ZONING ORDINANCE NO. 671

CITY OF MANSFIELD, TEXAS

ADOPTED ON APRIL 15, 1986

HISTORICAL RECORD

Ord No.	General Description	Approved
970	Adult Entertainment Regulations	08-09-93
971	Permitted Uses in Planned Development Districts	08-23-93
979	Definition for masonry and masonry-like construction	09-27-93
982	Accessory buildings on large land parcels	10-11-93
984	Regulations on temporary signs, portable signs and special event displays	10-25-93
985	Requirement Masonry And Masonry-Like Construction In Freeway Overlay Districts	10-25-93
1020	Amend Freeway Overlay District regulations to allow single-family and two-family homes with specific use permit	09-12-94
1039	Regulations of specific use permits	11-14-94
1096	Rename residential districts to SF districts, multi-family districts to MF districts	10-09-95
1121	Regulations on off-premise advertising signs	07-08-96
1131	Screening of swimming pool and pump filter equipment	10-28-96
1135	Create SF-7.5/18 zoning district	11-13-96
1140	Nonconforming carports	12-09-96
1142	Revise area, setback, height, parking facilities, landscaping, screening and other design regulations of commercial zoning districts	01-13-97
1145	Definition of camping trailer and revise restrictions on maximum allowable stay in campgrounds	02-10-97
1157	Regulations pertaining to display of directional signs	04-28-97
1170	Residential parking regulations	06-23-97
1173	Regulations pertaining to display of garage sales signs	08-11-97
1182	Parking regulations in front, side and rear yards, regulations on the parking and storage of RVs, campers, trailers, boats, motor homes, etc.	11-10-97
1214	Prohibit off-site development signs, reduce the maximum allowable size of such signs	07-13-98
1215	Revise regulations on portable signs used by civic organizations, churches, sports leagues and schools	
1264	Revise regulations on institutional signs	06-28-99
1295	Revise Sign Standards for political and other signs	01-10-00
1314	Residential Proximity Standards, redefine “Height”, increase minimum setback for dumpsters and maximum height of C-2 and C-3 zoning, screening requirements for HVAC equipment and truck docks	07-10-00
1316	Create Pre-development Zoning District	07-10-00
1318	Redefine nonconforming Building, revise Sec. 7700F, extension of Nonconforming Uses or Buildings	08-14-00
1330	Wireless Telecommunication Facilities	10-23-00
1332	Delete SF-10AC/24, SF-2AC/14, SF-40/24, SF-20/24, prohibit the application for certain SF zoning districts, amend the maximum lot coverage, minimum side setback requirement of SF zoning districts, accessory building regulations, application procedures for zoning change to Planned Development and enforcement of development schedule	11-13-00
1338	Masonry requirements for all residential dwelling units within SF and 2F zoning districts	02-12-01
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1351	Allow a residential unit for an on-site manager or caretaker for mini-	06-11-01

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1356	Regulations on establishments that sell alcoholic beverages	07-02-01
1366	Regulations on accessory buildings and structures	09-11-01
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ORDINANCE NO. 671

AN ORDINANCE AMENDING APPENDIX A OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD (1978) BY REPEALING ORDINANCE NO. 293 AND ORDINANCE NO. 416 OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, AS AMENDED, INCLUDING THE OFFICIAL ZONING MAP WHICH SAID ORDINANCES INCORPORATE AND TO WHICH THEY REFER, SAVE AND EXCEPT PLANNED DEVELOPMENT DISTRICTS AND SPECIFIC USE PERMITS, ENACTING A NEW ZONING ORDINANCE TO THE CODE OF ORDINANCES, TO BE NUMBERED AS HEREINAFTER PROVIDED, STATING A PURPOSE; DEFINING TERMS, ESTABLISHING ZONING DISTRICTS; ADOPTING AN OFFICIAL ZONING MAP OF THE CITY OF MANSFIELD; PROVIDING ZONING DISTRICT REGULATIONS; PROVIDING FOR SPECIAL EXCEPTIONS AND OTHER PERMITS UNDER CERTAIN CONDITIONS; PROVIDING OFF-STREET PARKING AND LOADING REGULATIONS; PROVIDING SIGN REGULATIONS; PROVIDING FOR SPECIAL PURPOSE DISTRICTS AND STANDARDS AND REGULATIONS RELATING THERETO; PROVIDING FOR NON-CONFORMING BUILDINGS, STRUCTURES, AND USES OF LAND AND REGULATIONS RELATING THERETO; PROVIDING CERTAIN LANDSCAPING AND SCREENING REQUIREMENTS; PROVIDING CERTAIN OPEN STORAGE AND OPEN AIR VENDING REGULATIONS; ESTABLISHING FLOOD HAZARD STANDARDS; ESTABLISHING CERTAIN SPECIAL CONDITIONS; PROVIDING FOR ENFORCEMENT; CREATING A BOARD OF ADJUSTMENT AND REGULATIONS AND PROCEDURES RELATING THERETO; CREATING A PLANNING AND ZONING COMMISSION AND REGULATIONS AND PROCEDURES RELATING THERETO; ESTABLISHING A PROCEDURE FOR CHANGES, AMENDMENTS AND SPECIAL EXCEPTIONS; PROVIDING FOR SEVERABILITY, PROVIDING FOR A PENALTY, PROVIDING FOR REPEAL.

WHEREAS, the City Council of the City of Mansfield requested the Planning and Zoning Commission to study and evaluate the zoning ordinances of the City of Mansfield; and,

WHEREAS, said Commission was additionally charged with the responsibility of recommending to the City Council a comprehensive revision of said ordinances; and,

WHEREAS, said Commission thoroughly studied and evaluated planning and zoning recommendations submitted by City Staff, members of the development community, real estate community, and other interested segments of the private sector; and,

WHEREAS, a public hearing before said Commission was held on December 2, 3, 4 and 5, 1985, pursuant to Article 1011f of the Texas Civil Statutes, at which hearing the views of the public were heard; and,

WHEREAS, changes and amendments to the originally proposed Ordinance have been made by the Planning and Zoning Commission as a result of recommendations, suggestions, and criticisms of the aforementioned segments of the community and integrated into the final proposal prepared by said Commission; and,

WHEREAS, the City Council after receipt of said Ordinance from said Commission, considered and evaluated the recommended Ordinance; and,

WHEREAS, a public hearing before the City Council was held on March 31, 1986, pursuant to Article 1011d of the Texas Civil Statutes, at which hearing the views of the public were heard; and,

WHEREAS, further changes and amendments to the Ordinance as recommended by the Planning and Zoning Commission were made as a result of collective recommendations, suggestions and criticisms voiced during the aforementioned process; and,

WHEREAS, the City Council believes that the following ordinance will serve to protect the health, safety, welfare and morals of the community as well as promote orderly development and growth of the City of Mansfield; and,

WHEREAS, the City Council supports regular review of the Ordinance herein in order to insure that it will continue to accomplish the desired objectives and still remain a viable planning document in future years;

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

Section 1

THAT Ordinance No. 293 and Ordinance No. 416 of the City of Mansfield including the zoning map which said ordinances incorporate and to which they refer, are hereby repealed, save and except Planned Development Districts and Specific Use Permits, and a new Ordinance No. 671 is hereby enacted to read as follows:

ARTICLE 1. TITLE AND GENERAL INFORMATION.

Section 1000. Title.

This ordinance shall be known as and may be referred to as the "Mansfield Zoning Ordinance".

Section 1100. Purpose of Ordinance.

The purpose of this ordinance is to guide and accomplish a coordinated, adjusted and harmonious development of the municipality and its environs which will, in accordance with present and future needs best promote the public health, safety and welfare.

The zoning regulations and districts as herein established have been designed to:

1. Promote health, safety, morals, order, convenience, property and general welfare.

2. Promote efficiency and economy in the process of development.

3. Promote the healthful and convenient distribution of population.

4. Preserve adequate air and light.

5. Promote good civil design and arrangement.

6. Promote wise and efficient expenditure of public funds.

7. Provide for adequate public utilities and other public requirements.

Section 1200. Relationship to Other Laws.

It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with existing provisions of other laws or ordinances except for the previously mentioned Ordinance No. 293 and Ordinance No. 416, or with private restrictions placed upon property by covenant, deed, easement, or other private agreement. Where this ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by other ordinances, covenants or agreements the provisions of this Ordinance shall govern, provided nothing stated herein shall state or imply any liability of the City to enforce private deed restrictions or agreements.

Section 1300. Application of This Ordinance.

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the City except as specifically, or by necessary implication, authorized by this Ordinance. Specific Use Permits, Industrial Use Permits and/or variances are allowed only as granted by the City Council, the Planning and Zoning Commission or the Board of Adjustments upon finding that the specified conditions exist.

Section 1400. **Interpretation of Ordinance**

This ordinance shall be interpreted, whenever an administrator or the judiciary is called upon to do so, in conformance with the purposes intended, by the City Council to be served by its enactment. The intent of the standards and supporting definitions is to protect both individual property owners and the general public from adverse impacts which might otherwise be the result of a proposed use. To this end, those called upon to interpret this ordinance shall proceed as follows:

A. Determine the public purpose(s) of the standard(s) with respect to which an interpretation is required. Before any zoning interpretation is made, there must be an explicit identification of the purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable negative impact or potential impact. A sound interpretation of any such standard cannot be insured without a careful analysis of the end to which the regulation is directed.

B. Determine the actual impact of a proposed interpretation. There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use and an interpretation which permits a new or not previously permitted use or which allows a use to be enlarged or have its intensity increased beyond the degree specified in the ordinance.

C. Determine that the proposed interpretation will insure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal. If an interpretation merely would allow a design solution which is more flexible, albeit slightly different from the one expressly stated and if it results in no less a degree of protection to any affected party, such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection or which would increase the nuisance potential of any use should not be made by an administrator. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted should only be made when the party interpreting the ordinance has the power to impose additional restrictions or conditions to protect the public and exercises this power.

All interpretation should be recorded in writing at the City Secretary's Office. Such records shall be used for future review as related issues arise so that consistency between actions over time can be assured. All records of ordinance interpretations shall include both consenting and/or dissenting opinions from all parties.

ARTICLE 2. DEFINITIONS

Section 2000. Purpose.

It is the purpose of this article to define words, terms, and phrases contained within this ordinance.

Section 2100. Word Usage.

In the interpretation of this ordinance, the provisions and rules of this section shall be observed and applied, except when the context clearly requires otherwise:

A. Words used or defined in one tense or form shall include other tenses and derivative forms.

B. Words in the singular number shall include the plural number, and words in the plural number shall include the singular number.

C. The masculine gender shall include the feminine, and the feminine gender shall include the masculine.

D. The word "shall" is mandatory.

E. The word "may" is permissive.

F. The word "person" includes individuals, firms, corporations, associations, trusts, and any other similar entities.

G. The word "City" means the City of Mansfield, Texas.

H. The words "City Council" means the City Council of the City of Mansfield.

I. The words "Planning and Zoning Commission" shall mean the Mansfield Planning and Zoning Commission.

J. The word "Board" shall mean the Mansfield Board of Adjustments.

K. In case of any difference of meaning or implication between the text of this Ordinance and any caption, illustration, or table, the text shall control.

L. The word "Building" includes the word "Structure".

M. The word "Lot" includes the words "Parcel", "Plot", or "Tract".

N. The words “residential zoning” mean the following zoning district classifications: 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, as well as Planned Development that consists of residential uses.

O. Fire Code: The Fire Code adopted by the City of Mansfield and any amendment thereof. *(Ordinance No. 1480, Adopted 4/26/04)*

P. Person: Includes both the singular and plural and means an individual person, corporation, association, partnership, limited partnership, limited liability company, and any other type of legal entity and any receiver, trustee, guardian, executor, administrator, and fiduciary or representative of any kind. *(Ordinance No. 1480, Adopted 4/26/04)*

Section 2200. Definitions

When used in this ordinance, the following terms shall have the meanings herein ascribed to them:

Section 2200. A

1. Abutting - Having a common border with, or being separated from such common border by an alley or easement.

2. Adult Entertainment Establishment - Shall be as defined in the Mansfield Code of Ordinances as now existing or as hereafter amended.

3. Alley - A public way which affords a secondary means of access to property abutting thereon, and not intended for general traffic circulation.

4. Apartment House - Any building or portion thereof used as a multiple dwelling for the purpose of providing three (3) or more separate dwelling units which may share means of egress and other essential facilities.

5. Amusement, Commercial (outdoors) - Any amusement enterprise offering entertainment or games of skill to the general public for a fee or charge wherein any portion of the activity takes place in the open including, but not limited to, a golf driving range, archery range and miniature golf course.

6. Amusement, Commercial (indoors) - An amusement enterprise wholly enclosed in a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line and including, but not limited to, a bowling alley or billiard parlor.

7. Art Gallery or Museum - An institution for the collection, display and sales of arts and with facilities open to the general public.

Section 2200 B.

1. Bar - An establishment licensed by the State of Texas for the sale of alcoholic beverages that derives more than 75% of the establishment's gross revenue from the on-premise sale of alcoholic beverages for on-premise consumption. For the purposes of this definition, gross revenue shall be calculated using the total amount of gross revenue received from the sale of alcoholic beverages and from the sale of food by the establishment for the preceding 12-month period. Such establishment shall make available to the city or its agents, during reasonable hours, its books and records for inspection if required by the city.

2. Basement - That portion of a building which is partly or wholly below grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling. A basement shall not be counted in computing the number of stories.

3. Bedroom - A room marketed, designed, or otherwise likely to function primarily for sleeping.

4. Bed and Breakfast Inn – An accessory use to a single-family dwelling unit in which no more than seven (7) rooms in the principal residential structure or in an accessory building(s) on the property are set aside for guest clients, and breakfast is available onsite to only such guest

clients; length of stay of guest clients ranges from one (1) to thirty (30) days; and the owner/operator resides on-site.

5. Building - Any structure either temporary or permanent, having a roof or other covering, and designed, built or intended for the shelter or enclosure or partial enclosure of persons, animals, chattels or movable property of any kind or for an accessory use. Where independent units with separate entrances are divided by absolute fire separations, each unit so separated shall be deemed a building. This definition shall include structures wholly or partly enclosed with an exterior wall.

6. Building, accessory - A building which (1) is subordinate to and serves a principal structure or a principal use, (2) is subordinate in area, extent, and purpose to the principal structure or use served, (3) is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principle structure or use. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory structure.

7. Building Line - A line on a lot, generally parallel to a lot line or street right-of-way line, located at a sufficient distance therefrom to provide the minimum yards required by this Ordinance. The building line delimits the area in which buildings are permitted subject to all applicable provisions of this Ordinance.

8. Building, Main/Principle - The building or buildings on a lot which are occupied by the primary use.

9. Building, Mixed Use - Any building used partly for residential use and partly for community facility and/or commercial use.

Section 2200 C.

1. Campground or Recreational Vehicle Park - Any plot or tract of land used for the temporary placement of camping trailers, travel trailers, motor homes, recreational vehicles and designed for overnight camping. Said property shall provide utilities and sanitary facilities as deemed necessary by the City for the patrons.

2. Camping or Travel Trailer - vehicles that are currently registered as recreational vehicles with the Vehicle Title and Registration Division of the Texas Department of Transportation, having no foundation other than wheels, jacks, blocks or skirting and is designed to be towed from place to place and which by design is to be occupied as a dwelling on a temporary basis. This definition shall include “trailer coach, motor home, recreational vehicle” which by definition are similar to “camping or travel trailer” but are designed to be driven and contain their own power plant, drive train and steering device.

3. Church or Rectory - A place of worship and religious training of recognized religions including the on-site housing of minister, rabbis, priests, nuns and similar staff personnel.

4. Clinic, Medical or Dental - Facilities for examining, consulting with and treating patients including offices, laboratories and out-patient facilities but not including hospital beds and rooms for acute or chronic care. This term applies only to facilities used by more than two (2) health care practitioners or establishments.

5. Clothing Manufacturing and Light Fabrication and Assembly - Operations involving cutting, sewing, forming and packing of garments and similar items and including, but not limited to, the making of millinery and clothing accessories, jewelry, trimming decorations, signs, electronic controls, and any similar item not involving the generation of noise, odor, vibration, dust or obnoxious or hazardous materials or machinery.

6. Club, Private - Quarters for a private organization, the principle purpose of which is the preparation and service of food and drink for members and their guests only.

7. College or University - An academic institution of higher learning, accredited or recognized by the State and offering programs of academic study.

8. Community Center, Private - A building or group of rooms designed and used as an integral part of a residential project by the tenants of such a project for a place of meeting, recreation or social activity and under the management and unified control of the operators of the project. A private Community Center shall not be operated as a place of public meetings, or as a business, nor shall the operation of such facility create noise, odor, or similar conditions perceptible beyond the bounding property line of the project site.

9. Community Center, Public - A building and grounds owned and operated by a governmental body for the social, recreational, health or welfare of the community served.

10. Court - An open space bounded on more than two sides by the walls of a building.

11. Coverage, Lot - The percent of lot area which is covered by a roof, floor, or other structure and is not open to the sky. Roof eaves to the extent of two (2) feet and ordinary projections from the building not exceeding twelve (12) inches shall not be counted in computing coverage.

Section 2200 D.

1. Dance Hall or Night Club - An establishment offering to the general public facilities for dancing, dining and entertainment for a fee and subject to regulations by the City of Mansfield.

2. Day Care Center or Nursery - Any place, home or institution which cares for five (5) or more children under the age of sixteen years old apart from their parents, guardians, or custodians for regular periods of time for compensation; provided, however, that the term "child care center" shall not apply to bonafide schools, custody fixed by a court, children related by blood or marriage within the third degree of the custodial person.

3. Density or Gross Density - A measure of residential land use intensity which is expressed as the number of dwelling units per acre (du/ac) of gross site area.

4. Development Schedule - A chronological estimate of the rate and order of development.

5. Doctor's or Physician's Office - A small office for examining and consulting with patients including necessary accessory facilities and occupied by not more than two (2) doctors.

6. Dwelling, Accessory - A dwelling unit accessory to and located on the same lot with the main residential building and used as living quarters by domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises.

7. Dwelling, Single-family - A detached dwelling designed for and occupied by not more than one (1) family and having no roof, wall, or floor in common with any other dwelling unit.

8. Dwelling, Two Families - A detached building having accommodation for and occupied by not more than two (2) families, each of which is attached side to side each one (1) sharing only one (1) common wall with the other. In calculating minimum lot area, a two-family dwelling shall be considered to be two dwelling units.

9. Dwelling or Dwelling Unit - A room or group of rooms which is arranged, occupied, or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

10. Dwelling, Zero Lot Line - A single-family, fully detached dwelling located on an individual lot which is set on one of the interior side lot lines. This makes the side yard usable and requires less land than a house centered on its lot.

Section 2200 E.

1. Eating Places with Drive-In Services - An establishment whose principle business is the sale of food and/or beverages in a ready-to-consume state: (1) for consumption within the establishment, (2) for consumption within a motor vehicle parked on the premises where the customer does not exit the vehicle or (3) through direct window service allowing customers in motor vehicles to purchase food and/or beverages for off-premise consumption.

2. Eating Places without Drive-In Services - An establishment whose principle business is the sale of food and/or beverages to customers in a ready-to-consume state, and whose principle method of operation includes one or both of the following characteristics: (1) customers, normally provided with an individual menu, are served their foods and beverages by a restaurant employee at the same table or counter at which food and beverages are consumed; (2) a service line operation where food and beverages are consumed within the establishment.

Section 2200 F.

1. Family - Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood, marriage or adoption.

2. Feed Store/Mixing Plant - An establishment for the sale of grain, prepared feed and forage for pets, livestock and fowl, part of other activities may involve the grinding, mixing or commercial compounding of such items.

3. Field or Construction Office - A structure or shelter, subject to removal by owner or Building Official, used in connection with a development or building project for housing on-site administrative and supervisory functions and for sheltering employees and equipment.

4. Fix-It Shop and Appliance Repair - A shop for the repair of household and home equipment, such as electrical appliances, bicycles, lawn mowers, tools and similar items.

5. Floor Area - The sum of the gross floor area for each of a building's stories measured from the interior limits of the walls of the structure. The floor area of a building includes basement floor

area and includes attic floor area only if the attic area meets the Mansfield Building Code standards for habitable floor area. It does not include cellars and unenclosed porches or any floor space in an accessory building or in the principle building which is designed for the parking of motor vehicles in order to meet the parking requirements of this ordinance.

6. Floor Area Ration (FAR) - An intensity measure expressed as the ratio between the number of square feet of total floor area in the main building(s) on a lot and the total square footage of land in the lot; it is the number resulting from dividing the main building floor area by the lot area.

Section 2200 G.

1. Garage Apartment - A dwelling unit designed or constructed as part of a private garage.

2. Garment Pressing and Agents for Laundries and Dry Cleaning - An establishment for custom cleaning and/or pressing of individual garments only and not a bulk or commercial type cleaning plant.

3. Gas Service Station - An establishment providing sales of vehicle fuel and/or such services as lubrication, oil and tire changes, and minor repairs. This use does not include paint spraying or auto body repair or major engine or motor repairs.

4. Grade - The average elevation of the highest and lowest elevation measured at the finished surface of the ground at any of the exterior corners of the building or structure.

5. Gross Site Area – The total square footage or acreage of land in a lot or tract excluding the area within a floodway and area dedicated as public street right-of-way.

6. Group Foster Home - A facility licensed by the State as a foster home that provides room, board, ordinary care and supervision to no more than twelve (12) individuals under eighteen (18) years of age who are related or not related to the owner. This term shall include "registered family home" as defined in Ordinance No. 595.

Section 2200 H.

1. Height - The vertical distance of a building or structure measured from the average established grade at the street line or from the average natural front yard ground level, whichever is higher, to (1) the highest point of the roof's surface if a flat surface, (2) the top deck line of a mansard roof, (3) the mean height level between eaves and ridge of a hip and gable roof, (4) the top of a parapet wall. If the street grade has not been officially established, the average front yard grade shall be used for a base level.

2. Home Occupation - A business, profession, occupation, or trade conducted for gain or support and located entirely within a residential building, or a structural accessory thereto, which use is accessory, incidental, and secondary to the use of the building for dwelling purposes and does not change the essential residential character or appearance of such building or neighborhood in which the building is located.

3. Hospital - A facility in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray, nursing, and the prolonged care of bed patients.

4. Hotel or Motel - A building or group of buildings designed to be temporarily occupied by individuals.

Section 2200 I.

1. Industrialized Housing - A residential structure that is designed for the use and occupancy of one or more families that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to (1) housing constructed of sectional or panelized systems not utilizing modular components; or (2) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location.

2. Industrialized Building -A commercial structure that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent commercial site, and that is designed to be used as a commercial building when the modules or modular components are transported to the permanent commercial site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any commercial structure that is in excess of three stories or forty-nine (49) feet in height as measured from the finished grade elevation at the building entrance to the peak of the roof.

Section 2200. J. Reserved for Future Use.

Section 2200. K.

1. Kennel - Any place in or at which three (3) or more dogs more than eight (8) weeks old are kept, or any place in or at which one or more dogs are housed or boarded for pay.

2. Kindergarten - A school for children of preschool age, the teaching of which is purely preliminary to the teaching of the public school, and which implements a planned curriculum of constructive endeavors, helpful games, object lessons, songs and social exercises.

Section 2200 L.

1. Laboratory, Scientific or Research - Operations involving the compounding of products such as perfumes, pharmaceutical and the experiment, testing, development and assembly of instruments, construction materials and similar items.

2. Loading Space - An off-street space or berth on the same lot with a building, or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

3. Local Utility Service Line - The facilities provided by a municipality or a franchised utility company for the distribution of gas, water, drainage, sewage, electric power, telephone or telecommunication.

4. Lot - Land occupied or to be occupied by a building and its accessory buildings and including such open spaces as are required under this ordinance and having its principle frontage upon a public street or officially approved place.

5. Lot Area - That area of a horizontal plane bounded by the front, side and rear lot lines of a building lot, including any portion of an easement which may exist within such property lines, exclusive of rights-of-way for street or alley purposes.

6. Lot, Corner - A lot situated at the intersection of two or more streets, the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees. A corner lot shall be deemed to front on the street on which it has its smallest dimensions, or as otherwise designated by the Planning and Zoning Commission.

7. Lot Depth - The length of a line connecting the mid-point of the front and rear lot lines.

8. Lot, Double Frontage - A building lot, not a corner lot, which adjoins two streets which are opposite each other and which are parallel or within forty-five (45) degrees of being parallel to each other. On a double frontage lot, both street lines shall be deemed front lot lines, except as otherwise provided herein.

9. Lot, Interior - A lot other than a corner lot.

10. Lot Lines - The lines bounding a lot.

11. Lot Line, Front - In the case of an interior lot, a line separating the lot from the street or place; and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in those cases where the latest tract deed restrictions specifies another line as the front lot line.

12. Lot Line, Rear - That lot line which is opposite to and most distant from the front lot line of the lot; in the case of a triangular, pentagon or polygon shaped lot, a line twenty (20) feet in length, entirely within the lot, most parallel to and at the maximum possible distance from the front lot line shall be considered to be the rear lot line.

13. Lot Line, Side - Any lot line not a front lot line or rear lot line. Where a lot has only three (3) lot lines, those lot lines which do not front upon a street shall be deemed side lot lines.

14. Lot of Record - A lot which is part of a subdivision plat which has been recorded in the office of the County Clerk of Tarrant County or Johnson County or Ellis County.

15. Lot Width - The length of a line, drawn perpendicular to the lot depth line at its point of intersection with the front setback line, connecting the side lot lines; however, in zoning districts requiring less than a twenty-five (25) foot front setback, lot width shall be measured as if said front setback were twenty-five feet (25').

Section 2200 M

1. Maintenance and Repair Services for Buildings - An establishment and related open storage yard for supplies and operational equipment for building maintenance, but not constituting a junk, wrecking or salvage yard.

2. Manufactured Home, HUD-Code - A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

3. Manufactured Home Rental Communities - A plot or tract of land which is separated into two or more spaces or lots which are rented or leased or offered for rent or lease to persons for the installation of manufactured homes for use and occupancy as residences; provided that the lease or rental agreement is for a term of less than 60 months and contains no purchase option.

4. Manufactured Home Subdivision - A unified development of mobile home sites on lots platted for such purposes, which lots may be sold to the owners of a mobile home situated thereon, meeting all of requirements of applicable zoning and subdivision ordinances and designed to accommodate mobile homes on a permanent basis.

5. Masonry Construction Materials – Masonry construction materials include brick; natural or manufactured stone; structural clay tile; indented, hammered or split-face concrete masonry unit or combination of these materials that are laid up unit by unit and set in mortar and that are at least two (2) inches thick. *(Ord. No. 1484, 5/10/04)*

6. Masonry-Like Construction Materials – Masonry-like construction materials include fiber reinforced cement exterior siding, stucco, Exterior Insulated Finish Systems (E.I.F.S.), or similar exterior cladding; and concrete tilt wall, pour-in-place concrete wall and pre-cast wall that are at least two (2) inches thick and that are profiled, sculptured, fluted, exposed-aggregated or have other non-smooth architectural concrete finish. *Ord. No. 1484, 5/10/04)*

7. Medical Waste Product Facility – An establishment that receives, processes, treats, transfers, collects or stores medical waste products.

8. Membership Sport or Recreational Club - A private recreational club with restricted membership, usually of less area than a Country Club, which may include a club house, a swimming pool, tennis courts, or similar recreational facilities none of which are available to the general public.

9. Mini-Warehouse - A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No outside storage, sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

10. Mobile Home - A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on-site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

11. Manufactured Home Lot or Pad - A plot of ground within a manufactured home rental community or subdivision designed for the accommodation of one manufactured home, with an area of not less than 4500 square feet and meeting all setbacks contained herein.

12. Model Home - A single-family dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

13. Motor/Railroad Freight Terminal - A building or area in which freight brought by motor truck or railroad car is assembled and is stored for interstate and/or intrastate shipment by motor truck or railroad car. A motor freight terminal is a truck terminal.

14. Multi-Tenant Office Or Retail Strip Building – A building with two (2) or more office or retail tenants in a single structure on the same lot with each tenant having its own separate entrance on the building's exterior.

Section 2200 N.

1. Nursery - An enterprise which conducts the retail sale of plants grown on or off the site, as well as accessory items directly related to their care and maintenance but not power equipment such as gas or electric lawnmowers and farm implements. The accessory items normally sold are clay pots, potting soil, fertilizers, insecticides, baskets, rake and shovels.

2. Nursing or Assisted Living Facility - A private home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, not containing equipment for surgical care or the medical treatment of disease or injury.

3. Nonconforming Building, Lawful – A building, structure, or portion thereof which does not conform to the regulations of this ordinance and which lawfully existed at the time the regulations with which it does not conform became effective.

4. Nonconforming Use, Lawful - A use of a building or land which does not conform to the use district regulations of this Ordinance and which lawfully existed at the time the regulations with which it does not conform became effective. A lawful conforming use existing at the time of the adoption of this ordinance shall not become nonconforming as a result of a Specific Use Permit requirement.

5. Non-Traditional Smoking Related Business – A retail establishment or other business whose principal business is the offering of a service related to, or the selling of, renting or exhibiting of products or devices known as water pipes, hookahs, electronic cigarettes or electronic vaping devices, steam stones, hookah pens or any comparable devices. For the purpose of this definition, the term "principal" shall mean over 25% of the volume of sales or rentals, stock in trade or display areas generated from or devoted to the products or devices described herein.

Section 2200 O.

1. Occupancy - Occupancy as used herein pertains to and is the purpose for which a building is used or intended to be used. A change of occupancy is not intended to include a change of tenants or proprietors.

2. Openings for Light and Air - Any windows, window walls or glass panels located in the building, but not including doors which are used only for ingress or egress.

3. Open Space - An area included in any side, rear or front yard or any unoccupied space on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves and plant material.

4. Open Space, Common - Parks, playgrounds, community centers, golf courses, parkways, water areas or similar areas which are created as private open space under a permanent agreement for maintenance and responsibility and is accepted by the City Council and approved by the City Attorney.

Section 2200 P.

1. Parkway - That public property situated between the curb or edge of a street and the property line of the land adjacent.

2. Philanthropic Institution - Any organization operating under a non-profit charter, the activities of which are devoted exclusively to benevolent purposes.

3. Porch – An exterior structure that extends along the outside of a building, usually roofed and generally open-sided but may also be partially enclosed, screened, or glass-enclosed; it is often an addition to the main structure.

4. Public Building, Utility Shop or Storage Yard of Local, State or Federal Government - Facilities such as office buildings, maintenance yards or shops required by branches of Local, State or Federal Government for service to an area, such as Highway Department Yard or City Service Center.

5. Publically Owned Non-School Facility – A structure, facility or land area owned by a governmental entity including a public school district that is not used for classroom instruction purposes but for administration, maintenance, vehicle storage, entertainment or athletic competition not focused on continuing instruction. Facilities of this type will be treated as public uses of structures or land for zoning, alcoholic beverage regulation and other regulatory purposes.

Section 2200 Q. (Reserved for Future Use)

Section 2200 R.

1. Radio, Television or Micro-Wave Tower - Structure supporting an antenna for transmitting or receiving any portion of the radio spectrum, but excluding non-commercial antenna installations for home use of radio or television.

2. Railroad Track and Right-of-Way - not including railroad stations, sidings, team tracks, loading facilities, docks, yards or maintenance areas.

3. Recreational Area - An area devoted to facilities and equipment for recreational purposes, swimming pools, tennis courts, playgrounds, community clubhouses, and other similar uses.

4. Recycling Collection Center - An open yard for the receiving, sorting, storage or packing of paper, rags, glass, boxes, aluminum and similar commodities.

5. Repair Garage - A shop for the disassembly, rebuilding and repair of motor vehicle engines, electric motors, vehicle transmissions or other major components. Minor vehicle maintenance shall be classified as a service station.

6. Retail Stores and Shops Other than Listed - Any establishment not listed in the permitted use listing, offering consumer goods for sale except those uses specifically excluded and listed in other districts.

7. Rooming/Boarding House - A building other than a hotel or multi-family dwelling where lodging is provided for compensation for three (3) but not more than twelve (12) persons, where meals may or may not be served, and where facilities for food preparation are not provided in the individual rooms. Where meals are served, they shall be served only to the residents of the boarding house.

Section 2200 S.

1. School, Business or Professional - A business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, beauty school, commercial art school, but not including a manual trade school.

2. School, Public or Private – For purposes of zoning, alcoholic beverage regulation and other regulatory ordinances, a structure intended, designed and constructed for the use of providing classroom instruction to students. It is intended to include actual classroom facilities and attached administrative, cafeteria and auditorium facilities. Gymnasiums are included within this definition if they are attached to a facility designed and used for classroom instruction of students.

3. School, Vocational or Trade - A business operating for profit and offering instruction and training in a trade such as welding, brick laying, machinery operation or other similar manual trades.

4. Shopping Center - A group of commercial establishments which is planned, developed, and managed as a unit related in its location, size and type of shops to the trade area that the unit serves.

5. Solar Panel Systems – A combination of equipment and/or controls, accessories, interconnecting means and terminal elements for the collection, storage and distribution of solar energy. Solar panel systems do not include individually powered outdoor solar lights, such as garden lights, accent lights, security lights or flood lights.

6. Stable, Commercial - A building or land where horses are kept for breeding, remuneration, hire, sale, boarding, riding or show.

7. Stable, Private - Any building, incidental to an existing residential, principle use, that shelters horses for the exclusive use of the occupants of the premises.

8. Stable, Riding Club -A paddock, stable and related riding and quartering facilities for horses owned by a specific number of recorded members and maintained for the exclusive use of such members and guest.

9. Storage, Outside - The storage of any equipment, machinery, building materials or commodities, including raw, semi-finished and finished materials, the storage of which is not accessory to a residential use, and which is visible from ground level; provided, however, that vehicular parking except junked or damaged vehicles shall not be deemed to be outside storage.

10. Street Frontage - The length of all property on one side of a street measured along the line of the street, or in the case of a dead-end street, then the length of all property abutting on one side between an intersecting street and the end of the dead-end street.

11. Structure - Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having permanent location on the ground. This term shall include any man made screening structure, sign or device.

12. Stucco - Exterior plaster as defined in the Uniform Building Code currently adopted by the City and amendment thereof.

Section 2200 T.

1. Telephone Exchange, Switching Relay & Transmitting Station - Not including public business facilities, storage or repair facilities.

2. Townhouse - A single-family dwelling, on a separate lot which fronts on a street, a place, a court or a private access easement, which is attached to two (2) or more similar dwellings by a vertical lot line, or party walls, which has its own private entrance, and which in combination with said attached dwellings constitutes an architectural whole.

Section 2200 U.

1. Use - The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

2. Use, Accessory - An accessory use is one which (1) is subordinate to and serves a principle structure or a principle use, (2) is subordinate in area, extent, and purpose to the principle structure or use served, (3) is located on the same lot as the principle structure or use served except as otherwise expressly authorized by provisions of this ordinance, and (4) is customarily incidental to the principle structure or use.

3. Use, Main/Principle - The specific primary purpose for which land is used.

4. Use, Temporary - A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent structure.

5. Used Merchandise Store - A retail store for used materials, goods, and merchandise of less than twenty (20) years of age, and those over twenty (20) year of age which do not derive a value from their age.

Section 2200 V.

1. Variance - Permission to depart from the literal requirement of this ordinance granted pursuant to Section 8400.

2. Vehicle – Any passenger vehicle or other vehicle.

3. Vehicle, Other – Any bus, all-terrain vehicle, motor home, recreational vehicle, camper, trailer, boat, or any vehicle of any kind that is not a passenger vehicle.

4. Vehicle, Passenger – Any automobile, truck or motorcycle intended primarily for transportation to and from work, school, shopping or similar domestic uses.

5. Veterinary Clinic - An establishment for the care and medical veterinary practice on or for domestic household animals, conducted completely within an enclosed, soundproofed structure and not using any setback or open space for the activities defined.

6. Veterinary Hospital - An establishment for the care and medical treatment of large animals and domestic household pets having treatment and boarding facilities both in an enclosed building and outside pens or runs enclosed by a permanent type of fencing.

Section 2200 W.

1. Wrecking or Salvage Yard - Premises upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles and used building materials. This term shall also include an automobile wrecking and salvage yard.

Section 2200 X. (Reserved for Future Use)

Section 2200 Y.

1. Yard - An open space, other than a court, between a building and the adjoining lot lines, unoccupied and unobstructed from the ground upward except as otherwise provided herein.

2. Yard, Front - A yard extending across the front of the lot between side lot lines and having a minimum horizontal depth measured from the front lot line as specified for the district in which the lot is located.

3. Yard, Rear - A yard, except for accessory buildings as herein permitted, extending across the rear of the lot between side lot lines and having a minimum horizontal depth measured from the rear lot line as specified for the district in which the lot is located. On corner lots, the rear yard shall be considered as parallel to the street upon which the lot has its least dimensions. On both corner and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard.

4. Yard, Side - A yard between a building and side lot line, extending from the front yard or front lot line where no front yard is required to the rear yard and having a minimum horizontal distance measured from the side lot lines as specified for the district in which the lot is located.

Section 2200 Z. (Reserved for Future Use)

ARTICLE 3. ESTABLISHMENT OF ZONING DISTRICTS.

Section 3000. Establishment of Zoning Districts.

Mansfield, Texas is hereby divided into zoning districts of such number and character as are necessary to achieve compatibility of uses within each district, to implement the official Mansfield Land Use Plan and related official plans and the Official Zoning Map of Mansfield, and to serve the other purposes of this ordinance which are detailed in Article 1.

Section 3100. Zoning Districts Enumeration.

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

PR	Pre-Development District
A	Agricultural District
SF-5AC/24	Single-Family Residential District – 5 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-l	Neighborhood Business District
C-2	Community Business District
C-3	Commercial-Manufacturing District
C-4	Downtown Business District
I-l	Light Industrial District
I-2	Heavy Industrial District
FR	Freeway Overlay District
MH	Manufactured Home District
PD	Planned Development District

Section 3200. Zoning Map Adopted.

The official Zoning Map of the City of Mansfield attached hereto and made a part hereof for all purposes, is hereby adopted and shall be filed with the City Secretary of the City of Mansfield. The boundaries of the various districts as enumerated in Section 3100 are hereby established as identified on said map. All notations, references, legends, scales, and every detail shown on said map are incorporated into and made a part of this ordinance.

Section 3201. Interpretation of District Boundaries.

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of Mansfield.

A. Boundaries shown as following or approximately following the limits of any municipal corporation shall be construed as following such limits.

B. Boundaries shown as following or approximately following streets shall be construed to follow the center lines of such streets.

C. Boundary lines which follow or approximately follow platted lot lines or other property lines as shown on the Mansfield Tax Maps shall be construed as following such lines.

D. In unsubdivided property, the district boundary lines on the Zoning Map shall be determined by use of the scale appearing on the map.

E. Any property on the Zoning Map which does not have a zoning district designation shall be classified as a PR, Pre-Development District.

F. Boundaries shown as following or approximately following survey lines, or county lines shall be construed as following such lines.

G. Boundaries shown as following or approximately following railroad lines shall be construed to lie midway between the main tracks of such railroad lines.

H. Boundaries shown as following or approximately following shorelines of any lakes shall be construed to follow the mean high waterline of such lakes, and in the event of change in the mean high waterline shall be construed as moving with the actual mean high waterline.

I. Boundaries shown as following or approximately following the center lines of streams, rivers, or other continuously flowing water courses shall be construed as following the channel center line of such water courses taken at mean low water, and in the event of a natural change in the location of such streams, river, or other water courses, the zone boundary shall be construed as moving with the channel center line.

J. Boundaries shown as separated from, and parallel or approximately parallel to, any of the features listed in paragraphs A through G above shall be construed to be parallel to such features and at such distances therefrom as are shown on the map.

Section 3202. District Boundary Uncertainty.

