

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 155, “ZONING,” OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, BY AMENDING SECTION 155.012 TO ADD A NEW DEFINITION FOR PACKAGE STORES; AMENDING SUBSECTION 155.054(B), TABLE F, TO PERMIT PACKAGE STORES WITHIN A PD, PLANNED DEVELOPMENT DISTRICT; AMENDING SECTION 155.056 RELATED TO SECURITY GATES AND SHUTTERS; AMENDING SECTION 155.099 TO PROVIDE NEW SPECIAL CONDITIONS FOR PACKAGE STORES; 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, 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 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, “the Mansfield 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 Code of Ordinances should be amended; and,

WHEREAS, Section 155.065 of the Mansfield Zoning Ordinance provides General Provisions for Special Purpose Districts that establish sets of standards for uses or areas that deserve specific, independent considerations; and,

WHEREAS, Section 155.066 of the Mansfield Zoning Ordinance provides for standards for creating and administering PD, Planned Development District Regulations; and,

WHEREAS, the Mansfield Zoning Ordinances has outlined siting standards for age restricted retail in order to balance area business types and avoid the over proliferation of one use; 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 recognizes a need to add clarity to the Code of Ordinances through amendments that help define intent of administration.

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

SECTION 1.

That Section 155.012 of the Mansfield Zoning Ordinance, “Definitions”, is hereby amended by inserting the following new definition for “Package Store” alphabetically, and to read as follows:

“PACKAGE STORE. A retail establishment licensed by the Texas Alcoholic Beverage Commission and dedicated primarily to the sale of beer, liquor, wine and / or other alcoholic spirits in sealed containers for off-premise consumption only. For the purposes of this definition, the term “package store” shall also include liquor store, and shall exclude convenience goods stores, corner markets, and grocery stores in which beer, liquor, wine and / or alcoholic spirits may be sold as a minor part of the inventory.”

SECTION 2.

That Section 155.054(B), “Permitted Use Table”, is hereby amended by revising Table F, “General Retail Uses”, by inserting a new Line 18 for “Package Store”, and that all other listed uses under Section 155.054(B), Table F, shall be renumbered accordingly, to read as follows:

Residential Districts														Permitted Primary Uses		Nonresidential Districts									
A	S F - 5 A C /2 4	S F - 1 2 2	S F- 9. 2 0	S F- 8. 4/ 8	S F- 8. 4/ 6	S F- 7. 5/ 1	S F- 7. 5/ 1	S F- 7. 5/ 1	S F- 6/ 1		2 F	M F- 1	M F- 2	F. General Retail Uses	OP	C - 1	C - 2	C - 3	I - 1	I - 2	P D	Parking Group Table, § 155.091	Special Conditions, § 155.099		
														18. Package Store							P	4b	41		

SECTION 3.

That Section 155.056 of the Mansfield Zoning Ordinance, entitled “Community Design Standards”, is hereby amended by inserting the following new provisions in a new Paragraph (G)

for security gates and shutters in the OP, C-1, C-2, C-3, D, FR, PD, and S Districts, to read as follows:

“(G) Security gates and shutters. Solid metal security gates and solid roll-down shutters shall not be permitted in the OP, C-1, C-2, C-3, D, FR, PD, and S Districts. Interior link or grill security devices may be permitted if they can be completely enclosed or hidden from view when not in use and shall be subject to review and approval by the Director of Planning.”

SECTION 4.

That Section 155.099(B) of the Mansfield Zoning Ordinance, “Special conditions by use”, is hereby amended by inserting a new Paragraph (41) with the following new standards for Package Stores to read as follows:

“(41) Package store.

- (a) All package stores shall be licensed by the Texas Alcoholic Beverage Commission.**
- (b) All package stores shall require the adoption of a PD, Planned Development.**
- (c) The minimum floor area for a package store shall be 25,000 square feet. Any request to deviate from the minimum floor area shall be subject to approval of the City Council as set forth in this Paragraph.**
- (d) In order to control the proliferation of grouped similar land uses and to prevent proximity to protected land uses, distance to existing surrounding land uses can be used to determine the appropriateness of a PD, Planned Development application for a “Package Store”. Protected land uses shall be similar to those uses protected and outlined by the Texas Alcoholic Beverage Commission and Section 155.099 Special Conditions (B)(21) of the Mansfield Code of Ordinances.**
- (e) No sale of beer, liquor, wine and / or other alcoholic spirits at a package store shall be permitted through a drive-through facility; a pick-up window; or a walk-up window. All sales of beer, liquor, wine and / or other alcoholic spirits shall occur within the interior of the package store.**
- (f) A package store shall have separate entrances for deliveries and customers. The entrance for deliveries shall be restricted to locations to the rear or the side of the establishment.**
- (g) The PD, Planned Development approved under this provision for a package store shall automatically expire upon: (i) the closure of the package store; or (ii) a change the ownership of the package store.”**

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.

That 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 Mansfield Zoning Ordinance as a whole.

SECTION 7.

That any person, firm or corporation violating any of the provisions of this ordinance or the Mansfield 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.

That the City Secretary of the City of Mansfield is hereby directed to publish this ordinance as required by law.

SECTION 9.

This ordinance shall take effect immediately from and after its passage upon 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 14TH DAY OF OCTOBER, 2024.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Ashley Dierker, City Attorney