

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 SECTION 7200.B OF SAID ORDINANCE RELATED TO THE PARKING OF VEHICLES SUCH AS BOATS, MOTOR HOMES, RECREATIONAL VEHICLES, CAMPERS, TRAILERS, AND OTHER VEHICLES ON PROPERTIES WITH A SINGLE-FAMILY DWELLING, TWO-FAMILY DWELLING OR TOWNHOUSE; PROVIDING AN EXEMPTION TO SUCH PARKING RESTRICTIONS APPLICABLE TO CERTAIN VEHICLES IN EXISTENCE BEFORE MARCH 2006; 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 Section 7200.B.21, Sub-Paragraphs b and c of the Zoning Ordinance is hereby amended to read as follows:

- “b. The vehicle is parked behind the rearmost façade of the residence and is more than fifty (50) feet away from any property line. The pavement and screening requirements of this section shall not apply to a vehicle parked in accordance with this provision; or
- c. The vehicle is parked at least seventy-five (75) feet from the front property line and at least ten (10) feet from side and rear property lines. No setback will be required from a side or rear property line where the abutting property is zoned for non-residential uses. The pavement and screening requirements of this section shall not apply to a vehicle parked in accordance with this provision.”

SECTION 2.

That Section 7200.B.23 of the Zoning Ordinance is hereby amended to read as follows:

“23. Vehicles parked between a dwelling and the street shall comply with the following:

- a. 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 portion of the front façade of the residence, including features such as entryway, front porch, side-entry or J-swing garage, or any structure protruding from the residence, that is furthest from the street.
- b. No Other Vehicle shall be parked on a driveway between the side property line of a corner lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse and the façade of the residence closest to the street, unless the vehicle is parked behind an opaque fence and gate at least six (6) feet in height.”

SECTION 3.

That Section 7200.B.25 of the Zoning Ordinance is hereby amended by revising the existing Sub-Paragraph b, adding a new Sub-Paragraph c, and re-lettering the existing Sub-Paragraph c to Sub-Paragraph d to read as follows:

“25. Non-Conforming Status and Exemptions:

- a. Any lawful unpaved driveway that was in existence prior to November 10, 1997, shall be exempted from the paving requirements of this section.
- 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 not located over a public side walk, or within a public right-of-way or visibility triangle as defined in Section 7300.I.36.
- c. Any Other Vehicle that was lawfully 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 prior to March 28, 2006, shall be exempted from the provisions of Section 7200.B.23 above, provided that such vehicles are not located over a public side walk, or within a public right-of-way or visibility triangle as defined in Section 7300.I.36.
- d. A vehicle lawfully parked under the provisions of Paragraphs (b) or (c) 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 exemptions permitted under Paragraphs (b) and (c) 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.

- e. Any Other Vehicle parked on a lot or tract, occupied by a single-family dwelling, two-family dwelling or townhouse, that is at least one-half (1/2) acre in size and fronts on an asphalt roadway with bar ditches shall be exempt from Section 7200.B.21 regarding maximum vehicle length and from the provisions of Section 7200.B.21, Sub-Paragraphs b and c regarding the minimum setbacks for vehicles from the side and rear property lines, provided that such vehicles are parked behind the portion of the front façade of the residence that is furthest from the street and are parked on pavement or are screened from view of the street or adjacent residential properties by an opaque screening fence at least six (6) feet in height.”

SECTION 4.

That Section 7200.B.27 of the Zoning Ordinance is hereby amended to read as follows:

- “27. It is not a violation of the aforementioned regulations if 1) a recreational vehicle is parked on a driveway or other lawful parking area for up to seventy-two (72) hours before or after a trip for loading, unloading or maintenance so long as such vehicle is parked in compliance with all relevant parking regulations; or 2) a recreational vehicle of a visiting out-of-town guest is parked at a residence for up to seventy-two (72) hours. Upon the application of the resident, the City Manager or his designee may approve a reasonable extension of time for the parking of a visiting guest's recreational vehicle based on special circumstances or undue hardship.”

SECTION 5.

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 6.

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 7.

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 8.

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 _____, 2017.

Second reading approved on the _____ day of _____, 2017.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2017.

David L. Cook, Mayor

ATTEST:

Jeanne Heard, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney