

**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 SUBSECTION 23 AND 25 OF SUBSECTION B “GENERAL PROVISIONS” OF SECTION 7200 “OFF-STREET PARKING AND LOADING STANDARDS” REGARDING THE PARKING STANDARDS OF OTHER VEHICLES AND REMOVING THE EXEMPTION OF CERTAIN VEHICLES FROM THE PARKING STANDARDS; 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 Subsection 23 of Subsection B of Section 7200 of the Zoning Ordinance is hereby amended to read as follows:

- “23. No Other Vehicle shall be parked between the front property line of a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse and the façade of the residence that is closest to the street. No Other Vehicle shall be parked on a driveway between the side property line of a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse and the façade of the residence that is closest to the street.”

**SECTION 2.**

That Subsection (b) of Subsection 25 of Subsection B of Section 7200 of the Zoning Ordinance is hereby amended to read as follows:

- “b. Any Other Vehicle greater than twenty-five (25) feet in length that was lawfully parked on a lot or tract occupied by a single family dwelling, two family dwelling or townhouse prior to November 10, 1997, shall be exempted from the provisions of Section 7200.B.21 above, provided that

such vehicles are compliant with the requirements of Section 7200.B.23 above and are not located over a public sidewalk, or within a public right-of-way or visibility triangle as defined in Section 7300.I.36.”

### **SECTION 3.**

That Subsection (c) of Subsection 25 of Subsection B of Section 7200 of the Zoning Ordinance is hereby repealed in its entirety.

### **SECTION 4.**

That Subsection (d) of Subsection 25 of Subsection B of Section 7200 of the Zoning Ordinance is hereby renumbered as Subsection (c) and amended to read as follows:

- “c. A vehicle lawfully parked under the provisions of Paragraph (b) above may be replaced by another vehicle of the same type and same dimensions by the same owner or occupant of the property; provided, however, that the exemption permitted under Paragraph (b) above shall automatically terminate upon a change in ownership or occupancy of a property occupied by a single-family dwelling, two-family dwelling or townhouse upon which the vehicle is parked.”

### **SECTION 5.**

That Subsection B of Section 7200 of the Zoning Ordinance is hereby further amended by inserting a new Subsection 27 to read as follows and by renumbered subsequent subsections:

- “27. It is not a violation of the aforementioned regulations if any vehicle is parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse for less than seventy-two (72) hours at any one time for the following purposes, provided that there is not a history of reoccurring uses of this provision on the lot or tract in question. Reoccurrence shall be presumed if parking under this provision occurs more than four (4) times within any calendar year.
- a. To accommodate an out-of-town visitor; or
  - b. Loading, unloading, cleaning, preparing for a trip, winterizing or preparing for off-premise storage.”

### **SECTION 6.**

Prior to the effective date of this Ordinance, City regulations had permitted the long-term storage or parking of Other Vehicles between the front property line of a lot or tract occupied by a single family dwelling, two family dwelling or townhouse and the façade of the residence that is closest to the street, if such Other Vehicle had existed prior

to March 28, 2006. Following the effective date of this Ordinance, parking of any Other Vehicle shall no longer be permitted between the front or side property line of a lot or tract occupied by a single family dwelling, two family dwelling or townhouse and the façade of the residence that is closest to the street, but the City shall refrain from enforcing this provision of the Ordinance for a period of 90 days to allow property owners to secure an alternate location for the placement of the stored vehicles. The provisions in Section 7700 “Nonconforming Use Regulations” of the Zoning Ordinance shall not be applicable to any Other Vehicle that exists prior to the effective date of this Ordinance.

**SECTION 7.**

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 8.**

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 9.**

Any person, firm, corporation or entity that violates or assists in the violation of any of the provisions of this Ordinance or fails to comply with any of the requirements thereof, or that builds or alters any building or use in violation of any plan or permit submitted and approve hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 10.99 of the Code of Ordinances of Mansfield, Texas. Each day such violation exists shall constitute a separate offense.

**SECTION 10.**

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 \_\_\_\_\_, 2015.

Second reading approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**David L. Cook, Mayor**

ATTEST:

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**Susana Marin, Interim City Secretary**

APPROVED AS TO FORM AND LEGALITY:

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E. Allen Taylor, City Attorney