

ORDINANCE NO. _____

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AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS AMENDING CHAPTER 155, "ZONING," OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS, TO REVISE THE DEFINITION OF AN ACCESSORY DWELLING IN SECTION 155.012; TO REPEAL THE SPECIAL EXCEPTION RELATING TO ACCESSORY DWELLINGS IN SECTION 155.082(E)(7)(A); TO REVISE THE SPECIAL CONDITIONS RELATING TO ACCESSORY DWELLINGS IN SECTION 155.099(B)(35); 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;

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 Code of Ordinances, "Definitions," is hereby amended by revising the definition for "Accessory Unit" to read as follows:

"Dwelling Unit, Accessory. A type of dwelling unit that is subservient to a principal residential dwelling in size, location, and design, and is often located above garages or within an accessory building that is located towards the rear of the property. An accessory dwelling unit may also be for rent~~accessory to and located on the same lot with the main residential building and used as living quarters by domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises.~~**"**

SECTION 2.

That Section 155.072(E)(7)(a) of the Mansfield Code of Ordinances, is hereby repealed in its entirety.

~~(7) The construction of an accessory dwelling in any A, PR or SF zoning district that does not comply with § 155.099(B)(35).~~

~~—— (a) Conditions of approval.~~

~~—— 1. Occupancy of the accessory dwelling shall be limited to domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises. Guests may occupy such dwelling no more than 90 consecutive days in any 12-month period.~~

~~—— 2. An accessory dwelling shall not be rented as an apartment or used as a separate domicile.~~

~~—— 3. No more than one accessory dwelling shall be allowed on any lot or tract.~~

~~—— 4. The minimum area of the lot on which a detached accessory dwelling is located shall be 20,000 square feet. There shall be no minimum lot size for accessory dwellings attached to the main residential building.~~

~~—— 5. The habitable floor area of an accessory dwelling shall not exceed 50% of the habitable floor area of the main residential building, provided that the combined square footage of the accessory dwelling and the main residential building shall not exceed the maximum lot coverage allowed by the regulations of the zoning district in which the property is located.~~

~~—— 6. The maximum height of an accessory dwelling shall be 35 feet. A detached accessory dwelling shall be limited to one story; however, it may have a loft or attic.~~

~~—— 7. An accessory dwelling must comply with the same minimum side and rear setback requirements as the main residential building and must be at least 75 feet from the front property line or behind the rear facade of the main residential building that is furthest from the street. In no case shall an accessory dwelling be located forward of the main residential building.~~

~~—— 8. No separate driveway approach shall be permitted for an accessory dwelling.~~

~~—— 9. An accessory dwelling shall be constructed of the predominant building and roofing materials used on the main residential building.~~

~~—— 10. All utilities must be on the same meter as the main residential building.~~

~~—— 11. The granting of the special exception does not change the essential character or appearance of the neighborhood, or diminish or impair property values within the neighborhood.~~

SECTION 3.

That Section 155.099(B)(35) of the Mansfield Code of Ordinances, is hereby amended to read as follows:

(35) Accessory dwelling units. Accessory dwelling units are intended to add to and diversify the mix of housing and increase land use efficiency while fitting into and supporting a neighborhood context. Accessory dwelling units are permitted in the A, PR, SF, and D Districts and in PD Districts where specified, subject to the following regulations and restrictions. ~~The construction of an accessory dwelling in any A, PR or SF zoning district shall be permitted, subject to the following:~~

~~(a) The accessory dwelling shall be built with the main residential building at the time of the original building permit.~~

~~(a**b**) The accessory dwelling unit may either be provided within the principal residential unit (i.e., attached); or above a free-standing garage or as an independent, free-standing outbuilding to a principal residential unit or principal building (i.e., detached). The accessory dwelling shall be made structurally a part of the main residential building and:~~

~~1. Have a common wall with the main residential building; or~~

~~2. Have a continuous roof assembly and common attic with the main residential building.~~

~~(b**e**) The habitable floor area of an accessory dwelling unit shall not exceed 1,000 square feet if attached to a principal residential unit or principal building; or 5075% of the habitable floor area of the principal residential unit or principal building if detached main residential building, whichever is less. In no case shall the habitable area of an accessory dwelling unit exceed the habitable area of the principal dwelling unit or principal building. In no case shall the aggregate habitable area of the accessory dwelling unit(s) and the principal dwelling unit or principal building. The accessory dwelling and the main residential building together shall not exceed the maximum lot coverage allowed by the regulations of the zoning district in which the property is located.~~

