

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, TO AMEND PROVISIONS OF SECTION 155.092(L)(2) LANDSCAPING AND SCREENING STANDARDS RELATED TO AESTHETICS AND PASSIVE SPACE IN MF-1, MF-2, OP, C-1, C-2, C-3, I-1, I-2, FR, SE, AND PD DISTRICTS; 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 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;

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 155.072(L)(2) of the Mansfield Code of Ordinances, “Aesthetics and passive space,” is hereby amended by inserting the following regulations for aesthetics and passive space on each lot in MF-1, MF-2, OP, C-1, C-2, C-3, I-1, I-2, FR, SE, and PD Districts and to read as follows:

“(2) All new development in the MF-1, MF-2, OP, C-1, C-2, C-3, FR, SE, and PD Districts shall dedicate a minimum of 10% of the total building floor area to passive space. For the purposes of calculating passive space requirements in the FR and SE Districts, the calculations shall apply to the entire parcel of land, where abutting a highway. All new development on parcels of land in the I-1 and I-2 Districts fronting on Heritage Parkway and Lone Star Road only, shall dedicate a minimum of 2,000 square feet of area to passive space. Passive space shall be located within 100 feet of the geographic center of the parcel of land, except as reviewed and approved otherwise by the Director of Planning to accommodate site constraints and provided that such location is consistent with the intent of these provisions; and such space shall be entered directly from a thoroughfare, a walkway or other pedestrian path, ~~or a civic or open space.~~ Examples of passive space are depicted in DIAGRAMS 1, 2, and 3.”

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 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 upon reading and the publication of the caption, as the law and charter in such cases provide.

DIAGRAM NO. 1.



DIAGRAM NO. 2.



DIAGRAM NO. 3.



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