City of Mansfield, Texas, “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 Code of Ordinances should be amended;

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

SECTION 1.

That Section 155.082(E)(6) of the Mansfield Code of Ordinances is hereby amended by revising division (E)(6)(a)(3) to read as follows:

~~“3. The Board may grant an increase in height not to exceed 24 feet for buildings or structures located on lots of one half acre to two acres in size, and not to exceed 35 feet for buildings or structures located on lots of two acres in size or larger. For properties of 20,000 square feet in size or larger, the Board may grant an increase in height up to 35 feet maximum.”~~

SECTION 2.

That Section 155.099(B)(5) of the Mansfield Code of Ordinances is hereby amended to by revising divisions (B)(5)(f) through (p) and adding a new division (q) to read as follows:

“(f) Accessory buildings or structures for properties in the A, PR, SF and 2F Districts shall not exceed the maximum square footage ~~for each zoning district~~ as depicted in the following table:

~~Zoning District~~

~~Maximum Total Square Feet For All Accessory Buildings~~

~~or Structure*~~

~~2F 120 sq. ft.~~

~~SF 6/12 200 sq. ft.~~

~~SF 7.5/12 200 sq. ft.~~

~~SF 7.5/16 200 sq. ft.~~

~~SF 7.5/18 200 sq. ft.~~

~~SF 8.4/16 400 sq. ft.~~

~~SF 8.4/18 400 sq. ft.~~

~~SF 9.6/20 400 sq. ft.~~

~~SF 12/22 400 sq. ft.~~

~~A 2% of the total area of the lot~~

~~SF 5AC/24 2% of the total area of the lot~~

~~*Where the area of a lot in any SF district exceeds the minimum required lot area for that district, accessory buildings or structures may conform to the maximum total square footage limits established in division (B)(5)(g) below.~~

Area of the Residential LotProperty	Maximum Total Square Feet for All Accessory Buildings or Structures
Less than 8,400 sq. ft.	200-300 sq. ft.
Between 8,400 sq. ft. and 19,999 sq. ft.	400-750 sq. ft.
20,000 sq. ft. or greater	1,500 sq. ft. or 4% of the total area of the lot, whichever is greater

~~(g) Notwithstanding the above, accessory buildings or structures for single family homes in the PR, 2F and MF 1 Districts shall conform to the maximum square footage limit for accessory buildings or structures shown below.~~

~~(fg) The maximum square footage limits shown hereinabove shall be cumulative of all accessory buildings or structures for each lot. The square footage within a loft or attic shall be excluded from the calculation of maximum square footage of an accessory building or structure.~~

~~(gh) Accessory buildings or structures for duplexes and townhomes in the MF-1 and MF-2 districts shall conform to the standards established for accessory buildings or structures in divisions (B)(5)(f) and (j)the 2F District.~~

(h) Accessory buildings or structures for multi-family apartments or dwellings in MF-1 and MF-2 Districts shall comply with the area, height and setback standards for the principal buildings in such districts.

(i) Accessory buildings or structures shall comply with the minimum setbacks from the property line as depicted in the table below in conjunction with the height of the accessory building or structure. ~~Accessory buildings or structures shall be limited to one story, and may have a loft or attic, provided that such loft or attic is not used as habitable space.~~ The height of accessory buildings or structures shall be measured from the ground to the highest point of the building or structure.

<i>Maximum Height of Accessory Building</i>	<i>Minimum Setbacks</i>	
	<i>Min. Rear Yard</i>	<i>Min. Side Yard</i>
8' or less	7.5'	5'
9' to 10'	97.5'	7'
11' to 12'-24'	119.5'	9'

(k) Accessory buildings or structures may be located in the side yard provided that they meet the minimum height/setback requirements described in division (B)(5)(k) of this section and that they are at least 75 feet from the front property line or behind the rear façade of the main residential building that is furthest from the street.

(m) On double frontage lots, accessory buildings or structures may be located within the 25 feet rear yard setback provided that they meet the minimum height/setback requirements described in division (B)(5)(k) of this section.

(n) On corner lots that back up to the rear yard of another lot, accessory buildings or structures may be located within the exterior side street setback provided that they meet the minimum height/setback requirements described in division (B)(5)(k) of this section. No accessory building or structure shall be permitted within the exterior side street setback of a lot that backs up to the side yard of another lot that faces the side street.

(o) A minimum distance of five feet shall be required from enclosed accessory buildings or structures to the ~~house main residential building or to and to other accessory buildings or structures shall be required on the property.~~ No minimum separation shall be required for unenclosed (structures with no walls) accessory buildings or structures or those with an area of 1200 square feet or less.

~~(p) The Board of Adjustment may grant a special exception to allow an increase in the maximum area or height, or a reduction of the minimum setback requirements for accessory buildings or structures, subject to the conditions established in §155.082(E)(6). The combined floor area of accessory building(s) or structure(s) and accessory dwelling unit shall not exceed two-thousand five~~

hundred (2,500) square feet. In no case shall the combined area of the primary residence, the accessory building or structure and the accessory dwelling unit exceed the maximum percentage of lot coverage allowed for the residential zoning district in which the structures are to be located. All accessory dwelling units shall comply with the provisions set forth in Section 155.099(B)(35) of the Mansfield Zoning Ordinance. Accessory buildings or structures that do not require a permit for location in any residential zoning district shall be exempt from this requirement.

(q) The Board of Adjustment may grant a special exception to allow an increase in the maximum area or height, or a reduction of the minimum setback requirements for accessory buildings or structures, subject to the conditions established in §155.082(E)(6).”

SECTION 3.

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 4.

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 5.

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 6.

This ordinance shall take effect immediately from and after its passage on 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 _____, 2023.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Bradley Anderle, City Attorney