

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF MANSFIELD, TEXAS, AMENDING THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, "ZONING", AS HERETOFORE AMENDED, BY AMENDING SPECIAL PURPOSE DISTRICT REGULATIONS AND CREATING A NEW SECTION 155.071 "FORM-BASED CODE DISTRICTS" AND SECTION 155.072 "D, DOWNTOWN DISTRICT" REGULATIONS AND THUS ADOPT BY REFERENCE A FORM-BASED CODE, CONTAINING ITS OWN USE CHART, SO AS TO CHANGE THE ZONING ON THE HEREINAFTER DESCRIBED PROPERTIES TO "D", DOWNTOWN DISTRICT AND TO ADD SEPARATE ZONES WITHIN THE DISTRICT; AMENDING CERTAIN SECTIONS NECESSARY TO ENABLE THE D DOWNTOWN DISTRICT; REPEALING C-4 DOWNTOWN DISTRICT AND ALL REFERENCES RELATED THERETO; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Downtown Mansfield has been a part of various planning efforts including the Design Guidelines for Downtown Mansfield (1991), Downtown Design Plan (1995), Historic Resource Survey (1998), Mansfield Historic Preservation Plan (1999), Discover Historic Mansfield Action Plan (2008), Historic Mansfield Implementation Plan (2013), and the Mansfield Downtown Development Strategies (2020), and;

WHEREAS, the vision of Historic Downtown Mansfield has been identified as a vibrant destination and livable center that supports a range of businesses, housing options, and activities for all ages, within the Mansfield Downtown Development Strategies, and;

WHEREAS, the City of Mansfield Downtown Development Strategies provides for regulatory strategies including the creation of a Downtown Zoning District, and;

WHEREAS, the purpose of the D, Downtown District, is to "enable and encourage increased private investment" and to "build on the work protecting the historic and cultural heritage of the historic downtown for the inheritance of future generations, and;

WHEREAS, the Downtown District is intended to a create pedestrian oriented mixed-use district and further promote desirable development that is consistent with the urban design and economic development goals for the City of Mansfield, and;

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 D, Downtown District, inclusive of separate zones, for form-based development, said property being depicted in Exhibit "A" attached hereto and made a part hereof for all purposes.

SECTION 2.

That the D, Downtown Districts be established as shown in Exhibit "B", establishing separate zones, and retaining existing Historic Landmark Overlay designations and establishing a TOD District Overlay.

SECTION 3.

That Section 155.065 of the Code of Ordinances, "Special Purpose District Regulations", is hereby amended by adding section 155.071 "Form-Based Code Districts" and section 155.072 "D, Downtown District".

SECTION 4.

That Section 155.071 establish the use and development of the hereinabove described property shall be in accordance with the D, Downtown District Standards shown in Exhibit "C" attached hereto and made a part hereof for all purposes by reference.

SECTION 5.

That Section 155.021 of the Code of Ordinances, "Zoning," is hereby amended by deleting "C-4 Downtown Business District" and adding "D, Downtown District".

§ 155.021 ZONING DISTRICTS ENUMERATION.

For the purpose of this chapter, all land and water areas in Mansfield are hereby divided into zoning districts which shall be designated as follows:

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|-----------|--|
| PR | Pre-Development District |
| A | Agricultural District |
| SF-5AC/24 | Single-Family Residential District - five acre lots minimum |
| SF-12/22 | Single-Family Residential District - 12,000 sq. ft. lots minimum |
| SF-9.6/20 | Single-Family Residential District - 9,600 sq. ft. lots minimum |
| SF-8.4/18 | Single-Family Residential District - 8,400 sq. ft. lots minimum |
| SF-8.4/16 | Single-Family Residential District - 8,400 sq. ft. lots minimum |
| SF-7.5/18 | Single-Family Residential District - 7,500 sq. ft. lots minimum |
| SF-7.5/16 | Single-Family Residential District - 7,500 sq. ft. lots minimum |
| SF-7.5/12 | Single-Family Residential District - 7,500 sq. ft. lots minimum |
| SF-6/12 | Garden Home District - 6,000 sq. ft. lots minimum |
| 2F | Two Family Residential District - 3,750 sq. ft. per unit minimum |

| | |
|----------------|---|
| MF-1 | Multi-family Residential District - 12 units per acre maximum |
| MF-2 | Multi-family Residential District - 18 units per acre maximum |
| OP | Office Park District |
| C-1 | Neighborhood Business District |
| C-2 | Community Business District |
| C-3 | Commercial-Manufacturing District |
| C-4 | Downtown Business District |
| <u>D</u> | <u>Downtown District</u> |
| I-1 | Light Industrial District |
| I-2 | Heavy Industrial District |
| FR | Freeway Overlay District |
| MH | Manufactured Home District |
| PD | Planned Development District |

SECTION 6.