~~(c**d**) The maximum height of an accessory dwelling unit shall not exceed the height of the main residential building two (2) stories.~~

~~(e) Occupancy of the accessory dwelling shall be limited to domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises. Guests may occupy such dwelling no more than 90 consecutive days in any 12-month period.~~

~~(f) An accessory dwelling shall not be rented as an apartment or used as a separate domicile.~~

~~(d**g**) No more than one (1) attached accessory dwelling unit and one (1) detached accessory unit shall be allowed on any platted lot or tract parcel of land. The total number of accessory dwelling units on any platted lot or parcel of land shall not exceed two (2) units.~~

1. Accessory dwelling units are not counted in the calculations of minimum or maximum densities.

~~(e)~~ An accessory dwelling unit ~~must comply with the same minimum side and rear setback requirements as the main residential building~~ shall meet the following setback requirements.:

1. For all attached accessory dwelling units that are one (1) story in height, the sideyard setback shall be a minimum of five (5) feet and the rearyard setback shall be a minimum of five (5) feet.

2. For all attached accessory dwelling units that are two (2) stories in height, the sideyard setback shall be a minimum of seven-and-a-half (7.5) feet and the rearyard setback shall be a minimum of ten (10) feet.

3. For all detached accessory dwelling units, the sideyard setback shall be a minimum of five (5) feet and the rearyard setback shall be a minimum of five (5) feet.

~~(f)~~ For accessory dwelling units on corner lots, or lots fronting two (2) or more streets, a separate driveway approach shall be permitted for the unit. For accessory dwelling units on all other lots, a separate driveway approach shall be subject to review and approval by the Director of Planning. ~~No separate driveway approach shall be permitted for an accessory dwelling.~~

~~(j) An accessory dwelling shall be constructed of the predominant building and roofing materials used on the main residential building.~~

(g) To ensure accessory dwelling units are designed in coordination with the principal residential unit or principal building, the following architectural and urban design considerations shall apply:

1. All accessory dwelling units shall match the wall, color, and material of the principal residential unit or principal building on the same lot.

2. For detached accessory dwelling units, roofs shall be shed with a minimum pitch of 4:12 and shall have a roof style complementary to the architectural style of the principal residential unit or principal building.

3. For attached accessory dwelling units, roofs shall match the roof style of the principal residential unit or principal building.

4. To provide a measure of privacy, the entrance into an attached accessory dwelling unit shall be designed to face away from the main entrance into the principal residential unit or principal building.

5. Exterior stairs and fire escapes shall not be visible from the public right-of-way.

6. Garages and architectural features including, but not limited to, balconies, patios, and porches, shall not be calculated and considered to be part of the maximum habitable area of the accessory dwelling unit.

7. Where visible from the public right-of-way or any required open space or civic space, all openings for doors and windows shall match the proportions and orientations for the same on the principal building façade.

8. Accessory dwelling units shall have an entry that is independent of the principal residential unit or principal building, and that is accessible from a sidewalk or from a rear alley.

~~(h)~~ ~~Accessory dwelling units may or may not share utility connections with a principal residential structure or principal building~~ ~~utilities must be on the same meter as the main residential building.~~

1. New utility connections may be permitted, subject to the approval of the City Engineer.

2. All new utility connections shall be placed underground.

3. All new data / telecommunications lines shall be placed underground.

(i) One (1) walkway, between four (4) and five (5) feet in width, and paved in brick, concrete, or stone, shall be provided and directly connect the entrance of the accessory dwelling unit to required parking.

(j) An accessory dwelling unit may not be platted or sold separately from the principal residential unit or principal building.

(k) All trash containers and recycling containers shall be visually screened from the public right-of-way.

(l) Applications may be made to the ~~Board of Adjustment~~ City Council for ~~a special exception for~~ any accessory dwelling units which ~~does~~ do not comply with the regulations above, ~~subject to the provisions of § 155.082(E)(7).~~

(m) [Architectural examples]. The following representations are for illustrative purposes only, showing the architectural design of accessory dwelling units.



























SECTION 4.

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 5.

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 6.

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 7.

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 _____ day of _____, 2022.

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Drew Larkin, City Attorney