If after the application of the aforementioned rules, uncertainty still exists with respect to the boundaries of the various districts, as shown on the Zoning Map, the conflict shall be resolved by utilizing the appeal power of the Board of Adjustments as set forth in Article 8.

ARTICLE 4 ZONING DISTRICT REGULATIONS

Section 4000. General Restrictions.

Except as hereinafter otherwise provided, no land or building shall be used, and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged or repaired, for any purpose or in any manner except in accordance with the requirement established in the district in which such land, building, structure, or improvement is located, and in accordance with the provisions of this ordinance.

Section 4001. Residential Use Restrictions.

Whenever the specific district regulations pertaining to one district permit residential uses of a more restrictive district, such residential uses shall be subject to the conditions as set forth in the regulations of the more restrictive district unless otherwise specifically stated. For the purpose of this Ordinance, the level of restrictions shall be in the order of districts listed in Section 3100, with the "A", Agricultural District as the most restrictive to the "I-2", Heavy Industrial District as the least restrictive.

Section 4002. General Purpose and Description Provisions.

Paragraphs included within the district regulations in Article 4 hereof entitled "General Purpose and Description" contain general descriptive information to provide the reader with a conceptual understanding of the general legislative intent of the district indicated. The provisions of such paragraphs are directory and not mandatory.

Section 4101. PR, Pre-Development District Regulations.

A. **General Purpose and Description:** To identify areas that will ultimately be developed for residential, commercial or industrial purposes. This zoning classification does not infer any specific indication of future land uses other than its projection for some form of residential, commercial or industrial development. The actual zoning classification for properties in these areas will be converted to a residential, commercial or industrial zoning district classification at the initiation of the development process by a properly filed zoning change request to be evaluated in conformance with the City's Zoning Ordinance. The zoning classification selected will be determined based upon normal zoning change review criteria to include the City's then current Land Use Plan, Thoroughfare Plan, and the developer's projected uses.

B. **Permitted Uses:** Uses permitted in the PR District shall be the same as those permitted in the SF-12/22 District.

C. **Area and Height Regulations:** Area and height regulations in the PR District shall be the same as those provided for the SF-12/22 District.

Section 4102. A, Agricultural District Regulations.

D. **General Purpose and Description:** To establish and preserve agricultural areas for those agricultural uses which are compatible with nearby urban development.

E. **Permitted Uses:** Uses permitted in an A, Agricultural District are set forth in Section 4400.

F. **Area and Height Regulations:** Area and height regulations in an A, Agricultural District, are set forth in Section 4500.

Section 4103. SF-5AC/24, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units on lots of not less than five (5) acres.

B. **Permitted Uses:** Uses permitted in the SF-5AC/24 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-5AC/24 District are set forth in Section 4500.

Section 4104. SF-12/22, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units on lots of not less than twelve thousand (12,000) square feet.

B. **Permitted Uses:** Uses permitted in the SF-12/22 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-12/22 District are set forth in Section 4500.

Section 4105. SF-9.6/20, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units on lots of not less than nine thousand six hundred (9,600) square feet.

B. **Permitted Uses:** Uses permitted in the SF-9.6/20 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-9.6/20 District are set forth in Section 4500.

Section 4106. SF-8.4/18, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units on lots of not less than eight thousand four hundred (8,400) square feet.

B. **Permitted Uses:** Uses permitted in the SF-8.4/18 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-8.4/18 District are set forth in Section 4500.

Section 4107. SF-8.4/16, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units with a minimum floor area of 1,600 square feet per unit on lots of not less than eight thousand four hundred (8,400) square feet.

B. **Permitted Uses:** Uses permitted in the SF-8.4/16 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-8.4/16 District are set forth in Section 4500.

Section 4108. SF-7.5/18, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units with a minimum floor area of 1,800 square feet per unit on lots of not less than seven thousand five hundred (7,500) square feet.

B. **Permitted Uses:** Uses permitted in the SF-7.5/18 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-7.5/18 District are set forth in Section 4500.

Section 4109. SF-7.5/16, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units with a minimum floor area of 1,600 square feet per unit on lots of not less than seven thousand five hundred (7,500) square feet.

B. **Permitted Uses:** Uses permitted in the SF-7.5/16 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-7.5/16 District are set forth in Section 4500.

Section 4110. SF-7.5/12, Single-Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached dwelling units with a minimum floor area of 1,200 square feet per unit on lots of not less than seven thousand five hundred (7,500) square feet.

B. **Permitted Uses:** Uses permitted in the SF-7.5/12 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-7.5/12 District are set forth in Section 4500.

Section 4111. SF-6/12, Garden Home District Regulations.

A. **General Purpose and Description:** To provide for the development of single-family detached and zero-lot-line dwelling units on lots of not less than six thousand (6,000) square feet.

B. **Permitted Uses:** Uses permitted in the SF-6/12 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the SF-6/12 District are set forth in Section 4500.

Section 4112. 2F, Two Family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of two family dwelling units with each unit occupying its own lot of not less than three thousand seven hundred and fifty (3,750) square feet.

B. **Permitted Uses:** Uses permitted in the 2F District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the 2F District are set forth in Section 4500.

Section 4113. MF-1, Multi-family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of multi-family dwelling units at a density of not more than twelve (12) units per acre.

B. **Permitted Uses:** Uses permitted in the MF-1 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the MF-1 District, are set forth in Section 4500.

Section 4114. MF-2, Multi-family Residential District Regulations.

A. **General Purpose and Description:** To provide for the development of multi-family dwelling units at a density of not more than eighteen (18) units per acre.

B. **Permitted Uses:** Uses permitted in the MF-2 District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in the MF-2 District, are set forth in Section 4500.

Section 4201. OP, Office Park District Regulations.

A. **General Purpose and Description:** To establish and preserve a district for limited kinds of business and other uses which are compatible with nearby residential uses.

B. **Permitted Uses:** Uses permitted in an OP, Office Park District are set forth in Section 4400. The office, retail and service uses permitted in this district shall be subject to the provisions of Section 7800, Special Conditions, in addition to conforming with regulations of the OP District.

C. **Area and Height Regulations:** Area and height regulations in an OP, Office Park District, are set forth in Section 4500.

Section 4202. C-l, Neighborhood Business District Regulations.

A. **General Purpose and Description:** To establish and preserve a business district serving patrons who arrive on foot or arrive by car and park once to carry out several errands, including travelers, tourists and vacationers as well as residents of the city and surrounding area.

B. **Permitted Uses:** Uses permitted in a C-l, Neighborhood Business District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in a C-l, Neighborhood Business District are set forth in Section 4500 except that all commercial, retail and service uses permitted in this district shall not exceed four thousand (4,000) square feet in gross floor area for any lot or premise.

Section 4203. C-2, Community Business District Regulations.

A. **General Purpose and Description:** To establish and preserve general commercial areas consisting of shopping facilities where customers reach individual business establishments primarily by automobile, and to provide for other kinds of uses in compatible circumstances.

B. **Permitted Uses:** Uses permitted in a C-2, Community Business District are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in a C-2, Community Business District are set forth in Section 4500.

Section 4204. C-3, Commercial-Manufacturing District Regulations.

A. **General Purpose and Description:** To establish and preserve commercial -manufacturing area consisting of sales and display operations which by their nature are not compatible with many other general commercial uses, as well as selected manufacturing uses which are either free of objectionable influences in their operations and appearance or can eliminate or control objectionable characteristics by landscaping, screening and other abatement devices.

B. **Permitted Uses:** Uses permitted in a C-3, Commercial-Manufacturing District -are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in a C-3, Commercial-Manufacturing District are set forth in Section 4500.

Section 4205. C-4, Downtown Business District Regulations.

A. **General Purpose and Description:** To establish and preserve the downtown business area of Mansfield which is and will be substantially developed in a dense pattern with high building coverage and vehicle parking provided on the street, and which requires a different approach than is appropriate in newer retail and commercial areas.

B. **Permitted Uses:** Any uses permitted in the foregoing OP, C-l and C-2 Districts, excluding churches, private schools and hospitals, but including a bed and breakfast inn, single-family dwellings and multiple family dwellings provided that such dwellings are not located on the ground floor and provided that off-street parking is available for such dwellings.

C. **Area and Height Regulations:** Area and height regulations in the C-4, Downtown Business District are set forth in Section 4500.

Section 4301. I-l, Light Industrial District.

A. **General Purpose and Description:** To establish and preserve industrial areas consisting of manufacturing, assembling and fabrication activities that are predominantly light and non offensive in character, as well as commercial uses which are most appropriately located as neighbors of industrial uses or which are necessary to service the immediate needs of people in these areas.

B. **Permitted Uses:** Uses permitted in an I-l, Light Industrial District are set forth in Section 4400. The permitted uses in this district shall be subject to special conditions as set forth in Section 7800.B.26, in addition to conforming with regulations of the I-l District.

C. **Area and Height Regulations:** Area and height regulations in a I-1 Light Industrial District, are set forth in Section 4500.

Section 4302. I-2, Heavy Industrial District Regulations.

A. **General Purpose and Description:** To establish and preserve industrial areas for heavy manufacturing uses which by their nature may not be compatible with commercial or other manufacturing uses. Provision is also made for the location in this district of uses which may have characteristics of a noxious nature, along with the imposition of reasonable standards for the protection of adjacent uses.

B. **Permitted Uses**: Uses permitted in an I-2, Heavy Industrial District, are set forth in Section 4400.

C. **Area and Height Regulations:** Area and height regulations in an I-2, Heavy Industrial District, are set forth in Section 4500.

Section 4400. Permitted Uses.

A. **Use of Land and Buildings:** Buildings, structures, land or premises shall be used only in accordance with the uses specifically permitted in the zoning district classification for the site subject to compliance with parking regulations, height and area requirements, "Special Conditions" and all other requirements of the Zoning Ordinance.

B. **Permitted Use Table:** The permitted uses in each specific zoning district are shown by means of symbols in the permitted use tables on the following pages. The letter “P” in the zoning district column opposite the listed permitted use means the use is permitted as a use of right in that district subject to:

1. Providing off-street parking in the amounts required by reference to the “Parking Group Table” column, and
2. Subject to compliance with all of the requirements specified in the section or sections whose number appears in the “Special Conditions” column.

The letter “S” in the zoning district column opposite the permitted use means the use is permitted in that zoning district only after:

1. Providing off-street parking in the amounts required by reference to the “Parking Group Table” column,
2. Subject to compliance with all of the requirements specified in the section or sections whose number appears in the “Special Conditions” column, and
3. Obtaining a Specific Use Permit as set forth in Article 6, Section 6100.

The letter “I” in the zoning district column opposite the permitted use means the use is not permitted as a use of right in that district and is permitted only after:

1. Providing off-street parking in the amounts required by reference to the “Parking Group Table” column.
2. Subject to compliance with all of the requirements specified in the section or sections whose number appears in the “Special Conditions” column, and
3. Obtaining an Industrial Use Permit as set forth in Article 6, Section 6400.

The referenced requirements of “"Parking Group Table”" and “"Special Conditions”" listed in the above mentioned columns are provided in Section 7200 and Section 7800, respectively.

No primary use shall be permitted in any district other than a use shown in the following tables and no primary use shall be permitted in any district unless the letter “P” or the letter “S” appears opposite the listed permitted use.

C. **Uses not Listed:** Primary uses not listed in the Permitted Use Table may be permitted in any district where similar uses are permitted subject to the determination of the Director of Planning. The function and location requirements of the unlisted use must be consistent with the purpose and description of the zoning district, compatible with the permitted uses in the district, and be similar in traffic-generating capacity, noise, vibration, dust, odor, glare and heat producing characteristics.

D. **Accessory Use:** A use which is customarily incidental to that of the primary existing use, which is located on the same lot or premise as the primary existing use, and which has the same zoning district classification, shall be permitted as an accessory use without being separately listed as a permitted use subject to the determination of the Director of Planning.

SECTION 4400B PERMITTED USE TABLE

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	A. Accessory Residential Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
P	P	P	P	P	P	P	P	P	P	P	P	P	1. Accessory Building, Structure or Use							P		5
P	P	P	P	P	P	P	P	P	P				2. Accessory Dwelling							P		35
P	P	P	P	P	P	P	P	P	P	P	P	P	3. Home Occupation							P		6
P	P	P	P	P	P	P	P	P	P	P	P	P	4. Private Recreation Facility							P		7
P	P	P	P	P	P	P	P	P					5. Private Stable							P		12
P	P	P	P	P	P	P	P	P	P	P	P	P	6. Private Utility Shop or Storage							P		10
													7. Quarters for On-Site Manager or Caretaker of Mini-Warehouses				S	S	S	P		32
P	P	P	P	P	P	P	P	P	P	P	P	P	8. Solar Panel System	P	P	P	P	P	P	P		38
P	P	P	P	P	P	P	P	P	P	P	P	P	9. Swimming Pool							P		9
P	P	P	P	P	P	P	P	P	P	P	P	P	10. TV Dish Antenna	P	P	P	P	P	P	P		11

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	B. Agricultural Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
S													1. Animal Pound (Public or Private)				S	S	S			
P	S	S	S	S	S	S	S	S					2. Farm, Ranch or Orchard									20
S													3. Kennel				S	S	S			
S													4. Livestock Auction				S	S	S			
S													5. Livestock Feed Lot					S	S			
S													6. Poultry Raising or Hatchery					S	S			

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	C. Automobile/Vehicle Service Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Auto Auction				S			P	7f	
													2. Auto Glass, Upholstery or Muffler Shop			S	S	P	P	P	7b	18
													3. Car Wash, Including Self-Service			S	S			P	7g	17
													4. Auto Painting or Body Repair				S	P	P	P	7b	18
													5. Auto Parts or Accessory Sales (Indoor)		S	S	S	P	P	P	7c	
													6. Auto Parts or Accessory Sales (Outdoor)				S			P	7d	
													7. Auto Rental			S	S			P		
													8. Recreational Vehicle Sales, Including RV Trailers				S	P	P	P		
													9. Auto Sales, In Building			S	S			P	7e	
													10. Gasoline Service Station			S	S	P	P	P	7a	
													11. New Truck Sales Lot			S	S	P	P	P		
													12. New and Used Car Sales Lot			S	S	P	P	P	7f	26
													13. Truck or Heavy Vehicle Repair				S	P	P	P	7b	18
													14. Auto Repair Garage			S	S	P	P	P	7b	18
													15. Temporary Storage of Impounded Vehicle					P	P	P		
													16. Tire Retreading or Capping					P	P		7b	
													17. Used Truck Only Sales Lot							P		
													18. Used Car Only Sales Lot				S			P	7f	
													19. New Agricultural or Utility Trailer Sales			S	S	P	P	P		
													20. Trailer, Truck or Recreational Vehicle Rental				S	P	P	P		29

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	D. Commercial and Warehouse Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Adult Entertainment Establishment					P	P		5b	21, 30
													2. Bakery or Confectionery Wholesale				S	P	P	P	8e	
													3. Bottle Works Wholesale				S	P	P	P	8e	
													4. Building Material or Lumber Yard			S	S	P	P	P	8a, 8d	28
													5. Cabinet Making				S	P	P	P	8e	
													6. Woodworking Shop				S	P	P	P	8e	
													7. Chemical Products, Bulk Storage				S	S	P	P	8c	
													8. Upholstery				S	P	P	P	8e	
													9. Cleaning, Laundry Plant				S	P	P	P	8e	
													10. Dyeing Plant				S	P	P	P	8e	
													11. Cleaning Plant, Other Than Clothing and Linen					P	P	P	8e	
													12. Clothing Mfg. or Light Fabrication and Assembly				S	P	P	P	8e	
													13. Contractor Shop and Storage Yard (Outside)				S	P	P	P	8d, 8e	
													14. Feed Store				S			P	8e	
													15. Heavy Machinery Sales, Service or Storage				S	P	P	P	8d, 8e	
													16. Job Printing				S	P	P	P	8e	
													17. Newspaper Printing				S	P	P	P	8e	
													18. Maintenance or Repair Services For Buildings				S	P	P	P	8e	
													19. Mini-Warehouses				S	S	S	P		27
													20. Nursery-Wholesale					S	S	P	8e	
													21. Open Storage or Sale of Commodities Not Elsewhere Listed				S	S	S	P	8d	
													22. Paint Shop or Paint Mixing, Wholesale or Warehouse				S	P	P	P	8e	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	D. Commercial and Warehouse Uses (continued)	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													23. Plumbing, Electrical or Air Conditioning Sales and Service			S	S	P	P	P	8e	
													24. Recycling Collection Center or Freestanding Donation Box				S	S	S	P	8e	
													25. Scientific or Research Laboratories				S	P	P	P	8e	
													26. Storage or Sales Warehouse			S	S	P	P	P	8c	27
													27. Trailer or Manufatured Housing Sales or Rental					P	P	P	8d	
													28. Wholesale Office or Sample Room Only			S	S	P	P	P	8c	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	E. Educational, Institutional and Special Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Art Gallery or Museum	P	P	P	P	P		P	2k	
S	S	S	S	S	S	S	S	S	S	S	S	S	2. Cemetery, Mausoleum or Crematorium	S	S	S	S	S		P		
P	P	P	P	P	P	P	P	P	P	P	P	P	3. Church or Rectory	P	P	P	P	P		P	2f	
													4. College, University, Business or Professional School	P	P	P	P			P	2c	
P	P	P	P	P	P	P	P	P	P	P	P	P	5. Community Center, Public	P	P	P	P	P	P	P	2a	
S	S	S	S	S	S	S	S	S	S	S	S	S	6. Convent or Monastery	P	P	P	P			P		
S										S	S	S	7. Day Nursery of Child Care Center	P	P	P	P			P	2g	
S	S	S	S	S	S	S	S	S	S	S	S	S	8. Elementary or Secondary School, Private	P	P	P	P			P	2b	
P	P	P	P	P	P	P	P	P	P	P	P	P	9. Elementary or Secondary School, Public	P	P	P	P	P	P	P	2b	
													10. Fairground or Exhibition Area			P	P	P	P	P	2d, 2e	
													11. Fraternal Organization, Lodge or Civic Club	S	P	P	P			P	2l	
													12. Hospital/ Home/Center for Substance Abuse or Psychiatric Patients			S	S			P	2i	
													13. Hospital/Home/Center for General, Acute or Chronic Care			P	P			P	2h	
S										S	S	S	14. Kindergarten, Private	P	P	P	P			P	2g	
													15. Labor Union or Similar Union Organization	S	P	P	P	P	P	P	2p	
P	P	P	P	P	P	P	P	P	P	P	P	P	16. Library, Public	P	P	P	P	P	P	P	2k	
													17. Mortuary or Funeral Chapel			P	P	P		P	2o	
													18. Nursing or Assisted Living Facility			P	P			P	2n	
													19. Jail or Prison, Privately Owned or Operated					S	S			
P	P	P	P	P	P	P	P	P	P	P	P	P	20. Public Park, Playground	P	P	P	P	P	P	P		
													21. Vocational or Trade School		P	P	P	P	P	P	2b	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	F. General Retail Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Bakery or Confectionery Store, Retail	P	P	P	P			P	4b	24
													2. Book Store, Retail	P	P	P	P			P	4b	24
													3. Camera and Photography Supply	P	P	P	P			P	4b	24
													4. Cleaning and Laundry, Retail			S	S	P	P	P	4b	
													5. New Clothing or Department Store			P	P	P		P	4b	
													6. Discount Store			S	S	P		P	4b	
													7. Drug Store or Pharmacy	P	P	P	P			P	4b	24
													8. Florist, Retail	P	P	P	P			P	4b	24
													9. Food or Beverage Sales Store	P	P	P	P	P		P	4b	24
													10. Furniture, Home Furnishings or Appliance Store			P	P	P		P	4c	
													11. Upholstery, Retail		S	P	P			P	4c	
													12. Gift Store	P	P	P	P			P	4b	24
													13. Handicraft or Art Object Sales Store		P	P	P	P		P	4b	
													14. Hobby, Toy or Game Store		P	P	P	P		P	4b	
													15. Jewelry Store		P	P	P			P	4b	
													16. Luggage or Leather Goods Store			P	P			P	4b	
													17. Non-Traditional Smoking Related Business				S	S	S		4b	
													18. Nursery or Garden Store, Retail			P	P	P		P	4b	28
													19. Pawn Shop					P	P		4b	
													20. Pet Shop			P	P	P		P	4b	
													21. Retail and Service Establishments Not Elsewhere Listed	S	S	S	S	S	S	P	4a, 4b	22, 24
													22. Sewing, Needlework and Goods Store		P	P	P	P		P	4b	
													23. Stationery or Office Supply Store	P	P	P	P			P	4b	24
													24. Sporting Goods or Bicycle Store			P	P	P		P	4b	
													25. Used Merchandise Store			S	S			P	4b	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	G. General Service and Office Type Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Advertising Agencies	P	P	P	P			P	6d	
													2. Advertising Service with Outdoor Storage Facilities				P	P		P	6d	
													3. Drive-In Banking Facilities			P	P	P		P	6a	
													4. Banking Offices or Facilities Excluding Drive-In Services	P	P	P	P			P	6a	
													5. Beauty Shop or Barber Shop	S	P	P	P			P	4a	
													6. Catering Service			P	P	P		P		
													7. Coin-Operated Laundries and/or Dry Cleaning, Self-Service					P	P	P	4e	
													8. Computer and/or Data Processing Services	P	P	P	P	P		P	6d	
													9. Eating Places with Drive-Through Service			S	S	S	S	P	5b	21, 36
													10. Eating Places without Drive-Through Services		P	P	P	P		P	5a	21
													11. Fix-It Shop or Household Appliance Service and Repair		S	S	S	P	P	P	4c	
													12. Food Carts			P	P					33
													13. Agents for Garment Pressing, Laundries or Dry Cleaning	S	P	P	P	P		P	4a	
													14. Key Shop	S	P	P	P			P	4a	
													15. Mailing, Reproduction, Commercial Art, Photo or Steno Service	P	P	P	P	P		P	6d	
													16. Medical or Dental Laboratories	P	P	P	P	P	P	P	6d	
													17. Office, Physician, Dentist or Other Health Practitioners	P	P	P	P	P		P	6c	
													18. Office, Professional or Administration	P	P	P	P	P	P	P	6d	
													19. Personnel Supply Services	P	P	P	P	P	P	P	6d	
													20. Pet Grooming		P	P	P	P		P	4a	
													21. Private Club or Lodge			P	P	P	P	P	5b	21
													22. Shoe Repair Shop or Shoe Shine Parlor	P	P	P	P			P	4a	
													23. Studio for Photographer, Musician or Artist	P	P	P	P	P	P	P	4a	
													24. Tailor or Dressmaking Shop	P	P	P	P			P	4a	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	G. General Service and Office Type Uses (cont'd)	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													25. Veterinarian Hospital with Outside Animal Run or Pens				S	S	S	P	6d	
													26. Veterinarian Office Only			P	P	P		P	6d	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	H. Government Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Federal, State or Municipal Building	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	2. Fire Station or Similar Public Safety Building	P	P	P	P	P	P	P		
													3. Public Utility Shop or Storage				P	P	P	P		

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	I. Hotels, Group Quarters and Other Lodging Places	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Condit-ions, Sec. 7800
													1. Bed and Breakfast Inn							P		
S	S	S	S	S	S	S	S	S	S	S	S	S	2. Group Foster Homes							P	1a	
											S	S	3. Age Restricted Senior Living Facility	S	S	S				P	2j	
												S	4. Hotel or Motel	S	S	P	P	P		P	1g	4, 21
											P	P	5. Houses on a Membership Basis							P	1g	
											P	P	6. Private Dormitory							P	1i	
											P	P	7. Rooming and Boarding House, Organization Hotel or Lodging							P	1f	
													8. Vacation Rental							P		

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	J. Manufacturing and Industrial Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Aircraft Hardware or Parts Manufacturing					P	P	P	8f	
													2. Aircraft Manufacturing						I	P	8f	
													3. Appliance (Small) Manufacturing					P	P	P	8f	
													4. Automobile Manufacturing						I	P	8f	
													5. Boiler Works						I	P	8f	
													6. Chemical Processing					S	I	P	8f	
													7. Clay Products Manufacturing					S	I	P	8f	
													8. Container Manufacturing (Wood, Paper or Plastic)					P	P	P	8f	
													9. Cotton or Cottonseed Processing or Storage						I	P	8f	
													10. Creamery/Dairy Products Mfg. or Wholesale Distribution				S	P	P	P	8f	
													11. Electrical Component Manufacturing				S	P	P	P	8f	
													12. Electrical Equipment or Appliance Manufacturing (Large)						I	P	8f	
													13. Electroplating					P	P	P	8f	
													14. Flour Mill						I	P	8f	
													15. Food Processing					P	P	P	8f	
													16. Foundry, Forge Plant or Rolling Mill						I	P	8f	
													17. Furniture, Cabinet Manufacturing					P	P	P	8f	
													18. Kitchen Equipment					P	P	P	8f	
													19. Heavy Equipment Manufacturing						I	P	8f	
													20. Ice Cream Manufacturing				S	P	P	P	8f	
													21. Ice Manufacturing or Storage				S	P	P	P	8f	
													22. Machine Shop or Welding				S	P	P	P	8f	
													23. Metal Fabrication Plant				S	P	P	P	8f	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	J. Manufacturing and Industrial Uses (continued)	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													24. Manufactured Home, Industrialized Housing, Building Mfg.					P	P	P	8f	
													25. Oil Well Tools or Equipment Manufacturing					S	I	P	8f	
													26. Paper Manufacturing						S		8f	
													27. Paper Products Manufacturing				S	P	P	P	8f	
													28. Petroleum or Chemical Manufacturing						I	P	8f	
													29. Planing Mill					P	P	P	8f	
													30. Rope Manufacturing				S	P	P	P	8f	
													31. Salvage or Reclamation of Products (Inside Only)				S	P	P	P	8f	
													32. Stone Monument Works						I	P	8f	
													33. Temporary Batch Plant	P	P	P	P	P	P			23
													34. Textile or Garment Manufacturing				S	P	P	P	8f	
													35. Travel Trailer, Camper or Camper Top Manufacturing					P	P	P	8f	
													36. Industries Not Elsewhere Listed					S	S	P	8f	25

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	K. Natural Resource and Extractions	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Mining Extraction					S	S	P		
S	S	S	S	S	S	S	S	S	S	S	S	S	2. Oil or Gas Well Drilling or Production	S	S	S	S	S	S	P		34
S	S	S	S	S	S	S	S	S	S	S	S	S	3. Line Compressor	S	S	S	S	S	S	P		34
													4. Petroleum Products Collection or Storage (Wholesale)					S	S	P	8b	
													5. Sand, Gravel or Earth Sales or Storage					S	S	P	8b	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	L. Public Utilities	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
P	P	P	P	P	P	P	P	P	P	P	P	P	1. Cable TV Transmission Line	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	2. Electric Transmission Line	P	P	P	P	P	P	P		
													3. Electrical Generating Plant			S	S	P	P			
S	S	S	S	S	S	S	S	S	S	S	S	S	4. Electrical Substation	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	5. Gas Transmission Line or Metering Station	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	6. Local Utility Service Line	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	7. Pumping Station	P	P	P	P	P	P	P		
S	S	S	S	S	S	S	S	S	S	S	S	S	8. Radio, TV or Microwave Tower	S	S	S	S	S	S	S		
S	S	S	S	S	S	S	S	S	S	S	S	S	9. Railroad Switching Yards	S	S	S	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	10. Sewage Pumping Station	P	P	P	P	P	P	P		
													11. Sewage Treatment Facility					S	P	P		
S	S	S	S	S	S	S	S	S	S	S	S	S	12. Telephone Exchange, Switching Relay or Transmission Station	P	P	P	P	P	P	P		
													13. Utility Business Office	P	P	P	P	P	P	P	6d	
													14. Utility Service or Storage yard or Buildings			S	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	15. Water Standpipe or Elevated Water Supply, Reservoir or Well	P	P	P	P	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	16. Water Treatment Plant	P	P	P	P	P	P	P		

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	M. Recreation and Entertainment Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Amusement, Commercial (Indoor)			P	P	P	I	P	3c	21
													2. Amusement, Commercial (Outdoor)			S	S			P	3d	21
													3. Bar, Dance Hall or Night Club			S	S			P	5b	21
													4. Bowling Alley			P	P	P		P	3b	21
													5. Campground or Recreational Vehicle Park							P		
													6. Coin-Operated Amusement Devices			P	P			P	3c	
													7. Commercial Sport, Ballpark, Stadium or Athletic Field			S	P	P		P	3e	
S	S	S	S	S	S	S	S	S	S	S	S	S	8. Country Club	P	P	P	P			P	3g	
													9. Driving Range or Miniature Golf Course			P	P			P	3h	
													10. Go-Cart Track							P	3d	
P	P	P	P	P	P	P	P	P	P	P	P	P	11. Golf Course	P	P	P	P	P	P	P	3g	
													12. Gun Club, Skeet or Target Range			S	S	S	S	P		
													13. Membership Sport or Recreation Club			P	P	P		P		
P	P	P	P	P	P	P	P	P	P	P	P	P	14. Parks	P	P	P	P	P	P	P		
													15. Pool or Billiard Hall							P	3c	21
													16. Rodeo Ground							P	3d	21
													17. Roller or Ice Skating Rink			P	P	P		P	3d	
													18. Stable, Commercial, Rental or Boarding							P		14
													19. Stable, Riding Club							P		13
													20. Swimming Pool, Commercial			P	P			P		9
													21. Theatre, Drive-In							P		
													22. Theatre, Other Than Drive-In			P	P	P		P	3a	

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	N. Residential Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800B
P	P	P	P	P	P	P	P	P	P	P	P		1. Single Family Dwelling							P	1a	31
									P	P	P		2. Zero-lot-line Dwelling							P	1j	1, 31
										P	P	P	3. Two Family Dwelling							P	1b	31
											P	P	3. Townhouse							P	1c	2
											P	P	4. Multi-family Dwelling							P	1e	2
											P	P	5. Apartments							P	1e	2
As specified in Section 5300 of this Ordinance													6. Manufactured Housing							P	1h	3
As specified in Section 5300 of this Ordinance													7. Camping Trailer							P		3

Residential Districts													Permitted Primary Uses	Nonresidential Districts								
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	O. Transportation Uses	OP	C-1	C-2	C-3	I-1	I-2	PD	Parking Group Table, Sec. 7200	Special Conditions, Sec. 7800
													1. Airport Landing Field					S	S	P		15
													2. Bus Station or Terminal			S	S	P	P	P		
													3. Heliport		S	S	S	S	S	P		15
													4. Hauling or Storage Company				S	P	P	P	8c	
													5. Motor Freight Terminal				S	P	P	P	8c	
													6. Parking Lot or Structure, Commercial	S	S	S	S	P		P		16
													7. Parking Lot, Truck				S	P	P			
													8. Railroad Freight Terminal				S	P	P		8c	
													9. Railroad Passenger Station			S	S	P	P	P		
P	P	P	P	P	P	P	P	P	P	P	P	P	10. Railroad Track or Right-Of-Way	P	P	P	P	P	P	P		

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Section 4500. Area, Setback and Height Regulations.

A. No lot, parcel, premises or tract of land shall be created and no building permit shall be issued for any request that does not meet the appropriate minimum lot area, width, depth, yard and height regulations as set forth in the tables labeled "Section 4500 B. Area and Height Regulations".

B. (See Area and Height Regulations Tables.)

C. **Exceptions to Area and Height Regulations:**

1. In an industrial district, no structural setback shall be required from a railroad right-of-way not less than fifty (50) feet in width.

2. A non-residential building or structure owned and/or operated by a government entity shall be exempt from the district maximum height regulations.

3. A building or structure may exceed the district maximum height regulations with a Specific Use Permit provided that the following minimum setback requirements are met:

   a. Single-family or two family dwellings may be increased in height not more than ten (10) feet when two side yards of not less than twenty (20) feet each are provided.

   b. In zoning classifications other than the C-2 and C-3 Districts, hospitals may be erected to a height not exceeding forty-five (45) feet when the front, side and rear yards are each increased an additional foot for each foot such buildings exceed thirty-five (35) feet.

   c. In C-2 and C-3 Districts, hospitals may be erected to a height that is deemed appropriate by the City Council provided that the front, side and rear yards are each increased an additional foot for each foot such buildings exceed fifty (50) feet in height, unless the additional setback requirement is modified or waived by the City Council during the approval of the Specific Use Permit. *(Ordinance No. 1494, Approved 8/11/04—Ordinance No. 1503, Approved 10/25/04)*

4. Interior side yards shall not be required for abutting commercial and industrial properties in the same zoning district if both properties are developed as a unit under a common development plan provided that the construction meets the requirements of the Mansfield Building Code and Fire Code.

5. Nonconforming lots of record existing at the time of the adoption of this Ordinance and lots or parcels created as a result of condemnation or involuntary sale by owner to a government entity with power of eminent domain, shall be exempt, unless indicated, from the minimum lot area, depth and width requirements provided they are developed in accordance with all minimum yard requirements. Multi-family uses shall not be exempt from the minimum lot area requirements.

6. When individual attached townhouses or condominiums are to be sold separately, there shall be no minimum lot area, lot width and lot depth requirements; provided that the total land area of the project, including the land on which the units are located and the land held in common ownership by the unit owners, is equal to the total minimum land area required per dwelling unit in the district in which the project is located.

7. The height regulations of this Ordinance shall not apply to belfries, chimneys, church spires, conveyors, cooling towers, elevator bulkheads, fire towers, storage towers, monuments, ornamental towers or spires, cranes, construction equipment, smoke stacks, stage towers and scenery lofts, tanks, ham radio and television antennas, and microwave relay, radio and television transmission towers provided that in a PR, residential or commercial district restricted to thirty-five (35) feet in height, one (1) addition foot shall be added to the width and depth of the front, side and rear yards for each foot that such structures exceeds thirty-five (35) feet in height. *(Ordinance No. 1448, Adopted 10/13/03---Ordinance No. 1503, Adopted 10/25/04)*

8. Buildings or structures for existing developments in industrial districts shall be exempt from the minimum yard requirements where the expansion, enlargement or separate addition thereof is limited to land already owned by those businesses or committed to them under long term leases (or extensions thereof) at the time of the enactment of this Ordinance unless it abuts a residential zoning district.

9. Permitted residential use in the C-4 Downtown Business District, shall not be subject to the area and setback restrictions of a more restrictive residential district.

10. The zero-lot line concept which involves locating a residential dwelling with a doorless and windowless wall actually on one interior side lot line and with one side yard at a minimum width of ten (10) feet shall be permitted in the SF-6/12 District when the appropriate building lines and necessary structural restrictions for the zero-lot-line concept, as set forth in Section 7800, are shown on a recorded plat which has been approved by the Planning and Zoning Commission.

11. Where a building line has been established by a recorded plat or a City Ordinance and such line requires a greater or lesser front, side or rear yard setback than is prescribed by this Ordinance for the district in which the building line is located, the required front, side or rear yard shall comply with the building line so established by such plat or ordinance.

12. Where lots have double frontage, running through from one street to another, a required front yard shall be provided on both streets unless a building line for accessory buildings has been established along one frontage on the plat or by City ordinance, in which event only one required front yard need be observed.

13. Every part of a required yard shall be open and unobstructed except for accessory buildings or use as permitted herein, and the ordinary projection of window sills, belt courses, fences, cornices, and roof eaves not exceeding twenty-four (24) inches into the required yard. No accessory building or use shall be allowed in the required front or side yard except as provided in Section 7800.B.5.

D. **Minimum Setback for Trash Containers and Refuse or Recycling Storage Areas**: Trash containers and storage areas for refuse or materials awaiting disposal or recycling shall setback a minimum of fifty (50) feet from any public street.

E. **Minimum Floor Area and Building Separation in MF-1 & MF-2 Districts:**

1. In any district in which apartments and multi-family dwellings are permitted, the following standards shall be followed in establishing the minimum floor area, minimum width of a

place or court and minimum separation between buildings, to be measured between building walls:

Dwelling Type	Minimum Floor Area
a. Townhouse	1,200 sq. ft. per unit
b. Apartment and other multi-family dwelling	600 sq. ft. per efficiency 750 sq. ft. per 1 bedroom unit 900 sq. ft. per 2 bedroom unit 1,000 sq. ft. per 3 bedroom unit

The minimum average floor area per apartment or multi-family residential project shall be eight hundred (800) square feet; said minimum average floor area shall apply to the total number of units to be constructed under the same building permit.

When Buildings are Facing	Minimum Separation
a. Front to front	40 feet
b. Front to rear	40 feet
c. Rear to rear	20 feet
d. Side to side	10 feet
e. Side to front	20 feet
f. Side to rear	10 feet

2. In applying the above described standards, the front of a building shall be deemed to be any building face, whether in one or more planes, having doors, entrances or openings for primary access to the building or any unit therein. The rear of the building shall be the face of the building that is most nearly parallel and opposite to the building front and has no doors, entrances or openings for any access to the building or units therein. A building is considered to have a double frontage if both frontage has doors, entrances or openings for access to the building or units therein. The sides of a building shall be building faces that are not considered as the front or rear of the building.

F. **Area, Setback and Height Regulations for Accessory Buildings –** Refer to Section 7800.B.5.

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SECTION 4500B. AREA AND HEIGHT REGULATIONS. 1.) RESIDENTIAL DISTRICTS:

Zoning District[6]	Minimum Lot Area per Dwelling Unit (Sq. Ft.)	Minimum Floor Area Per Unit (Sq. Ft.)	Maximum Lot Coverage	Minimum Lot Width (Feet)	Minimum Lot Depth (Feet)	Minimum Front Yard (Feet)	Minimum Rear Yard (Feet)[1]	Minimum Interior Side Yard (Feet)[1]	Minimum Exterior Side Yard (Feet)		Maximum Height (Feet)	Minimum Masonry Construction[6]
									backing up to an abutting side yard	backing up to an abutting rear yard		
A	2 acres	2,200	15%	150	200	40	15	25	25	25	35	**See Section 4600**
SF-12/22	12,000	2,200	45%	90	120	25	25	10	25	15	35	
SF-9.6/20	9,600	2,000	45%	80	110	25	15	10	25	15	35	
SF-8.4/18	8,400	1,800	45%	70	110	25	15	10	20	15	35	
SF-7.5/18	7,500	1,800	45%	65	110	25	15	5 & 10[2,7]	20	15	35	
2F	3,750	1,000	45%	65	110	25	15	5 & 10[2]	20	15	35	
MF-1	3,630	See Sec. 4500F	40%	100	120	25	25[3]	20[3]	25	25	35[4]	
MF-2	2,420	See Sec. 4500F	40%	100	120	25	25[3]	20[3]	25	25	35[4]	
SF-5AC/24	5 acres	2,400	15%	200	200	45	35	20	45	20	35	**See Section 4600**
SF-8.4/16	8,400	1,600	45%	70	110	25	15	5/7.5[5]	20	15	35	
SF-7.5/16	7,500	1,600	45%	65	110	25	15	5 & 10[2,7]	20	15	35	
SF-7.5/12	7,500	1,200	45%	65	110	25	15	5/7.5[5]	20	15	35	
SF-6/12	6,000	1,200	45%	60	100	25	15	0/10[5]	20	15	35	

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Footnotes:

[1] Refer to Section 7400C for minimum rear or side yard requirement on residential lots abutting property in an OP, C-1, C-2, C-3, I-1 or I-2 zoning classification.

[2] Requires two side yards to have a combined total of not less than 15’ with a 5’ minimum on one side and a 10’ minimum on the other side.

[3] Notwithstanding the above, townhomes, apartments and multi-family dwellings in MF-1 and MF-2 Districts, when located adjacent to other residential districts that do not permit multi-family dwellings, shall setback from the property line along such other residential districts four (4) feet for every one (1) foot of building height. See additional landscaping requirements in Section 7300 that may affect the building setback.

[4] Multi-family dwelling units in MF-1 and MF-2 Districts shall not be higher than 35’ or two stories, whichever is less.

[5] For single-family detached dwellings located in SF-8.4/16, SF-7.5/12 and SF-6/12 Districts, the minimum interior side yard shall be five (5) feet for one-story units and seven and a-half (7.5) feet for units with more than one-story. Zero-lot-line dwellings in SF-6/12 District shall comply with the provisions in Section 4500C.10.