That Section 155.051 of the Code of Ordinances, “Zoning,” is hereby amended by replacing C-4, Downtown Business District Regulations with D, Downtown District Regulations to read as follows:

§ 155.051 D, DOWNTOWN DISTRICT REGULATIONS.

(A) *General purpose and description.* To enable and encourage increased private investment in the historic downtown and in its immediate environs. It is further the purpose of this district to build on the work protecting the historic and cultural heritage of the historic downtown for the inheritance of future generations.

(B) *Permitted uses.* Any uses permitted in the D District.

(C) *Area and height regulations.* Area and height regulations in the D, Downtown District are set forth in §155.____.

SECTION 7.

That Section 155.055(B)(2) of the Code of Ordinances, “Zoning,” is hereby amended by deleting the row for the C-4 District from the “Non-Residential Districts” table as shown on Exhibit “D”, attached hereto and made a part hereof for all purposes.

SECTION 8.

That Section 155.055(C)(9) of the Code of Ordinances, “Zoning,” is hereby amended by deleting Sub-paragraph (9) in its entirety and renumbering the remaining sub-paragraphs accordingly.

SECTION 9.

That Section 155.056(A) of the Code of Ordinances, “Zoning,” is hereby amended to read as follows:

(A) *Exterior construction materials for development in the OP, C-1 through C-3 Zoning Districts and the I-1 and I-2 Freeway Overlay Zoning Districts.*

SECTION 10.

That Section 155.056(A)(2) of the Code of Ordinances, “Zoning,” is hereby amended by deleting Sub-paragraph 2 in its entirety and renumbering the remaining sub-paragraphs accordingly.

SECTION 11.

That Section 155.067(A) of the Code of Ordinances, “Zoning,” is hereby amended to read as follows:

(A) General purpose and description. This district shall function as an overlay zoning district the regulations of which are superimposed and shall supersede the regulations of an approved standard zoning district; such standard zoning districts identified as the PR, A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, OP, C-1, C-2, C-3, I-1, I-2, MH and PD District. Where provisions of the "FR", Freeway Overlay Districts shall be applicable to any property which is adjacent to and within 300 feet of the right-of-way lines of a highway abutting a FR District in the City of Mansfield, the "FR" District is created as an overlay district whereby it is recognized that certain specific standards relative to land use, set backs, signage, etc. are appropriate and necessary that such standards shall be superimposed and shall supersede the regulation of an approved standard zoning district. Where such district regulations are in conflict with the provisions of these sections, all regulations of the approved standard zoning districts shall be in effect except as identified in this section.

SECTION 12.

That Section 155.067(C)(1) of the Code of Ordinances, “Zoning,” is hereby amended to read as follows:

(1) Any use identified in the MH or I-2 district unless otherwise permitted.

SECTION 13.

That Section 155.070(A)(1) of the Code of Ordinances, “Zoning,” is hereby amended to read as follows:

(1) This district shall function as an overlay zoning district the regulations of which are superimposed and shall supersede the regulations of an approved standard zoning district; such standard zoning districts identified as PR, A, SF-5AC/24, SF-12/22, SF- 9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, OP, C-1, C-2, C-3, I-1, I-2, MH and PD District.

SECTION 14.

That Section 155.090(D)(1) of the Code of Ordinances, “Zoning,” is hereby amended by revising the “Permanent Signs” table as shown on Exhibit “E”, attached hereto and made a part hereof for all purposes.

SECTION 15.

That Section 155.091(B)(3) of the Code of Ordinances, "Zoning," is hereby amended to read as follows:

(3) Required off-street parking for residential uses in any PR, Single-Family Residential, 2F, MF-1 and MF-2 Districts shall be provided on the lot or tract occupied by the use being served. For non-residential uses in the aforementioned districts and for permitted uses in all other zoning districts, off-street parking shall be provided on the lot or tract occupied by the use being served or upon a tract dedicated to parking use by an instrument filed for record and consolidated under a single certificate of occupancy with the main use. Such off-premise parking facility shall be located in the same or less restrictive zoning district as the use being served, and all or part of such facility shall be located within a distance not to exceed 300 feet to an entrance to the building or use being served, measured along the shortest available pedestrian route with public access.

