

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 SECTIONS 2200B, 4400.B TABLE G AND 7800.B.38 OF SAID ORDINANCE TO CREATE A BODY ART & PIERCING STUDIO USE; TO PERMIT SUCH USE IN THE PD ZONING DISTRICT; AND TO ESTABLISH SEPARATION CRITERIA FROM SUCH USE FROM CERTAIN OTHER LAND USES; 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 2200, Subsection B, “Definitions,” of the Zoning Ordinance is hereby amended by inserting a new Paragraph 5 to read as follows and by renumbering the remaining paragraphs accordingly:

“5. Body Art and Piercing Studio - A place where body modification is performed, including: tattooing where a design is made by inserting ink, dyes and pigments, either indelible or temporary, into the dermis layer of the skin to change the pigment; or piercing, the practice of puncturing or cutting a part of the human body, creating an opening in which jewelry may be worn, or where an implant may be inserted. This definition does not include permanent makeup or micro-blading as applied in a Beauty Shop.”

SECTION 2.

That Section 4400, Subsection D, Table G, “Permitted Use Table,” of the Zoning Ordinance is hereby amended by inserting a new land use, “Body Art and Piercing Studio” on Line 6, and renumbering the remaining lines accordingly as shown in Exhibit “A” attached hereto and made a part hereof for all purposes.

SECTION 3.

That Section 7800, Subsection B, “Special Conditions,” of the Zoning Ordinance is hereby amended by adding a new Paragraph 38 to read as follows:

- “38. Body Art and Piercing Studio: Body Art and Piercing Studios shall conform to the following provisions:
- a. A Body Art and Piercing Studio may not be located within one thousand (1000) feet of a single-family residential zoning classification or single-family residential use; a church; a licensed day-care center; a public or private elementary or secondary school; or another Body Art and Piercing Studio.
 - b. For the purposes of this Paragraph 38, the measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or tenant space occupied by a Body Art and Piercing Studio to:
 1. the nearest property line of the premises of a church, licensed day care center, public or private elementary or secondary school, or single-family residential zoning classification or single-family residential use; and
 2. the nearest portion of a building or tenant space occupied by another Body Art and Piercing Studio.
 - c. A Body Art and Piercing Studio operating lawfully prior to October 26, 2020, may continue as a lawful non-conforming use without Planned Development District zoning; provided, however, that said non-conforming use shall automatically terminate upon 1) closure of a Body Art and Piercing Studio; 2) a change in name or ownership of a Body Art and Piercing Studio; or 3) a change in use of the building or tenant space previously occupied by a Body Art and Piercing Studio.”

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 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 _____, 2020.

Second reading approved on the _____ day of _____, 2020.

DULY PASSED on the third and final reading by the City Council of the City of Mansfield, Texas, this _____ day of _____, 2020.

David L. Cook, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY

Allen Taylor, City Attorney