[6] The area and height regulations for the PR District shall be the same as those provided for the SF-12/22 District.

[7] Developments in the SF-7.5/18 District approved prior to September 14, 2015, and developments in the SF-7.5/16 District approved prior to November 13, 2000, may continue to use a minimum interior side yard of five (5) feet for one-story dwelling units and seven and a-half (7.5) feet for dwelling units with more than one-story.

SECTION 4500 B. AREA AND HEIGHT REGULATIONS 2) NON-RESIDENTIAL DISTRICTS

Zoning Districts (Numbers in brackets refer to exceptions in Section 4500C)	Lot Dimension (i.e. Area, Width, Depth)	Maximum Floor Area Ratio	Minimum Building Setback (feet) (7) (10) (12)			**Masonry Construction Requirement**	Maximum Height (Feet) (2) (6)
			When abutting street right-of-way	When abutting other property lines (1) (3)			
				in a non-residential district	in a residential district		
OP	None	0.6	25	None	Refer to Section 7400C	**Refer to Section 4600**	35
C-1	None	0.6	25	None	Refer to Section 7400C	**Refer to Section 4600**	35
C-2	None	2.0	25	None	Refer to Section 7400C	**Refer to Section 4600**	50
C-3	None	2.0	25	None	Refer to Section 7400C	**Refer to Section 4600**	50
C-4	None	2.0	NONE	None	10	**Refer to Section 4600**	40
I-1	None	2.0	30	None	40	**Refer to Section 4600**	None
I-2	None	1.0	30	None	40	**Refer to Section 4600**	None

Section 4600. Community Design Standards.

A. Exterior Construction Materials for development in the OP, C-1 through C-4 zoning districts and the I-1 and I-2 Freeway Overlay Zoning Districts

1. In the OP, C-1 through C-3 Zoning Districts and the I-1 and I-2 Freeway Overlay zoning districts, the exterior surfaces of all structures, including screening walls, wing walls, columns and supports, shall consist of at least seventy (70) percent masonry construction materials. This requirement shall apply to new structures, expansion of existing structures, and any repair or alteration that involves more than fifty (50) percent of the exterior surfaces of an existing structure. This requirement shall not apply to roofs, awnings, canopies, doors, windows, glass walls and frame assemblies thereof. The remaining thirty (30) percent of the exterior surfaces may be constructed of masonry-like construction materials or any construction materials not expressly prohibited by this section. *(Ordinance No. 1493, Adopted 8/9/04)*

2. Development in the C-4 zoning district shall comply with the masonry construction requirements in paragraph 1 above if a new structure is constructed on a vacant lot or on a lot where all pre-existing structures have been or will be demolished. In addition, a walk-in cooler or freezer and smoker or cooker that is attached to a new or existing building may be exempt from the requirements provided that the cooler, freezer, smoker or cooker is separated from the street by a building or screening that is compatible with the primary building and taller than the cooler, freezer, smoker or cooker.

3. Masonry construction materials and masonry-like construction materials are as defined in Section 2200M.

4. The exterior wall surfaces of all new structures shall be constructed of at least two materials that compliment each other and are consistent in style.

5. The following construction materials shall be prohibited on the exterior wall surfaces of all structures:

   a. Vinyl or aluminum siding;

   b. Plastic or fiberglass panels;

   c. Unfired or underfired clay, brick or other masonry product;

   d. Corrugated, ribbed or standing-seamed metal panels;

   e. Galvanized or aluminum coated metal cladding;

   f. Smooth, unfinished or untextured concrete masonry units or concrete walls; or

   g. Reflective glass.

6. Any damage to the exterior surfaces of a structure shall be repaired within 120 days from the date the damage occurs.

7. Existing structures that were lawful before the effective date of this ordinance but which do not conform to the regulations of this ordinance after its passage, shall be lawful non-conforming buildings or structures. *Ordinance No. 1493, Adopted 8/9/04)*

8. Deviation from the above requirement may be accomplished only through Planned Development zoning.

9. Facilities or development on property owned and used by the City of Mansfield and the Mansfield Independent School District are exempt from the masonry materials requirements of this section.

10. When all other conditions are met, industrialized buildings for private schools and churches are permitted without masonry construction materials as long as the total floor are of the industrialized buildings does not exceed 35% of the total floor area of the primary structure.

(Ordinance No. 1449, Adopted 10/13/03)

B. Exterior construction materials for development in the MF-1 and MF-2 Zoning Districts

1. In the MF-1 and MF-2 Zoning Districts, the exterior surface of all structures, including screening walls, wing walls, gables, and columns and supports, shall be constructed of at least eighty (80) percent masonry construction materials. This requirement shall not apply to roofs, awnings, canopies, doors, windows, glass walls and frame assemblies thereof. The remaining twenty (20) percent of the exterior surfaces may be constructed of masonry-like construction materials or any construction material not expressly prohibited by this section.

2. Notwithstanding the above, chimneys and fireplaces on external wall surfaces shall be constructed of a minimum of one hundred (100) percent masonry construction. This requirement shall not apply to chimneys for fireplaces that are not on or part of the external wall.

3. The following construction materials shall be prohibited:

   a. Plastic or fiberglass panels;

   b. Unfired or underfired clay, brick or other masonry product;

   c. Corrugated, ribbed or standing-seamed metal panels;

   d. Galvanized or aluminum coated metal cladding;

   e. Smooth, unfinished or untextured concrete masonry units or concrete walls; or

   f. Reflective glass.

4. Existing structures that were lawful before May 10, 2004, but which do not conform to the regulations of this ordinance after its passage, shall be lawful non-conforming buildings or structures.

5. Deviation from the above requirement may be accomplished only through Planned Development zoning.

6. Facilities or development on property owned and used by the City of Mansfield and the Mansfield Independent School District are exempt from the masonry materials requirement of this section.

7. When all other conditions are met, industrialized buildings for private schools and churches are permitted without masonry construction materials as long as the total floor area of the industrialized buildings does not exceed 35% of the total floor area of the primary structure.

C. Exterior construction materials for development in the SF, PR, or 2F Zoning Districts

1. In the SF, PR or 2F Zoning Districts, the exterior wall surfaces of all dwelling units and all non-residential development such as churches, schools or public facilities shall be constructed of at least eighty (80) percent masonry construction materials, including gables. This requirement shall not apply to roofs, awnings, canopies, doors, windows, glass walls and frame assemblies thereof. The remaining twenty (20) percent of the exterior surfaces may be constructed of masonry-like construction materials or any construction materials not expressly prohibited by this section.

2. Notwithstanding the above, chimneys and fireplaces on external wall surfaces shall be constructed of a minimum of one hundred (100) percent masonry construction materials. This requirement shall not apply to chimneys for fireplaces that are not on or part of the external wall.

3. The following construction materials shall be prohibited:

   a. Plastic or fiberglass panels;

   b. Unfired or underfired clay, brick or other masonry product;

   c. Corrugated, ribbed or standing-seamed metal panels;

   d. Galvanized or aluminum coated metal cladding;

   e. Smooth, unfinished or untextured concrete masonry units or concrete walls; or

   f. Reflective glass.

4. Deviation from the above requirement may be accomplished through Planned Development zoning or through an appeal to the Board of Adjustment for a special exception as set forth in Section 6300 of this ordinance.

5. Notwithstanding the above, facilities or development on property owned and used by the City of Mansfield and the Mansfield Independent School District are exempt from the masonry materials requirements of this section.

6. When all other conditions are met, industrialized buildings for private schools and churches are permitted without masonry construction materials as long as the total floor area of the industrialized buildings does not exceed 35% of the total floor area of the primary structure.

7. The following properties in SF, PR or 2F zoning are automatically exempted from said masonry construction requirement:

a. Properties that are part of a preliminary or final plat approved before February 12, 2001; and

b. Existing dwelling units that are in legal conformance before the adoption date of the requirement described above; such dwelling units shall not be considered non-conforming uses due to non-compliance with the masonry construction requirement.

(Ordinance No. 1484, Adopted 5/10/04)

D. Architectural attributes for residential development in the PR, SF and 2F Districts.

1. Developments in a valid preliminary plat submitted for approval on or before November 12, 2012 shall be exempt from the requirements in this Subsection D.

2. The front entry to a house shall be well-defined and kept proportional to the house. The front entry must be designed so as not to distract from the rest of the house.

Front entry not proportional. Distracts from the rest of the house. Not Acceptable.

Front entry is well defined and proportional to the house. Acceptable.

3. Only specialty windows such as box windows or circular windows may be flush mounted to the exterior face of the building, all other windows are to be inset to create relief on the elevations.

4. Facades shall avoid large expanses of uninterrupted, single exterior materials and must be broken up by changes in plane, window placement, window trim, or color changes.

Large expanse with only one window and no material changes, projections or articulation. Not Acceptable.

Large expanse with articulated features, windows and material changes. Acceptable.

5. Shutters, if provided, shall be sized and shaped to match the associated openings.

Shutters are not proportionally sized to windows. Not Acceptable.

Shutters are sized proportionally to windows. Acceptable.

6. Gutters, if provided, shall be copper, galvanized steel, aluminum or painted if exposed to the street.

7. All asphalt roof shingles shall be laminated architectural shingles with a three dimensional appearance and warranted for at least thirty (30) years.

8. A minimum roof pitch of 8:12 (inches of rise per inches of run) from side to side shall apply to the predominant roof, except a tile or slate roof may have a minimum roof pitch of 5:12 (inches of rise per inches of run) from side to side. A variety of roof pitches may be incorporated into the roof design provided that the predominant roof meets the minimum roof pitch requirement.

9. In order to encourage variety, the exterior facades of houses on a continuous block shall vary within every 10 houses. When a house is constructed, the same combination of brick, stone, masonry-like materials and paint shall not be used on other houses within five (5) lots on either side of that house. The rear façade of a house on a lot that backs up to a street with four or more lanes as shown in the Thoroughfare Plan shall vary in design and construction materials from the rear façade of other houses within three (3) lots on either side of that house that also back up to the same street.

10. Design between garage and house shall use same or complementary colors and materials.

11. Other quality products are encouraged, including but not limited to: tile, slate or metal roofs suited to the architecture of the house; decorative columns and railings; wood garage doors; insulated garage doors varied patterns, style and type of materials; and architectural details such as tile work, wood trim, and moldings; or accent materials integrated into the façade.

12. All exposed wood accents or wooden garage doors shall be stained, sealed or painted for protection and regularly maintained.

13. In order to encourage variety, for developments with 100 lots or more, there shall be at least six (6) housing products provided for every 100 houses in a development. To be classified as a housing product, a housing product shall have at least three (3) of the following characteristics which clearly and obviously distinguish it from other housing products:

    a. Different room layout and size of house;

b. Exterior materials;

c. Roof lines;

d. Garage placement; and

e. Placement of the foot print on the lot and/or building face.

In order to expedite individual permit approval, a builder is required to submit plans or drawings showing floor plans, elevations or other design elements of each housing product and have them pre-approved for compliance with the above requirement.

14. In order to encourage variety, for developments with 30 lots or more, driveway orientations shall vary throughout the development. A minimum of 20% of all lots shall contain a J-Swing or side entry orientation. Additional lot widths shall be provided to accommodate this configuration.

15. For developments with thirty (30) lots or more, a maximum of twenty (20) percent of the lots may have a lot area smaller than the zoning district minimum requirements as shown in the table below, provided the reduced size lots must have a minimum lot width of sixty-five (65) feet.

	Minimum Lot Area For	
Zoning District	At least 80% of the Lots	Not more than 20% of the Lots
SF-12/22 or PR	12,000 sq. ft.	7,200 sq. ft.
SF-9.6/20	9,600 sq. ft.	7,200 sq. ft.
SF-8.4/18	8,400 sq. ft.	7,200 sq. ft.
SF-7.5/16	7,500 sq. ft.	7,200 sq. ft.

The location of the reduced size lots must be shown on the preliminary plat of a qualified development to be dispersed throughout the development such that they are not concentrated in any particular phase, block or area of the development. In a development with three or more blocks, there shall be no more than one-third (1/3) of the total allowable reduced size lots within each block. To ensure that the reduced size lots are dispersed according to the provisions of this paragraph, the Director of Planning must approve the design and location of the lots before the preliminary plat of the development is presented to the Planning and Zoning Commission for approval. Buildings on the reduced lot sizes shall meet the following setback requirements unless they comply with one of the deviations permitted in this subsection:

a. the minimum front, side and rear setback requirements of the SF-8.4/18 District for lots with a width of 70 feet or larger; or

b. the minimum front, side and rear setback requirements of the SF-7.5/16 District for lots with a width of less than 70 feet.

16. Front porches that are fully covered and have a minimum depth of seven (7) feet may encroach a maximum distance of ten (10) feet into the minimum front yard setback in any SF or 2F district.

17. The minimum front yard setback for twenty-five (25) percent of the lots in a development may be decreased to twenty (20) feet provided that no front entry garage shall be located within twenty-five (25) feet of the front property line.

18. To enhance the quality of life of residents and aesthetics, all developments with interior streets shall have an enhanced entryway. At the time of preliminary plat, a developer shall submit an enhanced entryway plan that will include at least five (5) of the following features:

    a. Boulevard section with median;

    b. Enhanced pavers or stained concrete;

    c. Decorative street lighting at the enhanced entryway which conforms to the City's standards with Oncor Electric Services or other utility providers;

    d. Enhanced architectural features;

    e. Enhanced fencing and landscaping features; and

    f. Use slip roads adjacent to arterials to front some homes on open space, where applicable.

    To ensure that the entryway meets the intent of this paragraph, the Director of Planning must approve the design of the proposed enhanced entryway before the preliminary plat of the development is presented to the Planning and Zoning Commission for approval.

19. Every development is encouraged to incorporate designs with the following concepts:

    a. Single loaded streets adjacent to public parks and/or open space;

    b. Curvilinear streets in developments over 50 acres;

    c. Lots fronting on block ends in gridded rectangular layouts;

    d. Shorten block lengths to approximately nine-hundred (900) feet to distribute traffic and shorten pedestrian trips;

    e. Allow connectivity to adjacent neighborhoods and open space;

    f. Allow pedestrian proximity to neighborhood services/commercial development;

    g. Incorporate drainage features into open space; and

    h. Limit lot frontage on higher volume collectors.

20. To enhance the quality of life of residents, for developments with 250 lots or more, one recreation facility shall be provided for every 250 lots. To be classified as a recreation facility, a recreation facility shall have at least one (1) of the following amenities:

    a. Swimming pool;

    b. Pond equipped with an aerator;

c. Walking or bike trails;

d. Playground;

e. Open game fields;

f. Common green areas or open space;

g. Lighted courts for activities such as volleyball, basketball, tennis, shuffleboard, racquet ball, croquet; or

h. Other amenities approved by the Director of Planning that meet the intent of this paragraph.

To ensure that the recreation facility meets the intent of this paragraph, the Director of Planning must approve the design and location of the proposed recreation facility before the preliminary plat of the development is presented to the Planning and Zoning Commission for approval.

21. Every neighborhood with common open space, private park land, landscaping, common walls and fencing shall have a mandatory Home Owners Association (HOA) to maintain those improvements.

22. Connections to the Master Trail System shall be provided in accordance with the Parks and Recreation Master Plan, where possible.

23. All lawns and landscaping shall be irrigated in accordance with Section 7300 of this Ordinance.

24. The Director of Planning is authorized to interpret and apply the forgoing provisions to ensure conformance with the purposes intended by the City Council. The decision of the Director of Planning shall be final unless an appeal of the decision is made to the City Council. Such appeal shall be submitted within ten (10) days after the decision has been rendered by the Director of Planning by filing a Notice of Appeal in the office of the Director of Planning, setting forth in clear and concise fashion the basis for the appeal. The City Council shall consider the appeal at a regular meeting and may affirm, modify, or reverse the decision of the Director of Planning.

25. Deviation from the above requirements may be accomplished only through Planned Development zoning.

E. Architectural attributes for non-residential development in the OP, C-1 through C-3 Districts and all non-residential districts within the Freeway Overlay District.

1. Architectural attributes are intended to address the visual impact of long uninterrupted walls or rooflines by providing a minimum amount of variations according to the size of the structure.

2. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

3. All non-residential buildings shall be architecturally finished on all four (4) sides with the same materials, detailing (e.g. tiles, awnings, moldings, cornices, etc.) and features (e.g. windows, openings, columns, towers, arches, etc.).

4. All non-residential buildings with facades greater than one hundred (100') feet in length shall incorporate wall plane projections or recesses that are at least four (4') feet deep. Projections/recesses must be at least four (4') feet in length. No uninterrupted length of façade may exceed fifty (50') feet in length.

5. All non-residential buildings with flat roof planes greater than one hundred (100') feet in length shall incorporate variations in the height of the roof plane that differ by at least two (2') feet in height. Variations to flat roof planes may include pilasters and projected or raised entry features. No uninterrupted length of any flat roof plane may exceed fifty (50') feet in length.

6. All non-residential building facades shall include a repeating pattern of elements such as material module change, colors or textures. At least one of these elements shall repeat horizontally.

7. All non-residential buildings shall be designed to include no less than four (4) of the architectural elements from the list below. Buildings over 20,000 square feet must include a minimum of six (6) of the architectural elements listed below.

    a. Canopies, awnings, arcades, covered walkways or porticoes;

    b. Recesses/projections, columns, pilasters projecting from the plane;

    c. Varied roof heights for pitched, peaked, sloped or flat roof styles;

    d. Articulated cornice line;

    e. Arches;

    f. Display windows, faux windows or decorative windows;

    g. Architectural details (such as tile work and molding) or accent materials integrated into the building façade;

    h. Integrated planters or wing walls that incorporate landscaping and sitting areas or outdoor patios;

    i. Offsets, reveals or projecting ribs used to express architectural or structural bays; or

    j. Other architectural features approved by the Director of Planning

8. Existing structures that were lawful before September 14, 2004, but which do not conform to the regulations of this ordinance after its passage, shall be lawful non-conforming buildings or structures.

9. All new structures or expansion of existing structures shall comply with the requirements in this section. Any repair or alteration that involves more than fifty (50) percent of the exterior surfaces of an existing structure shall comply with the requirements in this section.

10. Deviation from the above requirements may be accomplished only through Planned Development zoning.

Ordinance No. 1498, Adopted 9/14/04

F. Underground Utilities

1. Definitions:

   a. Transmission Line - Electrical lines operated at voltages of sixty thousand volts or higher that bring power from a generating plant to an electrical sub-station.

   b. Feeder Line - An electrical line that emanates from an electrical sub-station or hub to distribute power throughout an area.

   c. Lateral Line - An electrical line that emanates from a feeder line, typically through a sectionalizing device like a fuse or a disconnect, to distribute power to smaller areas of electric consumers; such line can be either single or three phase.

   d. Secondary Service Line - An electrical line which, through a transformer, connects a lateral line to a customer's electrical service entrance.

2. After November 24, 2003, for all developments in the OP, C-1, C-2 and C-3 zoning districts, for developments on property within the Freeway Overlay District, and for churches, schools and public facilities in PR or residential zoning districts, all utility lines shall be placed underground except for transmission lines and feeder lines. All electrical, gas, cable television and telephone support equipment shall be installed on the ground or placed underground. This requirement shall not apply to the following:

   a. Utility lines or support equipment installed before November 25, 2003; or

   b. Any support equipment belonging to the City, the Mansfield Independent School District or any state agency for the regulation of traffic, street lighting, or any other public safety purpose.

3. The cost of installing these utilities underground shall be the responsibility of the property owner or developer who is seeking utility service for their property. The utility company providing the utility service shall advise the customer of the nearest connection point and the perspective customer shall be responsible for the cost of bringing the utility service to the point of connection on the utility system designated by the utility company. A property owner or developer requesting utility service shall not be entitled to pro rata reimbursement from subsequent customers who might tie on to a lateral line or secondary service line.

4. The provisions of this section shall not be construed to require the City of Mansfield or the utility company to bear the additional cost of placing utilities underground.

5. The provisions of this section are not intended to alter the intent of the electrical franchise agreement.

6. Nothing contained within this subsection shall be construed to require that any existing overhead facility be placed underground or to prohibit the upgrading, reconstruction or reconductoring of any existing overhead facilities with overhead facilities.

7. Any property owner, developer or utility company who believes that the imposition of this underground utility construction requirement causes a unique and unreasonable hardship shall have the right to apply for a waiver to the requirement on a case by case basis. The applicant shall submit a written request to the City Council via the City Secretary's office. The request must provide the following information:

    a. A description of the property, land use and/or utility improvements for which a waiver to the requirement is sought.

    b. An explanation as to why the application of the underground utility regulation is unreasonable as applied to the applicant's property or situation.

    c. A description of any negative impacts created by the requirement to place the utilities underground.

    d. The City Secretary's office shall place the request for a waiver on the agenda of the City Council for consideration at a public meeting. The applicant shall receive written notice of the date of the proposed hearing on the waiver request. The City staff shall not be required to provide written notice of the waiver request to any other individual or entity. On the date that the item is set for hearing, the City Council shall conduct a public hearing on the waiver request giving any individual who desires to prevent information or evidence to the City Council on the appropriateness or inappropriateness of the wavier, the opportunity to appear before the City Council and present such information. At the conclusion of the hearing, the City Council by majority vote, may approve a waiver of the underground utility construction requirement on all or part of the proposed utility improvements or may deny the request for a waiver.

(Ordinance No. 1461. Adopted 11/24/03)

ARTICLE 5. SPECIAL PURPOSE DISTRICT REGULATIONS.

Section 5000. General Provisions.

The special Purpose Article is designed as an inclusive Article that establishes sets of standards for uses or areas that deserve specific, independent considerations. None of the districts contained in this Article are cumulative.

Section 5100. PD, Planned Development District Regulations.

A. Purpose: This district is intended to accommodate unified design of residential, commercial, office, professional services, retail and institutional uses and facilities or combinations thereof in accordance with an approved comprehensive development plan. This district is designed to permit flexibility and encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns and parking facilities in order to best utilize special site features of topography, size or shape.

B. Permitted Uses: Uses permitted in a PD, Planned Development District, are set forth in Section 4400.

C. Development Standards and Regulations:

1. Height Regulations**:** The maximum height requirement for permissible uses in this district shall be established on the approved development plan with due regard to site and general area characteristics including land use, zoning, topography and setbacks, etc.

2. Density Regulations: The density requirement for development shall be established on the approved development plan taking into account the goals and objectives, planning principles, and guidelines in the adopted Master Land Use Plan.

3. Open Space Regulations: Provisions for public, private and common open space shall be evaluated with due regard to density, site coverage, and physical characteristics of the site. Common open space must be usable for recreational activities including but not limited to playgrounds, trails, or other passive or active play areas. No open space shall be proposed that is less than twenty (20') feet in width to accommodate a minimum section of trail surface, landscape buffer area and space for maintenance. Ownership and maintenance of these areas must be addressed with the plan proposal.

4. Off-Street Parking Regulations: The off-street parking requirements shall be established on the approved development plan and generally in accordance with Section 7200, hereof. The location, number of spaces and size of parking areas shall be evaluated with due regard to vegetation, topography, and other physical characteristics of the site.

5. Setback Regulations: The setback requirements shall be established on the approved development plan.

6. Masonry Construction Standards: The masonry construction standards shall be established on the approved development plan.

7. Landscaping and Screening Regulations: The landscaping and screening requirements shall be established on the approved development plan but shall not be less than the minimum

requirements for development prescribed in Section 7300 of this Ordinance unless a reduction, change or modification of the landscaping and screening requirements is approved by the City Council as part of the development plan.

8. Tree Preservation and Mitigation: Preservation of trees shall be evaluated with due regard to aesthetics and other physical characteristics (e.g. topography, view corridors, utilities, access) of the site. This evaluation should be made prior to the design and layout of proposed improvements such that the environment suggests design. The requirements for tree preservation and mitigation shall be established through the policies and procedures prescribed in the Natural Resources Management Ordinance in cooperation with the Landscape Administrator. The City deems it necessary that a developer consult with the Landscape Administrator as early in the site search, acquisition and planning process as possible so as to minimize negative impacts on the development.

D. Approval Procedures:

1. A concept plan shall be required as a pre-requisite to any application for PD, Planned Development zoning.

2. The Planning & Zoning Commission and City Council will each hold a public hearing to review the proposed concept plan. The review of the concept plan does not grant any change in zoning. It merely allows the applicant to seek a conceptual review before spending the necessary resources to prepare a development plan.

3. After the concept plan review and a favorable indication from Planning & Zoning and Council, the applicant may submit a formal application for zoning change to a Planned Development District and for approval of a development plan. Such application shall be submitted in accordance with the provisions of Section 8600. The procedures for hearing said zoning change application and for approval of the development plan shall be the same as for an application for any other zoning change.

4. The applicant has the option to by-pass the concept plan review process if prepared to submit a development plan without any prior indication from the Planning & Zoning Commission and City Council regarding the development concept.

5. Prior to considering an application for a zoning change to a Planned Development District and development plan, the City Council shall request a recommendation from the Planning & Zoning Commission.

6. After receiving the Planning & Zoning Commission's recommendation, the City Council shall hold a public hearing to consider the application.

7. After the public hearing, City Council may approve the original application and development plan or modify the development plan as deemed appropriate by the City Council.

8. The approved development plan and the associated development standards and regulations to be observed on the Planned Development District shall be specified and incorporated as part of the ordinance establishing the district. Every Planned Development District approved under the provisions of this Ordinance shall be considered an amendment to the Zoning Ordinance and Zoning Map.

E. **Concept Plan Application:** An application for review and consideration of a Concept Plan shall consist of the following:

1. A complete signed application as provided by the Planning Department or on the City's website at www.mansfield-tx.gov

2. The appropriate fee in accordance with the current fee schedule adopted by City Council.

3. On a separate 8 ½" X 11" exhibit, provide a metes and bounds description of the property included in the concept plan boundaries, including the total acreage, signed and sealed by a registered surveyor.

4. On a separate 8 ½" X 11" exhibit, list the proposed specific land uses in detail and the approximate acreage data for each use. If land uses are general, refer to the nearest, least intensive zoning district that would accommodate the proposed use and any excluded uses. Example: All uses permitted in the "C-3, Commercial District, excluding outside storage or sales".

5. An electronic copy of the plan in accordance with current established policy.

6. All large format drawings shall be folded to an approximate size of 8 ½" X 11" with the title block showing.

7. Fifteen (15) copies of the plan in 24" X 36" or 22" X 34" format, drawn at an acceptable scale indicating all significant features of the proposed development to include:

   a. A vicinity map locating the property in relationship to existing major thoroughfares.

   b. Title block, preferably in lower right-hand corner, including the following: "Concept Plan, name of development, survey and abstract number or recorded plat information, city, county, state, date of preparation, acreage and number of lots".

   c. Acceptable scale: 1" = 20', 1" = 40', 1" = 100' or as approved.

   d. Type size is legible at full scale and when reduced.

   e. North arrow, graphic and written scale in close proximity.

   f. Name, address, phone and fax of owner/developer and the firm preparing the plan.

   g. A map showing the boundaries of the different land uses and the boundary dimensions.

   h. Adjacent or surrounding land uses, zoning, streets and other pertinent existing or proposed off-site improvements, sufficient to demonstrate the relationship and compatibility of the site to the surrounding properties, uses and facilities.

   i. The location, height, setbacks and minimum floor areas for all buildings and if non-residential, the floor area ratio.

   j. The number, location, and typical dimensions of the lots, the setbacks, the number of dwelling units, and number of units per acre (density).

k. The location, type, and size of all fences, berms, or screening features.

l. When deemed necessary, the Planning and Zoning Commission or City Council may ask for more information during the review of a Concept Plan.

F. **Development Plan Application:** An application for zoning change to PD, Planned Development shall consist of the following:

1. A complete signed application as provided by the Planning Department or on the City's website at www.mansfield-tx.gov The appropriate fee in accordance with the current fee schedule adopted by City Council.

2. On a separate 8 ½" X 11" exhibit, provide a metes and bounds description of the property included in the zoning change request, including the total acreage, signed and sealed by a registered surveyor.

3. On a separate 24" X 26" or 22" X 34" sheet, drawn at the same scale as the plan, show the approximate topography of the plan area, all water courses that will remain in a natural state, 100-year floodway and a 100-year floodplain per FEMA and other hydraulic and hydrologic studies as necessary. Provide two (2) copies.

4. On a separate 24" X 36" or 22" X 34" sheet, drawn at the same scale as the plan, show proposed and existing water and sanitary sewer locations. Also include the locations and sizes of private water and sanitary sewer lines. Provide two (2) copies.

5. On a separate 8 ½" X 11" exhibit, list the specific land uses in detail and the acreage data for each use. If land uses are general, refer to the nearest, least intensive zoning district that would accommodate the proposed use and excluded uses. Example: All uses permitted in the "C-3, Commercial District, excluding outside storage or sales".

6. A separate exhibit and documents indicating the traffic volumes, turning movements, evaluation of ingress and egress existing and proposed, when required by the City Engineer.

7. An electronic copy of the plan in accordance with current established policy.

8. All large format drawings shall be folded to an approximate size of 8 ½" X 11" with the title block showing.

9. Fifteen (15) copies of the plan at 24" X 36" drawn at an acceptable scale indicating all significant features of the proposed development to include:

   a. A vicinity map locating the property in relationship to existing major thoroughfares.

   b. Title block, preferably in lower right-hand corner, including the following: "Development Plan, name of development, survey and abstract number or recorded plat information, city, county, state, date of preparation, acreage and number of lots".

   c. Acceptable scale: 1" = 20', 1" = 40', 1" = 100' or as approved.

   d. Type size is legible at full scale and when reduced.

e. North arrow, graphic and written scale in close proximity.

f. Name, address, phone and fax of owner/developer and the firm preparing the plan.

g. A map showing the boundaries of the different land uses and the boundary dimensions.

h. Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, sufficient to demonstrate the relationship and compatibility of the site to the surrounding properties, uses and facilities.

i. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic and the proposed access and connection to existing or proposed streets adjacent to the plan area. Include a chart indicating the number of required parking spaces by use, the method of calculation and the number of proposed parking spaces.

j. The types of surfacing, such as paving (e.g. concrete, brick, turf, etc.) to be used at the various locations.

k. The location and size of all fire lanes with all curb radii adjacent to the fire lane labeled. The nearest fire hydrant dimensioned to the property corner and all proposed fire hydrants.

l. The location, height, setbacks and minimum floor areas for all buildings, and if non-residential, the floor area ratio. Include the following building details for non single-family developments:

    (1) Entrance and exits to the building.

    (2) Architectural renderings or elevations of proposed structures with all exterior materials for roofs, awnings, walls etc. labeled.

    (3) Calculations of the masonry content on each façade and in total for each building. (Example: Area of front facade = h x 1, percent masonry = 80%)

    (4) Distance between buildings and distance from building to property lines.

m. The number, location, and dimensions of the lots; and the setbacks, number of dwelling units, and number of units per acre (density). A graphic showing a typical lot layout, with size and setbacks.

n. The location of all on-site facilities for liquid waste or method of temporary storage pending disposal, including existing or proposed septic fields.

o. The location, size and type of each outside facility for waste or trash disposal. If no facility is shown, provide a note indicating method of disposal and removal.

p. A tree survey locating all protected trees by type, size and species in a printed and electronic format, as required by the Landscape Administrator, and mitigation plan, if required by the city's Natural Resources Management Ordinance. (Refer to the Tree Preservation Application as found on the city's website.)

q. A landscape plan showing all landscape setbacks and buffers; parking lot landscaping; and any additional landscaping proposed. A chart indicating the size, length and width of the landscape areas, with the required number of plants and the proposed number of plants should be included on the plan. The landscape plan may be presented on a separate exhibit on the same sheet size and at the same scale as the site plan.

r. The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be used for public or private use. If private, indicate the proposed ownership.

s. The approximate location and size of required Parkland Dedication areas, as required by the city's Parkland Dedication Ordinance for residential development.

t. The location, type, and size of all fences, berms, or screening features.

u. A plan, including elevations, showing location, size, height, orientation and design of all signs regulated by the city's sign ordinance.

v. The location, size and type of all pedestrian areas, bike paths and sidewalks.

w. The location, size, type and purpose of any outside storage or outside display and method of screening. Indicate the percentage of outside storage as compared to the building square footage.

x. Phases of development should be shown and labeled. Provide a development schedule indicating the start and finish date of each phase, broken down by use and acreage.

y. When deemed necessary, the Planning and Zoning Commission or City Council may ask for more information during the review of a Planned Development. Likewise, they may waive some of the information if the application is a simple request to deviate from the existing zoning category on the property.

z. If applicable, show the following mandatory owners association notes:

(1) A mandatory owners association will be responsible for the maintenance of the "insert list of private amenities and common areas here". (Example: screening fences, common areas, parks, amenity centers, landscaping)

(2) The Owners Association and associated documents shall be filed in accordance with the City of Mansfield policies. These documents must be reviewed by the City Attorney prior to filing the final plat. The documents shall be filed with the final plat at Tarrant County when deemed necessary by the attorney. The documents shall be submitted in a timely manner to allow for a minimum of 60 days review. Failure to submit the documents or incomplete documents may result in delay of construction, acceptance of the subdivision or delay in approval of a building permit. The City does not accept the responsibility for any delays in construction, approval or acceptance of the subdivision caused by the failure to submit the association documents or the inaccuracy of the documents.

10. A statement that clearly indicates that the proposed development will be in complete accordance with the provisions of the approved Planned Development District and that all

Development Plans recorded hereunder shall be binding upon the applicant thereof, his successors and assigns, and shall limit and control all building permits.

G. **Amendments:** The Director of Planning and Development may approve minor variations or revisions from the original Planned Development which do not increase density, change traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods. The Director of Planning may refer any variation or revision that warrants special consideration to the City Council for its review. If, in the City Council's determination, the variation or revision does not constitute a significant change, no public hearing shall be called and the variation or revision shall be deemed approved. The City Council in its sole discretion may direct any variation or revision to the Planning and Zoning Commission for its review and recommendation and, in such event, said variation or revision shall follow the procedures set out in Section 8600 herein regarding amendments to the Zoning Ordinance.

H. **Platting Required Prior to Development:**

1. Prior to issuance of any building permits, the development plan shall reflect all stipulations as approved by the City Council and the property shall be final platted in accordance with the subdivision ordinance and platting policies of the City.

2. When a development plan has been approved, final plats may be submitted in phases as shown on the approved plan. In no case, however, shall the density of all approved final plats exceed the maximum approved project density.

I. **Maintenance of Common Open Space:** When common open space, common recreational areas or private utilities and private streets are approved as a part of a development plan, the applicant for the approval of the applicable Planned Development District shall also submit a scheme, subject to the approval of the City Attorney and City Council, for assuring continued retention and perpetual maintenance of said items for as long as the development exists. The associated documents must be reviewed by the City Attorney prior to filing the final plat. The documents shall be filed with the final plat at Tarrant County when deemed necessary by the attorney. The documents shall be submitted in a timely manner to allow for a minimum of 60 days review. Failure to submit the documents or incomplete documents may result in delay of construction, acceptance of the subdivision or delay in approval of a building permit. The City does not accept the responsibility for any delays in construction, approval or acceptance of the subdivision caused by the failure to submit the association documents or the inaccuracy of the documents.

J. **Enforcement of Development Schedule:** If the developer or property owner fails to adhere to the development schedule shown in the approved development plan, the City has the option to initiate an amendment of the Planned Development District or development plan as deemed necessary by the City Council. The procedures for amending the Planned Development District or development plan shall be the same as for a new zoning change application.

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Section 5200. FR, Freeway Overlay District Regulations.

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-l, C-2, C-3, C-4, I-l, 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 three hundred (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.

B. **Use Regulations:** A building or premise in this district shall be used only for the following purposes:

1. Any use identified in the MF-1, MF-2, OP, C-l, C-2, C-3 or I-l districts subject to the conditions identified in subsection C herein prohibiting certain land uses or requiring restricted use approval for certain identified land uses so long as said uses are permitted within the approved standard zoning district. No cumulative use permitted in a standard zoning district with a "FR" prefix shall be permitted unless provided for herein.

C. Uses identified in this paragraph are expressly prohibited as the primary use of land on any lot or tract in the FR, Overlay District. Such uses are also prohibited secondary uses except as identified in this section as permitted secondary usage:

1. Any use identified in the MH, C-4 or I-2 district unless otherwise permitted.

2. Plant Nursery.

3. Mobile Homes, Trailers, temporary buildings, tents, except as temporary office for construction or business relocation and only in compliance with Section 6200B of this Ordinance.

4. Open warehousing except as specifically provided herein.

5. Any outside storage of vehicles for repair, storage, sale or use except as a secondary use to a permitted use provided herein.

6. Travel trailer park.

7. Rental stores with outside storage or display.

8. Landscape materials, sales, rental or supply with outside storage.

9. Any outside storage of materials or products for finishing fabrication or disposal.

10. Pool or billiard hall.

11. Amusement center.

12. Amusement park except as a planned development, or specific use.

13. Outdoor amusements including but not limited to commercial swimming pool, drive-in theater, driving range miniature golf course, riding stable or club.

14. Buildings or enclosed structures whereby vehicles may enter into and pass completely through to the other side, except for the following purposes:

    a. Mechanical service or modification;

    b. Inspection; and,

    c. Electronic product or component installation

15. Second hand goods.

16. Pawn shop.

17. Kennel.

18. Carwash with exception that a single bay fully automatic car wash be permitted as a secondary use to retail gasoline sales.

19. New or used motor vehicle part sales with outside storage.

20. Use motor vehicles sales except as a secondary use to new motor vehicles sales.

21. Tire recapping or retreading.

22. Salvage or reclamation.

23. Temporary storage of impounded vehicles or vehicles awaiting dismantling or repair.

24. Trailer rental, sales or storage.

25. Truck or motorcycle rental, storage or secondary sales except as a secondary use to new truck or motorcycle sales.

26. Heavy equipment rentals, sales or storage, new or used.

27. Any use involving nude employees.

28. Book stores, theaters, or movie houses except those within a strip commercial shopping center, shopping mall or as part of a planned development as provided herein.

29. Petroleum products, wholesale storage.

30. Planning mill.

31. Railroad yard, shop; truck terminal, stops.

32. Night Club, bar or private club except as a secondary use to a hotel, motel, restaurant and provided that the sale of food constitutes a minimum of 60% of total sales.

33. Any use incorporating the housing outdoors or indoors of any livestock or animals except as a secondary use to an amusement park or Planned Development for amusement purposes (Specific Use Permit Required).

34. Drive-thru or to go food services except as a secondary use to a walk-in restaurant.

D. **Restricted Land Uses:**

Any building or premises in this overlay district may be used for the purpose identified in this paragraph only when the use has been specifically approved by Specific Use Permit in compliance with the provisions of Section 6100 of this Ordinance.

1. Single-family dwelling, zero-lot-line dwelling, and two-family dwelling.

2. Amusement Park (except as may be incorporated as part of a planned development)

3. Dance Hall or night club.

4. Recycling collection center.

5. Building materials and lumber sales with outside storage.

6. Any secondary use incorporating housing of animals indoors.

7. Auto repair, auto paint and body shop and auto service establishments that meet the requirements of Section 7800, Special Conditions and the following conditions; provided that a car wash shall continue to be prohibited as shown in Section 5200C and that an auto service department of a new car dealership shall be exempt from the specific use permit requirement depicted in Section 5200D above.

    a. Architectural elements shall be required to enhance all building facades. Such architectural elements may include cornices, moldings, pilasters, wall recesses or projections, arches, special entryways, awnings, canopies, porticoes, pitched roof and/or combinations of such elements. In addition, architectural details such as a variety of patterns, colors and textures of building materials shall also be required. Building elevation drawings shall be included as a part of the application for the specific use permit. Elevation drawings shall be in color and depict the proposed architectural elements and details.

    b. No service bay shall face an abutting public street or highway if it is not completely behind a screening enclosure.

    c. No service bay shall be located less than one hundred (100) feet from the highway right-of-way if it is not completely behind a screening enclosure.

    d. Service bays that are not totally screened by an existing intervening building shall be screened from view from any highway that abuts the property where the service bays are located. Screening shall be achieved by a solid masonry wall, earthen berm or a

combination of screening wall and earthen berm that is ten (10) feet high minimum, located perpendicular to the exterior facade of the first service bay nearest to the highway to extend out a distance of twenty (20) feet beyond the service bay.