SECTION 16.

That Section 155.091(B)(6)(b) of the Code of Ordinances, "Zoning," is hereby amended to read as follows:

(b) The construction of head-in parking as described in division (a) above shall be prohibited hereafter. All such head-in parking facilities in existence at the time of the enactment of this section are hereby declared to be a nonconforming use of land subject to the provisions of § 155.098.

SECTION 17.

That Section 155.091(B)(13) of the Code of Ordinances, "Zoning," is hereby amended to read as follows:

(13) All facilities used for parking, loading, unloading, driveways and all other vehicular access shall have a pavement constructed of concrete and comply with all applicable Fire Code and City Engineering Standards; except those for a single-family residential property that is required to provide a fire apparatus access driveway may be constructed of alternative equivalent strength material approved by the Director of Planning, provided that the drive approach from the street be constructed of concrete. The pavement shall always be maintained in good condition and repair.

SECTION 18.

That Section 155.091(B)(34) of the Code of Ordinances, "Zoning," is hereby amended by deleting Sub-paragraph (34) in its entirety and renumbering the remaining sub-paragraphs accordingly.

SECTION 19.

That Section 155.091(F)(6) of the Code of Ordinances, "Zoning," is hereby amended by deleting Sub-paragraph (6) in its entirety.

SECTION 20.

That Section 155.092(O) of the Code of Ordinances, "Zoning," is hereby amended to read as follows:

(O) *Buffer yard and screening.* All developments are required to provide buffer yards and screening in accordance with the provisions of this section.

SECTION 21.

That Section 155.092(R)(5) of the Code of Ordinances, "Zoning," is hereby amended to read as follows:

(5) Notwithstanding the above, parking lots for a church, school or government facility shall provide internal landscaping only when such parking lots contain 20 or more parking spaces and only at a ratio of one canopy tree for every 20 parking spaces.

SECTION 22.

That Sections 155.093(A)(2) and 155.093(A)(2)(b) of the Code of Ordinances, "Zoning," are hereby amended to read as follows:

- (1) *Non-residential development.* The provisions in this section shall apply to new buildings or new developments in the OP, C-1 through C-3 Zoning Districts, Planned Developments and in the I-1 or I-2 Zoning Districts that are within the Freeway Overlay District or within 300 feet from the boundary of any property in a residential zoning classification or a PR zoning classification.

...
(b) For new buildings and developments with building permit applications submitted on or after September 14, 2004, parapet walls or other similar architectural elements shall be constructed to a height of not less than one foot above the horizontal plane of the highest (after-installation height) roof-mounted mechanical unit, HVAC and/or other equipment (e.g. satellite dishes, solar panels, etc.). If free clearance or otherwise unobstructed flow of space is required by the Fire or Building Code, equipment should be positioned within the parapet wall so as not to be visible from the street or abutting properties.

SECTION 23.

That Sections 155.101(G)(3) and 155.101(G)(5) of the Code of Ordinances, "Zoning," are hereby amended to read as follows:

- (1) *Full Commercial "FC".* Property within the OP, C-1, C-2 or C-3 zoning districts, which is located more than 600 feet from an A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, MH or PR zoning district.

...
(5) *Edge Commercial "EC".* Property within the OP, C-1, C-2 or C-3 zoning districts, which is located within 600 feet of an A, SF-5AC/24, SF-12/22, SF-9.6/20, SF-8.4/18, SF-8.4/16, SF-7.5/18, SF-7.5/16, SF-7.5/12, SF-6/12, 2F, MF-1, MF-2, MH or PR zoning district.

SECTION 24.

This ordinance shall be cumulative of all other ordinance of the Code of Mansfield, Texas, as amended, affecting zoning and shall not repeal any of the provisions of such ordinance, except

those instances where provisions of such ordinance are in direct conflict with the provisions of this ordinance.

SECTION 25.

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 26.

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 27.

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 28.

This ordinance shall take effect immediately from and after its passage on second and final reading and the publication of the caption, as the law and charter in such cases provide.

FIRST READING APPROVED ON THE 27TH DAY OF SEPTEMBER, 2021.

**DULY PASSED ON THE SECOND AND FINAL READING BY THE CITY COUNCIL
OF THE CITY OF MANSFIELD, TEXAS, THIS 11TH DAY OF OCTOBER, 2021.**

Michael Evans, Mayor

ATTEST:

Susana Marin, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Allen Taylor, City Attorney