

**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 SECTIONS 2200, 4400, 7200 AND 7800 OF SAID ORDINANCE RELATED TO DEFINITIONS, ZONING CLASSIFICATION AND PERMITTED USE REGULATIONS, AREA, SETBACK AND HEIGHT REGULATIONS, SPECIFIC USE PERMIT REQUIREMENTS, OFF STREET PARKING AND LOADING STANDARDS, LANDSCAPING AND SCREENING STANDARDS, SPECIAL CONDITIONS APPLICABLE TO EATING PLACES WITH DRIVE-THROUGH SERVICES; 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 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 2200, “Definitions” of the Zoning Ordinance is hereby amended by revising Sub-Section E to read as follows:

“Section 2200 E.

1. Eating Places with Drive-Through Service - An establishment whose principle business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the establishment, (2) for consumption within a motor vehicle parked on the premises where the customer does not exit the vehicle, or (3) through direct window service allowing customers in motor vehicles to purchase food and/or beverages for off-premise consumption.
2. Eating Places without Drive-Through Service - An establishment whose principle business is the sale of food and/or beverages to customers in a ready-

to-consume state, and whose principle method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a service line operation where food and beverages are consumed within the establishment.”

## **SECTION 2.**

That Section 4400.B, “Permitted Use Table” of the Zoning Ordinance is hereby amended by revising Table G. General Service and Office Type Uses, Lines 9 and 10, as shown in Exhibit “A” attached hereto and made a part hereof for all purposes.

## **SECTION 3.**

That Section 7200.B, “Parking Group Table” of the Zoning Ordinance is hereby amended by revising Subsection 5, “Food and Beverage Services”, Paragraphs a and b as shown in Exhibit “B” attached hereto and made a part hereof for all purposes.

## **SECTION 4.**

That Section 7800.B, “Special Conditions” of the Zoning Ordinance is hereby amended by adding a new Paragraph 36 to read as shown in Exhibit “C” attached hereto and made a part hereof for all purposes.

## **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 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 \_\_\_\_\_, 2014.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
**David L. Cook, Mayor**

ATTEST:

\_\_\_\_\_  
**Vicki Collins, City Secretary**

APPROVED AS TO FORM AND LEGALITY

\_\_\_\_\_  
**Allen Taylor, City Attorney**