1. The screening wall shall be constructed of the same material used predominately on the building facade that faces the highway.

2. If an earthen berm is used, it shall be designed and constructed to prevent any drainage and erosion problems. The maximum slope for an earthen berm shall be 3:1 (i.e. three feet width for every foot in height).

e. In addition to the street landscape setback required in Section 7300 and the screening described in this section, additional landscaping, in the amount of ten (10) percent of the total area of the property, shall be provided to enhance the appearance from any public street or highway that abuts the property and minimize the view of the service bays.

f. To demonstrate the effectiveness of the proposed landscaping and screening, the following documents shall be submitted as part of the application for the specific use permit:

1. A landscape plan prepared by a registered landscape architect;

2. A line of sight drawing prepared by a qualified design professional; and

3. A perspective rendering or axonometric drawing prepared by a qualified design professional.

g. Whenever service bay doors face a side property line, a twenty (20) foot wide landscape buffer shall be provided along the entire side property line. When there are service bay doors on more than one side of the building, this requirement shall apply to all side property lines across from service bay doors. The twenty (20) foot landscape buffer shall be planted at the rate of one approved screening tree for each two hundred (200) square feet or portion thereof. At the time of planting, each screening tree shall be a minimum of ten to eleven (10-11) feet in height, six to seven (6-7) feet spread, and a minimum of three and one-half (3.5) inch caliper measured eighteen (18) inches above ground. Screening trees shall be chosen from the list in paragraph (1) below. As an alternative to screening trees, a developer may choose from the canopy trees listed in Section 7300, as long as the minimum height and caliper requirements above are met. If canopy trees are utilized, they shall be planted at the rate of one tree for each three hundred (300) square feet or portion thereof, and shrubs shall be planted between trees to provide adequate screening. The screening shrubs shall be planted no further apart than four (4) feet on center in two continuous, alternating rows so that screening should be effective within two growing seasons. Screening shrubs shall be a minimum of seven (7) gallon or larger with a minimum height of three-and-a-half (3½) feet at the time of planting and shall be chosen from the list in paragraph (2) below.

1. Screening Trees: Approved screening trees may not be limbed up and the foliage must be full-to-the-ground. Approved screening trees include Eastern Red Cedar, Leyland Cypress, Elderica Pine, Cherry Laurel, and Nelly R. Stevens Holly. The Landscape Administrator may approve other screening trees.

2. Screening Shrubs: Approved screening shrubs may not be limbed up and the foliage must be full-to-the-ground. Approved screening shrubs include Waxmyrtle, Dwarf Waxmyrtle, Burford Holly, Dwarf Burford Holly, Nandina, Texas Sage, Pampas Grass, Chinese Holly, and other selections of holly which will reach at least five (5) feet in height. The Landscape Administrator may approve other screening shrubs.

h. Service bay doors shall be painted with a neutral or earth tone color. The developer may propose an alternate color that the Planning and Zoning Commission and City Council may determine to be appropriate for the building design and not detract from the aesthetic quality of the development and surrounding properties. The intent of this provision is to avoid drawing attention to the service bay doors. Glass or transparent overhead doors shall not be permitted.

i. Vehicles awaiting repair or pickup may be stored overnight only in enclosed spaces. Notwithstanding, the foregoing, an auto paint and body shop may store vehicles awaiting repair provided the vehicles are completely behind a screening enclosure.

j. There shall be no outside storage or display of materials, including goods or products (i.e. tires, batteries, auto parts, etc.) awaiting sale, installation, disposal, finishing or fabrication.

k. A screening enclosure referenced or required in this section shall be at least six (6) feet in height and constructed of the same material used predominately on the building facade.

l. The screening and/or landscaping requirements described above may be modified by the City Council if they find that the structure is architecturally designed to effectively screen the service bay doors from view from abutting properties and abutting public street or highway.

m. The site plan, elevations, landscape plan, line of sight drawing and perspective rendering/axonometric drawings that are submitted to demonstrate architectural elements, effectiveness of screening, and architectural details shall be binding on the development and subsequent expansions.

n. Buildings constructed for any use permitted under this subsection are limited to one story and maximum height of 35 feet.

E. **Set Back Regulations.**

1. On federal or state numbered highways or access roads the minimum set back adjacent to such highways or access road shall be twenty-five (25) feet measured from the right-of-way line.

2. On all arterial streets as designed in the Thoroughfare Plan adopted by the City Council, minimum set back adjacent to such streets shall be the same as the approved standard zoning district except that in no case shall such set back be less than twenty (20) feet from the property line.

3. All other set backs including interior lot line, setbacks and set backs on minor or collector streets, shall be in compliance with the approved standard zoning district.

4. On any lot in this district used for non-residential purposes which adjoins any non "FR" prefix residential district, the minimum setback adjacent to such residential district shall be fifteen (15) feet and shall meet the screening requirements of Section 7300 of this Ordinance.

F. **Masonry Construction.** All development in the Freeway Overlay district shall conform to the regulations of Section 4600 of this Ordinance. *(Ordinance No. 1493, Adopted 8/9/04)*

G. **Parking Regulations.**

1. For each permissible use in this district, off street parking shall be provided in accordance with all regulations governing the approved standard zoning district and the regulations of section 7200 of this Ordinance.

H. **Sign Regulations.** All signs in the Freeway Overlay District shall conform to the regulations in Section 7100 of this Ordinance and shall pertain only to the principle use o service rendered or product sold on the premises on which the sign is located, and contain only information pertaining to either the name of the occupant, the kind of business or the brand name of the principle commodity being sold, but not including information on subsidiary products or services, nor information on anything or person. *(Ord. No. 1479, 4/12/04)*

I. **Special Conditions of the "FR" District.**

1. No fencing shall be permitted in any required set back abutting a public street except as required herein or as part of a secondary landscaping theme. The provisions of Section 7300 of this Ordinance shall apply in this district.

2. No outside display of goods, wears or merchandise shall be permitted except where the primary land use is the show room display and sale of new automobiles, trucks, motorcycles or boats by an authorized dealer. Repair work, storage facilities, rentals or used merchandise sales on the same premises shall be allowed only as incidental to an approved primary use.

3. When allowed by the standard zoning district, outside storage shall be completely enclosed by a screening device as specified in Section 7300 of this Ordinance. No outside storage shall be permitted in any required setback.

4. No loading dock shall be erected fronting any state or federally numbered highway. Any loading dock fronting any public street shall be set back from such street, right-of-way line a sufficient distance so that all loading operations, truck parking and storage, and maneuvering of vehicles into or out of loading dock spaces shall take place outside of public right-of-way.

5. Refuse Facilities: Any refuse facility or container shall be screened from view of public streets and highways by screening device as specified in Section 7300 of this ordinance. In no case may refuse facilities, dumpsters, or other refuse containers be located in the front or side yard of any business or structure.

6. Utilities: All utilities shall be placed underground except for electrical utilities under the following conditions:

   a. Any transmission line crossing a highway abutting a FR District at an angle of less than 40 degrees from perpendicular with said highway may be placed overhead. For the

purpose of this section, a transmission line shall be that line which is responsible for bringing electricity from a generating plant to a distribution substation.

b. Any distribution feeder lines crossing a highway abutting a FR District at an angle of less than 40 degrees from perpendicular with said highways may be placed overhead. For the purpose of this section, a distribution feeder line shall be that line which is responsible for bringing electricity from a distribution substation to interconnect with a distribution line.

c. Any distribution line not within three hundred (300) feet of the centerline of a highway abutting a FR District may be placed above ground. For the purpose of this section, a distribution line shall be that line responsible for bringing electricity from a distribution feeder line to the business or structure.

d. No electrical transformer shall be installed on any pole carrying electrical lines. All transformer equipment shall be ground-mounted.

e. Nothing herein shall be construed as requiring the City of Mansfield or the utility company to bear the increased cost of underground utility placement required by this ordinance (as compared to the cost of over head placement).

f. Any electrical utility lines placed prior to the effective date of this ordinance that are contrary to same are nonconforming.

g. Nothing contained herein is intended to alter the intent of the electrical franchise agreement ordinance in effect on the effective date of this ordinance.

h. All lines existing at the time of adoption of this Ordinance are herein exempted from provisions of this Ordinance.

7. Approval of a “FR” designation on any given zoning district shall be deemed approval of a less or more intensive district whichever case applies than approval of such zoning district without a FR designation.

8. Specific Use permits shall be permitted in this district when in compliance with Section 4400 and 7200 of this Ordinance so long as such specific use permit is provided within the suffix district applicable to the property within the FR Overlay District, is consistent with the spirit and intent of the FR Overlay District, and is not a prohibited use within the FR Overlay District.

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Section 5300. MH, Manufactured Home District Regulations.

A. **Purpose:** To establish and preserve a special and unique form of housing for which accommodations should be provided. To provide appropriate standards as to density, spacing and use, a separate district is hereby created and designated for the specific purpose of providing, at appropriate locations, area for the development of manufactured home Rental communities or subdivisions for more or less permanent occupancy.

B. **Permitted Use:** No building or premises in a "MH", Manufactured home zoning district shall be used and no buildings shall be hereafter erected, reconstructed, altered, enlarged, used, nor shall a certificate of occupancy be issued, except for the following uses:

1. HUD - Code Manufactured homes, either

   a. As a part of a manufactured home rental community as herein specified; or

   b. As a part of a manufactured home subdivision which is designed in accordance with the subdivision ordinance and is shown on a final subdivision plat approved by the City of Mansfield and filed of record which is specifically for and restricted to manufactured home development.

2. Accessory buildings and structures incidental to the above use and for the exclusive use of residents including, but not limited to, community centers, swimming pools, and office.

3. Installation owned and operated by the City of Mansfield, Tarrant County, State of Texas, or public utility companies, which installations are necessary for the public safety, governmental services, or the furnishing of utility services to or through a "MH" district.

C. **Manufactured Home Rental Community License Required:** It shall be unlawful for any person(s) to maintain or operate within the City of Mansfield any manufactured home rental community unless such person(s) shall first comply with the following and obtain a license therefor.

1. Pre-existing Rental Communities: Not withstanding the provisions of this ordinance, a license shall be issued within 30 days to any manufactured home rental community which was in operation prior to the adoption of this ordinance for operations only to the extent that they were carried on such date of adoption. All pre-existing rental communities obtaining licenses as set out herein shall be considered legal non-conforming uses. At any time that the ownership of a legally non-conforming manufactured home rental community operating under this ordinance is transferred, the manufactured home rental community shall be required to conform with all sections except subsection J and M of this section before a license to the new owners will be issued. Ownership transfer is defined as a majority stock transfer or a transfer of title to the real property except for a bonafide gift, devise or descent. Any manufactured home rental community annexed after the adoption of this ordinance shall likewise comply as hereinabove described in this section.

2. Application: Application for a manufactured home rental community license shall be in writing, signed by the applicant, and shall contain the following:

   a. The name and address of the applicant and owner if not the same.

b. The location survey and legal description of the manufactured home rental community by metes and bounds.

c. A complete plan of the rental community with lot numbers.

d. Design and engineering drawings, properly sealed, plans of all buildings, lots and other improvements constructed including water, sewer, gas, electricity and telephone. All water and sewer installations shall be in accordance with City standards.

e. Such further information as may be requested by the City to enable the City to determine if the manufactured home rental community will comply with the legal requirements

f. The application and all accompanying plans shall be filed in triplicate. The City Building Official, City Engineer, City Fire Marshal and City Planning and Zoning Commission shall investigate the application and inspect the plans. If the manufactured home rental community is in compliance with all provisions of this ordinance and all other applicable ordinances or statutes, the Planning and Zoning Commission may approve the application. The Building Official at the direction of the Planning and Zoning Commission shall issue the license.

3. License Renewal: The license application form for a manufactured home rental community shall be obtained from the Building Official at a fee of fifty dollars ($50.00). Such license shall expire on December thirty-first (31st) of the year in which it is issued. The cost of any license secured having less than a year to run before the expiration period, as herein provided, shall be pro-rated at a rate of $2.00 per month. Such or any license shall not be issued for less than a minimum of twenty-five dollars ($25.00). Application for renewal of licenses shall be within thirty (30) days prior to expiration, and a renewal fee paid for a full twelve (12) months period thereafter.

D. **Office Building within a Manufactured Home Rental Community:** Each manufactured home rental community shall be provided with a structure to be known and marked as the office, in which shall be kept copies of all records pertaining to the management and supervision of the rental community, as well as all rules and regulations of the rental community and such records, rules and regulations to be available for inspection.

E. **Register of Occupants Within a Manufactured Home Rental Community:** It shall be the duty of the licensee to keep a register containing a record of all occupants located within the rental community. The register shall contain the following information:

1. Name and address of each occupant and/or owner.

2. Make, model, serial number, year and size of homes.

3. The make, model and year of all recreational vehicles, camping or travel trailers, coaches, and motor homes used as dwelling, temporary or permanent.

4. The date of arrival and of departure of each of the above.

5. The manager of the rental community shall keep the register available in the office for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The

register records shall be kept up-to-date and shall not be destroyed for a period of two (2) years following the date of registration.

F. **Rules and Regulations for a Manufactured Home Rental Community:** It shall be the duty of the owner of each manufactured home rental community, his agent, representative or manager to prescribe rules and regulations for the management of the rental community, to make adequate provision for the enforcement of such rules, and to subscribe to any and all subsequent rules and regulations which may be adopted for the management of such rental community. Copies of such rules and regulations shall be furnished to each occupant upon registration and a copy to the City. In addition thereto, it shall be the duty of the owner, his agent, representative or manage to comply.

G. It shall be the responsibility of the manufactured home rental community owner or his agent to maintain said rental community in a safe, clean and sanitary condition and:

1. Provide that each structure be installed in accordance with State of Texas regulations and skirted within 30 days after being placed on lot or pad.

2. Provide that the City Building Official be notified upon approval of the installations by State Inspectors.

3. Provide for regular inspection of water and sanitary conveniences.

4. Provide for the collection and removal of garbage, other waste materials and refuge.

5. Provide for the removal of any unsightly, wrecked, abandoned or junked vehicles, machinery or equipment.

H. License - Revocation and Reissuance:

1. The City Council may revoke any license to maintain and operate a manufactured home rental community when the licensee has been found guilty by court of competent jurisdiction of violating any provisions of this ordinance. After such conviction, the license may be reissued if the circumstances leading to conviction has been remedied and the rental community is being maintained and operated in full compliance with the law and this Ordinance, the fee for which shall be set by the City Council.

2. The City Council may revoke any manufactured home rental community license upon recommendation of the Planning and Zoning Commission in case any of the provisions hereof are violated. However, before the license may be revoked, the City Council must give ten (10) day's notice, delivered in person or by registered mail to the holder of the license, and after ten (10) days, a hearing thereon. After the license has been revoked, the license may be reissued if the reasons for the revocation have been duly corrected.

I. **License Posting:** The license certificate issued under the provisions of this ordinance shall be conspicuously posted in the office of the manufactured home rental community at all times.

J. **Area and Height Regulations:** All new manufactured home Rental Communities or subdivisions and all new additions to existing manufactured home rental communities or subdivisions shall conform to the following:

1. The maximum height of any building or structure in a MH district shall be thirty-five (35) feet.

2. The minimum site area which may be developed or used for manufactured home purposes shall be 40 spaces.

3. The minimum lot or site area per manufactured home unit shall be four thousand five hundred (4500) square feet.

4. The minimum lot width per manufactured home unit shall be fifty (50) feet.

5. The minimum lot depth per manufactured home unit shall be ninety (90) feet.

K. **Setback Regulations:** Minimum setbacks shall be as follows:

1. The minimum setback for residential use shall be twenty-five (25) from dedicated street right-of-way, or fifteen (15) feet from any private drive designated or used for access, circulation, or service within the manufactured home rental community. The minimum street setback for non-residential use shall be twenty-five (25) feet.

2. The minimum side setback shall be ten (10) feet, provided in any event, there shall be a minimum space of twenty (20) feet between manufactured homes.

3. The minimum rear setback shall be ten (10) feet provided in any event, there shall be a minimum space of twenty (20) feet between manufactured home.

4. No structure of any type shall be permitted within ten (10) feet of a boundary of a MH District.

L. **Accessory or Additional Building Regulations:** It shall be unlawful for any person operating a manufactured home rental community or occupying a manufactured home to construct or permit to be constructed in such rental community or in connection with such manufactured home any additional structure, building or shelter in connection with or attached to a manufactured home except, however, awnings of wood or metal may be attached to such manufactured home as well as portable, prefabricated structures for the express purposes of increasing manufactured home storage or living area, which meet the following requirements:

1. To secure a building permit from the Building Official.

2. Strength of materials and structure to meet minimum of the City Building Code.

3. Such room shall be completely dismantled and/or removed from the site at the time the manufactured home to which it is an accessory is moved.

4. Finished in appearance to be as near the same as possible to the manufactured home to which it is an accessory.

5. The length must not exceed the length of the manufactured home to which it is an accessory.

6. The width shall not exceed the width of the manufactured home.

7. Any structure building or shelter added to or placed on manufactured home site shall meet all of the setback requirements contained in this ordinance.

8. Only one such room for dwelling purposes per manufactured home shall be permitted.

M. Any manufactured home rental community or subdivision constructed after the adoption of this ordinance or any extension of addition to an existing manufactured home rental community or subdivision in the City of Mansfield shall be done in compliance with the following requirements:

1. Will have MH zoning before consideration.

2. Must comply with all applicable sections of this Ordinance.

3. If extension or expansion of existing rental community, must have a valid license.

4. A preliminary plan or plat of the rental community shall be submitted following the same guidelines as outlined for Preliminary Plat in the Subdivision Ordinance.

5. Upon approval of said preliminary rental community plan or plat by the Planning and Zoning Commission, a final rental community plan or plat may be submitted following the same guidelines as outlined for final plat in the Subdivision Ordinance with following variances.

   a. The number, location and size of all manufactured home spaces.

   b. City water and sewer shall have collective or master meters.

   c. Centrally-located refuse containers having a capacity of three cubic yards or larger shall be provided, one for each thirty (30) lots. Such containers shall be designed so as to prevent spillage, container deterioration, and to facilitate cleaning around them. Refuse and garbage shall be removed from the park at least twice each week. These containers shall be screened and set apart by at least twenty-five (25) feet from any dedicated right-of-way or manufactured home.

   d. The topography if the entire park site and the surrounding terrain shall dictate the type of streets and storm drainage. Recommendations will be made at preliminary rental community planning or platting by the City Engineer and if approved by the Planning and Zoning Commission the type of systems will be shown on the final plan or plat of the rental community and construction plans.

   e. Where curbed streets or drives are not required a minimum of thirty-six (36) feet of driving surface for all collector streets and a minimum of twenty-six (26) feet for all minor streets shall be constructed with all weather shoulder on each side upon requirement of the Commission after recommendation of the City Engineer.

   f. Private streets within a manufactured home rental community shall be constructed of concrete and comply with all applicable Fire Code and City Engineering Standards. *(Ordinance No. 1447, Adopted 10/13/03)*

g. A minimum of two (2) off-street parking spaces shall be provided for each manufactured home. Each parking space shall be a minimum of nine (9) feet by eighteen (18) feet. These spaces may be within the required setback. *(Ordinance No. 1447, Adopted 10/13/03)*

h. Parking for guests will be allowed on one side of streets or drives only. One side of the street or drive shall be properly posted for "No Parking". The remaining 20 to 30 feet (depending on collector or minor designation) shall be striped and marked "Fire Lane".

i. Fire hydrants must follow both of two rules:

   1. No structure shall be further away, in a direct line, than 500 feet from a fire hydrant.

   2. Hydrant spacing along a water main shall not exceed 500 feet.

j. There shall be provided within the manufactured home rental community open space at a ratio of 500 square feet for each of the first twenty spaces, and 250 square feet per unit for all additional manufactured home spaces provided.

k. There shall be constructed and maintain a permanent screening device, not less than six (6) feet in height on all sides of a manufactured home rental community or subdivision that abuts an existing zoned single-family tract that is platted for single-family or existing single-family use and for those portions of the park which directly abut on a dedicated public street.

l. Each manufactured home shall have an address number permanent in nature and shall be clearly visible from streets or drives.

m. Bottled gas for cooking and or heating purposes shall not be used at individual manufactured home lots unless the containers are properly connected by copper or other suitable metallic tubing. Bottled gas cylinders shall be securely fastened in place. No cylinder containing bottled gas shall be located in a Manufactured home, under or within ten (10) feet of any manufactured home and twenty-five (25) feet of any street or drive. State and local regulations applicable to the handling of bottled gas and fuel oil must be followed.

n. All manufactured homes shall be connected to sewer, water and electrical systems by persons licensed in the performance of each job. The connections shall be inspected and approved by the City Building Official.

o. All structures erected in or placed on a manufactured home rental community or subdivision shall meet all of the applicable building codes.

p. A minimum of six (6) inch water and sewer lines shall be installed within a manufactured home rental community or subdivision. The City engineer can require larger water and sewer lines if the rental community area and density computations indicate that oversizing is necessary. Manholes shall be spaced every 500 feet along sewer lines.

q. All utility installations shall be in accordance with current City of Mansfield standards.

r. Street lights within the manufactured home rental community or subdivision shall be provided along all internal streets at 300 feet intervals. Each fixture shall have a minimum 200 watt lamp of high pressure sodium.

N. Parking or placing manufactured homes, camping, travel trailer, trailer coach or recreational vehicle shall be allowed only as follows:

1. Camping or travel trailers will be allowed for temporary occupancy in manufactured home rental communities, but any lots which travel trailers are placed must conform to manufactured home lot requirements.

2. It shall be unlawful for any person to park, place or locate any camping or travel trailer in any place in the City except within an approved campground or recreational vehicle park as defined in Section 2200C or in a manufactured rental community as provided in this subsection.

3. No camping or travel trailer may be placed in a manufactured home rental community for over seven (7) days out of any period of thirty (30) consecutive days. The owner of the manufactured home rental community shall keep a record book showing the day and time of arrival of each camping or travel trailer, the license number, the owner or resident of the trailer, a description of the trailer, and upon departure, show the date and time of leaving. Entries shall be made in this book promptly upon arrival of such trailer, and these books shall be open to inspection by officers of the City at any time. Special camping or travel trailer parking areas with central dumps for sewage, etc., without the necessity of conforming with all manufactured home lot requirements for each trailer may be provided in manufactured home rental communities but only with approval of the City Council for the specifications of each area. Special camping or travel trailer parking areas shall be subject to the requirements for records and length of stay.

4. A camping or travel trailer may be placed in an assigned spot or pad site in an approved camp ground for up to 12 months. At the end of that 12 month period, the camping and travel trailer must be relocated to another assigned spot or pad site before continuing its stay in the same camp ground. The same relocation requirement shall apply at the end of each 12 month period during an extended stay.

5. The owner or operator of a camp ground shall not have any ownership or proprietary interest in any of the camping and travel trailers within his camp ground.

6. It is specifically provided that camping or travel trailers may be located, for storage purposes only, on the premises of the owner of the camping or travel trailer or City approved storage area within a manufactured home rental community.

7. It shall be unlawful for any person to park, place or locate a HUD-Code manufactured home in any place in the City except in a licensed manufactured home rental community or manufactured home subdivision as provided in this Section, or in a non-residential district for purpose of sale provided in Section 4400 of this Ordinance, or in a PR or Single-family Residential District provided that the following conditions are met:

   a. A specific use permit has first been obtained for the placement or location of the HUD-Code manufactured home.

b. The HUD-Code manufactured home is permitted only as a replacement of a pre-existing single-family house on the same property which has been destroyed to the extent that the cost of reconstruction or repair exceeds fifty percent (50%) of the replacement cost of the structure.

c. The application for said specific use permit for the replacement of a destroyed single-family house by a HUD-Code manufactured home must be made within six (6) months of the loss of the single-family house; documentation on the destruction date of the single-family house shall be furnished by the applicant in order to complete the application.

d. The applicant for said specific use permit shall be limited to only the original property owner suffering from the destruction of a previously destroyed single-family home on the property to which the specific use permit would apply.

e. Said Specific Use Permit shall become null and void in case the HUD-Code manufactured home, which is used as replacement, is occupied by someone other than the applicant within a year from the issuance of the Specific Use Permit.

8. It shall be unlawful for any person to park, place or locate a mobile home, as defined in Section 2000M, in any place in the City.

9. It shall be unlawful for any person to place, permanently fix or use a railway coach or car, street car, bus or other similar construction vehicle or device originally intended for use as a conveyance, as a dwelling in the city; provided, however that nothing herein shall be construed so as to apply to a railroad work car, caboose or converted freight car used as a temporary house or shelter when confined to rails and located on the established right-of-way of any such railroad doing business as a common carrier.

Section 5400. H, Historic Landmark Overlay District Regulations

A. **General Purpose and Description:** The City Council hereby finds and declares as a matter of public policy that the protection, enhancement, preservation and use of historic landmarks is a public necessity and is required in the interest of the culture, prosperity, education, and general welfare of the people. The purposes of this district are:

1. To protect, enhance and perpetuate historic landmarks which represent or reflect distinctive and important elements of the City's and State's architectural, archaeological, cultural, social, economic, ethnic and political history and to develop appropriate settings for such places.

2. To safeguard the City's historic and cultural heritage, as embodied and reflected in such historic landmarks by appropriate regulations.

3. To stabilize and improve property values in such locations.

4. To foster civic pride in the beauty and accomplishments of the past.

5. To protect and enhance the City's attractions to tourists and visitors and provide incidental support and stimulus to business and industry.

6. To strengthen the economy of the City.

7. To promote the use of historic landmarks for the culture, prosperity , education, and general welfare of the people of the city and visitors to the City.

B. **Historic Landmark Definitions**

1. **Historic Landmark Overlay District-** Any area which (1) contains buildings, structures or sites which (a) have a special character or have a special historical or cultural interest or value, (b) represents one or more periods or styles of architecture typical of one or more eras in the history of the City, and (c) cause such area, by reason of such factors, to constitute a district of the City; and (2) has been designated as an historic district pursuant to the provision of this Ordinance. The area of an Historic Landmark Overlay District may include one or more properties.

2. **Rehabilitation -** Is the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

3. **Restoration -** Is the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.

4. **Preservation -** Is the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of the site. It may include initial stabilization work where necessary, as well as ongoing maintenance of the historic building materials.

5. **Reconstruction -** Is the act or process of reproducing by new construction the exact form and detail of a historic building, structure, or object, or a part thereof, as it appeared at a specific period of time.

6. **Landmark -** A building or site of immeasurable value in preserving the cultural heritage, or an outstanding example of design or a site closely related to an important personage, act or event in history. Such designation marks the site for preservation and restoration to its historical character and is intended to discourage modifications, which detract from its historical significance.

7. **Contributing Elements -** A building or site which in its historical character contributes to the district's purpose. Such designation is intended to encourage restoration and preservation, but also allow and encourage adaptive reuses and encourage continued economic and social vitality of the district. Any new construction proposed within the district shall be considered a contributing element.

8. **Non-essential Elements -** A building or site which, though within the physical boundaries of the district, does not contribute to the cultural and historic value thereof. Such designation is meant to provide greater latitude for utilization of the site or structure, but all modifications shall conform to the guidelines.

C. **Landmark Designation Power:** The City Council may designate buildings, structures, sites, districts, areas and lands in the city as historic landmarks and define, amend and delineate the boundaries thereof. This Ordinance is created as an overlay district to the existing zoning that exist on the property. The suffix "H" shall indicate the zoning designation of those buildings, structures, sites, districts, areas and land which the City Council designates as historic landmarks. Such designation shall be in addition to any other use designation, established in the Comprehensive Zoning Ordinance. The Official Zoning Ordinance Map shall reflect the designation of historic landmarks by the letter "H" as a suffix to any other use designation established in the Comprehensive Zoning Ordinance.

D. **Landmark Designation Criteria:** In making such designations as set forth in paragraph C above, the City Council shall consider, but shall not be limited to, one or more of the following criteria:

1. Character, interest or value as part of the development, heritage or cultural characteristics of the City of Mansfield, State of Texas, or the United States.

2. Recognition as a Recorded Texas Historic Landmark, a National Historic Landmark, or entered into the National Register of Historic Places.

3. Appear to be eligible for the National Register and also may be eligible for designation as a Recorded Texas Historic Landmark as indicated in the 1983 Tarrant County Historic Resource Survey; included as an authoritative reference for this purpose.

4. Embodiment of distinguishing characteristics of an architectural type or specimen.

5. Identification as the work of an architect or master builder whose individual work has influenced the development of the City.

6. Embodiment of elements of architectural design, detail, materials or craftsmanship, which represent a significant architectural innovation.

7. Relationship to other distinctive buildings, sites or areas which are eligible for preservation as described in Section 8700, Paragraph E, "Powers and Duties", based on architectural, historic or cultural motif.

8. Portrayal of the environment of a group of people in an area of history characterized by a distinctive architectural style.

9. Archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric interest.

10. Exemplification of the cultural, economic, social, ethnic, or historical heritage of the City, State, or United States.

11. Location as a site of a significant historic event.

12. Identification with a person or persons who significantly contributed to the culture or development of the City, County, State or Nation.

13. A building, structure, or place that because of its location has become of historic or cultural value to a neighborhood or community.

E. **Designation Procedure**

1. Designation of any property as a Historic Landmark Overlay District may be proposed only by the owner or the authorized agents of the individual property to be designated. Any such proposal shall be filed with the Planning and Development Director upon prescribed forms and shall include all data and proposed landmark guidelines required by the Historic Landmark Commission and the Planning and Zoning Commission.

2. The Historic Landmark Commission shall recommend approval, disapproval or modification of the proposal to the Planning and Zoning Commission.

3. Each proposal shall be considered by the Historic Landmark Commission following a public hearing. A record of pertinent information presented at the hearing, shall be made and maintained as a permanent public record. The Historic Landmark Commission shall reach a decision within sixty (60) days after holding the required hearing. Notice of the time, place and purpose of such hearing shall be given by the Director of Planning and mailed ten (10) days prior to the hearing date to the owners of all adjoining property and property owners included in the proposed designation, using for this purpose the names and addresses of the last known owners as shown on the latest real property tax records received for the Tarrant County Tax Appraisal District. Failure to send notice by mail to any such property owners where the addresses of such owners are not so recorded shall not invalidate any proceedings in connection with the proposed designation.

4. In making a recommendation to the Planning and Zoning Commission the Historic Landmark Commission shall consider the conformance or lack of conformance of the proposed designation with the Comprehensive Plan of the City of Mansfield and with the purposes and standards of this Ordinance.

5. The recommendation of the Historic Landmark Commission shall be considered by the Planning and Zoning Commission in the same manner as provided for in an Application for Rezoning: Action by the Planning Commission shall be as provided in Section 8600 with respect to rezoning.

6. Action by the Council shall be as provided in Section 8600 with respect to rezoning.

7. Reapplication for "H" status shall be limited as outlined in Section 8600 paragraph E.

F. **Procedure to Authorize Erection, Construction, Reconstruction, Alterations of Structures In A Historic Landmark Overlay District Or Site:**

1. No person shall carry out or cause to be carried out on a landmark or in a Historic Landmark Overlay District, any alteration, demolition, construction, reconstruction, restoration, or remodeling, nor shall any person make any material change in the appearance on any existing landmark or in a Historic Landmark Overlay District without a permit issued by the City Building Official. All applications to the City Building Official for a permit involving landmarks or Historic Landmark Overlay Districts shall be forwarded immediately by the City Building Official to the Historic Landmark Commission. Notwithstanding any other provision, or law, the City Building Official shall not permit any alteration, demolition, construction, reconstruction, restoration, remodeling, or any material change in appearance to be carried out on a landmark or in a Historic Landmark Overlay District except pursuant to a Certificate of Approval issued by the Historic Landmark Commission.

2. The Historic Landmark Commission shall hold a public hearing on all applications for Certificate of Approval referred to it after notice given in the same manner as prescribed in paragraph E, subsection 3. A report of the action taken or determination made shall be forwarded to the City Building Official not later than forty five (45) days after receipt of the application by the Historic Landmark Commission. If no action is taken by the Historic Landmark Commission within the forty five (45) day period, the permit shall be issued and the applicant notified by the City Building Official.

3. The Historic Landmark Commission in considering the appropriateness of any alteration, demolition, new construction, reconstruction, restoration, remodeling or other modification of any building shall consider, among other things, the purposes of this Ordinance; the historical and architectural value and significance of the landmark or Historic Landmark Overlay District; the design guidelines as approved in this Ordinance under paragraph K, subsection 1. Landmark Guidelines; the texture, material and color of the building or structure in question or its appurtenant fixtures, including signs; and the relationship of such features to similar features of other buildings within a Historic Landmark Overlay District; and the position of such building or structure in relation to the street or public way and to other buildings and structures.

4. If after considering the foregoing, the Historic Landmark Commission determines that the proposed changes are consistent with the criteria for historic preservation established by this Ordinance, the Historic Landmark Commission shall issue the Certificate of Approval. In the event of a determination to deny a Certificate of Approval, The Historic Landmark Commission shall request consultation with the owner for a period not to exceed 90 days for the purpose of considering means to preservation in keeping with the criteria and design guidelines. If at the end of that time an acceptable solution has not been achieved, the Certificate of Approval shall finally be denied and the applicant so notified by letter;

provided the applicant may appeal to the City Council within 20 days of the date of the letter finally denying the application, and the City Council may, after a public hearing, reverse or modify the decision of the Historic Landmark Commission but only if it finds that:(a) every reasonable effort has been made by the applicant to agree to the requirements of the Commission and(b) owing to special conditions pertaining to the specific piece of property, denial of the Certificate of Approval will cause undue and unnecessary hardship. The Secretary of the Interior's STANDARDS FOR REHABILITATION and Guidelines for Rehabilitating Historic Buildings are the minimum guidelines that the Historic Landmark Commission shall use to evaluate each landmark or Historic Landmark Overlay District.

G. **Approval For Demolition Or Removal:** If an application is received by the Planning Department for demolition or removal of any designated historic landmark, it shall be forwarded to the Historic Landmark Commission upon receipt of the application.

1. Should the Historic Landmark Commission determine that the application involves improvements to existing buildings not historically and culturally significant and not contributing to the integrity of the district, it may approve the application for demolition or removal provided the owner comply with the established guidelines for the landmark or Historic Landmark Overlay District and the General Purpose of this district in Paragraph A of this Section.

2. Should the Historic Landmark Commission determine that the demolition or removal activity will adversely affect any historical, architectural, archaeological, or cultural feature of the historic landmark, and whether such work is appropriate and consistent with the spirit and intent of this Section. It shall recommend restrictions or conditions to the demolition or removal application.

3. The Historic Landmark Commission may recommend the disapproval of the application by determining that in the interest of preserving historical values, the structure, building or site should not be demolished, and in that event, the application shall be suspended for a period not exceeding ninety (90) days from the date of application. Within the suspension period, the Historic Landmark Commission may request an extension of the suspension period by the City Council. If the City Council, after notice to applicant and public hearing, determines that there is reasonable ground for preservation, the Council may extend the suspension period for an additional period not exceeding one hundred twenty (120) days, to a total of not more than two hundred forty (240) days from the date of application for demolition. During the period of suspension of the application, no permit shall be issued for such demolition or removal nor shall any person demolish or remove the building, structure or site. If no action is taken by the City Council within (240) days from the date of application, the demolition or removal permit shall be issued and the City Building Official shall so advise the applicant.

4. This procedure is to allow the City, the owner and the private sector to explore alternatives to demolition or removal which may provide viable uses for the subject of the application. In addition, alternate strategies of ownership and use may be explored with the owner, including use of other remedies available to the City.

H. **Historic Landmarks - Omission of Necessary Repairs:**

1. The exterior of a designated historic landmark shall be maintained to insure the structural soundness of such landmark.

2. If the City Building Official and/or the Historic Landmark Commission finds that there are reasonable grounds to believe that a designated historic landmark is structurally unsound or in imminent danger of becoming structurally unsound, the City Building Official will notify in writing the owner of record of the designated historic landmark of such fact.

3. Upon the giving of ten (10) days written notice to the owner of record of such designated historic landmark, the Historic Landmark Commission shall hold a public hearing to determine if the designated historical building is structurally unsound or in imminent danger of becoming structurally unsound. The Historic Landmark Commission shall request a report and consider recommendations from the City Building Official. The report may include evidence of economic hardship or willful neglect.

4. At the conclusion of the hearing, if the Historic Landmark Commission finds that the designated historic building is structurally unsound or in danger of becoming structurally unsound and that not valid reason exists as to why the owner cannot or should not undertake to safeguard the structural soundness of the building, it shall in writing notify the record owner of the finding.

5. The owner of record of a designated historic landmark who has been notified by the Historic Landmark Commission that such landmark is structurally unsound or in danger of so becoming shall within Ninety (90) days of receipt of such notice satisfy the Historic Landmark Commission that reasonably necessary repairs to safeguard the structural soundness of the landmark have been effected

6. If the Historic Landmark Commission determines that the building is structurally unsound but there are valid reasons why the owner cannot or should not undertake to safeguard the structural soundness of the building, it shall forward to the City Council its recommendation, as to what action, if any, should be taken on the structure.

7. Any applicant or interested person aggrieved by a ruling of the Historic Landmark Commission under the provisions of this section may, within thirty (30) days after the ruling, appeal to the City Council.

I. **Suspension Of Building And Demolition Permits Pending Landmark Application:** No building or demolition permit will be granted once the application has been received by the Planning Department. The Historic Landmark Commission shall notify the City Building Official within twenty four (24) hours if it deems that destruction of a possible eligible landmark building or site is imminent. This notification shall be in writing and explain the reason for the action of the Historic Landmark Commission. This notification authorizes the City Building Official not to allow any building or demolition permits even though no application for Historic Landmark Overlay District Zoning has not been applied for by the owner of the particular landmark building or structure in question.

J. **Local Historic Preservation Officer:** The Director of Planning or his designee shall serve as the Local Historic Preservation Officer to act as Executive Secretary to the Historic Landmark Commission, who shall be the custodian of its records, shall conduct official correspondence and generally supervise the clerical and technical work of the Historic Landmark Commission as required to administer this Ordinance. In addition, the Director shall:

1. Carry out, assist and collaborate in studies and programs designed to identify and evaluate structures, sites and areas worthy of preservation;

2. Consult with and consider the ideas and recommendations of civic groups, public agencies, and citizens interested in historical preservation;

3. Inspect and investigate structures, sites and areas which are believed worthy of preservation;

4. Submit to the Historic Landmark Commission for public hearing and approval, and subsequently maintain (and resubmit as required) a list of structures and other features deemed deserving of official recognition although not designated as historic landmarks or Historic Landmark Overlay Districts, and take appropriate measures of recognition, and maintain a documentary inventory;

5. Disseminate information to the public concerning those structures, site and areas deemed worthy of preservation, and encourage and advise property owners in the protection, enhancement, perpetuation and use of landmarks and property of historical interest;

6. Consider methods other than those provided for in this Ordinance for encouraging and achieving historical preservation, and make appropriate recommendations to approval bodies and other public and private agencies; and

7. Establish such policies, rules and regulations as are deemed necessary to carry out the purpose of this Ordinance.

K. **Building Implementation Procedures:**

1. **Landmark Guidelines:** The following guidelines shall be used by the Historic Landmark Commission in considering the issuance of a Certificate of Approval for construction, reconstruction, restoration, remodeling or alteration of landmarks:

   a. The Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" as adopted by Ordinance No. 919.

   b. Design Guidelines for Downtown Mansfield as adopted by Ordinance No. 919; said Design Guidelines are applicable only to historic landmarks within Blocks 1 and 2 of the Original Town of Mansfield as shown in plat recorded in Volume 63, Page 53-54 of the Plat Records, Tarrant County, Texas.

   c. *Design Guidelines for Historic Residential Properties* as adopted by Resolution No. 2138. These Design Guidelines are applicable to any historic residential landmark in the City of Mansfield, regardless of the use of the building. *Ord No. 1575, 5/22/06*

2. Other specific guidelines promulgated by the Historic Landmark Commission as provided hereinafter.

3. **Promulgation of Guidelines:** Following the submission of a set of guidelines by the applicant with the submittal of the designation request and upon designation by the City Council, the Historic Landmark Commission shall within sixty (60) days review for approval such guidelines prepared by the applicant specifically for that district for use by property owners and the administrative staff in implementing the intent of this Ordinance. A copy of these guidelines shall be on file in the Office of the Building Official. The guidelines will classify all structures and sites within the district as one of the following: a) Landmark, b) Contributing Element or c) Non Essential Element as defined in Paragraph B of this Section.

