

**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 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); 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; 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, Definitions, of the Code of Ordinances, Mansfield, Texas, is hereby amended by inserting the following new definition for “Accessory Dwelling Unit,” alphabetically, and to read as follows:

**ACCESSORY DWELLING UNIT (ADU).** A dwelling unit that is subservient to a principal dwelling unit in size, location, and design, often located above garages or in independent buildings towards the rear or the side of a lot.

**SECTION 2.**

That Section 155.012, Definitions, of the Code of Ordinances, Mansfield, Texas, is hereby amended by deleting the definition for “Dwelling, Accessory”.

### **SECTION 3.**

That all references to “Accessory Dwelling” be replaced with “Accessory Dwelling Unit” in the Code of Ordinances, Mansfield, Texas.

### **SECTION 4.**

That Section 155.082(E)(7) “Authorized Special Exceptions” of the Code of Ordinances, Mansfield, Texas, is hereby deleted.

### **SECTION 5.**

That Section 155.099(B)(35) “Special Conditions” of the Code of Ordinances, Mansfield, Texas, is hereby amended to read as follows for accessory dwelling units:

- a. **INTENT.**  
The intent of these provisions for accessory dwelling units (ADUs) is:
  - 1. To enable and to encourage increased land use efficiency.
  - 2. To enable and to encourage a measure of attainable housing.
  - 3. To enable and to encourage lifelong neighborhoods.
  - 4. To increase the supply of housing options without diminishing the aesthetic and the quality of life in existing and future neighborhoods.
- b. **GENERAL.**
  - 1. Accessory dwelling units are permitted where specified in Section 155.054, Permitted Uses and are permitted as Accessory Units where specified in Section 155.072, D, Downtown District, and in Section 155.073, S, South Mansfield Form-based Development District.
  - 2. Accessory dwelling units may only be provided in the following locations:
    - i. Within the principal dwelling unit;
    - ii. Above a free-standing garage; OR
    - iii. As an independent, free-standing accessory building or outbuilding.
  - 3. Accessory dwelling units are limited to a maximum habitable area of 1,000 square feet or a maximum of 75 percent of the habitable area of the principal dwelling unit, whichever is greater. The habitable area of each accessory dwelling unit shall be calculated as enclosed space, excluding garages and other roofed structures such as patios and porches.
    - i. The habitable area of an accessory dwelling unit shall be no greater than the habitable area of the principal dwelling unit on the same lot.
  - 4. Accessory dwelling units shall provide an entry independent of the principal dwelling unit, that is accessible from a sidewalk or from a rear alley.
  - 5. One walkway, between four and five feet in width, that is paved with brick, concrete, or stone, shall be provided and shall directly connect the entry of the accessory dwelling unit to all required parking.
  - 6. Accessory dwelling units are not permitted to be platted or sold separately from the principal dwelling unit.

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

c. SETBACKS

1. Accessory dwelling units within the principal dwelling unit are subject to the setback requirements of the zoning district in which the principal dwelling unit is located.
2. All accessory dwelling units that are separate from the principal dwelling unit shall be setback from the boundaries of their lots as follows:
  - i. Front: 50 feet minimum.
  - ii. Side street: 5 feet minimum.
  - iii. Side yard: 5 feet minimum (7.5 feet minimum if two stories).
  - iv. Rear yard: 5 feet minimum (10 feet minimum if two stories).
  - v. Rear alley: 15 feet minimum from the rear alley centerline.
  - vi. Accessory dwelling units may not encroach into any easement.

d. HEIGHT.

1. Accessory dwelling units are limited to two stories in height and shall be no higher than the principal dwelling unit on the same lot.

e. DENSITY.

1. Accessory dwelling units shall not be counted in density calculations.
2. Accessory dwelling units are limited to one unit per lot in all zoning districts where permitted.

f. MASSING.

