

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, AMENDING PROVISIONS OF THE D, DOWNTOWN DISTRICT TO PROVIDE FOR NEW DEFINITIONS FOR BOUTIQUE HOTEL AND DOORYARD; TO AMEND THE STANDARDS RELATED TO PRINCIPAL BUILDING HEIGHT IN THE D-3 ZONES AND THE TRANSIT OVERLAY DISTRICT (TOD); TO PROVIDE FOR NEW STANDARDS FOR DOORYARDS; TO AMEND THE BUILDING FUNCTION AND SPECIFIC USE TABLE TO ALLOW BOUTIQUE HOTEL AS A PERMITTED USE IN THE D-3 ZONES; TO PROVIDE FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; TO PROVIDE A SEVERABILITY CLAUSE; TO PROVIDE A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND TO PROVIDE 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; 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 155.072(B) of the Mansfield Zoning Ordinance, that is entitled “Definitions,” is hereby amended by inserting the following new terms, “Boutique Hotel” and “Dooryard”, in alphabetical order, to read as follows:

**“BOUTIQUE HOTEL. A type of lodging function, offering a minimum of 10, but no more than 125 bedrooms in a building or buildings, and permitted to provide food service at all times. A boutique hotel shall provide a premium experience that is dedicated to arts, culture, and history and shall provide distinguished accommodations not common to the surrounding area and the region. A boutique hotel shall allocate a minimum of 10 percent of its total building area to a combination of the following specific uses: (i) a bakery; a bistro; a cafe; a coffee shop; a corner market or a corner store; a restaurant; or a destination-oriented retail**

**establishment; (ii) personal service; and (iii) meeting space available for gatherings, including conferences. A boutique hotel shall have architectural design and site design treatments that further enhance an authentic art, culture and history experience of the district. The total building area allocated for food service, personal service, and retail shall be calculated and be provided with assigned parking according to retail function; and the total building area allocated for meeting space shall be calculated and be provided with assigned parking according to other function.**

**“DOORYARD. A type of frontage with a shallow setback and a front garden or a patio, usually with a low wall or a hedge at the front lot line.”**

## SECTION 2.

That Section 155.072(J)(4) of the Mansfield Zoning Ordinance, “Building Requirements,” is hereby amended by inserting the following new provisions for building height in the D-3 zones and in the TOD, to read as follows:

- (4) “Principal buildings shall not exceed a maximum of four stories in height in **the D-1 and D-2 zones; and all D-zones, except that** principal buildings in the **D-3 zones and the TOD** shall not exceed a maximum of six stories in height. **An increase in building height which exceeds six stories may only be granted subject to review and recommendation by the Director of Planning and approval by the City Council.**”

## SECTION 3.

That Section 155.072(N)(4)-(5), “Building frontage,” is hereby amended by inserting the following new provisions for building frontages that are required for row houses and multi-family residential buildings at the first story, to read as follows:

- (4) “All row houses at the first story shall provide a **dooryard or** stoop at the building frontage.”  
(5) “All multi-family residential buildings shall provide a **dooryard,** patio, or porch for each dwelling at the first story.”

## SECTION 4.

That Section 155.072(N)(13) of the Mansfield Zoning Ordinance, “Building frontage,” is hereby amended by inserting the following new provisions for dooryards, and that are subsequent paragraphs are to be renumbered accordingly, to read as follows:

- (13) **“Dooryards.**  
(a) **Dooryards may encroach into the front building setback up to 100 percent of its depth.**  
(b) **Dooryards shall be no less than 10 feet deep.**  
(c) **Dooryards may be raised from average sidewalk grade.**  
(d) **Dooryards shall be enclosed on 3 sides by a fence constructed of metal or a wall made of brick or stone and 4 feet in height. Openings in the fence or wall shall be no larger than is necessary to allow pedestrian access.”**

**SECTION 5.**

That Table 3 entitled, “Building Function and Specific Use” in Section 155.072 of the Mansfield Zoning Ordinance be amended to reflect “Boutique Hotel (up to 125 rooms)” as a use permitted by-right in the D-3 Zones, in alphabetical order, and to read as follows:

**“TABLE 3.”**

<b>BUILDING FUNCTION AND SPECIFIC USE</b>				
	<b>D-1</b>	<b>D-2</b>	<b>D-3</b>	<b>SD-1</b>
<b>LODGING.</b>				
<b><u>BOUTIQUE HOTEL (UP TO 125 ROOMS)</u></b>			<b><u>P</u></b>	

**LEGEND:**

- P:** Permitted by right
- S:** Permitted by specific use permit
- Square left blank:** The use is not permitted

**SECTION 6.**

That Section 155.072 of the Mansfield Zoning Ordinance, is hereby amended by inserting a new Diagram No. 12 for dooryards, to read as follows:

**“DIAGRAM 12.**

Image is for illustrative purposes only, showing a dooryard frontage.”



**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.**

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 Zoning Ordinance as a whole.

**SECTION 9.**

That 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 10.**

This ordinance shall take effect immediately from and after its passage on the 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 26<sup>TH</sup> DAY OF AUGUST, 2024.**

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**Michael Evans, Mayor**

**ATTEST:**

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**Susana Marin, City Secretary**

**APPROVED AS TO FORM AND LEGALITY:**

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**Ashley Dierker, City Attorney**