The guidelines shall establish acceptable physical characteristics of structure, signs, sites and modifications thereto including layout and location on site, size, shape, materials and textures, fenestration and interiors where applicable. The Historic Landmark Commission may suspend action on any requests affecting any Historic Landmark Site or Historic Landmark Overlay District pending the preparation of the guidelines. Landmark Sites and Historic Landmark Overlay District guidelines may be reviewed and modified by the Historic Landmark Commission.

4. **General Maintenance and Repair:** Ordinary repair or maintenance which does not involve changes in architectural and historical value, style or general design is exempt from the provision of this section. It is incumbent upon the Historic Landmark Commission to make clear to the owner of a landmark site or owners of buildings or Structures within a Historic Landmark Overlay District to clarify what particular activities would come under the heading of Ordinary repair or maintenance.

L. **Re-designation of a Historic Landmark Overlay District:** The re-designation of a Historic Landmark Overlay District shall follow the same procedure as a request for a Historic Landmark Overlay District.

M. **Coexistence With Other Use Classification:** Use Classifications as to all property which may be included in a Historic Landmark Overlay District shall continue to be governed by the Comprehensive Zoning Ordinance of the City and the procedures therein established.

N. **Coexistence with Other Codes and Ordinance:** This will not replace or supersede any Local, State or National code or Ordinance regarding health, life, safety or the general public welfare.

O. **Penalty:** It shall be unlawful to construct, reconstruct, structurally alter, remodel, renovate, restore, demolish, raze, or maintain any building, structure, or land in a Historic Landmark Overlay District in violation of the provisions of this section, and the City in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful construction, restoration, demolition, razing, or maintenance, to restrain, correct, or abate such violation, to prevent any illegal act, business, or maintenance on such premises.

P. **Liability For Adversely Affecting Historic Structure Or Property**

1. In this section, "historic structure or property" means a historic structure or property that:

   a. is included on the National Register of Historic Places;

   b. is designated as a Recorded Texas Historic Landmark;

   c. is designated as a State Archaeological Landmark;

   d. is determined by the Texas Historical Commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark or as a State Archaeological Landmark;

   e. is certified by the Texas Historical Commission to other State agencies as worthy of preservation; or

f. is designated as a historic landmark or placed in a Historic Landmark Overlay District by the City of Mansfield.

2. A person is liable to the City for damages when the person:

   a. demolishes, causes to be demolished, or otherwise adversely affects the structural, physical, or visual integrity of a historic structure or property; and

   b. does not obtain a Certificate of Approval and a demolition or building permit from the City Building Official as required in Subsection F of Section 5400 before beginning to demolish, cause the demolition of, or otherwise adversely affect the structural, physical or visual integrity of the historic structure or property.

3. If the structural, physical or visual integrity of the historic structure or property is adversely affected to the extent that it is not feasible to restore the structural, physical or visual integrity substantially to its former level, the damages are equal to the cost of constructing, using as many of the original materials as possible, a new structure or property that is a reasonable facsimile of the historic structure or property plus the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this Subsection.

   If it is feasible to restore the structural, physical, or visual integrity of the historic structure or property substantially to its former level, the damages are equal to the cost of the restoration, using as many of the original materials as possible, plus the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this Subsection.

4. Instead of accepting monetary damages, the City may permit the liable person to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or property or to restore, using as many of the original materials as possible, the historic structure or property and to pay the cost of attorney's, architect's, and appraiser's fees and other costs related to the enforcement of this Subsection.

5. Damages recovered under this Subsection shall be deposited in a special fund in the City treasury and may be used only to construct, using as many of the original materials as possible, a structure or property that is a reasonable facsimile of the demolished historic structure or property; to restore, using as many of the original materials as possible, the historic structure or property; or to restore another historic structure or property, as determined by the City.

6. The construction of a facsimile structure or property under Subsection (4) or (5) must be undertaken at the location designated by the City, which may be the same location as that of the demolished historic structure or property.

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Section 5500. SE, Secondary Freeway Overlay District Regulations

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 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-l, C-2, C-3, C-4, I-l, I-2, MH and PD District.

Where provisions of the Secondary Freeway Overlay Districts shall be applicable to any property which is adjacent to and within five hundred (500) feet of an existing "FR", Freeway Overlay District in the City of Mansfield, the Secondary Freeway Overlay District is created as an overlay district whereby it is recognized that certain specific standards are appropriate and necessary that such standards shall be superimposed and shall supersede the regulations 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.

B. **Specific Standards of the Secondary Freeway Overlay District**

1. No single-family homes shall be permitted unless a specific use permit is granted by the City Council under the provisions of Section 6100 of this Ordinance.

2. Outside storage shall be screened with an eight (8) foot opaque fence and shall not be stacked or raised above the height of the screening fence. The open display of outside storage without a screening fence is prohibited unless a specific use permit is granted by the City Council under the provisions of Section 6100 of this Ordinance.

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ARTICLE 6. SPECIFIC USE PERMIT, SPECIAL EXCEPTION AND OTHER PERMITS.

Section 6100. SP, Specific Use Permit.

A. **Purpose**: To provide for uses that require special consideration in certain settings or are of a public or semi-public character often essential or desirable for the general convenience and welfare of the community, which without specific consideration may have possible adverse impact on neighboring properties.

B. **Permit Required:** A building permit or certificate of occupancy shall not be issued for any use to be located in a zoning district which permits that use only as a specific use permit unless the specific use permit has first been approved in accordance with the provisions of this Ordinance.

C. **Application Procedure:** An application for a Specific use permit shall be filed with the Planning Department in accordance with procedures as set forth in Section 8600 for zoning ordinance amendment. *Ordinance No. 1499, Adopted 9/14/04*

D. **Site Plan Requirements:** The Site Plan shall provide the following information:

1. A complete signed application as provided by the Planning Department or on the City-s website at: www.mansfield-tx.gov

2. The appropriate fee in accordance with the current fee schedule adopted by City Council.

3. On a separate 8 ½" X 11" exhibit, provide a metes and bounds description of the property included in the zoning change request, including the total acreage, signed and sealed by a registered surveyor.

4. On a separate 24" X 36" or 22" X 34" sheet, drawn at the same scale as the plan, show the approximate topography of the plan area, all water courses that will remain in a natural state, 100-year floodway and 100-year floodplain per FEMA and other hydraulic and hydrologic studies as necessary. Provide two (2) copies.

5. On a separate 24" X 36" or 22" X 34" sheet, drawn at the same scale as the plan, show proposed and existing water and sanitary sewer locations. Also include the locations and sizes of private water and sanitary sewer lines. Provide two (2) copies.

6. A separate exhibit and documents indicating the traffic volumes, turning movements, evaluation of ingress and egress existing and proposed, when required by the City Engineer.

7. An electronic copy of the plan in accordance with current established policy.

8. Fifteen (15) copies of the plan at 24" X 36" or 22" X 34" drawn at an acceptable scale indicating all significant features of the proposed development to include:

   a. A vicinity map locating the property in relationship to existing major thoroughfares.

   b. Title block, preferably in the lower right-hand corner, including the following: "Site Plan for SUP, name of development, survey and abstract number or recorded plat information, city, county, state, date of preparation, acreage and number of lots".

c. Acceptable scale: 1” = 20’, 1” = 40’, 1” = 100’ or as approved.

d. Type size is legible at full scale and when reduced.

e. North arrow, graphic and written scale in close proximity.

f. Name, address, phone and fax of owner/developer and the firm preparing the plan.

g. A map showing the boundary dimensions.

h. Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, sufficient to demonstrate the relationship and compatibility of the site to the surrounding properties, uses and facilities.

i. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic and the proposed access and connection to existing or proposed streets adjacent to the plan area. Include a chart indicating the number of required parking spaces by use, the method of calculation and the number of proposed parking spaces.

j. The types of surfacing, such as paving (e.g. concrete, brick, turf, etc.) to be used at the various locations.

k. The location and size of all fire lanes with all curb radii adjacent to the fire lane labeled. The nearest fire hydrant dimensioned to the property corner and all proposed fire hydrants.

l. The location, height, setbacks and minimum floor areas for all buildings, and if non-residential, the floor ratio. Include the following building details for non single-family developments:

    (1) Entrance and exits to the building

    (2) Architectural renderings or elevations of proposed structures with all exterior materials for roofs, awnings, walls etc. labeled.

    (3) Calculations of the masonry content on each façade and in total for each building. (Example: Area of front façade = h x 1, percent masonry = 80%)

    (4) Distance between buildings and distance from building to property lines.

m. The number, location, and dimensions of the lots; and the setbacks, number of dwelling units, and number of units per acre (density). A graphic showing a typical lot layout with size and setbacks.

n. The location of all on-site facilities for liquid waste or method of temporary storage pending disposal, including existing or proposed septic fields.

o. The location, size and type of each outside facility for waste or trash disposal. If no facility is shown, provide a note indicating method of disposal and removal.

p. A tree survey locating all protected trees by type, size and species and mitigation plan, if required by the city's Natural Resources Management Ordinance. (Refer to the Tree Preservation Application as found on the city's website.)

q. A landscape plan showing all landscape setbacks and buffers; parking lot landscaping; and any additional landscaping proposed. A chart indicating the size, length and width of the landscape areas, with the required number of plants and the proposed number of plants should be included on the plan. The landscape plan may be presented on a separate exhibit on the same sheet size and at the same scale as the site plan.

r. The approximate location and size of greenbelt, open, common, or recreation areas, the proposed use of such areas, and whether they are to be used for public or private use. If private, indicate the proposed ownership.

s. The approximate location and size of required Parkland Dedication areas, as required by the city's Parkland Dedication Ordinance for residential development.

t. The location, type, and size of all fences, berms, or screening features.

u. A plan, including elevations, showing location, size, height, orientation and design of all signs regulated by the city's sign ordinance.

v. The location, size and type of all pedestrian areas, bike paths and sidewalks.

w. The location, size, type and purpose of any outside storage or outside display and method of screening. Indicate the percentage of outside storage as compared to the building square footage.

x. Phases of development should be shown and labeled. Provide a development schedule indicating the start and finish date of each phase and improvements, broken down by use and acreage.

y. When deemed necessary, the Planning and Zoning Commission or City Council may ask for more information during the review of a Specific Use Permit. Likewise, they may waive some of the information if the application is a simple request to deviate from the existing zoning category on the property.

z. If applicable, show the following mandatory owner's association notes:

(1) A mandatory owners association will be responsible for the maintenance of the "insert list of private amenities and common areas here". (Example: screening fences, common areas, parks, amenity centers, landscaping, etc.)

(2) The Owners Association and associated documents shall be filed in accordance with the City of Mansfield policies. These documents must be reviewed by the City Attorney prior to filing the final plat. The documents shall be filed with the final plat at Tarrant County when deemed necessary by the attorney. The documents shall be submitted in a timely manner to allow for a minimum of 60 days review. Failure to submit the documents or incomplete documents may result in delay of construction, acceptance of the subdivision or delay in approval of a building permit. The City does not accept the responsibility for any delays in

construction, approval or acceptance of the subdivision caused by the failure to submit the association documents or the inaccuracy of the documents.

Ordinance No. 1499, Adopted 9/14/04

E. **Public Hearings:** The notification and public hearing process for a Specific use permit is set forth in Section 8600 of this Ordinance.

F. **Conditions for Approval:** A Specific use permit shall be issued only if all of the following conditions have been found:

1. That the specific use permit will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;

2. That the establishment of the specific use permit will not impede the normal and orderly development and improvement of surrounding vacant property;

3. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

4. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

5. That adequate nuisance prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

6. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and

7. That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

G. **Additional Conditions:**

1. The City Planning and Zoning Commission may recommend to the City Council that certain safeguards and conditions concerning the operation, setbacks, ingress and egress, off-street parking and loading arrangements, landscaping and screening location, construction of buildings and uses, term limits, etc. be required.

2. The City Council may, in the interest of the public welfare and to assure compliance with the intent of this Ordinance, require such development standards and operational conditions and safeguards as are indicated to be important to the welfare and protection of adjacent property and the community as a whole.

H. **Time Limit:** A Specific use permit issued under this section shall be valid for a period of two (2) years from the date of issuance and shall become null and void unless construction or use is substantially underway during said two-year period, or unless an extension of time is approved by the City Council.

I. **Revocation:** A Specific Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

1. The Specific Use Permit was obtained or extended by fraud or deception; or

2. That one or more of the conditions imposed by the City Council has not been met or has been violated.

J. **Amendments:** The Director of Planning and Development may approve minor variations or revisions from the original Specific Use Permit which do not increase density, change traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods. The Director of Planning may refer any variation or revision that warrants special consideration to the City council for its review. If, in the City Council's determination, the variation or revision does not constitute a significant change to a Specific Use Permit, no public hearing will be called and the revision will be deemed approved. The City Council in its sole discretion may direct any revision to a Specific Use Permit to the Planning and Zoning Commission for its review and recommendation and, in such event, said revision shall follow the procedures set out in Section 8600 herein regarding amendments to the Zoning Ordinance. *(Ordinance No 1766-10, 4/27/10)*

K. **Processing Fee:** A processing fee shall be required for the processing of each Specific use permit request in accordance to the Fee Schedule Ordinance of the City.

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Section 6200. Temporary Uses.

A. **Purpose:** Certain temporary uses of land are essential to the full development and utilization of the land for its lawful purpose. The temporary uses hereinafter enumerated shall not be deemed violations of this ordinance when made under the conditions herein provided.

B. **Permitted Uses:** The permissible temporary uses, the conditions of use and the zoning districts wherein the same shall be permitted are as follows:

1. **Uses allowed in all Districts.**

   a. **Construction Office:** Temporary field or construction offices and temporary building material storage areas to be used solely for on premise construction purposes in connection with the property on which they are erected or within the same platted subdivision may be permitted for specific periods of time, not to exceed twelve (12) months at a time, in accordance with a permit issued by the Building Official for cause shown. Such temporary uses shall be discontinued by the order of the Building Official and in no event shall such temporary uses continue to exist on the premises after the construction for which they were erected is completed.

   b. **Special Events:** Special Events such as shows, exhibitions, contests, parades, or any outdoor fund raising events or promotions shall only be permitted when a temporary use permit has been granted by the City Council; however, in no case shall such events be allowed in excess of seven (7) consecutive days. Such uses shall be subject to any special conditions imposed by the City Council for the protection of public interest and welfare of the community.

2. **Uses allowed in all Residential Districts.**

   a. **Real Estate Sales Office:** Temporary field real estate sales offices may be permitted in residential subdivisions for specific periods of time when approved by the Building Official. Such temporary uses may be located in a "Model Home" or a portable building within the subdivision, but shall be discontinued by the order of the Building Official, and in no event shall such temporary use continue to exist after the subdivision or the increment of same in which the use is located shall have been occupied or sold in excess of 90%.

3. Uses Allowed in C-2, C-3, I-l and I-2 Districts.

   a. Carnival or Amusement Rides: The City Council upon receipt of an application, may issue a permit for temporary carnival or amusement rides. In authorizing such permit, the City Council may impose certain reasonable conditions to protect the public interest and welfare of the community and may stipulate that such permit shall be effective for an indefinite term. Thereafter, the holder of such permit may periodically engage in such use with the approval of the Building Official without further City Council action provided:

      1. The Building Official shall be given not less than ten (10) days notice of any proposed operations under the permit.

2. Such operations shall not be conducted for more than eight (8) consecutive days at a time.

3. Such use shall not be engaged more than twice in a twelve (12) month period.

4. Such use shall conform to all City Council imposed conditions of the permit, including location, hours of operation, and the number and type of rides and concessions.

5. The City Council may terminate the permit at any time.

b. Temporary Tent Sales or Assembly: Temporary tent sales by retail establishments or tent assemblies by City recognized public or semi-public organizations may be permitted by the Building Official for a period not to exceed thirty (30) days. Such temporary uses shall be discontinued by the order of the Building Official and in no event shall such temporary uses be allowed in excess of thirty (30) days or more than once a year. All tent sales or assemblies shall meet the special conditions, if any, imposed by the Building Official and Fire Marshal for the protection of public interest and welfare of the community. No tent or similar structure shall be erected in any required yard setbacks or designated easements.

Section 6300. Special Exception.

A. **Purpose**: Certain uses are classified as special exceptions and may be permitted in designated districts when specifically authorized by this section after approval by the Board of Adjustment. Such special exceptions may be granted in order that the City may develop, in accordance with the intent and purpose of this Ordinance, that land may be fully utilized for a lawful purpose, and that substantial justice may be done.

B. **Application Required**: An application for a special exception shall be filed with the Planning Department. A building permit or certificate of occupancy shall not be issued for any use designated herein unless an application for special exception has first been approved in accordance with the provisions of this Ordinance. The application shall be accompanied by a site plan, which, along with the application, will become a part of the special exception, if approved. The accompanying site plan shall be drawn to scale and provide the following information:

1. A description of the proposed land use, building or structure;

2. The lot configuration with dimensions, indicating property lines, setbacks, easements, drainage ways, and boundary street(s);

3. The dimension and location of the proposed building or structure, and any other existing buildings or structures on the property;

4. The square footage of the proposed building or structure, and

5. If the proposed building is intended to be a replacement of a previous building or structure, the dimension, location and square footage of the previous building or structure.

C. **Processing Fee**: A fee shall be required for application for special exception in accordance with the Fee Schedule Ordinance of the City, except for uses listed in Section 6300E.1, for which no fee shall be required.

D. **Public Hearings:** The notification and public hearing process to consider the application for a special exception shall be as set forth in Section 8400 of this Ordinance.

E. **Authorized Special Exceptions**: The following uses may be allowed as special exceptions subject to full and complete compliance with all conditions herein provided, together with such other conditions as the Board of Adjustment may impose.

1. The replacement or reconstruction of a dwelling unit that has a lawful nonconforming use status due to non-compliance with the minimum floor area requirement of the PR or residential district where it is located that was damaged by fire, explosion, act of God or other calamity to the extent that the cost of the reconstruction or repair exceeds fifty percent (50%) of the replacement cost of the structure.

   a. Conditions of Approval:

      1. The dwelling unit being replaced or reconstructed must have been built before October 5, 1995;

2. The dwelling unit being replaced or reconstructed conforms with Section 4400, the Permitted Use provisions of this Ordinance;

3. The floor area in the replacement or reconstructed dwelling unit shall not be less than the floor area in the dwelling unit immediately before the structural damage or destruction;

4. The replacement or reconstructed dwelling unit shall not cause a greater nonconformity to the setback regulations of the zoning district where it is located than the previous dwelling unit immediately before the structural damage or destruction; and

5. The granting of the special exception does not change the essential character or appearance of the neighborhood, or diminish or impair property values within the neighborhood.

2. The placement of heating, ventilation, and air-conditioning (HVAC) equipment on the ground or on the roof in such a way that the equipment is visible from the street abutting the property where the equipment is located or from the boundary of the abutting property.

   a. Conditions of Approval:

      1. The Board of Adjustment may grant a special exception if it finds that there is no negative impact to the abutting property or traveling public and that the cost to visually screen the equipment from the abutting property or street on higher elevation is unreasonable or unfeasible.

3. The placement of trash container or storage area for refuse or material awaiting disposal or recycling in such a way that the container or storage area is visible from the street abutting the property where the trash container or storage area is located or from the boundary of the abutting property.

   a. Conditions of Approval:

      1. The Board of Adjustment may grant a special exception if it finds that there is no negative impact to the abutting property or traveling public and that the cost to visually screen the equipment from the abutting property or street on higher elevation is unreasonable or unfeasible.

4. The reduction or waiver of the required screening for a non-residential use that abuts property in a residential zoning classification.

   a. Conditions of Approval:

      1. The non-residential use must be located on properties owned and used by the City, Mansfield Independent School District or any church.

      2. The Board of Adjustment may grant a special exception if it finds that there is no negative impact to the abutting property.

5. A reduction of the 80% minimum masonry construction requirement or deviation from the masonry material construction requirement imposed on all dwelling units within any SF, Single-Family Residential or 2F, Two-Family Residential Districts.

    a. Conditions of Approval:

        1. The proposed construction must accommodate architectural features which are integral to the building design;

        2. All alternate construction materials must have the same durability as masonry; and

        3. The granting of the special exception must not diminish or impair property values within the neighborhood.

6. An increase in the maximum allowable area or height, or a reduction of the minimum setback requirements for accessory buildings or structures.

    a. Conditions of Approval:

        1. No special exception may be granted by the Board of Adjustment unless the building or structure is to be located on a lot of one-half (0.5) acre in size or larger.

        2. The Board may grant an increase in building area provided that the total building area resulting from the approval of the special exception shall not exceed four (4) percent of the square footage of the lot.

        3. The Board may grant an increase in height not to exceed twenty-four (24) feet for buildings or structures located on lots of one-half (0.5) acre to two (2) acres in size, and not to exceed thirty-five (35) feet for buildings or structures located on lots of two (2) acres in size or larger.

        4. The Board may grant a reduction in the minimum required setbacks to allow an accessory building to be located no closer than five (5) feet from the side property line and seven and one-half (7.5) feet from the rear property line, unless the accessory building or structure is intended to house or contain livestock, in which case the setbacks established in Section 7800.B.13 shall apply.

        5. To grant a special exception, the Board must find that there will be no negative impact to the abutting properties.

7. The construction of an accessory dwelling in any A, PR or SF zoning district that does not comply with Section 7800.B.35.

    a. Conditions of Approval:

        1. Occupancy of the accessory dwelling shall be limited to domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises. Guests may occupy such dwelling no more than 90 consecutive days in any twelve-month period.

2. An accessory dwelling shall not be rented as an apartment or used as a separate domicile.

3. No more than one accessory dwelling shall be allowed on any lot or tract.

4. The minimum area of the lot on which a detached accessory dwelling is located shall be 20,000 square feet. There shall be no minimum lot size for accessory dwellings attached to the main residential building.

5. The habitable floor area of an accessory dwelling shall not exceed fifty (50) percent of the habitable floor area of the main residential building, provided that the combined square footage of the accessory dwelling and the main residential building shall not exceed the maximum lot coverage allowed by the regulations of the zoning district in which the property is located.

6. The maximum height of an accessory dwelling shall be thirty-five (35) feet. A detached accessory dwelling shall be limited to one story; however, it may have a loft or attic.

7. An accessory dwelling must comply with the same minimum side and rear setback requirements as the main residential building and must be at least seventy-five (75) feet from the front property line or behind the rear façade of the main residential building that is furthest from the street. In no case shall an accessory dwelling be located forward of the main residential building.

8. No separate driveway approach shall be permitted for an accessory dwelling. *(Ordinance No. 1487, Adopted 7/12/04)*

9. An accessory dwelling shall be constructed of the predominant building and roofing materials used on the main residential building.

10. All utilities must be on the same meter as the main residential building *(Ordinance No. 1487, Adopted 7/12/04)*

11. The granting of the special exception does not change the essential character or appearance of the neighborhood, or diminish or impair property values within the neighborhood.

8. Temporary Batch Plants:

1. The Board of Adjustment may grant a reduction in the minimum 300-foot setback from any park, school, child care center, or residential structure.

2. The Board may allow a temporary batch plant to be located on the property more than 120 days until a single project is completed.

3. To grant a special exception, the Board must find that there will be no permanent negative impact to the surrounding properties.

(Ordinance No. 1415, Adopted 2/10/03)

9. The Construction of an accessory building attached to a main residential building by means other than a continuous assembly and common attic on single-family residential property.

   a. Conditions of Approval:

      1. The proposed construction must accommodate architectural features which are integral to the main residential building design;

      2. The attached accessory building and main residential building together shall not exceed the maximum lot coverage allowed by the regulations of the zoning district in which the property is located;

      3. The attached accessory building shall be constructed of the predominant building materials used on the main residential building;

      4. To grant a special exception, the Board must find that there will be no negative impact to the abutting properties.

Examples of semi-attached accessory buildings

Semi-attached building without architectural features integral to the main residential building design—attachment to house is by a simple breezeway.

Semi-attached building with architectural features integral to the main residential building design—attachment to house features arches, multi-level roofline, and dormer window.

Ordinance No. 1488, Adopted 7/12/04

Section 6400. Industrial Use Permit.

A. **Purpose**: To provide for industrial uses that require special consideration in certain settings, which without specific consideration may have possible adverse impact on neighboring properties.

B. **Permit Required:** A building permit or certificate of occupancy shall not be issued for any use which is permitted only by an Industrial Use Permit unless the Industrial Use Permit has first been approved in accordance with the provisions of this Ordinance and the use has met all the conditions of approval.

C. **Application Procedure:** An application for an Industrial Use Permit shall be filed with the Planning Department. Upon receiving a complete application, the Director of Planning will submit it to the City Council for public hearing and consideration.

D. **Site Plan Requirements:** The Site Plan shall provide the following information:

1. A complete signed application as provided by the Planning Department or on the City's website at: www.mansfieldtexas.gov

2. The appropriate fee in accordance with the current fee schedule adopted by City Council.

3. On a separate 8 ½" X 11" exhibit, provide a metes and bounds description of the property included in the zoning change request, including the total acreage, signed and sealed by a registered surveyor.

4. On a separate 24" X 36" or 22" X 34" sheet, drawn at the same scale as the plan, show the approximate topography of the plan area, all water courses that will remain in a natural state, 100-year floodway and 100-year floodplain per FEMA and other hydraulic and hydrologic studies as necessary. Provide two (2) copies.

5. On a separate 24" X 36" or 22" X 34" sheet, drawn at the same scale as the plan, show proposed and existing water and sanitary sewer locations. Also include the locations and sizes of private water and sanitary sewer lines. Provide two (2) copies.

6. A separate exhibit and documents indicating the traffic volumes, turning movements, evaluation of ingress and egress existing and proposed, when required by the City Engineer.

7. An electronic copy of the plan in accordance with current established policy.

8. Fifteen (15) copies of the plan at 24" X 36" or 22" X 34" drawn at an acceptable scale indicating all significant features of the proposed development to include:

   a. A vicinity map locating the property in relationship to existing major thoroughfares.

   b. Title block, preferably in the lower right-hand corner, including the following: "Site Plan for SUP, name of development, survey and abstract number or recorded

plat information, city, county, state, date of preparation, acreage and number of lots".

c. Acceptable scale: 1" = 20', 1" = 40', 1" = 100' or as approved.

d. Type size is legible at full scale and when reduced.

e. North arrow, graphic and written scale in close proximity.

f. Name, address, phone and fax of owner/developer and the firm preparing the plan.

g. A map showing the boundary dimensions.

h. Adjacent or surrounding land uses, zoning, streets, drainage facilities and other existing or proposed off-site improvements, sufficient to demonstrate the relationship and compatibility of the site to the surrounding properties, uses and facilities.

i. The location and size of all streets, alleys, parking lots and parking spaces, loading areas or other areas to be used for vehicular traffic and the proposed access and connection to existing or proposed streets adjacent to the plan area. Include a chart indicating the number of required parking spaces by use, the method of calculation and the number of proposed parking spaces.

j. The types of surfacing, such as paving (e.g. concrete, brick, turf, etc.) to be used at the various locations.

k. The location and size of all fire lanes with all curb radii adjacent to the fire lane labeled. The nearest fire hydrant dimensioned to the property corner and all proposed fire hydrants.

l. The location, height, setbacks and floor areas for all buildings, the floor area ratio and the following building details:

(1) Entrance and exits to the building

(2) Architectural renderings or elevations of proposed structures with all exterior materials for roofs, awnings, walls etc. labeled.

(3) Calculations of the masonry content on each façade and in total for each building. (Example: Area of front façade = h x 1, percent masonry = 80%)

(4) Distance between buildings and distance from building to property lines.

m. The number, location, and dimensions of the lots.

n. The location of all on-site facilities for liquid waste or method of temporary storage pending disposal, including existing or proposed septic fields.

o. The location, size and type of each outside facility for waste or trash disposal. If no facility is shown, provide a note indicating method of disposal and removal.

p. A tree survey locating all protected trees by type, size and species and mitigation plan, if required by the city's Natural Resources Management Ordinance. (Refer to the Tree Preservation Application as found on the city's website.)

q. A landscape plan showing all landscape setbacks and buffers; parking lot landscaping; and any additional landscaping proposed. A chart indicating the size, length and width of the landscape areas, with the required number of plants and the proposed number of plants should be included on the plan. The landscape plan may be presented on a separate exhibit on the same sheet size and at the same scale as the site plan.

r. The location, type, and size of all fences, berms, or screening features.

s. A plan, including elevations, showing location, size, height, orientation and design of all signs regulated by the city's sign ordinance.

t. The location, size and type of all pedestrian areas and sidewalks.

u. The location, size, type and purpose of any outside storage or outside display and method of screening. Indicate the percentage of outside storage as compared to the building square footage.

v. Phases of development should be shown and labeled. Provide a development schedule indicating the start and finish date of each phase and improvements, broken down by use and acreage.

w. When deemed necessary, the City Council may ask for more information during the review of an Industrial Use Permit. Likewise, they may waive some of the information if the application is a simple request to deviate from the existing zoning category on the property.

E. **Public Hearings:** The notification and public hearing process for an Industrial Use Permit shall follow those for a Specific Use Permit as set forth in Section 8600.C of this Ordinance.

F. **Conditions for Approval:** An Industrial Use Permit shall be issued only if all of the following conditions have been found:

1. That the Industrial Use Permit will be compatible with and not injurious to the use and enjoyment of other property, nor significantly diminish or impair property values within the immediate vicinity;

2. That the establishment of the Industrial Use Permit will not impede the normal and orderly development and improvement of surrounding vacant property;

3. That adequate utilities, access roads, drainage and other necessary supporting facilities have been or will be provided;

4. The design, location and arrangement of all driveways and parking spaces provides for the safe and convenient movement of vehicular and pedestrian traffic without adversely affecting the general public or adjacent developments;

5. That adequate nuisance or hazard prevention measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise and vibration;

6. That directional lighting will be provided so as not to disturb or adversely affect neighboring properties; and

7. That there are sufficient landscaping and screening to insure harmony and compatibility with adjacent property.

G. **Additional Conditions:**

1. The City Council may, in the interest of the public welfare and to assure compliance with the intent of this Ordinance, require additional development standards, operational conditions and safeguards concerning items such as setbacks, ingress and egress, off-street parking and loading arrangements, landscaping and screening, construction of buildings and uses, term limits**,** air-quality and sewer pretreatment, security measures, and federal and state permits that may be important to the welfare and protection of adjacent property and the community as a whole.

H. **Time Limit:** An Industrial Use Permit issued under this section shall be valid for a period of two (2) years from the date of issuance and shall become null and void unless construction or use is substantially underway during said two-year period, or unless an extension of time is approved by the City Council.

I. **Revocation:** An Industrial Use Permit may be revoked or modified, after notice and hearing, for either of the following reasons:

1. The Industrial Use Permit was obtained or extended by fraud or deception; or

2. That one or more of the conditions imposed by the City Council has not been met or has been violated.

J. **Amendments:** The Director of Planning may approve minor variations or revisions from the original Industrial Use Permit which do not increase density, change traffic patterns, or result in any increase in external impact on adjacent properties or neighborhoods. The Director of Planning may refer any request for variation or revision that warrants special consideration to the City council for its review. If, in the City Council's determination, the variation or revision does not constitute a significant change to the original Industrial Use Permit, no public hearing will be called and the revision will be deemed approved. The City Council in its sole discretion may deny any request for revision to an Industrial Use Permit.

K. **Processing Fee:** A processing fee shall be required for the processing of each Industrial Use Permit request in accordance to the Fee Schedule Ordinance of the City.

L. **Limitation of Re-applications.** No new application for an Industrial Use Permit shall be heard for a particular parcel of property if within twelve (12) months prior to the date of said

application either an application was denied by the City Council or an application was withdrawn after the giving of public notice, and such new application currently under consideration includes property which was all or a part of the previously denied or withdrawn case, and the application currently under consideration is for the same or a more intense use as determined by the City; however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the City Council may waive the mandatory delay period and authorize the acceptance of a new application.

M. **Postponement of Public Hearings at Applicant's Request: A** request for postponement of a scheduled public hearing on an application for Industrial Use Permit shall follow those for a Specific Use Permit as set forth in Section 8600.F of this Ordinance.

ARTICLE 7. SUPPLEMENTAL PROVISIONS.

Section 7100. Sign Standards.

A. **Purpose:** To establish regulations and minimum standards which directly relate to the function of the signs and to the intensity of development of each particular zoning district.

B. **Permit Requirements:** No sign, unless herein excepted, shall be located, constructed, attached, or painted until a building permit application has been approved by the Planning Department and issued by the Development Services Department in accordance with the requirements of this section.

C. **Sign Classifications and Definitions:** As used in the Schedule of Sign Standards contained in Table 7100 D, the following sign construction types and definitions shall apply:

1. **Classifications:**

a. **Wall Sign:** A sign which is attached or affixed to the wall of a building or is an integral part of the wall of a building with the exposed face of the sign in a plane parallel to and not more than twelve inches (12") from said wall; providing, however, that electric wall signs may project not more than eighteen inches (18") from said wall. A wall sign shall not extend above or beyond the parallel face to which the sign is attached.

b. **Projection Sign:** A sign which is attached or affixed to a building wall or structure other than a pole and extends or projects there from a maximum of four (4) feet.

c. **Pole Sign:** A sign supported by and placed upon not more than two (2) poles or standards. Extra poles or standards in excess of two (2) may be added with the approval of the Building Inspector.

d. **Directional Sign:** A temporary pole or ground sign that directs vehicular traffic. The sign may display arrows, words, or other symbols to indicate direction to the location of developments, subdivisions, model homes, garage sales, neighborhood information or businesses. *(Ordinance No. 1586, Adopted 8/28/06)*

e. **Reader Board Sign:** A changeable copy sign with stripes or devices attached to the face of the sign to hold readily movable letters and numerals. The sign may be internally or externally illuminated.

f. **Ground Sign:** A sign which is supported by more than two (2) columns, poles, uprights or braces in or upon the ground and is not a part of a building.

g. **Monument Sign:** A freestanding, low profile sign with a solid base; any poles or supports must be concealed.

h. **Unified Development Sign:** A freestanding sign that is supported from the grade to the bottom of the sign with a solid base and is used to identify multiple tenants within a unified development. *(Ordinance No. 1479, Adopted 4/12/04)*

2. **Definitions:**

a. **Sign:** Any object, device, structure, or part thereof, visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, banners, flags, fixtures, colors, illumination, or projected images. Definitions of particular functional and locational types of signs are listed in this subsection.

b. **Advertising Sign**: A sign which is a primary use of land (not accessory use) and which directs attention to a business, product, activity or service which is not conducted, sold, offered or located on the premises where the sign is located.

c. **Agricultural Sign:** An accessory sign identifying the farm or ranch on which it is placed and advertising the produce, crops, animals or poultry raised or quartered thereon.

d. **Apartment Name Sign:** An accessory sign for the identification of an apartment building or complex of apartment buildings and located on the premises.

e. **Construction Sign:** A temporary sign identifying the development on the premises and/or the property owner, architect, contractor, engineer, landscape architect, decorator or mortgagee engaged in the design, construction or improvement of the premises on which the sign is located. A real estate sign shall not be construed as a construction sign. (*Ordinance No. 1570, Adopted April 24, 2006)*

f. **Development Sign**: A temporary sign related to the promotion of new development and located only on the premises involved in the development. Builder or contractor names may be displayed on the sign provided that at least 50% of the sign area is devoted towards displaying the name or promotional information of the development being advertised.

g. **Directory Sign:** An accessory sign consisting of building identification and business names of the individual tenants. *Ordinance No. 1479, Adopted 4/12/04)*

h. **General Business Sign:** An accessory sign or graphic device which advertises only commodities or services offered on the premises where such sign is located and where such sign is not of the billboard, poster panel or painted bulletin type but is a sign designed specifically for the location.

i. **Institutional Sign:** An accessory sign, which provides public interest information and/or advertisement related to a school, church or similar public or quasi-public institution located on the same premise where the sign is located.

j. **Electronic Message Center (EMC):** A sign that utilizes computer generated messages or some other electronic means of changing copy.

k. **Name Plate:** An accessory sign showing only the name and/or address of the owner or occupant of the premises on which it is erected or placed.

l. **Real Estate Sign:** A temporary accessory sign pertaining to the sale or rental of property and advertising property only for use for which it is legally zoned.

m. **Political Sign:** The term "political sign" shall be deemed to mean any sign erected for the purpose of advertising a political candidate or ballot measure; espousing a political cause; or expressing a person's or group's viewpoint or opinion on a political issue.

n. **Temporary Sign:** A non-permanent sign which is intended to be displayed for a short period of time only. The term temporary sign shall include but not be limited to search lights, banners, bullhorns, pendants, spinners, balloons, streamers or other kinds of wind signs. Specific permitting and display standards for temporary signs are listed in Section 7100.J.2, Promotional Signage *(Ordinance No. 1453, Adopted 10/13/03)*

o. **Wind Sign:** A temporary accessory sign, which achieves movement and thus attracts attention by action of wind currents.

p. **Sign Area:** The entire area within a circle, triangle or parallelogram enclosing the extreme limits of writing, representation, emblem or any figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign, except that where two faces are placed back to back and are at no point more than two (2) feet from one another, the area of the sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

q. **Flashing Sign:** A sign or part thereof, operated so as to create flashing, change in light intensity, color or copy or intermittent light impulses more frequent than one every ten (10) seconds and further provided that Electronic Message Centers as herein above defined shall not constitute flashing signs. It is further provided that a sign which creates intermittent light impulses which convey time of day and/or temperature only shall not constitute a flashing sign.

r. **Sign Height:** The measurement from the ground level to the highest point of the sign. *Ordinance No. 1479, Adopted 4/12/04)*

s. **Lighting:** As the term is used in Table 7100 D hereof, the illumination of a sign face by the light source exterior to and not a part of such face or a source of light not exposed to the eye.

t. **Motion:** As the term is used in Table 7100 D hereof, the moving or rotating of a sign or portion thereof, or the giving of the perception of motion, other than a electronic message center as herein above defined.

u. **Required Setback:** The distance from the property line, right-of-way line or street curb of all streets adjacent to the premises on which a sign is located.

v. **Sign Structure:** Any part of a sign, including the base, supporting columns or braces, display surface, or any other appendage thereto.

w. **Portable Sign:** A sign whose principal supporting structure is intended, by design, use or construction, to be used by resting upon the ground for support and which may be easily moved or relocated for reuse. Portable signs shall include but not be limited to

signs mounted upon or designed to be mounted upon a trailer, bench, wheeled carrier or other non-motorized mobile structure, with or without wheels, and A-frame and other similar signs, resting or leaning on the ground or other structures, but not permanently attached thereto. *(Ordinance No. 1453, Adopted 10/13/03)*

x. **Kiosk Sign**: A free-standing structure located in public rights-of-way that features the City of Mansfield Identification Panel at the top of each structure and displays directional information to new homes, Mansfield Independent School District facilities, and municipal or community events or facilities**.** *(Ordinance No. 1454, Adopted 10/13/03)*

y. Sign Panel: An individual sign placard displaying directional information on a kiosk sign. *(Ordinance No. 1454, Adopted 10/13/03)*

z. Subdivision Sign: A sign located at the entrance of a subdivision that displays the name of the subdivision. *(Ordinance No. 1479, Adopted 4/12/04)*

aa. Neighborhood Information Sign: A temporary sign erected within the boundaries of a platted residential subdivision at the subdivision entrance or on homeowner's association lots for the sole purpose of providing information to property owners concerning events within the subdivision.

bb. Window Sign: Any sign that is plainly visible from the outside of the building and located on either the external surface of the window or on or within twenty-five (25) inches of the internal surface of the window. This definition does not apply to the display of building addresses, business hours of operation, the logos of accepted credit cards, "closed" and "open" signs, "for sale", "for lease", and similar real estate signs, and "now hiring" signs..

