

**ORDINANCE NO. 1393**

**AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MANSFIELD, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO PD, PLANNED DEVELOPMENT DISTRICT CLASSIFICATION, 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, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to owners of the affected properties, the governing body of the City is of the opinion and finds that the Comprehensive Zoning Ordinance and Map should be amended.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1.**

That the Comprehensive Zoning Ordinance of the City of Mansfield, Texas, be, and the same is hereby, amended by amending the Zoning Map of the City of Mansfield, to give the hereinafter described property a new zoning classification of PD, Planned Development District Classification, said property being described as Lot 9E, Block 9, Original Town of Mansfield.

**SECTION 2.**

That the use and development of the hereinabove described property shall be in accordance to the development plan shown on Exhibit "A" attached hereto and made a part hereof for all purposes.

**SECTION 3.**

That all ordinances of the City in conflict with the provisions of this ordinance be, and the same are hereby, repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.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 4.**

That the above described properties shall be used only in the manner and for the purposes provided for in the Comprehensive Zoning Ordinance of the City, as amended herein by the granting of this zoning classification.

**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 Comprehensive Zoning Ordinance as a whole.

**SECTION 6.**

Any person, firm or corporation violating any of the provisions of this ordinance or the Comprehensive 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.

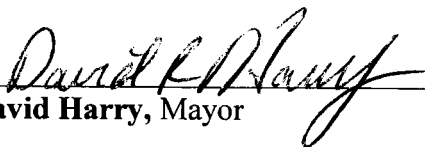
**SECTION 7.**

This ordinance shall take effect immediately from and after its passage 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 24th day of June, 2002.

Second reading approved on the 8th day of July, 2002.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this 22nd day of July, 2002.

  
\_\_\_\_\_  
David Harry, Mayor

ATTEST:

  
\_\_\_\_\_  
Vicki Collins, City Secretary

APPROVED AS TO FORM AND LEGALITY:


  
\_\_\_\_\_  
Allen Taylor, City Attorney

Exhibit "A"  
**Development Plan**  
**For**  
**404 E. Broad Street**  
**Southwestern corner at the intersection of East Broad Street and Waxahachie Street**  
(Former Senior Citizens Center, historically known as the J.H. Harrison House)

**A. Permitted Uses**

- All "General Retail Uses" and "General Service and Office Type Uses" that are permitted in the OP, Office Park and C-1, Neighborhood Business zoning districts as depicted in Section 4400B, Permitted Use Table of the Zoning Ordinance (see attachment); plus

- Bed and breakfast inn

- Single-family dwelling

- Catering service

- Antique shop/mall

- Civic club or fraternal lodge

- Art gallery or museum

- Church

- Child care center

Modification approved by City Council on August 14, 2017 to add the following Permitted Use:

Family Viewings and Visitation for the Deceased, but not including Mortuary Services, for a period of six (6) months from August 14, 2017. Viewings and Visitation are limited to the hours of 10:00am to 5:00pm, Monday through Friday. A request for the extension of this use must be presented to City Council at the first available meeting after the expiration of the 6-month period.

- B. Special Conditions:** This property is hereby designated as an official city historic landmark. No person shall change or cause change in the exterior appearance of this property without the approval of the Mansfield Historic Landmark Commission. All future signage and alteration, demolition, construction, reconstruction, restoration or remodeling of any structure or improvement on this property shall be approved by the Mansfield Historic Landmark Commission in accordance with the provisions of Section 5400, Historic Landmark Overlay District Regulations of the Zoning Ordinance.

**C. Area, Setback and Height Requirements**

- There shall be no increase in the impervious area that is currently covered by buildings and pavement on this property. Future building expansion or improvement must not increase the existing impervious area on this property.
- Future buildings shall not be closer to the property line than the existing buildings. There shall be no windows on the façade of any new buildings that are within 25 feet from the west and south property lines.
- Future building expansion shall not exceed the height of the existing building that is being expanded. In case of reconstruction or replacement of an existing building, the new building shall not exceed the height of the existing building being reconstructed or replaced.

**D. Parking Requirements:** Minimum off-street parking requirements shall be provided for each of the permitted uses as prescribed in Section 7200, Off-Street Parking and Loading Standards of the Zoning Ordinance.

**E. Landscaping and Screening Requirements**

- No additional landscaping is required on the property.
- All existing trees along East Broad Street and Waxahachie Street shall be preserved.
- The removal of any existing trees along the west and south property lines shall be prohibited in accordance with the Natural Resources Management Ordinance except as approved by the Landscape Administrator.
- Screening shall be required along the west and south property lines to a point within 25 feet from the street right-of-way line. The required screening shall be comprised of either:
  - a. The living vegetation along the fence line as existing; or
  - b. A six (6) foot cedar or redwood fence in case the existing living vegetation is removed or not maintained in a healthy, living condition. Such screening fence shall be supported by galvanized steel posts set in concrete footings with posts or rails oriented away from the adjacent properties.
- Screening shall be required for any proposed dumpsters or any new heating, ventilation and air-conditioning (HVAC) equipment on the ground or on the roof as prescribed in Section 7300, Landscaping and Screening Requirements of the Zoning Ordinance.

**F. Sign Standards**

- Quantity: One ground monument sign for the entire property, one wall mounted sign on the metal building only plus plaques or other signage to be approved by the Historic Landmark Commission. No pole sign shall be permitted.
- Sign Size: Maximum thirty-two (32) square feet for the ground monument sign or the wall mounted sign depicted hereinabove.
- Sign Height: Maximum six (6) feet for the ground monument sign.

**G. Lighting:** All lighting shall be shielded or pointed away from the abutting residential properties as prescribed in Section 7400, Residential Proximity Standards of the Zoning Ordinance.

**H. Open storage or Display:** There shall be no open storage or display of any merchandise or material on this property.

**I. Other Attachments:** Permitted use table, location map and photographs of the property to be taken by Planning Department Staff.