Accessory dwelling units shall only be constructed as follows (FIGURES 1 and 2):

1. As a garage conversion (a converted former garage);
2. As a home addition (an accessory dwelling unit that shares at least one wall with the principal dwelling unit);
3. As a home conversion (a converted area of the principal dwelling unit, with its own kitchen and bathroom);
4. As a new independent structure that is separated from the principal dwelling unit and often placed in the backyard; OR
5. As a garage addition (a new accessory dwelling unit that shares at least one wall with the garage and units may be built above the garage).

g. UTILITIES.

1. An accessory dwelling unit may or may not share utility connections with a principal dwelling unit.
2. All new utility connections may only be permitted subject to the review and the approval of the Director of Engineering Services.
3. All new utility connections shall be placed underground.

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

h. ADDITIONAL STANDARDS.

1. Accessory dwelling units shall match the color and material of the principal dwelling unit on the same lot.
2. For accessory dwelling units not within the principal dwelling unit (i.e., that are detached), 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 dwelling unit.
3. For attached accessory dwelling units, roofs shall match the roof style of the principal residential unit or principal building.
4. For attached accessory dwelling units, the unit shall be designed to have its entry to face away from the principal pedestrian entrance into the principal dwelling unit.
5. Exterior stairs and fire escapes shall not be visible from the public right-of-way or from any required open space or civic space.
6. 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 dwelling unit.
8. In no circumstance shall the aggregate habitable area of a principal dwelling unit and accessory dwelling unit(s) exceed the maximum lot coverage of the zoning district in which the property is located.
9. Each accessory dwelling unit shall require one parking space in addition to the required parking for the principal dwelling unit.

i. ADJUSTMENTS.

1. The Director of Planning shall be authorized to make minor adjustments so that minor deviations may be resolved administratively. Minor adjustments shall be limited to dimensional adjustments that do not constitute a decrease of more than 20 percent for setbacks; locating an accessory dwelling unit in front yards, provided that it complies with the minimum front yard setback requirements for that zoning district; and building design (i.e., architectural design of the accessory dwelling unit).

j. APPEALS.

1. Any property owner denied a permit for constructing an accessory dwelling unit under the provisions of this Section may appeal to the City Council.  
[RESERVED]. FIGURE 1. Accessory dwelling unit massing.

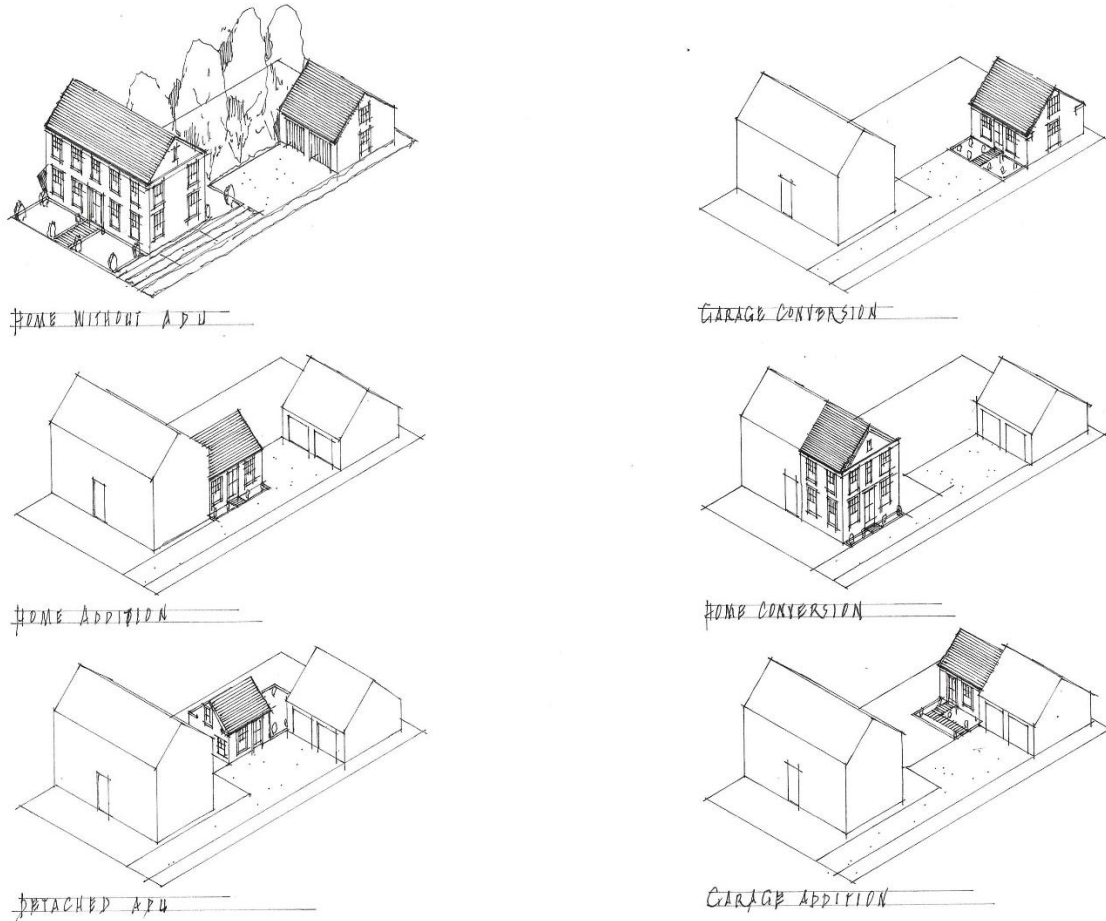


FIGURE 2. Examples of accessory dwelling units (a garage addition and an independent structure).

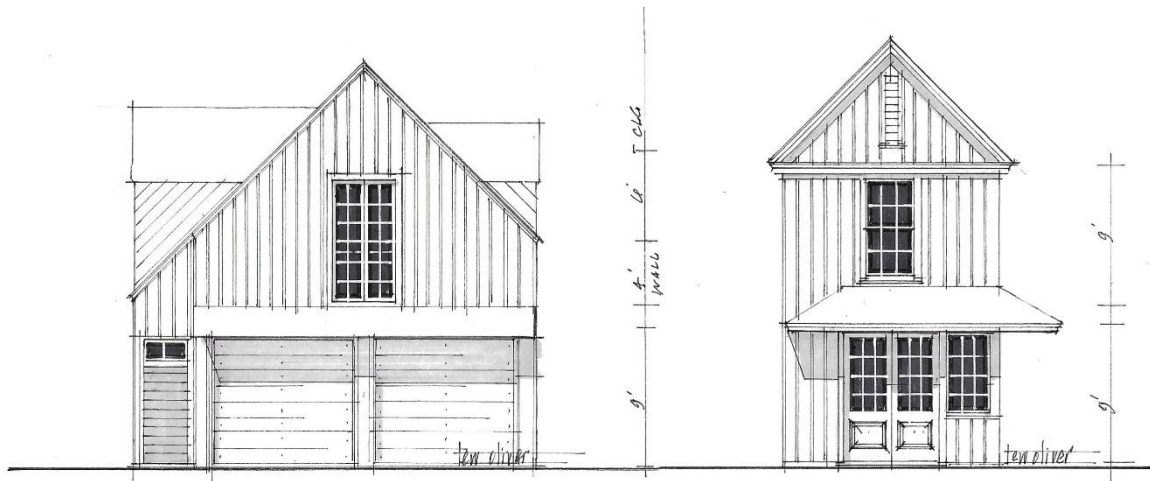


FIGURE 3-A. Example of an accessory dwelling unit.





FIGURE 3-B. Example of an accessory dwelling unit.







FIGURE 3-C. Example of an accessory dwelling unit.





**SECTION 6.**

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 7.**

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 8.**

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 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 9<sup>TH</sup> DAY OF OCTOBER, 2023.**

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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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**Bradley Anderle, City Attorney**