D. **<u>Schedules of Sign Standards:</u>**

No sign shall be erected, placed, displayed or located except in accordance with the Schedules of Sign Standards contained in Table 7100D and the provisions of Sections 7100E through 7100K.

TABLE 7100D SCHEDULE OF SIGN STANDARDS

1) PERMANENT SIGNS

TYPE OF SIGN	ZONING DISTRICT WHERE PERMITTED *	SIGN CLASSIFICATION PERMITTED	MAXIMUM AREA IN SQUARE FEET	MAXIMUM HEIGHT IN FEET	MAXIMUM WIDTH IN FEET	MINIMUM SETBACK FROM STREET RIGHT-OF-WAY LINE IN FEET**	MINIMUM SETBACK FROM SIDE OR REAR PROPERTY LINE IN FEET**	MAXIMUM QUANTITY/ MINIMUM SPACING	LIGHTING	FLASHING	MOTION	ADDITIONAL REGULATIONS
INSTITUTIONAL	ALL DISTRICTS	M, W	50	10	10	10	15	ONE PER STREET FRONTAGE PLUS ONE WALL SIGN ON THE PRINCIPAL BUILDING	YES	NO	NO	SEE NOTES (2) (6) (7) (10) & (11)
APARTMENT NAME	MF-1, MF-2	M, W	50	10	10	10	15	ONE PER STREET ENTRANCE	YES	NO	NO	SEE NOTES (2) (3) (4) (7) (10) & (11)
NAME PLATE	ALL DISTRICTS	P, W	2	N/A	NONE	N/A	N/A	NONE	NO	NO	NO	SEE NOTE (6)
GENERAL BUSINESS	C-1, C-2, C-3, C-4, I-1, I-2	W	NONE	N/A	SEE NOTE (1)	N/A	N/A	ONE PER STREET FRONTAGE PER INDIVIDUALLY OWNED LOT OR TRACT PLUS ONE WALL SIGN PER TENANT WHO OCCUPIES SUCH LOT OR TRACT	YES	NO	YES	SEE SECTION 7100E
		M, PR	50	10	10	10	15		YES	NO	YES	SEE NOTES (7) (10) & (11)
ADVERTISING	C-3, I-1, I-2	P, G	600	40	NONE	10	15	SEE SECTION 7100F	YES	NO	YES	SEE NOTE (5)
AGRICULTURAL	A	M, W	32	10	10	10	15	ONE PER STREET FRONTAGE	NO	NO	NO	SEE NOTE (10)
SUBDIVISION	ALL DISTRICTS	M, W	32	6	10	N/A	N/A	ONE SIGN PER STREET ENTRANCE TO THE SUBDIVISION	NO	NO	NO	SEE NOTES (6) & (10)
DIRECTORY	OP	M, W	32	6	10	10	15	ONE PER STREET FRONTAGE	YES	NO	NO	SEE NOTES (10) & (11)
WINDOW	ALL NON-RESIDENTIAL DISTRICTS	N/A	SEE NOTE (12)	N/A	N/A	N/A	N/A	N/A	YES	NO	NO	TEMPORARY
ELECTRONIC MESSAGE CENTER/READER BOARD SIGN	C-2, C-3, I-1, I-2	M	LIMITED TO 50% OF THE SIGN AREA									SEE NOTES (8) (9) (10) & (11)

NOTES:
(1) Width not to exceed 75% of building or store front.
(2) Permitted on face of fence or wall in required front setback.
(3) For building identification only.
(4) Not applicable to rental single-family or two-family dwellings.
(5) Specific use permit required.
(6) Signs permitted in residential districts are also permitted in the PR district.
(7) On lots with direct frontage along U.S. 287 and S.H. 360 monument signs may have a maximum height of 15 feet and a maximum sign area of 75 square feet. The sign must be located along the highway frontage of the lot.
(8) Electronic Message Centers/Reader Boards may be used by institutional uses in any zoning district.
(9) Signs for theaters advertising current and coming attractions shall be exempt from the percentage restriction on Electronic Message Center and Reader Board signs.
(10) See section 7100I.13 for further regulations on monument signs.
(11) No freestanding sign may be located within 400 feet of another freestanding sign on the same lot or tract, measured along the street right-of-way lines.
*Signs in any Historic Landmark District must comply with the provisions and approval procedures shown in Section 5400 of this ordinance.
(12) The total sign area of window sign(s) shall not obscure more than twenty-five (25) percent of the total window area on each façade. Doors shall not contain signage for any message other than business name, hours of operation and payment method, and such signage shall not exceed four (4) square feet in total area.
**Where the width of an easement is greater than the required setback, the sign must be located outside of the easement.

LEGEND:

M – MONUMENT SIGN
P – POLE SIGN
W – WALL SIGN
G – GROUND SIGN
PR– PROJECTION SIGN

TABLE 7100D SCHEDULE OF SIGN STANDARDS

2) TEMPORARY SIGNS

TYPE OF SIGN	ZONING DISTRICT WHERE PERMITTED	SIGN CLASSIFICATION PERMITTED	MAXIMUM AREA IN SQUARE FEET	MAXIMUM HEIGHT IN FEET	MAXIMUM WIDTH IN FEET	MINIMUM FRONT SETBACK IN FEET	MINIMUM SIDE SETBACK IN FEET	MAXIMUM QUANTITY/ MINIMUM SPACING	LIGHTING	FLASHING	MOTION	MAXIMUM DURATION	ADDITIONAL REGULATIONS
REAL ESTATE	ALL RESIDENTIAL DISTRICTS	P, W, G	16	6	NONE	10	15	ONE PER 60' OF STREET FRONTAGE; MAXIMUM TWO PER STREET FRONTAGE	NO	NO	NO	TEMPORARY-UNTIL SALE OR RENTAL OF PROPERTY	SEE NOTES (1) & (4)
	ALL NON-RESIDENTIAL DISTRICTS	P, W, G	32	12	NONE	10	15		YES	NO	NO		
CONSTRUCTION	ALL RESIDENTIAL DISTRICTS	P, W, G	32	12	NONE	10	15	ONE PER SITE OR STREET FRONTAGE	YES	NO	NO	TEMPORARY-UNTIL CONSTRUCTION IS COMPLETED	SEE NOTE (4) & (5)
	ALL NON-RESIDENTIAL DISTRICTS	P, W, G	32	12	NONE	10	15					TEMPORARY-UNTIL CERTIFICATE OF OCCUPANCY IS ISSUED, OR UNTIL MULTI-TENANT DEVELOPMENTS ARE 75% COMPLETE	SEE NOTE (5) & (6)
DEVELOPMENT	ALL DISTRICTS	P, G	100	20	NONE	10	15	MAXIMUM TWO PER DEVELOPMENT	YES	NO	NO	TEMPORARY FOR DURATION OF PERMIT	SEE NOTES (2) (3) & (4)
WINDOW	ALL NON-RESIDENTIAL DISTRICTS	N/A	SEE NOTE (9)	N/A	N/A	N/A	N/A	N/A	YES	NO	NO	TEMPORARY	SEE NOTE (9)
NEIGHBORHOOD INFORMATION	ALL RESIDENTIAL DISTRICTS	P, G	4	3	NONE	NONE	NONE	TWO SIGNS PER STREET ENTRANCE TO A RESIDENTIAL SUBDIVISION; MAXIMUM OF THREE SIGNS ON ANY HOMEOWNER'S ASSOCIATION LOT WITH A MNIMUM 50' DISTANCE BETWEEN SIGNS	NO	NO	NO	TEMPORARY	SEE NOTES (4), (7) & (8)
POLITICAL	ALL DISTRICTS	ALL	36	8	NONE	NONE	NONE	N/A	NO	NO	NO	TEMPORARY	SEE NOTE (10)

NOTES:
(1) Size limited to 4 square feet on occupied residential property.
(2) For new residential subdivisions only.
(3) Must setback at least 50 feet from the nearest single family home.
(4) Signs permitted in residential districts are also permitted in the PR district.
(5) For developments larger than 25 acres, one additional sign may be added for each 25 acres
(6) See Section 7100J.14 for further regulations on non-residential construction signs
(7) See Section 7100.H for further regulations on neighborhood information signs
(8) Properties in a PR district that are occupied by a residential use or subdivision shall be treated the same as it is in a residential district
(9) The total sign area of window sign(s) shall not obscure more than twenty-five (25) percent of the total window area on each façade
(10) These regulations only pertain to political signs on private property; see Section 7100J.7 for regulations pertaining to political signs on public property, easement or right-of-way

LEGEND:
M – MONUMENT SIGN
P – POLE SIGN
W – WALL SIGN
G – GROUND SIGN
PR – PROJECTION SIGN

E. **Special Sign Standards for Multi-Tenant Office or Retail Strip Buildings**

One (1) additional wall sign may be permitted for a business at the corner or end of a multi-tenant office or retail strip building subject to the following regulations:

1. The additional wall sign shall be located on the side façade of the multi-tenant office or retail strip building. The side façade shall be defined as any façade that is at an angle of more than 45 degrees to the front façade. The front façade shall be defined as the façade on which most of the tenant spaces have their main entrances.

2. The additional wall sign shall not be allowed on the following:

   a. on the rear façade of a multi-tenant office or retail strip building;

   b. on any facade that is parallel or nearly parallel to the front façade of the multi-tenant office or retail strip building; or

   c. on any façade that faces an abutting residential zoning district or an abutting PR zoning district occupied by single-family homes.

3. The location of an additional wall sign on an irregular or non-traditional shape building shall require the approval of the Zoning Administrator for compliance with the intent of this section of the Zoning Ordinance.

4. The size of the additional wall sign shall not exceed the size of the primary sign on the front façade of the tenant space; and in no case shall the additional wall sign exceed 75% of the width of the wall or store front on which the additional wall sign is placed.

5. The additional wall sign shall be located on the tenant space served by the sign.

6. The additional wall sign shall only advertise a single tenant.

7. The additional wall sign shall not co-exist with any other signs on the same building façade that advertise other tenants or the multi-tenant office or retail strip building.

F. **Special Standards for Advertising Signs:**

1. Advertising sign structures erected in the C-3, I-l and I-2 Districts shall be placed a minimum of four hundred feet (400') apart when erected so as to face the same direction. No such structure shall be located within four hundred (400) feet of a residential zoning district boundary line if the face of the sign is placed at an angle of less than ninety (90) degrees to the district boundary line, nor shall such structure be located within two hundred (200) feet of a general business sign. (i.e. pole sign or ground sign).

2. Advertising sign structures erected in the C-3, I-1 and I-2 Districts placed within six hundred (600) feet of the right-of-way of a state or federally controlled highway or freeway shall be permitted when in compliance with the following:

   a. Placed a minimum of five hundred (500) feet from any interchange of intersection.

b. Placed a minimum of five hundred (500) feet from any other advertising sign on the same side of the highway or freeway and two hundred (200) feet from any general business sign, pole sign or wall sign (on premise).

c. Placed no closer than five hundred (500) feet to any park, forest, playground or scenic area as designated by a governmental agency having and exercising such authority, which is adjacent to any highway.

3. Review of Advertising Signs: Prior to the issuance of a sign permit by the Development Services Department, a sign permit application for an advertising sign shall be submitted, reviewed and approved for a Specific Use Permit by both the Planning and Zoning Commission and the City Council. Additionally, applicants proposing advertising signs shall obtain an Outdoor Advertising License from the Texas Department of Transportation, prior to the issuance of any sign permits for advertising signs in compliance with the Federal Highway Beautification Act of 1965.

4. Before the issuance of a sign permit, an Outdoor Advertising License shall be obtained for an off-site development sign from the Texas Department of Transportation by the sign owner in compliance with the Federal Highway Beautification Act of 1965.

G. **Special Sign Standards for Unified Development Signs:**

1. Eligible Properties: A unified development sign may be erected in the C-2, C-3, I-1, or I-2 District for a unified development consisting of two (2) or more abutting platted lots that are used for a retail center or a combination of retail/commercial establishments.

2. Criteria for Approval: In determining whether to approve multiple lots as a unified development, the Director of Planning must find that the following criteria have been met:

a. All areas to be included in a unified development must be part of a clearly defined, comprehensively planned retail/commercial development. Attributes of a unified development include:

i. Common name identification to the public;

ii. Shared driveway access and parking; and

iii. Physical layout of the development results in a cohesive development

b. A unified development shall consist of at least ten (10) acres.

c. At least one of the lots being included in a unified development must have frontage on U.S. 287 or State Highway 360.

d. The area shall not be the combination of disparate premises joined solely for the purpose of erecting a unified development sign.

e. Developments that are comprised of a single retail/commercial establishment shall not be considered as a unified development.

f. Developments that are comprised of predominantly office or industrial uses shall not be considered as a unified development.

g. There shall be no existing or future pole signs or ground signs within the unified development.

3. Maximum Sign Area: The maximum area of a unified development sign shall be based on the size of the unified development as depicted in the table below:

Minimum Size of Unified Development	Maximum Area of Unified Development Sign
10 to 19.99 acres	100 sq. ft.
20 to 29.99 acres	200 sq. ft.
30 acres or more	300 sq. ft.

In addition to the maximum sign area listed above, an additional sign area of fifty (50) square feet shall be allowed on a unified development sign to display the name of the unified development.

4. Maximum Height: The maximum height of a unified development sign shall be thirty-five (35) feet.

5. Minimum Setback: The minimum setback for a unified development sign shall be as follows:

a. Ten (10) feet from the street right-of-way line.

b. Fifteen (15) feet from the side or rear lot line.

c. Where the width of an easement is greater than the required setback, the sign must be located outside of the easement.

6. Maximum Quantity: Only one unified development sign shall be permitted per unified development. Deviation from this requirement shall be accomplished only through an approved Planned Development.

7. Co-existence with Other Signs:

a. A unified development sign may be permitted on the same lot as a monument sign and may co-exist with other monument signs in the unified development provided that it shall not be closer than thirty (30) feet to any monument signs in the unified development.

b. There must be no pole or ground signs within the unified development. After the approval of a master sign plan and before the construction of a unified development sign, all existing pole or ground signs within a unified development must be removed.

8. Master Sign Plan: Before obtaining a permit and erecting a unified development sign, the applicant shall submit a master sign plan to the Planning Department for review. A non-

refundable administration fee of $250.00 shall accompany the plan submittal. The master sign plan shall contain the following information:

a. Name of the unified development;

b. Site plan showing lots, street rights-of-way, driveway access, parking, and physical layout of the development;

c. Description of the unified development demonstrating compliance with the criteria of approval shown in Section 7100.G.2;

d. The location, size, height and type of all proposed and existing signs in the unified development;

e. Any existing pole or ground signs that must be removed and the consent of the sign owner for the removal; and

f. Any other information required by the Director of Planning to ensure compliance with the provisions of this section.

9. Approval and Appeal Process:

a. The Director of Planning shall be responsible for the approval of a proposed master sign plan and unified development sign.

b. Any decision made by the Director may be appealed to the Planning and Zoning Commission.

c. The Director may defer the approval of a unified development, a master sign plan or a unified development sign to the Planning and Zoning Commission for any reason.

d. Any decision made by the Planning and Zoning Commission may be appealed to the City Council.

10. Sign Permit Issuance: A permit for a unified development sign shall not be issued until construction starts on the first building within the unified development.

11. Miscellaneous Provisions:

a. The unified development sign shall be located outside of any visibility sight triangle and access drives.

b. The support base and structure for a unified development sign shall be constructed of masonry material.

c. Electrical equipment, irrigation equipment, controller, writing or conduit on a unified development sign shall be concealed within the unified development sign base or sign structure, except that emergency power disconnects may be located on the exterior of the sign provided that they are located on the part of the sign opposite and furthest from the street.

d. The bottom of the unified development sign shall rest directly on the support base with no space in between.

e. The base of the unified development sign shall have the same or greater width as the sign.

f. Only those properties and businesses within the boundaries of the unified development shall be included on the unified development sign.

g. A unified development sign shall not be considered as an off-site sign even if some of the properties and businesses included on the sign are not located on the lot where the sign is erected.

Ordinance No. 1479, Adopted 4/12/04

H. **Special Sign Standards for Neighborhood Information Signs:** Neighborhood Information Signs may be erected within the boundaries of a platted residential subdivision without a permit provided the following regulations are met:

1. No neighborhood information signs shall be erected for a period of time exceeding fourteen (14) days.

2. All neighborhood information signs must be removed within twenty-four (24) hours after the event displayed on the sign.

3. No signs advertising the private sale of goods, services or real estate shall be allowed. Without limiting the foregoing, signs for garage sale events are not neighborhood information signs and must be permitted under Section 7100.J.3.

4. No neighborhood information signs shall be located:

   a. in City right-of-way or in the public median of any City right-of-way;

   b. within a visibility triangle or in such a way as to block or obscure from vision any traffic or safety sign or signal;

   c. within fifty (50) feet from another neighborhood information sign when located on the same lot; or

   d. on private property without the permission of the property owner.

5. No more than two neighborhood information signs are permitted at each subdivision entrance.

6. No more than three neighborhood information signs are permitted on each homeowner's association lot.

7. No neighborhood information sign shall exceed the following dimensions:

   a. Height – thirty-six (36) inches, as measured from the ground level.

b. Size of sign – four (4 square feet.

8. Neighborhood information signs shall be made of durable, weatherproof material. Dirty, torn, faded, dented or otherwise poorly maintained signs shall be removed.

9. Neighborhood information signs may display the neighborhood event name, date, time and contact information plus directional arrows, words or other symbols to indicate directions.

10. No lighting shall be allowed.

11. This section does not grant any right of access to or use of subdivision entries. Property owner permission is required before erecting any neighborhood information signs. If the property owner objects to the existence of the sign, the sign shall not be allowed on the lot of the property owner objecting to the sign. Also, the City may, notwithstanding the foregoing provisions, designate certain area as no sign zones for the purpose of protecting the public's health, safety and welfare.

12. Neighborhood information signs found in violation of any of the above requirements may be impounded by the City and, at its option, disposed of.

(Ordinance No. 1586, Adopted 8/28/06)

I. **Special Sign Standards for Electronic Message Center:**

1. Electronic Message Centers (EMC) shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to within 0.3 footcandles over ambient illumination at night as measured per the EMC Illumination Measurement Criteria of the International Sign Association.

2. The applicant receiving a sign permit for an EMC shall provide a report demonstrating compliance with the requirements in Paragraph 1 above from a third party consultant prior to final inspection approval of the EMC.

3. When a complaint is received, the owner or operator of an EMC shall, if required by the City, provide an updated report to verify compliance with the requirements in Paragraph 1 above within five (5) business days.

J. **General Provisions:**

1. No sign other than kiosk signs, political signs, traffic and safety signs or signals, street name signs, and other signs erected by a public officer shall be erected in the right-of-way of any public or private street or alley. *(Ordinance No. 1479, Adopted 4/12/04)*

2. The provisions herein contained are applicable to location, size, use and placement of signs and shall otherwise be considered supplementary to other City of Mansfield codes and Ordinance pertaining to the erection, maintenance and operation of signs in the City, except where the provisions contained herein are in direct conflict with the provisions of such codes and such ordinances, in which event, conflicting provisions of such codes and ordinances are hereby repealed.

3. Signs shall be permitted for all Nonconforming uses in accordance with the regulations and standards specified in this Ordinance. Any sign used in conjunction with a Nonconforming use of land or buildings, if such sign is not in accordance with the provisions of this section, shall be deemed a separate Nonconforming use of land, and shall be subject to the provisions of Sections 7100.L and 7700 of this ordinance. *Ordinance No. 1479, Adopted 4/12/04)*

4. No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted to be erected as part of any sign display in any zoning district.

5. Obstruction to View: No sign shall be erected, constructed, or maintained so as to constitute an obstruction of the vision or sight of motor vehicle drivers or pedestrians at any street intersection, street crossing or point of traffic concentration. A sign in the direct line of vision or sight of any motor vehicle driver or pedestrian from any point in a traffic lane within fifty (50) feet of any traffic control sign shall not be permitted.

6. All signs of any nature whatsoever, whether temporary or permanent, when situated within fifteen feet (15') of the curb or edge of any street shall either:

    a. Have a clear height of eight and one-half feet (8-1/2') from the ground to the bottom of the sign; or

    b. Have a height of not more than two and one-half feet (2-1/2') measured from the top of curb to the top of the sign; provided, that wall signs may be permitted on a wall which complies with setback and height requirements of the Zoning Ordinance.

7. No high intensity light shall be permitted as part of a sign display visible from an adjacent street in any zoning district; except signs giving public service information such as but not limited to date or temperature may be permitted. Lighting shall be shielded to prevent beams or rays from being directed at any portion of a traveled roadway or an occupied residential area and shall not be of such intensity or brilliance as to cause glare or impair vision.

8. Sign regulations for any development placed in a Planned Development District shall be established by the Planned Development ordinance and shall specify the maximum height, setback, general types and area of such signs permitted.

9. All signs must be constructed from substantial materials, free from defects, using accepted practices of good workmanship. All parts of a painted sign shall be painted with two (2) coats of good quality water-resistant paint. All signs are subject to all requirements contained in the City of Mansfield's Code of Ordinances and are subject to inspections during and after construction.

10. All signs shall be maintained in good appearance and safe structural condition. The general area in the vicinity of any sign shall be kept free and clear of sign materials, weeds, debris, trash and litter. Maintenance or replacement of sign copy or structural repairs shall be conducted in a manner to protect adjacent properties from debris and litter. Torn or ragged signs shall be repaired, covered or removed.

11. All signs with the exception of permitted off-premise signs shall pertain only to the principle use, service rendered, or product sold on the premises on which the sign is located and contain only information pertaining to either the name of the occupant, or the kind of business, or the brand name of the principle commodity being sold, but not including

information on subsidiary products or services, nor information on anything or persons not located on the premises.

12. Notwithstanding any provision in this ordinance to the contrary, any sign authorized in this ordinance is allowed to contain a political or noncommercial message in lieu of any other message.

13. A permanent sign on an awning shall be permitted in place of a wall sign, provided that the sign is affixed flat to the surface of the awning. No awning sign shall be allowed in addition to a wall sign and an awning sign and wall sign shall not be allowed on the same facade. *(Ordinance No. 1479, Adopted 4/12/04)*

14. No sign other than kiosk signs and signs erected by a City of Mansfield official shall display the registered logo of the City of Mansfield.

K. **Sign Permitted in all Zoning Districts:** The following regulations shall apply in addition to the requirements of Sections 7100.D and 7100.I. Signs listed in this section are permitted in all zoning districts and shall not require permits unless required herein and shall not be counted when calculating the quantity of signs and the total allowable sign area, provided, that such sign shall conform with all other applicable regulations:

1. **Subdivision Signs:** Reserved for future use *(Ordinance No. 1479, Adopted 4/12/04)*

2. **Promotional Signage:** Promotional signage may be displayed for grand openings, special events, sales and promotions, provided that the following regulations are met:

   a. Before erecting or placing a promotional signage display, a permit must be obtained as required in Section 7100.M. Application for permit must be made on a form provided by the Building Inspection Department. The application must be accompanied by a sketch or diagram showing the exact location of the display, any message being displayed, plus the configuration and boundary of the premises where the display will be erected or placed. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions.

   b. Each business, institution or occupied tenant space shall be allowed one (1) promotional signage display three (3) times per calendar year, for a maximum period of fourteen (14) days per display. A minimum of ninety (90) days shall be required between each promotional signage permit. The fourteen (14) day display period will commence on the first day promotional signage is displayed. In the case of a special promotion for a grand opening event, a display period may be extended to twenty-one (21) days provided that the promotion begins within the first three (3) months of the date of issuance of a certificate of occupancy or business license and the grand opening is limited to the address noted on the certificate or license.

   c. All signage used for a promotional signage display must be removed at the end of the display period.

   d. Promotional signage may include any temporary sign allowed by this Ordinance

   e. Promotional signage shall be contained on the property of the applicant and shall not extend into the City right-of-way. Signage shall not be located in any sight visibility

triangle or visibility easement, nor shall any combustible materials be placed in contact with lighted signs or any electrical fixtures.

f. Promotional signage shall not display information on any activity, event or person not located on the premises where the signage is permitted.

g. Torn or severely weathered promotional signage shall not be permitted.

h. A separate permit is required for each fourteen (14) day period that promotional signage will be used.

(Ordinance No. 1448, Adopted 10/13/03)

3. **Garage Sale Signs:** Signs pertaining to garage sales shall comply with the regulations in the Code of Ordinances.

4. **Public Information Signs:** Signs of a public or non-commercial nature, which shall include but not be limited to community service information signs, help wanted signs, public transit service signs, public utility information signs, safety signs, danger signs, trespassing signs, signs indicating scenic or historical points of interests, and all signs erected by a public officer in the performance of a public duty may be erected in all zoning districts without a permit. All public information signs except signs erected by a public officer shall not exceed an area of thirty two (32) square feet.

5. **Flags**:

a. Official flags of government jurisdiction, flags indicating weather conditions and flags which are emblems of on-premise business firms and enterprises, religious, charitable, public and nonprofit organizations may be erected in all zoning districts without a permit. No more than one (1) United States flag, one (1) State of Texas flag, and one (1) emblematic flag shall be permitted on a single property at the same time.

b. No single flag shall exceed fifty (50) square feet in area.

c. Flagpoles are accessory structures that are incidental to a principal use or building and shall not be permitted on vacant property without a principal use or building.

d. The maximum height of a flagpole in any zoning district shall be thirty-five (35) feet.

e. A flagpole may be located anywhere on a premise provided that the flagpole shall not be located closer than ten (10) feet to any property line or within any easement.

(Ordinance No. 1448, Adopted 10/13/03)

6. **Plaques:** Commemorative plaques by historical agencies recognized by the City, County or the State of Texas may be erected in all zoning districts without a permit.

7. **Political Signs:** Political signs may be erected on private property with the consent of the property owner, subject to the provisions in Table 7100D, Schedule of Sign Standards. Political signs may also be erected on any public property, easement or right-of-way subject to the following conditions:

a. Political signs shall be made of durable, weatherproof material. Dirty, torn, faded, dented or otherwise poorly maintained political signs shall be removed.

b. Political signs shall not be illuminated or have any moving elements.

c. Political signs shall not be located:

1. in any city park or city facility;

2. in any easement or right-of-way where the adjacent to any city park or city facility;

3. in any easement or right-of-way where the adjacent property owner objects to the presence of the political sign;

4. in any drainage easement or right-of-way;

5. in any street median;

6. in any state or federal right-of-way;

d. A political sign for any candidate, political, action or issue shall be located at least one hundred (100) feet from another political sign for the same candidate, political action or issue except when such signs are located at opposite corners of a street intersection.

e. Political signs for a candidate, political action or issue for which a resident of Mansfield is not entitled to vote are prohibited.

f. The restrictions in subsection d. and e. do not apply to political signs at a designated voting location and in the public easement or right-of-way immediately adjacent to the designated voting location.

g. Political signs for an official election shall be removed within fourteen (14) days after the election or election runoff.

8. **Sign on Vehicles:** Signs on trucks, buses or passenger vehicles which are used in the normal conduct of business which are bearing current license plates, which are traveling or lawfully parked upon public right-of-ways, or any other premises for a period not exceeding four hours or for a longer period where the primary purpose of such parking is not the display of any sign.

9. **Kiosk Signs:**

a. The City Council may, by duly executed license agreement, grant the exclusive right to design, erect and maintain kiosk signs within Mansfield.

b. Kiosk signs must be designed and constructed according to the specifications contained in the aforementioned license agreement.

c. Prior to erecting any kiosk sign, the licensee shall submit a sign location map to the Director of Planning and Director of Public Works for approval.

d. Kiosk sign installations shall include breakaway design features as required for traffic signs in the street right-of-way.

e. Advertisement or price information is prohibited on kiosk signs.

f. No signs, pennants, flags or other devices for visual attention or other appurtenances shall be attached to kiosk signs.

g. Kiosk signs shall not be illuminated.

h. Individual sign panels on kiosk signs shall have a uniform design and color.

i. Kiosk signs shall not interfere with the use of sidewalks, walkways, bike and hiking trails; shall not obstruct the visibility of motorists, pedestrians or traffic control signs; shall not be installed in the immediate vicinity of street intersections; and shall comply with the requirements of the twenty-five (25) foot visibility triangle or other visibility easements.

(Ordinance No. 1454, Adopted 10/13/03)

10. **Holiday or Festive Decorations:** String lights or strip lighting and banner for recognized holiday or festive decorations may be erected in all zoning districts without a permit for a period not to exceed 60 days.

11. **Signs not visible:** All signs not visible from off the property may be erected in all zoning districts without a permit.

(Ordinance No. 1448, Adopted 10/13/03)

12. **On-premise Informational Signs**: Non-commercial signage, such as "Enter," "Exit," "One-Way," or "Drive-Thru," signs, that are used to direct vehicular or pedestrian traffic may be placed on the premises served by the signs provided that the following regulations are met:

    a. On-premise informational signs shall not exceed four (4) square feet in area and three (3) feet in height.

    b. On-premise informational signs shall not display any commercial message, including business name, graphic or logo.

    c. On-premise informational signage may be located anywhere on the premises, except in city right-of-way, easements or visibility triangles or visibility easements.

13. Monument Signs

    a. Before erecting or placing a monument sign, a permit must be obtained as required in Section 7100.M. Application for permit must be made on a form provided by the Development Services Department. The application must be accompanied by a sketch or diagram showing the exact location of the monument sign, any message being displayed, plus the configuration and boundary of the premises where the sign will be erected or placed. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions.

b. A monument sign shall have a solid base at least two (2) feet tall and the base shall have the same or greater width as the sign. The height of the sign base shall be included when measuring the sign height.

c. Electrical equipment, irrigation equipment, controller, wiring or conduit on a monument sign shall be concealed within the monument sign base or sign structure, except that emergency power disconnects may be located on the exterior of the sign provided that they are located on the part of the sign opposite and furthest from the street.

d. Except for the sign area, monument signs shall be constructed of masonry material to match the primary building material. If the primary building is not masonry, the sign shall be constructed of brick, stone or split-face cement masonry units.

e. The street address number of the building being served by a monument sign shall be displayed on the sign where it is legible from the street. The street address number shall not be included in the calculation of the signage area.

Ordinance No. 1479, Adopted 4/12/04

(Ordinance No. 1454, Adopted 10/13/03)

14. **Non-residential Construction Signs**

a. The provisions of this section shall apply to development on any property owned and used by the City or the Mansfield Independent School District, regardless of zoning.

b. For developments larger than ten (10) acres with frontage along U.S. 287, S.H. 360 or a 4-lane thoroughfare or larger, as shown on the City's Master Thoroughfare Plan, construction signs may have a maximum height of fifteen (15) feet and a maximum sign area of sixty-four (64) square feet.

c. When multiple signs are permitted, the allowable sign area for each sign may be aggregated into one (1) or more larger signs. No single sign shall have a sign area greater than one hundred thirty-two (132) feet.

d. Permits shall be valid for a period not longer than thirty-six (36) months. If display exceeds this time period, the applicant must re-apply for a new permit and pay all applicable fees.

Ordinance No. 1570, Adopted April 24, 2006

L. **Prohibited Signs:** It shall be unlawful to erect, place, attach, paint, write stamp, paste or maintain:

1. Any sign which is not included under the types of signs permitted in Section 7100.D or in Section 7100.J.

2. Any sign, with the exception of approved advertising signs, political signs and kiosk signs, which advertises or publicizes goods, services, establishments, persons and activities not located on the premises upon which the sign is maintained. *(Ordinance No. 1454, Adopted 10/13/03)*

3. Any search lights, bullhorns, pendants, spinners, balloons, banners, streamers, flags or other wind signs, any string lights or strip lighting except as permitted uses under the provisions of Section 7100.

4. Any portable sign, or directional sign which is not included under the types of signs permitted in Section 7100.D through Section 7100.J. *(Ordinance No. 1453, Adopted 10/13/03)*

5. Any signs, advertisement, poster, placard or handbill upon any lamp post, electric light, railway, telephone or telegraph pole, fire hydrant, shade tree, stone cliff or other natural object, or boxing covering public utilities, or on any bridge, pavement, sidewalk or crosswalk.

6. Any sign, advertisement, poster or other matter on privately or publicly owned property without having obtained the written permission of the owner, agents, or occupants of the premises, and without having complied with other provisions of this Ordinance pertaining thereto.

7. Any sign or sign structure which constitutes a hazard to public safety or health.

8. Any sign which obstructs free ingress or egress from a fire escape, door window or other required exit way.

9. Any sign which interferes with any opening required for ventilation.

10. Any sign which makes use of words such as stop, look, one way, danger, yield or any other similar words, phrases, symbols, lights or characters in such a manner as to interfere with, mislead or confuse the vehicular traffic.

11. Any structure or part thereof, or any device or representation attached to, painted on, or represented on a building, fence, pole or other structure, which is used as or in the nature of an announcement, direction, advertisement, or other attention getting purposes, and which is not originally designed or intended to be a sign.

12. Any wall sign except a name plate sign, on the rear façade of a building or on any façade that is parallel or nearly parallel to the front façade of a building. For the purpose of this provision, a front façade shall be defined as the face on which a business, tenant or occupant has the main entrance. *(Ordinance No. 1482, Adopted 4/26/04)*

M. **Continuation and Discontinuation of Nonconforming Signs:** All non-conforming permanent signs, legally existing on the effective date of this Ordinance, may continue to exist, provided that no non-conforming sign:

1. shall be changed to another Nonconforming sign.

2. shall be structurally altered so as to prolong the life of the sign or so as to significantly and materially change the shape, size, type or design of the sign. (*Ord No. 1479, 4/12/04)*

3. shall be re-established after damage or destruction if the estimated expense of reconstruction exceeds 50% of the reproduction cost.

And further, provided that signs which are Nonconforming because they have flashing lights or intermittent illumination shall be given ninety 90 days from the date of the adoption of this Ordinance to be brought into compliance with this Ordinance.

And further, provided that signs which are specifically prohibited in Section 7100.K shall be discontinued or removed by the owners of said signs within one hundred eighty (180) days from the date of the adoption of this Ordinance.

N. **Application for Permit:** The application for a sign permit shall be made by the owner or tenant of the property on which the sign is to be located, or his authorized agent, or a sign contractor licensed by the City. Such applications shall be made in writing on forms furnished by the Development Services Department and shall be signed by the applicant. Every application for approval shall be accompanied by a plan or plans drawn to scale and including:

1. The dimensions of the sign and, where applicable, the dimensions of the wall surface of the building to which it is to be attached.

2. The dimensions of the sign's supporting members.

3. The proposed height of the sign.

4. The proposed location of the sign in relation to the face of the building, in front of which or on which it is to be erected.

5. The proposed location of the sign in relation to the boundaries of the lot upon which it is to be situated. This requirement shall not apply to wall signs.

6. Any other electrical, structural and architectural data as applicable. Upon obtaining a building permit, the owner or his authorized agent shall sign a statement indemnifying and holding the City harmless for any damages which may result from the placement of said sign including attorney fees and all costs of litigation.

O. **Permit Required, Exceptions:** No permit shall be required for the erection or alteration of the following:

1. Signs not exceeding two (2) square feet of display surface on a building, stating merely the name and occupation of an occupant, or other community service information.

2. Non-illuminated and non-electrical signs not exceeding 32 square feet used solely to advertise the sale or rental of the premises on which such signs are located.

3. Signs or markers used by a public utility holding a franchise from the City for community service information.

4. Temporary non-commercial signs or banners authorized by the Director of Planning for a period not to exceed 30 days.

5. The changing of the advertising copy or message of a reader board sign or a painted or printed sign. Electric signs shall not be included in this exception.

6. The repainting, non-electrical repair or cleaning maintenance of a sign.

P. Approval of a Certificate of Occupancy for each new business, facility or office desiring to continue using an existing sign shall be contingent upon approval of a sign permit.

Q. **Permit Fees:** A permit fee shall be paid to the Development Services Department for each sign permit issued as set forth in the Mansfield Fee Schedule Ordinance.

R. Removal of Signs:

1. Signs found in violation of any of the requirements of this section shall be impounded and disposed of. *(Ordinance No. 1479, Adopted 4/12/04)*

2. The Inspector shall cause to be removed any sign that endangers the public safety, such as an abandoned, dangerous, or materially, electrically, or structurally defective sign, or a sign requiring a permit for which no permit has been issued. The Inspector shall provide notice which shall describe the sign and specify the violation involved and which shall state that, if the sign is not removed or the violation is not corrected within ten 10 days, the sign shall be removed in accordance with the provisions in this section.

3. Any time periods provided in this section shall be deemed to commence on the date of the notice.

4. Notwithstanding the above, in situations when the Inspector determines that a dangerous or defective sign may cause imminent peril to life or property, he may order the immediate removal of such sign without notice.

5. Any person who relocates, removes or defaces any lawfully erected sign shall be subject to the penalties as prescribed by this ordinance.

6. Notwithstanding the above, illegal banners or temporary signs may be impounded by the City after notice is attempted to the owner or party responsible for the sign.

7. In addition to fines and charges of removal and storage of violating signs, the City may cause the removal or disposal of same found on any public property, easement or right-of-way without notice to the owner of the sign.

Section 7200. Off-Street Parking and Loading Standards.

A. **Purpose:** To assure that adequate off-street parking and loading areas are provided with the construction, alteration, remodeling or change of use of any building or change in the use of land.

B. **General Provisions:**

1. Any person establishing an off-street parking facility or applying for a building permit for construction, reconstruction, or alteration of the use of any building, other than a single or two family residence, shall submit to the building inspector three copies of a plot plan designating the number, dimensions, and location of off-street parking spaces and curb cuts to be provided.

2. The plot plan shall be submitted to the Planning Department by the Building Inspector, and the Director of Planning and Development shall approve or disapprove the off-street parking facilities and curb cuts.

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, except the C-4, Downtown Business District, 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 three hundred (300) feet to an entrance to the building or use being served, measured along the shortest available pedestrian route with public access.

4. Any existing building or use that is enlarged, structurally altered, or remodeled to the extent of increasing or changing the use by more than fifty (50) percent as it existed at the effective date of this Ordinance shall be accompanied by off-street parking for the entire building or use in accordance with the off-street parking regulations set forth in this section. When the enlargement, structural alteration, or remodeling is to the extent that the use is not increased or changed by more than fifty (50) percent, additional off-street parking shall only be required for the increased or changed floor area or use.

5. Existing parking spaces may not be used to satisfy additional off-street parking requirements of this chapter unless the existing spaces proposed for use in meeting the requirements of this Ordinance exceed the number required for the building or use for which the existing spaces are associated. All parking associated with a building or use from which the spaces are drawn must meet all requirements of this ordinance.

6. Head-in Parking: The following provisions shall apply to all head-in parking adjacent to a public thoroughfare:

   a. Head-in parking spaces so situated that the maneuverings of a vehicle in entering or leaving such spaces is done on a public street or within public right-of-way shall not be classified as off-street parking in computing any parking requirements herein.

b. Except in the C-4, Downtown Business District, the construction of head-in parking as described in subparagraph (a) hereof 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 Article VIII of this ordinance.

c. Off-Street parking facility related to single or two family dwellings and zero lot line dwellings shall be exempted from this section.

7. No off-street parking facility shall be located, either in whole or in part, in a public street or sidewalk, parkway, alley or other public right-of-way.

8. No off-street parking or loading space shall be located, either in whole or in part, within any fire lane required by ordinance of the City. Tandem parking is prohibited unless specifically authorized by this ordinance.

9. No required off-street parking facility or loading space shall be used for sales, non-vehicular storage, repair or service activities.

10. Lighting facilities, if provided, shall be so arranged as to be reflected away from motorists traveling in an adjacent street and from property zoned or used for residential purposes.

11. No pavement shall be permitted in the City rights-of-way or in any required setback where parking facilities are prohibited unless such pavement is intended for use as a drive approach approved for access to property or such pavement is required to meet minimum City sidewalk standards. *(Ordinance No. 1447, Adopted 10/13/03)*

12. For all multi-family and non-residential uses, parking spaces shall be striped or otherwise clearly designated on the parking facility surface, and shall not include any fire lane or other area necessary for aisles or maneuvering of vehicles.

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) a single-family residential property that is required to provide a fire apparatus access driveway, and b) uses in the C-4 Downtown Business District 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. *(Ordinance No. 1447, Adopted 10/13/03)*

14. All dumpster pads and loading area in front of dumpsters shall be constructed with at least six (6) inches of concrete pavement on a scarified and compacted sub grade. The concrete pavement shall be reinforced with three-eighth (3/8) inch steel bars spaced eighteen (18) inches on center each way or six by six (6 x 6), #6 gauge welded wire fabric. An approved paving fiber may be substituted for the reinforcing steel. Chairs shall be used to support reinforcement. *(Ordinance No. 1447, Adopted 10/13/03)*

15. In determining the required number of parking spaces, fractional spaces shall be counted to the nearest whole space. Parking spaces located in buildings need for repair garages or auto laundry stalls shall not be counted as meeting the required minimum parking.

16. Where several different property uses will share a joint parking area, the off-street parking requirements shall be the composite or sum of the requirements for each type of use and no off-street parking space provided for one type of use or building shall be included in calculation of off-street parking requirements for any other uses of buildings.

17. Floor-Area of structure devoted to off-street parking of vehicles shall be excluded in computing the floor area for off-street parking requirements.

18. In all districts, the required off-street parking for all permitted uses, except institutional uses and uses permitted in the C-4, Downtown Business District, shall be available to customers, employees, tenants, clients and occupants of a use on a prearranged basis, other than an hourly or fee basis, as free or contract parking.

19. No vehicle shall be parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse, unless the area upon which such vehicle is parked is paved with a concrete surface. Except for the expansion joints, the paved concrete surface must be constructed as a solid, continuous span of concrete from edge to edge of the paved parking area.. However, a paved parking area shall not be required for a vehicle parked in a side or rear yard enclosed by an opaque screening fence at least six (6) feet in height or complies with Section 7200.B.21 below.

20. Additional Residential Driveway Standards:

    a. The maximum width of a paved driveway devoted to off-street parking in the front yard or side yard with street frontage of a lot occupied by a single-family dwelling shall not exceed twenty (20) feet plus a paved extension into the yard between the driveway and the nearest property line, not to exceed twelve (12) feet in width. Except for expansion joints, the paved extension must be constructed as a solid, continuous span of concrete from the edge of the driveway to the furthest edge of the paved extension.

    b. An existing lawful nonconforming driveway that does not conform with the requirements in Paragraph 19 above may be extended into the yard between the driveway and the nearest property line, not to exceed twelve (12) feet in width, using the same materials as the existing driveway (e.g. gravel, paver, etc.). However, an existing parking area of entirely grass cannot be extended unless the extension conforms with the pavement requirements in Sub-paragraph (A) above.

    c. Circular driveways shall not exceed sixteen (16) feet in width.

    d. All residential drive approaches shall be constructed to the width and construction standards established by the City Engineering Department.

21. No vehicle shall be parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse when such vehicle is greater than 25 feet in overall length (including tongue), unless one of the following conditions are met:

    a. The vehicle is parked in a building, either attached to the main residential building or detached, completely enclosed by three walls and a roof, and the open side of the building shall have an opaque gate at least six feet in height. A building used to meet the foregoing requirement shall comply with all applicable area, height and setback requirements for attached or detached accessory buildings; or

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.

22. No vehicle rated to have a carrying capacity exceeding one ton shall be parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse, unless such vehicle is being actively loaded or unloaded.

23. 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 façade of the residence that is closest to the street. No Other Vehicle shall be parked on a driveway between the side 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.

24. No vehicle shall be parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse when such vehicle is situated on blocks, jacks or anything other than the wheels or mechanism that are originally designed to equip such vehicles for traveling purposes.

25. Non-Conforming Status:

    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 compliant with the requirements of Section.B.23 above and are not located over a public sidewalk, or within a public right-of-way or visibility triangle as defined in Section 7300.I.36.

    c. A vehicle lawfully parked under the provisions of Paragraph (b) 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 exemption permitted under Paragraph (b) 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..

26. The parking of any vehicles that are prohibited by the aforementioned regulations and not exempted by the above provisions shall be discontinued or removed by the owners of the property upon which the vehicles are parked. No non-conforming use status shall be acquired by such vehicles.

27. It is not a violation of the aforementioned regulations if any vehicle is parked on a lot or tract occupied by a single-family dwelling, two-family dwelling or townhouse for less than seventy-two (72) hours at any one time for the following purposes, provided that there is not a history of reoccurring uses of this provision on the lot or tract in question. Reoccurrence shall be presumed if parking under this provision occurs more than four (4) times within any calendar year.

    a. To accommodate an out-of-town visitor; or

b. Loading, unloading, cleaning, preparing for a trip, winterizing or preparing for off-premise storage.

28. The minimum off-street parking requirement for a single-family dwelling located in the PR District shall be the same as that imposed on a similar structure in any Single-Family Residential District.

(See Section 7200B, Parking Group Table)

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SECTION 7200B PARKING GROUP TABLE

Use	Number of Parking Spaces	Required For each	Additional Requirements
1. RESIDENTIAL			
a. Single-Family Dwelling	2	Dwelling unit	
b. Two-Family Dwelling	2	Dwelling unit	
c. Townhouse	2	Dwelling unit	
d. Garage Apartment	1	Dwelling unit	
e. Apartment or Multi-family Dwelling	2	Dwelling unit for first 50 units; thereafter 1.75 parking spaces for each unit	
f. Boarding or Rooming House	1	Rooming unit	
g. Hotel, Motel or Tourist Court	1	Guest room or residential unit up to 100 units then 0.75 per unit over 100; 50% of these spaces may be counted to satisfy the parking requirements of accessory uses	
h. Manufactured Home or Mobile Home	2	Lot, plot, tract or stand	
i. Private Dormitory	1	Two occupants for designed occupants	
j. Zero-lot-line Dwelling	2	Dwelling unit	
2. INSTITUTIONAL			
a. Community or Welfare Center	1	200 sq. ft. of floor area	
b. School			
i) Elementary	1	20 students	
ii) Junior High	1	18 students	
iii) Senior High	1	1.75 students	
iv) Trade/Vocational	1	Student	
c. College or University	1	4 day students	

SECTION 7200B PARKING GROUP TABLE

Use	Number of Parking Spaces	Required For each	Additional Requirements
d. Public Assembly Hall with fixed seating	1	4 seats	
e. Public Assembly Hall without fixed seating	1	100 sq. ft. of floor area	
f. Church	1	4 seats in sanctuary or auditorium	
g. Kindergarten, Day Nursery or Child Care Center	1	8 pupils	
h. Hospital–acute or chronic care	1	1½ beds	
i. Hospital–alcoholic, narcotic, psychiatric patients	1 1	2 employees or attendant, plus 10 residents	
j. Age Restricted Senior Living Facility	1½	Dwelling unit	
k. Library or Museum	1	300 sq. ft. of public area	
l. Fraternity or Sorority	1	200 sq. ft. of floor area	
m. Student Religious Center	1	250 sq. ft. of floor area	
n. Nursing or Assisted Living Facility	1	6 beds	
o. Mortuary or Funeral Chapel	1	4 seats in chapel	
p. Labor Union	1	300 sq. ft. of floor area	
3. RECREATIONAL, SPECIAL ENTERTAINMENT			
a. Theater	1	4 seats	
b. Bowling Alley	4	Lane	
c. Pool halls, Coin-machine Arcades, Other Commercial Amusements (indoor)	1	100 sq. ft. of floor area	

SECTION 7200B PARKING GROUP TABLE

Use	Number of Parking Spaces	Required For each	Additional Requirements
d. Commercial Amusements (outdoors)	1	600 sq. ft. of site area exclusive of building	
e. Ballpark, Stadium	1	8 seats	
f. Lodge, Fraternal Organization	1	200 sq. ft. of floor area	
g. Golf Course		Minimum of 30 spaces	
h. Driving Range or Miniature Golf	1	Space for each driving tee	
4. PERSONAL SERVICE AND RETAIL			
a. Personal Service Shop	1	200 sq. ft. of floor area	
b. Retail Store or Shops (Inside)	1	250 sq. ft. of floor area for the first 3,000 sq. ft.; thereafter one (1) space for each additional 300 sq. ft.	
c. Furniture Sales, Appliance Sales and Repair	1	400 sq. ft. of floor area	
d. Open Retail Sales	1	600 sq. ft. of site area exclusive of buildings	
e. Coin-operated or Self-service Laundry or Dry Cleaning	1	3 washing machines	
5. FOODS AND BEVERAGE SERVICES			
a. Eating Place (inside), eating only; no drive-through service	1	100 sq. ft. of floor area	Minimum of 12 spaces
b. Eating Place with drive-through service, Bar, Night Club, and Private Club	1	75 sq. ft. of floor area	Minimum of 4 spaces; for drive-through window, see Section 7800.B.36 for stacking requirements

SECTION 7200B PARKING GROUP TABLE

6.	BUSINESS SERVICES			
	a. Bank	1	300 sq. ft. of floor area	
	b. Savings & Loan or Similar Institution	1	400 sq. ft. of floor area	
	c. Medical, Dental Clinic or Office	1	150 sq. ft. of floor area	Minimum of 5 spaces
	d. Other Office, Business or Professional	1	300 sq. ft. of floor area	Minimum of 5 spaces
7.	AUTOMOTIVE AND EQUIPMENT			
	a. Service Station, including incidental car wash	1	200 sq. ft. of floor area	Minimum of 4 spaces
	b. Motor Vehicle Repair, Garage or Shop (indoors)	1	500 sq. ft. of floor area	Minimum of 5 spaces
	c. Motor Vehicle Parts & Accessory Sales (indoors)	1	200 sq. ft. of floor area	
	d. Motor Vehicle Parts & Accessory Sales (outdoors)	1	1,000 sq. ft. of floor area	
	e. Vehicle or Machinery Sales (indoor)	1	500 sq. ft. of floor area	
	f. Vehicle or Machinery Sales (outdoors)	1	5000 sq. ft. of floor area	
	g. Self Service Car Wash	2 tandem spaces	Wash Bay	
	Machine Car Wash	1	150 sq. ft. of floor area	2/3 of the minimum spaces shall be tandem spaces for cars awaiting wash or vacuum

SECTION 7200B PARKING GROUP TABLE

8. STORAGE, WHOLESALE AND MANUFACTURING

a.	Brick or Lumber Yard or Similar Area	1	1,000 sq. ft. of site area
b.	Open Storage of Sand, Gravel, or Petroleum	1	2,000 sq. ft. of site area
c.	Warehouse & Enclosed Storage	1 1	3,000 sq. ft. of floor area plus 300 sq. ft. of office area, if any
d.	Outside Storage	1	5,000 sq. ft. of site area used for outside storage
e.	Commercial or Wholesale Operations	1 4	1,000 sq. ft. of floor area or for each 5 employees on largest shift, whichever is greater
f.	Manufacturing Operations	1 4	1,000 sq. ft. of floor area or for each 5 employees on largest shift, whichever is greater
g.	Mini-Warehouse	1	300 sq. ft. for manager's office or quarters

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29. Minimum Off-Street Parking Standards: The number of off-street parking spaces required for each building or use shall be determined by reference to the following table of parking groups. Parking groups are identified for each building or use in Section 4400 B. For any use not listed, or where the listed regulations are not applicable in the judgment of the Director of Planning and Development, the parking requirements shall be determined by the Director of Planning and Development. Computations of required parking spaces by the Director of Planning and Development shall be final.

30. The design and dimensions of off-street parking areas shall be in accordance with the following table of minimum dimensions. Minimum stall widths shall be nine (9) feet, except for residential and all day office parking which may utilize stalls eight and one-half (8-1/2) feet in width, provided that minimum aisle widths are increased by one (1) foot. In addition, the dimensions of up to twenty (20) percent of the total number of off-street parking spaces may be reduced to eight (8) feet in width and sixteen (16) feet in depth to accommodate compact automobiles. All dimensions below are in feet.

Angles (Degrees)	0	30	45	60	90
Stall, Parallel to Aisle	23.0	18.0	12.7	10.4	9.0
Stall, Perpendicular to Aisle	9.0	16.5	19.0	20.0	18.0
Aisle Width, One-Way	12.0	12.0	12.0	16.0	24.0
Aisle Width, Two Way	22.0	22.0	22.0	24.0	24.0
Cross Aisle, One-Way	11.0	11.0	11.0	11.0	11.0
Cross Aisle, Two-Way	22.0	22.0	22.0	22.0	22.0

31. Off-street parking spaces shall be clearly marked according to the stall layout on file in the Development Services Department.

32. Parking spaces abutting on adjoining property line or street right-of-way shall be provided with wheel guards or bumper guards so located that no part of a normally parked vehicle will extend beyond the property line. When wheel guards are used, they shall be centered 2.5 feet from the property line for 90 degree parking, 2.3 feet for 60 degree parking, and 2.0 feet for 45 degree and 30 degree parking.

33. Approval of the parking area layout and design of all off-street parking areas shall be by the Director of Planning and Development. The Director of Planning and Development shall determine that spaces provided are usable, and that the circulation pattern of the area is adequate.

34. Buildings and land uses within the C-4, Downtown Business District shall be exempt from requirements to provide off-street parking; provided that existing parking spaces shall be preserved and; provided that when off-street parking is furnished, it shall be approved by the Director of Planning and Development

35. Pedestrian access to buildings shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one public entrance. Such pathway shall be cleared of all obstructions related to construction activity prior to the opening of the building to the general public.

C. **Special Off-Street Parking Provisions**

1. Required off-street parking space may be located behind the minimum required front yard in any 2F, MF-1 or MF-2 District.

2. Required off-street parking space may be located in the minimum required front yard in any PR, A or Single-Family Residential District.

3. A11 required off-street parking spaces shall be located completely behind the property line of any district classification provided in this Ordinance.

4. In all non-residential district, surface parking may extend to the front property line except as prohibited by other sections of this Ordinance.

D. **Handicapped Parking Regulations**

1. Where curbs exist along pedestrian pathway, as between a parking lot surface and sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one (1) foot in twelve (12) feet and width of not less than four (4) feet shall be provided for access by wheelchairs. The maximum allowable slope of an accessible pathway for disabled individuals shall not exceed 1:20 or 5% gradient.

2. A parking lot servicing each entrance pathway shall have a number of level parking spaces, as set forth in the following table:

Parking Spaces For The Disabled

Total Space in Lot	Required Number of Reserved Spaces
Up to 50	1
51 to 100	2
over 100	3% of total

3. Location: Parking spaces for disabled individuals, both employee and visitor, should be the spaces within the lot, closest to an accessible building entrance, and be connected to this entrance by an accessible path. Such parking spaces shall not include any fire lane aisles or other maneuvering areas for vehicles.

4. Parking spaces for individuals with physical disabilities shall be 96" wide with a 60" wide access aisle. Access aisles may be shared by two accessible parking spaces.

5. Access aisles shall be marked to prevent vehicle parking within their limits.

6. The maximum allowable slope of an access aisle shall be 1:50.

7. Access aisles shall have a smooth transitions with adjoining walkways, either by joining at a common level or by use of curb ramps at maximum allowable slope of 1:12.

8. The minimum clear width of pathways adjacent to parking spaces shall not be reduced by vehicle overhang. Wheelstops, railings, billiards, or other devices, shall be provided, to insure clear width.

9. Identification: Accessible parking spaces shall be designed as reserved for the handicapped through display of identification signs. Each such sign must display a profile of a wheelchair with occupant and at least the words "Handicapped Parking" and be placed so that it will not be obscured by parked vehicles. The signs shall conform to the standard size, weight, and length as set forth in the Texas Manual on Uniform Traffic Control Devices.

10. Care in planning should be exercised so that individuals in wheelchairs and individuals using braces and crutches are not compelled to wheel or walk behind parked cars.

E. **Bonus for Landscaping of Off-Street Parking Facilities.** The minimum off-street parking requirements shall be reduced up to a maximum of ten (10) percent of the requirement for those parking facilities designed to accommodate twenty (20) or more vehicles where a percent of the total parking area has been retained and developed as landscaped open space area. The percent of the landscaped open space area shall determine the maximum percent reduction, which will be permitted in the total number of off-street parking spaces.

F. **Off-Street Loading Regulations.**

1. The owner and the occupier of any property upon which a business is located shall provide loading and unloading areas of sufficient number and facility to accommodate on such business premises all vehicles that will be reasonably expected to simultaneously deliver or receive materials or merchandise, and of sufficient size to accommodate all types of vehicles that will be reasonable expected to engage in such loading or unloading activities.

2. Any person desiring a building permit for the construction, alteration, or change of use of the land or any business building or structure shall submit a plot plan to the Building Official designating the number, dimensions and locations of all loading areas and all proposed avenues of ingress and egress to the property from adjacent public thoroughfares. The Building Official shall not issue such permit if it is determined that the proposed loading and unloading facilities will present a direct or indirect hazard to vehicular or pedestrian traffic.

3. Required off-street loading facilities may be adjacent to a public alley or private service drive, or may consist of a berth within a structure.

4. No portion of a loading facility may extend into a public right-of-way or into an off-street parking facility elsewhere herein required.

5. The off-street loading spaces or truck berths shall provide maneuvering areas on site to prevent any blockage of public right-of-way.

6. Buildings and land uses within the C-4, Downtown Business District shall be exempt from the off-street loading requirements of this Ordinance, unless an owner or occupier of business property elects to provide off-street loading facilities, in which event, such facilities shall be approved as provided in these regulations.

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Section 7300. Landscaping and Screening Requirements

A. **Purpose:** To promote safety, to protect the character and stability of residential, commercial, institutional and industrial areas, to conserve the value of land and buildings of surrounding properties and neighborhoods, to foster a pedestrian environment, and to enhance the aesthetic and visual image of the community.

B. **Non-conformity:** Existing landscaping and screening that was lawful on or before May 12, 2005, but which does not conform to the regulations of this ordinance after its passage, shall be lawful non-conforming in regards to landscaping and screening.

C. **Exemptions:** Except as stated elsewhere, all residentially zoned properties in a preliminary or final plat approved before May 12, 2005, shall be exempt from the requirements of Section 7300. This exemption does not apply to schools, churches or government facilities on residentially zoned properties.

D. **Scope:** The standards and criteria contained in Section 7300 are the minimum standards for all new development. Any area within a Planned Development District or Overlay District containing landscaping standards shall be regulated by the standards of the Planned Development District or Overlay District. The provisions of this section shall be administered and enforced by the Landscape Administrator of the City of Mansfield. All construction proposals, landscaping, screening and fencing shall be shown on a Landscape Plan as required by this section and in compliance with the Natural Resources Management Ordinance.

E. **New Development:** For the purpose of this ordinance, new development shall include any new construction on a vacant lot; or any new construction that expands or enlarges an existing lawful nonconforming use. Any expansion or enlargement of a lawful nonconforming use shall upgrade landscaping and screening on the site to meet all applicable regulations of Section 7300, to the extent practical. However, it is not the intent of this Section to require the removal of existing permanent improvements such as buildings, screening walls, retaining walls, parking lots or other pavement in order to meet the requirements of this Section. Additionally, where open space exists and plantings are required, plantings shall be provided unless in the opinion of the Landscape Administrator, the plantings are deemed impractical. The Landscape Administrator may waive the landscape requirements on a case-by-case basis if unique circumstances exist on the property that make application of these regulations unduly burdensome on the applicant. These regulations may be waived only if there will be no adverse impact on current or future development and will have no adverse impact on the public health, safety, and general welfare.

F. **Permits:** Prior to the issuance of a building, paving or construction permit for any development other than those in the PR, SF, 2F or MH Zoning Districts, a landscape plan prepared by a Registered Landscape Architect shall be submitted along with the applicable permit to the approving department for review. The Landscape Administrator may waive the requirement for the Registered Landscape Architect for projects involving enlarging or altering an existing development or sites under one (1) acre. Until the Landscape Administrator approves a landscape plan, no permits shall be issued for building, paving, or construction. Prior to the issuance of a Certificate of Occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

G. **Enforcement:** If at any time after the issuance of a Certificate of Occupancy or a business license, the installed landscaping or irrigation does not conform to the landscape requirements at

the time of building permit issuance, the City will issue notice to the property owner, tenant or agent, stating the violation and describing the action required to comply with this section. If the landscaping is not installed or replaced as directed, the property owner, tenant, or agent shall be in violation of this Section.

H. **Security:** Landscaping should not impede natural surveillance of property or create blind spots or hiding spots. The basic concepts of Crime Prevention Through Environmental Design (CPTED) should be used when laying out a site or planning for trees, shrubs, lighting, and fencing. The Landscape Administrator may consider alternatives to landscape plantings and plant locations when security issues are presented.

I. **General Standards:** The following criteria and standards shall apply to all landscaping, landscape materials, and installation, whether intended for residential or non-residential development:

1. Development should be sensitive to its natural surroundings. The natural contours should be followed to the greatest extent possible to minimize grading. Graded slopes should be rounded and contoured to blend with the terrain.

2. Develop attractive landscaping by incorporating the following criteria:

   a. Reduce clutter of little plants and disorganized planting.

   b. Establish patterns/spacing of trees to provide a visual rhythm, linear edge, and organization.

   c. Use a limited range of tree species to provide a unified image and cohesive character for comprehensive developments.

   d. Use specialty-landscaping themes to help distinguish special areas/developments.

   e. Use landscaping selectively to soften harsh appearance of some buildings and parking lots at sidewalks edge.

3. No parking or equipment is permitted in any buffer yard, street landscape setback or any landscaped medians, islands or areas. Decorative fences and walls may be considered as part of the landscaping if coordinated as part of the overall landscape plan as long as they do not overtake the plantings.

4. Signs and sidewalks are permitted in buffer yards, street landscape setback and landscape medians, islands or areas in compliance with all other aspects of the Zoning Ordinance. Landscaping shall be situated to prevent interference with signage; likewise ground or monument signage shall be incorporated into the landscape design to ensure compatibility.

5. No portion of the required landscape setback shall be located within the street right-of-way.

6. Non-living landscaping materials such as wood chips and mulch should be used in, around, and under trees, shrubs, and other plants. Rock, crushed granite and gravel may be considered landscape materials if approved by the Landscape Administrator as part of a comprehensive design theme, meeting aesthetics and functional criteria.

7. Curbing or other protective devices or barriers shall be installed to protect landscape buffer strips and street landscape setbacks from vehicular encroachment. In order to accommodate drainage, curbing does not have to be continuous. No automobile or other type of vehicle shall be driven on any landscape buffer strip or street landscape setback

8. Landscaped medians or islands with raised curbs shall be used to define parking lot entrances; the ends of all parking aisles; the location and pattern of primary internal access driveways; and to provide pedestrian refuge areas and walkways.

9. Plant materials shall conform to the standards of the Recommended Plant List in Sub-section 7300.BB.

10. During the months of June through August, only containerized trees may be planted, unless the Landscape Administrator authorizes an alternative.

11. Required trees are encouraged to be placed along the south and west sides of any residential property to increase energy efficiency.

12. Grass seed, sod and other materials shall be clean and reasonably free of weeds and noxious pests and insects.

13. Ground shall be prepared in a manner consistent with accepted planting procedures prior to the installation of sod, grass seed or other materials.

14. In all zoning districts except the PR, SF, 2F and MH Zoning Districts, plastic, rubber or non-durable edging shall be prohibited. Concrete, metal and other durable edging shall be provided between planting beds and other landscaped areas.

15. Ornamental trees shall have three trunks or canes with a minimum caliper of one (1) inch as measured six (6) inches above grade at time of planting.

16. Ornamental trees shall have a minimum crown spread of fifteen (15) feet at maturity. Ornamental trees having a mature crown spread of less than fifteen (15) feet may be substituted by grouping the trees to create the equivalent crown spread of fifteen (15) feet.

17. Canopy trees shall be a minimum caliper of three and one half (3.5) inches as measured six (6) inches above grade and seven (7) feet in height at time of planting.

18. Canopy trees shall have a minimum crown spread of twenty-five (25) feet at maturity.

19. Non-dwarf variety shrubs shall be a minimum of three (3) feet in height measured above grade at time of planting. Dwarf variety shrubs shall be a minimum of two (2) feet in height measured above grade at time of planting.

20. Hedges required by this section shall be planted and maintained to form a continuous, unbroken, solid visual screen of three (3) feet in height measured above grade within eighteen (18) months of planting. The design of the plantings may meander or curve within the required landscape setback or buffer yard.

21. Landscaping, except required grass and low ground cover, shall not be located closer than two (2) feet from the edge of any parking space.

22. Evergreen vines not intended as ground cover shall be a minimum of two (2) feet in height measured above grade at time of planting.

23. Grass areas shall be sodded, plugged, sprigged, hydro-mulched, or seeded, except that solid sod shall be used on slopes and in swales or when necessary to prevent erosion. Grass areas shall be established with complete coverage within a six-month (6) period from planting, and shall be re-established, if necessary, to ensure grass coverage of all areas.

24. Grass or ground cover planted in the street landscape setback shall extend to the street pavement or curb.

25. Ground cover used in-lieu-of grass shall be planted in such a manner as to present a finished appearance and reasonable completed coverage within one (1) year of planting.

26. All landscaped areas shall be irrigated in accordance with the requirements of this section. Natural areas or areas identified as "no disturbance zones" need not be irrigated.

27. Earthen berms with small vertical differentials may have side slopes not to exceed three-to-one (3 feet of horizontal distance for each 1 foot of height). Earthen berms with larger vertical differentials shall be coordinated with the City Engineer for appropriate slope criteria. All berms shall contain necessary drainage provisions and be approved by the City Engineer.

28. The City has final approval for the placement of all trees. With the exception of street trees, trees shall be planted as far away from public utility lines as possible while still within the required landscape area, unless approved by the Landscape Administrator and City Engineer. If approved, alternative-planting methods, such as the use of root barriers, may be required.

29. Where overhead utilities exist or are planned, ornamental trees may be required instead of large canopy trees, at a replacement density of three ornamental trees for each canopy tree. No tree which has a mature height of twenty-five (25) feet or greater shall be planted beneath an existing or proposed overhead utility line.

30. Landscaping may be situated on or within a public utility or drainage easement provided that the plantings or improvements shall first be approved by city staff before installation, and that any public utility, including the city, shall have the right to remove and keep removed all or part of any plantings or improvements which may endanger or interfere with its respective systems within said easement and shall not be liable for damages or replacement of such growths or improvements.

31. For mature trees overhanging or adjacent to streets, fire lanes or other access ways, a minimum fourteen (14) foot vertical clearance shall be maintained.

32. For mature trees overhanging or adjacent to walkways and paths, a minimum nine (9) foot vertical clearance shall be maintained.

33. The property owner shall be responsible for mowing and maintenance of berms.

34. All landscaping shall be maintained in a healthy and live-growing condition at all times. The following Landscaping Maintenance Note shall be placed on each landscape plan: "***Landscaping Maintenance:*** *The property owner, tenant or agent, shall be responsible for*

the maintenance of all required landscaping in a healthy, neat, orderly and live-growing condition at all times. This shall include mowing, edging, pruning, fertilizing, irrigation, weeding, and other such activities common to the maintenance of landscaping. Landscaped areas shall be kept free of trash, litter, weeds and other such materials not a part of the landscaping. Plant materials that die shall be replaced with plant materials of similar variety and size."

35. Obstruction Prohibited: No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed as any fence, wall hedge, shrubbery, etc., higher than thirty-six inches (36") above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven feet (7') above ground level.

36. Visibility Triangle Required: No fence, screen wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street or driveway intersection. At all street or driveway intersections clear visibility shall be maintained across the lot for a proper distance along both streets or driveways as required by the Mansfield Roadway and Access Management Design Criteria.

J. **Xeriscaping:** The use of xeriscaping is intended to promote prudent use of the City's water resources and reduce the need for additional water system infrastructure and to help ensure viability of required plantings during periods of drought. All landscaping shall comply, where feasible, with the following requirements designed to reduce water usage.

1. Required plant materials shall be selected from those identified as native plants, and those that have been adapted to the local climate and conditions. Native plants and planting practices are identified through the "Texas SmartScape" program (a program developed through the North Central Texas Council of Governments {NCTCOG} Regional Storm Water Management Program). Texas SmartScape is an interactive multimedia tool on compact disk that can be used to select native and adapted plants for North Texas. The CD is available from the NCTCOG or the information may be downloaded from the NCTCOG Storm Water web site at www.dfwstormwater.com.

2. Where specific conditions reduce the likelihood that these plant materials will survive, other plants may be substituted with approval of the Landscape Administrator.

3. Plants not recommended in the "Texas SmartScape" program may be substituted with the approval of the Landscape Administrator. The applicant may be required to provide substantiation as to the hardiness, adaptability and water demands of the plant when used.

4. For maximum reduction in water usage, xeriscape plants should not be interspersed in plant massings with plants requiring higher water usage. Applicants should design irrigation systems and watering schedules that supply the appropriate amount of water, without over-watering.

5. Permeable pavement in low-traffic areas or overflow parking may be approved by the Landscape Administrator and by the City Engineer where conditions are favorable to filter storm water and reduce run-off. Adequate strength of the permeable pavement must be proven by the applicant to ensure pavement life.

K. Irrigation:

1. All development shall be irrigated by an underground automatic system that may include a drip irrigation system. This system shall adhere to the manufacturers' specifications and the rules and regulations established by the City of Mansfield's Landscape Irrigation Ordinance and by Texas Commission on Environmental Quality (TCEQ) or successor agency.

2. An irrigation system must be designed by an irrigator licensed by the State of Texas.

3. All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined by the Landscape Irrigation Ordinance.

4. Development in the PR, SF, 2F and MH zoning districts in which the first plat was approved on or before November 12, 2012, shall be exempt from the requirements of this Subsection K.

L. Pedestrian Mobility: Walkways and paths shall be incorporated into site and landscape designs to provide for pedestrian mobility.

1. In the OP, C-1, C-2 and C-3 zoning districts and the I-1 and I-2 zoning districts within the Freeway Overlay District, internal pedestrian walkways shall be provided where multiple buildings are developed in a comprehensive development..

2. At a minimum, walkways shall connect to focal points of pedestrian activity including, but not limited to, street crossings, buildings and store entry points, and shall feature adjoining landscaped areas that include trees, shrubs, benches, flower beds, ground covers or other such materials. The walkways may be intersected by vehicular drives.

3. Additionally, internal pedestrian walkways, not less than six (6) feet in width, shall be provided along the full length of the building, along any façade featuring a customer entrance. Other walkways to bring customers from parking areas to the customer entrance should be provided.

4. Internal pedestrian walkways shall maintain a minimum unobstructed width of three (3) feet, unless specified otherwise.

5. The portion of an internal pedestrian walkway immediately adjacent to the customer entrance of a building, individual suite or tenant space shall be protected from weather by architectural features such as awnings or arcades.

6. Some internal pedestrian walkways shall be distinguished from driving surfaces using durable, low maintenance materials such as pavers, bricks, colored or scored concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. Pavement strength must be at least equal to the adjacent pavement.

7. Pathways intended for joint pedestrian and bicycle use should have a minimum pathway width of ten (10) feet.

8. Not withstanding the above, churches, schools and government facilities shall provide internal pedestrian walkways appropriate to their traffic circulation patterns (i.e. pick up and drop off areas); where they connect to neighborhoods and as needed for multiple ingress and egress points to their type of land use.

9. In the design and construction of all walkways and paths, the Americans with Disabilities Act (ADA) Guidelines shall be followed.

M. **Central features and community spaces:** Each retail, service, office and industrial establishment in the OP, C-1, C-2, and C-3 zoning districts and the I-1 and I-2 zoning districts within the Freeway Overlay District shall contribute to the establishment or enhancement of community and public spaces.

1. Retail or service developments with less than ten thousand (10,000) square feet of building area and office or industrial developments shall provide at least one of the following central features and community spaces: patio/seating area, xeriscaping, pedestrian plaza with benches, window shopping walkway (covered or partially covered), outdoor playground area, water feature, clock or bell tower, or other such deliberately shaped area, a focal feature or amenity that, in the judgment of the Director of Planning, adequately establishes or enhances a community and public space.

2. Retail or service developments of ten thousand (10,000) square feet or greater building area shall provide at least two of the central features and community spaces mentioned above.

3. Each area, focal feature, or amenity shall be sized appropriately to fit the design, activity, occupants and population of the development.

4. These areas, focal features, or amenities shall have direct access to the internal pedestrian walkways and shall not be constructed of materials that are inferior to the principal materials of the building and landscape.

5. When approving central features and community spaces, the Director of Planning, may allow sharing of features or spaces based on a comprehensively planned retail or service development when the size and location of the features and spaces are deemed appropriate in his judgment.

N. **Application Procedure:** A landscape plan shall accompany an application for a building, paving, or construction permit and shall be submitted to the appropriate department for review in accordance with the specified submittal requirements. The landscape plan shall provide the following information:

1. Appropriate title and page numbers;

2. Title block to include the street address, lot and block numbers, subdivision name, city, state and date of preparation;

3. Name and address of property owner;

4. Name and address of person preparing plan with proof of qualifications;

5. Written and graphic scale at a minimum of 1” = 40’ or greater;

6. North arrow;

7. Boundaries of the area covered by the landscape plan with dimensions;

8. Location and size of existing or proposed public or private streets or alleys;

9. Location of existing or proposed structures, pavement, walkways, and driveways;

10. Location of existing or proposed easements;

11. Location of existing or proposed drainage ways, and significant natural features;

12. The width of all required or proposed landscape buffer yards shown and labeled;

13. The width of all required or proposed landscape setbacks shown and labeled;

14. The size and type of all screening, included construction details, shown and labeled;

15. Location, size and species of all trees to be preserved with protection measures identified on plans;

16. Location, quantity, size and name of all proposed landscape features, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of the site and any other proposed feature;

17. Maintenance note, see Sub-Section 7300.F.34.

18. Enhanced pavement proposed labeled;

19. Berms delineated with one (1) foot contour intervals.

20. Irrigation sleeves on the landscape, irrigation, paving and site plans.

21. Parking calculations to determine the number of trees required in the parking areas.

22. Landscape calculations to explain how the numbers and types of plants were determined.

23. Any other pertinent information deemed necessary by the Landscape Administrator or City Engineer.

24. Plant list shown in a similar format as shown in “Section 7300-DD: Typical Plant Material List”.

O. **Buffer Yard and Screening:** All developments, except those in the C-4, Downtown Business District, are required to provide buffer yards and screening in accordance with the provisions of this subsection.

1. Buffer Yard: A buffer yard is a strip of land, together with a specified amount of planting and any structures that may be required between land uses to eliminate or minimize conflict between the uses.

2. Buffer yards shall be located within and along the outer perimeter of a lot or boundary line and entirely on private property. No part of any screening device shall be located in public right-of-way.

3. Only those structures used for buffering and /or screening purposes shall be located within a buffer yard. The buffer yard shall not include any paved area, except for pedestrian sidewalks or paths or vehicular drives that may intersect the buffer yard and which shall be the minimum width necessary to provide pedestrian or vehicular access.

4. The Landscape Administrator in cooperation with the City Engineer may allow an alternative type, location or configuration of buffer yard or screening wall or device to avoid potential interference with public utilities or flood water conveyance. The alternative recommendation shall meet the intent of this section to screen or buffer uses. Wood fencing or chain link fencing are not permitted alternatives. Preservation of existing natural areas and vegetation may be considered as alternatives to separate incompatible land uses.

5. Trees, shrubs, and ground cover shall be planted in the buffer yard by the developer or owner of the developing property according to the type of buffer yard required.

6. In order to determine the type of buffer yard and screening required, the developer must know the zoning and proposed use of his property and the zoning and existing use of any adjacent properties. The developer must first find either the zoning or proposed use of the property being developed in the first column of the table below, then look for the zoning or existing use of any adjacent property in the top row of the table. The types of required buffer yards and required screening are listed horizontally across from the proposed use or zoning of the property being developed and under the corresponding column heading depicting the zoning or existing use of the adjacent properties.

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7. Types of Required Buffer Yards and Screening:

	SF, 2F, PR w/Res	MF, Townhouse	OP, C-1, C-2	C-3, I-1, I-2	Existing Church, School, or City Use	Vacant PR	MH
SF, 2F, PR w/Res	NA	NA	NA	NA	NA	NA	NA
	NA	NA	SW8**	SW8**	WF6	NA	NA
MF, Townhouse	BY50	BY10	BY10	BY10	BY10	BY50	BY10
	SW6	NA	SW6**	SW6**	SW6	NA	SD6
OP, C-1, C-2	BY20	BY10	BY10*	BY10*	BY10	BY20	BY10
	SW8	SW6	NA	NA	SW6	NA	SW6
C-3, I-1, I-2	BY30	BY10	BY10*	BY10*	BY10	BY30	BY10
	SW8	SW6	NA	NA	SW6	NA	SW6
Church, School, or City Use	BY10	BY10	BY10	BY10	BY10	BY10	BY10
	SD6	SD6	NA	NA	NA	NA	NA
MH	BY20	BY10	BY10	BY10	BY10	BY20	BY10
	SD6	SD6	SW6**	SW6**	SD6	SD6	SD6

* Tree plantings are reduced by 50%. When plantings are reduced, trees must be staggered between properties.

** Not applicable if adjacent property is vacant.

PR w/Res means a lot or tract that is zoned PR and occupied by a residential use.

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8. BY10: Minimum 10 (10) foot wide buffer yard with one tree planted for every twenty-five (25) linear feet or portion of said landscape buffer strip.

9. BY20: Minimum twenty (20) foot wide buffer yard with one tree planted for every twenty-five (25) linear feet or portion of said landscape buffer strip.

10. BY30: Minimum thirty (30) foot wide buffer yard with one tree planted for every twenty-five (25) linear feet or portion of said landscape buffer strip

11. BY50: Minimum fifty (50) foot wide buffer yard with a double row of plantings. One row shall contain deciduous canopy trees placed at one (1) tee per fifty (50) linear feet. A second row shall contain evergreen canopy trees placed at one (1) tree per fifty (50) linear feet..

12. Buffer yards are not required within the same multi-family residential, town home or manufactured home subdivision on separately platted lots.

13. Where the adjacent property is in a Planned Development District, the required buffer yard and screening shall be determined by the uses permitted in the Planned Development District that abut the property being developed.

14. When a lot line is adjacent to two zoning districts, the required buffer yard shall comply with the more restrictive requirement.

15. Existing manufactured home rental communities or subdivisions are exempt from the buffer yard requirements.

16. For developments in the I-1 and I-2 zoning districts, which are not abutting any properties in a residential zoning classification or a PR zoning classification that is occupied by a residential use, the required buffer yard may be waived in lieu of a designated landscaped area of at least ten (10) percent of the total lot area. This landscaped area shall contain additional plant materials to enhance customer walkways, building fronts, outdoor seating areas or other similar areas preferably in front of or to the side of buildings or in parking areas.

17. When a shared drive or building is situated along or over a common property line, the Landscape Administrator may allow a substitute of either

    a. a drive aisle median strip adjacent to the shared drive as described later in this section; or

    b. require a landscape area with the equivalent square footage and trees as in the required buffer yard to be placed anywhere else on the site in addition to all the other required landscaping.

18. A seven and one-half (7-1/2) foot screening wall construction and maintenance easement shall be provided by the developer of any residential development submitted after the approval date of this ordinance that abuts non-residential zoning in order to facilitate the construction and perpetual maintenance of the masonry screening wall that is required on the non-residential property under the provisions of this Ordinance.

19. SW6: Minimum six (6) and maximum eight (8) foot tall screening wall.

20. SW8: Eight (8) foot tall screening wall.

21. The SW6 and SW8 screening walls required in this section shall be constructed of the following materials:

    a. Brick, stone or split-face concrete masonry unit;

    b. Pre-cast concrete wall or pour in place concrete wall with a similar appearance as brick, stone or split-face concrete masonry unit;

22. SD6: Minimum six (6) foot and maximum of eight (8) foot screening device.

23. The SD6 screening devise required in this section shall be constructed of the following materials.

    a. Wood – Cedar or redwood only;

    b. Masonry – Brick, stone, decorative or split-face block only;

    c. Pre-cast concrete wall or pour-in-place concrete walls with a similar appearance as wood or masonry;

    d. Wrought iron or tubular steel provided that screening shrubs (able to screen up to six (6) feet in height within eighteen (18) months of planting) are placed adjacent to the fence on private property;

    e. Combination of two or more of the above construction materials; or

    f. Other alternate construction materials provided that the Planning and Zoning Commission explicitly authorize them.

24. Notwithstanding the above, the school district may use chain link fencing with slats that provide ninety (90%) percent opaqueness.

25. Construction Design of the screening wall and device shall be in accordance with the following:

    a. Screening device shall be constructed with cedar or redwood panels and supported by horizontal rails of the same materials. Galvanized steel posts with concrete footings shall be placed at intervals of no longer than eight (8) feet on center. The galvanized steel posts shall be a minimum15 to 18 gage and minimum 2-3/8" in diameter. There shall be at least three (3) horizontal rails for a six (6) foot high fence and four (4) horizontal rails for an eight (8) foot high fence. A hole with a minimum diameter of ten (10) inches and a minimum depth of twenty-four (24) inches shall be required for the concrete footings.

    b. The side of a screening device with horizontal rails and posts shall not face the adjacent property or street along the perimeter of the development.

    c. When a screening wall is built in phases for a development, the color, height, style and exterior finish for all phases shall be as closely similar as possible, and shall, in no case, be incompatible. The screening wall shall be equally finished on both sides.

d. All screening walls required by this section shall be constructed of materials with earth tone colors or traditional masonry colors. Screening walls with nontraditional masonry colors shall be prohibited.

e. Smooth-face concrete masonry units (i.e. haydite blocks) shall not be permitted as construction material for screening.

f. The screening wall or device shall be designed and constructed to prevent any drainage or erosion problems.

g. A metal "L" or similar support bracket shall be situated under the bottom row of brick or stone of the screening wall.

h. The height of a screening wall or device shall be measured from the ground level at the bottom of the wall or device. However, a screening wall or device erected on top of a retaining wall or structure shall not exceed six feet (6) in height as measured from the bottom of the screening wall or device to the top thereof.

i. Designs for the SW6 and SW8 shall be prepared and sealed by a professional architect or engineer and designed in accordance with the City of Mansfield Building Code.

26. The owner of the property with the required screening shall be responsible for the maintenance of the screening in a structurally sound condition. This provision does not relieve abutting property owner of liability for damage caused by such owner or his employees, agents, or contractors.

P. Street Landscape Setback:

1. When any townhouse is constructed on a lot in a MF-1 or MF-2 District, a twenty-five (25) foot wide landscape setback shall be provided along the entire boundary of the lot that abuts a public street. The setback shall not include any paved area, except for pedestrian walkways or paths or vehicular drives that may intersect the setback and which shall be the minimum width necessary to provide pedestrian or vehicular access.

2. When any apartment or multiple family dwelling other than townhouse is constructed on a lot in a MF-1 or MF-2 District, a fifty (50) foot wide landscape setback shall be provided along the entire boundary of the lot that abuts a public street. The setback shall not include any paved area, except for pedestrian walkways or paths or vehicular drives that may intersect the landscape setback and which shall be the minimum width necessary to provide pedestrian or vehicular access. Other building setbacks may also apply; refer to Table 4500B.

3. When any land use is established on a lot in the OP, C-1, C-2, C-3, I-1 and I-2 Zoning Districts, a twenty (20) foot wide landscape setback shall be provided along the entire boundary of the lot that abuts a public street, exclusive of driveways and access ways at points of ingress and egress to and from the lot.

4. When a church, school or other facility owned or operated by a government entity is established on a lot in a PR or residential zoning district, a twenty (20) foot wide landscape setback shall be provided along the entire boundary of the lot that abuts a public street, exclusive of driveways and access ways at points of ingress and egress to and from the lot.

5. Within the required landscape setback, one (1) canopy tree shall be provided for each forty (40) feet or portion thereof, except that for any apartment or multiple family dwelling other than townhouse, one (1) canopy tree and one (1) ornamental tree shall be provided for each forty (40) feet or portion thereof.

6. Trees within the landscape setback may be clustered, however no spacing shall be greater than fifty (50) feet.

Q. Parking Lot Perimeter Landscaping:

1. In the MF-1, MF-2, OP, C-1, C-2, C-3, I-1 and I-2 Zoning Districts and all non-residential development such as churches, schools and public facilities in any zoning district, all parking lot, vehicular use and maneuvering areas that are not screened by on-site buildings shall be screened from view of public streets in accordance with the following requirements:

   a. The screening shall be a minimum height of three (3) feet, at maturity, (in case of plants) above the grade of the parking lot, vehicle use and/or maneuvering areas.

   b. The screening shall consist of one or a combination of the following:
      1. Screening shrubs, and/or
      2. Sodded berms

   c. The screening may occur within the street landscape setback.

   d. Wheel stops shall be provided for parking spaces adjacent to the screening to prohibit any vehicle from overhanging the planting area.

R. Parking Lot Internal Landscaping: Any parking lot that contains ten (10) or more parking spaces shall provide internal landscaping except as prescribed hereinbelow.

1. A ratio of one canopy tree for every ten (10) parking spaces shall be provided throughout any surface parking lot.

2. Planting areas for trees within the parking rows of a surface parking lot shall be achieved by one or both of the following:

   a. A continuous landscaped median strip, at least six (6) feet wide (back-of-curb to back-of-curb) between rows of parking spaces. Trees shall be placed at intervals no greater than forty (40) feet apart or fraction thereof.

   b. Landscape islands, at least the minimum size of a regular parking space of nine by eighteen feet (9’ X 18’) or one hundred sixty-two (162) square feet. No more than fifteen (15) contiguous spaces shall be located together without a tree-island.

3. Parking lots that are designed with planted or raised landscape islands shall design the islands so as not to interfere with the opening of car doors in adjacent spaces.

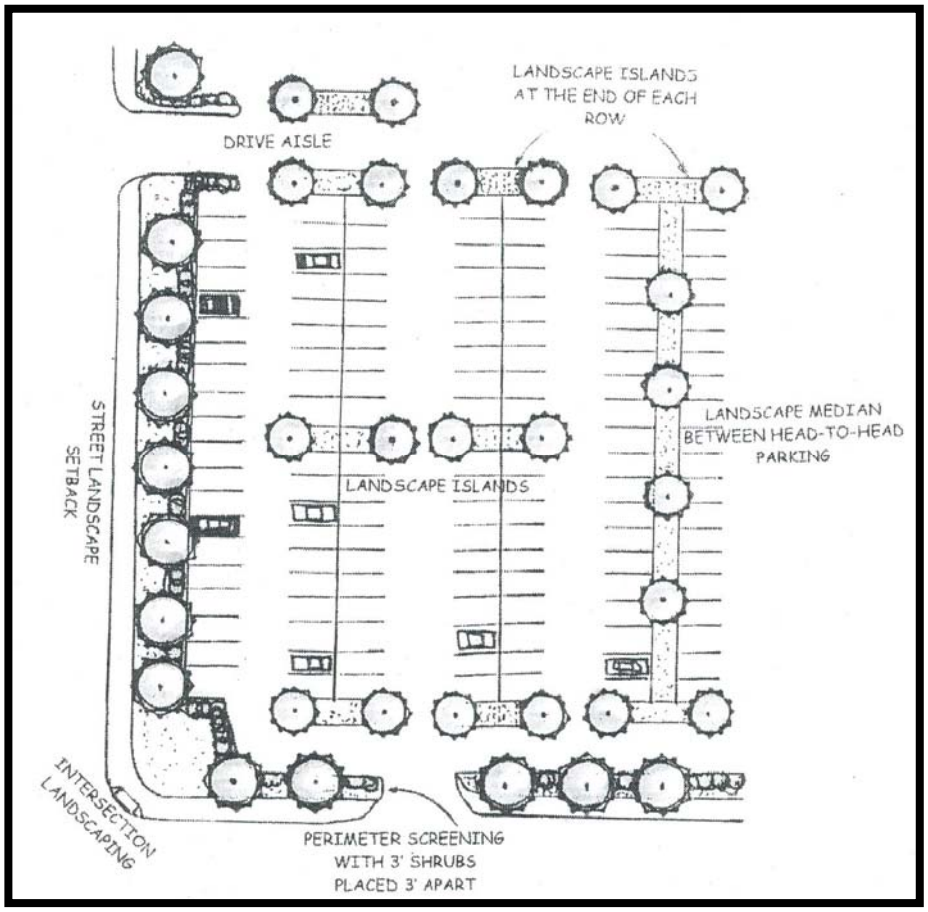
4. Every required landscape island must include one (1) canopy tree.

5. Notwithstanding the above, parking lots for a church, school, government facility and uses in the C-4, Downtown Business District shall provide internal landscaping only

when such parking lots contain twenty (20) or more parking spaces and only at a ratio of one canopy tree for every twenty (20) parking spaces.

S. **Parking End Caps**: One (1) landscape island shall be located at the terminus of each row of parking and shall contain one (1) tree. Rows with head-to-head parking arrangements shall have two (2) islands and two (2) trees. Refer to the graphic below.

T. **Drive Aisles into Non-residential Developments:** A landscape median strip with a minimum width of six (6) feet (back-of-curb to back-of-curb) shall be incorporated in the parking lot design to separate the parking area and the drive aisle with direct connection to the street. One (1) tree shall be planted for every forty (40) linear feet or fraction thereof.



U. Foundation Area and Ground Equipment Landscaping:

1. In the OP, C-1, C-2, and C-3 Zoning Districts; and the I-1 and I-2 Zoning Districts within the Freeway Overlay District; and all non-residential development such as churches, schools and public facilities in any zoning district, a minimum four (4) foot wide landscape area is required adjacent to or within ten (10) feet of all building facades with customer entrances and building facades facing a public street, (exclusive of driveways, access walks, and service and delivery areas).

2. Planting should emphasize softening large expanses of building walls, accenting building entrances and architectural features, and screening mechanical equipment and shall include a variety of grass, ground cover, plants, flower beds, shrubs, and trees.

3. Where extended roofs or canopies are used to provide a covered walkway adjacent to a building, foundation plantings are not required under the extended roofs or canopies. However, landscaping is recommended to separate vehicular areas from building.

4. Plantings shall be situated around, along or adjacent to the low wing walls or screening walls required in Sections 7301.A.2 and 7301.B.

V. Drive-through windows: Where drive-through lanes are situated parallel to a public street, a landscape median with a minimum width of three (3) feet (from back of curb to back of curb) shall be situated adjacent to and parallel with the drive-through stacking lanes that are visible from the adjacent public streets. Each median shall be planted with a minimum of five (5) gallon shrubs placed at three (3) feet on center to create a minimum three (3) foot high screening hedge. The screening is intended to visually screen cars stacked in drive-through stacking lanes waiting for service as well as menu boards and reduce noise from outdoor speakers associated with drive-through windows. Where multiple drive-through stacking lanes are provided, the screening shall be placed adjacent to the outer most lane.

W. **Detention/Retention Ponds:**

1. Detention and retention ponds, or other holding areas that are part of a storm/surface water system, shall be enhanced as an amenity of the development.

2. When not designed as an integral part of a landscape plan or featured as an amenity (i.e., water features in a wet bottom basin or recreation/open space in a dry bottom basin) all detention ponds, retention ponds, or other similar holding areas shall be screened from view from any existing or future public street and from adjoining property. Screening may be accomplished using landscape materials that compliment the overall design of the site or screening walls or devices that match the predominant building materials used on the adjacent buildings or landscaping. When screening walls or devices are used, provisions should be made for safety, access and maintenance of any pond areas

3. The development of any storm/surface water system shall be in accordance with all applicable design criteria established by the Public Works Department.

X. Street Intersection landscape areas: For all development in the OP, C-1, C-2, and C-3 Zoning Districts; and the I-1 and I-2 Zoning Districts in the Freeway Overlay District; and all MF zoning Districts, where parcels are located at the intersection of two (2) streets where at least one street has a right-of-way width of sixty (60) feet or larger as shown on the City's most recent Thoroughfare Plan, a thirty (30) foot landscape setback shall be provided parallel to the minimum visibility triangle required by the Mansfield Roadway and Access Management Criteria. No landscaping shall interfere with any visibility triangles.

Y. Other landscape areas: For all development in the OP, C-1, C-2, and C-3 Zoning Districts and the I-1 and I-2 Zoning Districts in the Freeway Overlay District, a minimum of ten (10%) percent of each lot shall be devoted to living landscaping which shall include grass, ground cover, plants, flower beds, shrubs and trees. Required street landscape setbacks, intersection landscaping, foundation landscaping and landscape buffer yards may be included in this calculation. Parking lot internal and perimeter landscaping shall not be included in the calculations unless an area exceeds the minimum requirement of this Section, then the additional area may be included.

Z. Residential Tree Requirements:

1. Every lot in a PR and SF Zoning District shall provide a minimum number of canopy trees per lot as follows:

    a. For lots containing 9,600 square feet or less, provide three (3) canopy trees. At least two (2) trees shall be placed in the front yard.

    b. For lots containing 9,601 square feet or greater, provide four (4) canopy trees. At least two (2) trees shall be placed in the front yard.

2. Every dwelling unit in the 2F District shall provide a minimum of two (2) canopy trees per unit. At least one (1) tree shall be placed in the front yard of each dwelling unit.

3. All required trees shall be planted prior to approval of final inspection or occupancy of the applicable dwelling unit.

AA. Residential Foundation Plantings:

1. In the PR, SF and 2F Zoning Districts and any town house development, shrubs shall be planted along a minimum of fifty (50) percent of the length of the foundation of a dwelling unit for any part of the foundation that faces a street. This does not include any part of a foundation that is not visible from the street after fencing.

2. In the MF-1 and MF-2 Zoning Districts, a single row of shrubs is required along the entire façade of each multi-family residential or accessory building, excluding access driveways or pedestrian ways.

3. In MF-1 and MF-2 Zoning Districts, evergreen shrubs shall be planted around HVAC units, meters, transformers, and other utility units; trash containers, refuse or recycling storage facilities; pool equipment, or service areas, as well as around and adjacent to the screening walls required by Section 7301. Openings or access to the equipment shall not be obstructed. The height of the shrubs required herein shall not be less than the height of the meters being screened.

4. Unless specified otherwise, the above screening shrubs shall be a minimum of two (2) feet in height at the time of planting and not of a dwarf variety.

BB. Residential lawn requirements:

1. In the PR, SF and 2F Zoning Districts the front, side and rear yards adjacent to the house, that is outside of any rear yard fencing shall be planted with grass or ground cover, exclusive of driveways, sidewalks, flower beds, gardens, etc. prior to final inspection. Regardless of the zoning district, for lots over twenty thousand (20,000) square feet, the area around the house extending twenty-five (25) feet from the pad, shall be planted with grass or ground cover, exclusive of driveways, sidewalks, flower beds, gardens, etc. prior to final inspection.

2. In the MF District, all lawns shall be sodded or planted in ground cover, exclusive of driveways, sidewalks, flowerbeds, gardens, etc. prior to final inspection.

3. All residential lawns and landscaping shall be irrigated with an underground irrigation system as specified in Section 7300.K. of this Ordinance. On large area lots, the area of irrigation may be limited to 12,000 square feet.

CC. Preservation Credits:

1. The following preservation credits shall be considered when developing around existing quality trees.

2. Quality trees preserved on a site meeting the herein specifications may be credited toward meeting the tree requirement of any landscaping provision of this section for that area within which they are located, according to the following table:

Diameter (DBH) of Existing Tree	Credit against Tree Requirement
6" to 8"	2 trees
9" to 15"	3 trees
16” to 30”	4 trees
31" to 46"	5 trees
47" or more	8 trees

3. For purposes of this section, the Diameter at Breast Height (DBH) dimension shall be measured at four and one-half (4-1/2) feet above the ground, and shall be rounded to the nearest whole number.

4. Existing trees, not on the approved tree list, may receive credit if authorized by the Landscape Administrator.

5. Credit will be revoked where trees intended for preservation credits are damaged due to, among other things, construction, broken branches, and soil compaction or soil cut/fill.

6. In order to receive credit for existing trees in a parking area, the island or area around the trunk of the tree must be enlarged and sized properly to ensure the best scenario for survival.

7. Prior to any construction or land development, the developer shall clearly mark all trees to be preserved. Protective barriers shall be installed and maintained throughout the development process. The developer shall not allow the movement of heavy equipment or the storage of equipment, materials, debris, or fill to be placed within the drip line of any trees. This is not intended to prohibit the normal construction required within parking lots.

8. During construction, the developer shall not allow cleaning of equipment or material under the canopy of any existing tree or group of trees. There shall be no disposal of any waste material such as, but not limited to, paint, oil, solvents, asphalt, concrete, mortar, etc., under the canopy of any existing tree or group of trees.

9. No attachment or wires of any kind, other than those of a protective nature, shall be attached to any tree.

10. If any tree that was preserved and used as a credit toward landscaping requirements is later removed for any reason, it shall be replaced by the number of trees for which it was originally credited. Replacement trees shall have a minimum trunk caliper of three (3) inches.

DD. **Prohibited Plant List:** The Plants listed below shall not be used to fulfill the planting requirements of this Ordinance.

Trees

Arizona Ash	*Fraxinus velutina "Arizonia"*
Bois D'arc	*Maclura pomifera*
Cottonwood	*Populus deltoides*
Siberian Elm	*Ulmus pumila*
Silver Maple	*Acer saccharinum*
Mimosa	*Albizzia julibrissen*
Mulberry	*Morus alba*
Lombardy Poplar	*Populus nigra italica*
Chinese Tallow	*Sapium sebiferum*
Arborvitae	*Thuja accidentalis*
Willow	all species

Shrubs

Euonymus	*Euonymus japonicus*
Ligustrum	*Ligustrum japonicum*
Pittosporum	*Pittosporum tobbira*
Loquat	*Eriobotrya japonica*
Oleander	*Nerium oleander*

EE. **Recommended Plant List:** All plants used to satisfy this ordinance shall be of a species common or adaptable to this area of Texas. The following is a list of recommended plants. Plant material not on this list must be approved by the Landscape Administrator before installation.

Canopy-type Trees

American Elm	*Ulmus americana*
Bald Cypress	*Taxodium distichum**
Black Hickory	*Carya texana*
Black Oak	*Quercus velutina*
Black Walnut	*Juglans nigra*
Blackjack Oak	*Quercus marilandica*
Bur Oak	*Quercus macrocarpa*
Cedar Elm	*Ulmus crassifolia**
Chinese Pistache	*Pistacia chinensis*
Chinquapin Oak	*Quercus muehlenbergi**
Dawn Redwood	*Metasequoia glyptostroboides*
Durand Oak	*Quercus sinuata var. sinuata**
Eastern Red Cedar	*Juniperus virginiana*
Big Tooth Maple	*Acer grandidentatum**
Gingko	*Ginko biloba**
Green Ash	*Fraxinus pennsylvanica*
Gum Bumelia	*Bumelia lanuginosa*
Lacebark Elm	*Ulmus parvifolia**
Lacey Oak	*Quercus glaucoides*
Live Oak	*Quercus fusiformis**
Pecan	*Carya Illinoensis*
Post Oak	*Quercus stellata**
River Birch	*Betula nigra*

Rusty Blackhaw	*Viburnum rufidulum*
Sawtooth Oak	*Quercus accutisima**
Shumard Red Oak	*Quercus shumardi**
Southern Magnolia	*Magnolia grandiflora*
Sweet Gum	*Liquidambar styraciflua**
Green Ash	*Fraxinus pennsylvanica*
Texas Ash	*Fraxinus texensi*
Texas Oak	*Quercus texana*
Texas Walnut	*Juglans microcarpa*

*Recommended for Street Tree plantings.

Medium/Ornamental Trees

Afghan Pine	*Pinus eldarica*
Austrian Pine	*Pinus nigra*
Bigelow Oak	*Quercus sinuata*
Black Cherry	*Prunus serotina*
Carolina Buckthorn	*Rhamnus caroliniana*
Cherry Laurel	*Prunus caroliniana*
Crape Myrtle	*Lagerstroemia indica*
Deciduous Holly	*Ilex decidua*
Desert Willow	*Chilopsis linearis*
Eve's Necklace	*Sophora affinis*
Flowering Crabapple	*Malus hybrida*
Goldenrain Tree	*Koelreuteria paniculata*
Hercules Club	*Zanthoxylum dava-herculis*
Japanese Black Pine	*Pinus thunbergii*
Japanese Maple	*Acer palmatum*
Mexican Buckeye	*Ungnadia speciosa*
Mexican Plum	*Prunus mexicana*
Native Hawthorns	*Crataegus spp*. (Green, Cockspur, Downy, Reverchon and Littlehip)
Persimmon	*Diospyros virginiana*
Ponderosa Pine	*Pinus ponderosa*
Possumhaw Holly	*Ilex decidua*
Prairie Flame-leaf Sumac	*Rhus lanceobta*
Redbuds	*Cercis Spp.*
Rusty Blackhaw Viburnum	*Viburnum rufidulum*
Savannah Holly	*Ilex opaca 'Savannah'*
Shantung Maple	*Acer truncatum*
Slash Pine	*Pinus elliottii*
Southern Wax Myrtle	*Myrica cerifera*
Texas Buckeye	*Aesculus arguta*
Vitex	*Vitex agnus-castus*
Yaupon Holly	*Ilex vomitoria*

Shrubs

Dwarf Burford Holly	*Ilex burfordii 'nana'*
Dwarf Chinese Holly	*Ilex cornuta 'Rotunda'*
Dwarf Chinese Holly	*Ilex cornuta 'Rotunda'*

Dwarf Crape Myrtle	*Lagerstroemia indica*
Dwarf Wax Myrtle	*Myrica pusilla*
Dwarf Yaupon	*Ilex vomitoria 'Nana'*
Dwarf Yaupon	*Ilex vomitoria 'nana'*
Eleagnus	*Eleagnus ebbengii*
Flowering Quince	*Chanomeles 'Texas Scarlet'*
Forsythia	*Forsythia intermedia*
Foster Holly	*Ilex x attenuata 'Foster'*
Glossy Abelia	*Abelia grandiflora*
Japanese Barberry	*Berberis thunbergi*
Nandina	*Nandina Domestica*
Nellie R. Stevens Holly	*Ilex x 'Nellie R. Stevens'*
Pampas Grass	*Cordateria Selloana*
Photinia	*Photinia Fraseri*
Red Barberry	*Berberis thunbergii*
Red Yucca	*Hesperaloe parvifolia*
Sea Green Juniper	*Juniperus chinensis 'Sea Green'*
Sea Green Juniper	*Juniperus Chinensis 'Sea Green'*
Spiraea	*Spiraea spp.*
Spiraea	*Spiraea prunifolia*
Tam Juniper	*Juniperus sabina 'Tamariscifolia'*
Tam Juniper	*Juniperus sabina 'Tam'*
Texas Sage	*Leucophyllum frutescens*
Texas Sage	*Leucophyllum frutescens 'nana'*
Variegated Chinese Privet	*Ligustrum sinense 'Variegata'*

FF. **Landscape Plan Summary Charts:** These charts shall be completed with information and provided on every landscape plan submittal. They represent the minimum amount of information required. The charts may be amended from time to time, as needed, without revising the ordinance.

SUMMARY CHART - BUFFERYARDS/SETBACKS							
Location Of Buffer Yard or Setback	**Required/ Provided**	**Length**	**Bufferyard or Setback Width/Type**	**Canopy Trees**	**Ornamental Trees**	**Shrubs**	**Screening Wall/Device Height & Material**
North	**Required**						
	Provided						
East	**Required**						
	Provided						
South	**Required**						
	Provided						
West	**Required**						
	Provided						
***Note any credits used in calculations:** **a.**							
Other comments: **1.** **2.** **3.**							

SUMMARY CHART – INTERIOR LANDSCAPE						
	Landscape Area (in Sq Ft)	% of Landscape Area	Canopy Trees	Ornamental Trees	Shrubs	Ground Cover (in Sq Ft)
Required						
Provided						
***Note any credits used in calculations:** **a.**						
Other Comments: **1.** **2.** **3.**						

SUMMARY CHART – INTERIOR PARKING LOT LANDSCAPING	
# Of Required Parking Spaces	
# Of Provided Parking Spaces	
# of Tree Islands Provided	
***Note any credits used in calculations:** **a.**	
Other Comments: **1.** **2.**	

*EXISTING TREE CREDIT SUMMARY			
		Applied to	
		Canopy Trees	Understory Trees
_____	Trees @ 6" - 12" DBH	_____	_____
_____	Trees @ Greater than 12" DBH	_____	_____

GG. Typical Plant Material List Summary Charts:

QNTY	SYM	COMMON NAME	BOTANICAL NAME	SIZE	HT	NOTES
CANOPY TREES						
??	CE	Cedar Elm	*Ulmus crassifolia*	4” cal.		Single trunk
??	BO	Bur Oak	*Quercus macrocarpa*	4” cal.		Single trunk
??	LB	Lace Bark Elm	*Ulmus parvifolia*	4” cal.		Single trunk
??	ST	Sawtooth Oak	*Quercus accutisima*	4” cal.		Single trunk
??	BC	Bald Cypress	*Taxodium distichum*	4” cal.		Single trunk
ORNAMENTAL TREES						
??	AP	Austrian Pine	*Pinus nigra*	30 gal.	6’–8’	Full branch pattern
??	ST	Shantung Maple	*Acer truncatum*	30 gal.	8’-10’	
??	VT	Vitex	*Vitex agnus-castus*	B&B	6’-8’	
??	SH	Savannah Holly	*Ilex opeca*	15 gal.	8’-10’	
??	DH	Possumhaw Holly	*Ilex decidua*	B&B	6’-8’	
SHRUBS						
??	EL	Eleagnus	*Eleagnus ebbengii*	3 gal.		Plant 30” on center
??	NH	Nellie R. Stevens Holly	*Ilex x ‘Nellie R. Stevens’*	5 gal.		Plant 5’ on center
??	TS	Texas Sage	*Leucophyllum frutescens*	5 gal.		Plant 3’ on center
??	RY	Red Yucca	*Hesperaloe parvifolia*	5 gal.		As shown
??	TJ	Tam Juniper	*Juniperus Sabina*	3 gal.		Plant 3’ on center
GROUNDCOVERS						
??	CJ	Creeping Juniper	*Juniperus horizontalis*	3 gal.		Plant 24” on center
??	MH	Maidenhair Grass	*Miscanthus spp.*	3 gal.		Plant 3’ on center
??	WC	Winter Creeper	*Euonymus fortunei*	4” pot		Plant 12” on center
??	VC	Virginia Creeper	*Parthenocissus quinquefolia*	1 gal.		3’ O.C. under existing Post Oak

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Section 7301. Supplemental Requirements for Screening of Mechanical Equipment and Service Areas.

A. Equipment Screening:

1. Multi-family Residential Development:

   a. Exposed conduit, ladders, utility boxes, stack pipes and drain spouts shall be painted to match the primary color or color sequence to aid in blending with the color of the building.

   b. All buildings designed with parapet walls or other similar architectural elements shall be constructed to a height of not less than one (1') 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 or space is required by the Fire or Building Code, equipment should be positioned beyond the parapet wall so as not to be visible.

   c. Electrical transformers, gas meters and other service areas shall be screened from view of a public street or adjacent property.

   d. In all multi-family developments, heating, ventilation, and air-conditioning (HVAC) equipment on the roof shall be screened so that they are not visible from the street or the boundary of the abutting property.

   e. The screening of HVAC equipment on the ground shall utilize construction materials that match the predominant material used on the building; no wood or chain-link fences shall be allowed.

2. Non-residential development: The provisions in this subsection shall apply to new buildings or new developments in the OP, C-1 through C-4 Zoning Districts, Planned Developments and in the I-1 or I-2 Zoning Districts that are within the Freeway Overlay District or within three hundred (300) feet from the boundary of any property in a residential zoning classification or a PR zoning classification.

   a. Exposed conduit, ladders, utility boxes, stack pipes, drain spouts and gas meters shall be painted to match the primary color or color sequence to aid in blending with the color of the building.

   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 (1') 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. For new buildings and developments in the C-4 Zoning District, this requirement will not apply to the sides of the building that are not facing a street.

   c. For new buildings and developments with building permit applications submitted on or after September 14, 2004, all ground-mounted service equipment such as air

conditioners; electrical transformers, telephone line pedestals and gas meters; trash compactors; satellite dishes and other service areas (e.g. grease collection areas/facilities, box storage, plastic container storage, storage racks, etc.) shall be located behind the building, or if located on the side of the building shall not be forward of the midpoint of the side building elevation, except that switch gear devices may be located at any place on a property.

d. All ground-mounted service equipment and service areas shall be screened from view of public rights-of-way and abutting properties as follows:

   1. When any portion of an electrical transformer or telephone line pedestal is located within five (5) feet of a building, the transformer or pedestal shall be screened by a screening wall.

   2. Electrical transformers and telephone line pedestals located more than five (5) feet from a building, gas meters, and satellite dishes shall be screened by a screening wall or by a hedgerow of dense evergreen shrubbery or plant materials to form a visual screen using plant materials approved by the Landscape Administrator.

   3. Switch gear devices shall be screened by a hedgerow of dense evergreen shrubbery or plant materials to form a visual screen using plant materials approved by the Landscape Administrator.

   4. All other types of service equipment and service areas shall be screened by a screening wall.

e. Developments for which building permit applications were submitted prior to September 14, 2004, shall be exempt from the provisions of this subsection, provided that all heating, ventilation, and air-conditioning (HVAC) equipment on the ground or on the roof shall be screened so that they are not visible from the street abutting the property or the boundary of the abutting properties.

f. Where ground-mounted service equipment and service areas are screened by a screening wall, the wall shall be constructed of materials that match the predominant material used on the building; no wood or chain-link fences shall be allowed. The wall shall be landscaped in compliance with Section 7300 of this ordinance. The base of the wall shall be elevated four (4) inches from grade, excluding columns, to accommodate ventilation and drainage.

g. Screening of ground-mounted service equipment and service area, whether by a wall or landscaping, shall be of a height not less than the height of the equipment being screened.

h. Screening walls and landscape screening shall adhere to policies and standards for access, operational clearances, safety and ventilation of the utility company and/or equipment owner.

i. The cost of installing, maintaining, and replacing screening walls and/or landscaping required by this subsection shall be the responsibility of the property owner or developer, and not the responsibility of the utility company providing service to the property. A utility company shall not be responsible for the replacement of any required

screening wall or landscaping removed by the utility company to permit reasonable access to the service equipment.

Ordinance No. 1585, Adopted 8/28/06

3. All development:

   a. The fencing, screening or enclosure of individual rooftop equipment shall not be permitted.

   b. The developer shall provide a line-of-sight drawing with building permit application upon request by city staff to ensure compliance with the provisions in this subsection.

   c. In case that visual screening of HVAC equipment cannot be achieved due to topographic differences between abutting properties, or between the property and the abutting street, the developer or owner may appeal to the Board of Adjustment for a special exception as set forth in Section 6300 of this ordinance.

B. **Trash containers, Refuse or Recycling Storage Screening**:

1. Trash container and storage area for refuse or material awaiting disposal or recycling shall be visually screened on three sides with a fence or wall not less than the height of the trash container or the refuse or materials being stored. The remaining side shall be equipped with an opaque gate.

2. The screening shall utilize construction materials that match the predominant material used on the building; no wood or chain-link fence materials shall be allowed except for the opaque gate. *(Ordinance No. 1484, Adopted 5/10/04)*

3. In case the visual screening required above cannot be achieved due to topographic differences between abutting properties, or between the property and the abutting street, the developer or owner may appeal to the Board of Adjustment for a special exception as set forth in Section 6300 of this ordinance.

C. Loading Dock and Truck Berth Screening

1. In C-1, C-2 or C-3 zoning, all loading docks and truck berths not totally screened by an intervening building shall be screened from view from the public streets that abut the property where the loading docks and truck berths are located.

2. The developer shall provide a line-of-sight drawing with building permit application upon request by city staff to ensure compliance with the provisions in this subsection.

3. Screening shall be accomplished by an opaque screening wall, earthen berm or a combination of screening wall and earthen berm with a minimum height of ten (10) feet, unless the developer shall present evidence to prove that an alternate height is sufficient due to the unique configuration of the site.

4. Screening shall be of a length to screen the maximum size truck or tractor-trailer that can be accommodated on site.

5. The screening shall utilize construction materials that match the predominant material used on the building; no wood or chain-link fences shall be allowed. *(Ordinance No. 1484, Adopted 5/10/04)*

Ordinance No. 1534, Adopted April 27, 2005

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Section 7302. General Provisions for all Fences and Free Standing Walls.

A. General Provisions.

1. Property Owners' Responsibility:

    a. Required screening fences and walls shall be perpetually and adequately maintained or replaced by the owner or user of the more intensive zoned property.

    b. All structurally unsound fences, when not required by this Ordinance, shall be repaired, replaced or removed by the owner or user of the property upon which the fence is located.

    c. The construction of a fence or wall shall not preclude the property owners' responsibility to maintain and keep the following area free and clear of debris and high weeds:

        1. The area between the fence and property line or between parallel fences; and

        2. The area between the fence and the edge of the street.

2. Front Yards: No fence or free standing wall greater than thirty-six inches (36") in height shall extend into the required front yard except for decorative fences or security fences meeting the following requirements:

    a. Fences thirty-six inches (36") or more above the finished grade of the lot shall not be more than twenty-five percent (25%) solid.

    b. The primary fencing material shall be of wrought iron, exposed aggregate tilt wall, fired masonry, approved wood rail construction or other material approved by the City Building Official.

3. Side Fence and Free Standing Wall Setbacks: No fence or wall greater than thirty-six inches (36") in height shall be located less than fifteen feet (15') from any side property line that is adjacent to a public street unless:

    a. The subject lot backs up to the rear property line of another lot, in which case no side fence setback is required.

    b. The subject lot backs up to an access easement or alley right-of-way, in which case a ten-foot (10') visibility triangle shall be required.

4. Rear Fence and Free Standing Wall Setbacks: Fences and walls meeting all of the above requirements may be erected on the rear property line except, however, lots whose rear property line abut a public street on which one of the immediate adjacent lots maintains its required front yard, then no fence nor wall greater than thirty-six inches (36") in height shall be located within fifteen feet (15') of the subject lots rear property line or closer to the street right-of-way than the front setback line of the adjacent lot, whichever is closer.

B. General Restrictions Concerning all Fences and Free Standing Walls.

1. No fence, screen, free standing wall or other visual barrier shall be constructed or placed in such a manner as would endanger the health or safety of the general public.

2. Obstruction Prohibited: No fence, screen, free standing wall or other visual barrier shall be so located or placed that it obstructs the vision of a motor vehicle driver approaching any street, alley or drive intersection. A visual barrier shall be deemed as any fence, wall hedge, shrubbery, etc., higher than thirty-six inches (36") above ground level at the property line, except single trees having single trunks, which are pruned to a height of seven feet (7') above ground level.

3. Twenty-Five Foot (25') Visibility Triangle Required: No fence, screen wall or visual barrier shall be located or placed where it obstructs the vision of motor vehicle drivers approaching any street intersection. At all street intersections clear vision shall be maintained across the lot for a distance of twenty-five feet (25') back from the property corner along both streets.

4. The side of the fence with exposed posts or rails shall be oriented away from view from the adjacent property and public streets.

5. After December 10, 2012, all new wood privacy fences and the replacement or repair of existing wood privacy fences shall comply with the following requirements:

    a. A permit must be obtained prior to the construction of a new wood privacy fence of five (5) feet in height or greater.

    b. Fence planks or panels must be at least five-eights of one inch (5/8”) in thickness.

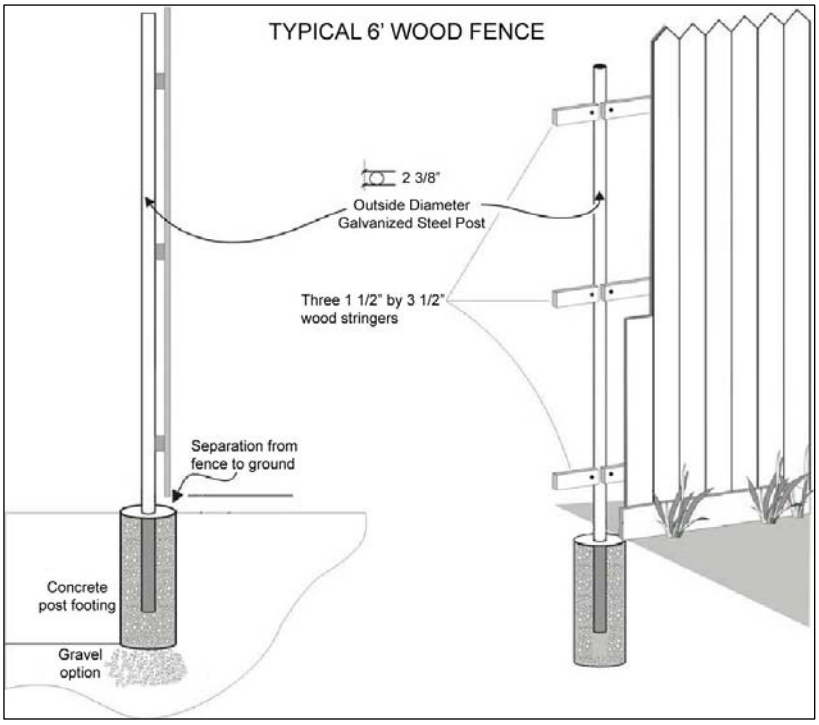
    c. Fence planks or panels must have at least one inch (1”) gap between the ground and the wood to prevent rotting and decay.

    d. All vertical posts shall be two and three-eights inch (2-3/8”) minimum outside diameter standard pipe gage galvanized steel.

    e. Vertical posts shall be spaced eight feet (8’) on center or less and set into concrete post footings. The minimum depth of the concrete post footings shall be twenty-four (24) inches for fences that are six feet (6’) in height and thirty-six (36) inches for fences that are eight feet (8’) in height.

    f. Vertical slats shall be nailed or screwed to horizontal bracing stringers running from vertical post to post. The size of the stringers shall be no less than one-and-a-half 1.5”) by three-and-a-half inches (3.5”). One stringer will be required for every two feet (2’) in height. Fences that are six feet (6’) in height shall have three (3) horizontal stringers. Fences that are eight feet (8’) in height shall have four (4) horizontal stringers.

    g. All materials shall be securely fastened (i.e. vertical boards to horizontal stringers, stringers to vertical posts) and be free from rot, rust, vandalism and other sources of decay.



h. Fence should be designed such that it does not cause a drainage problem.

i. A wood fence erected for the purpose of screening the perimeter of a subdivision as required by the Subdivision Control Ordinance shall be governed by the Subdivision Control Ordinance.

j. The replacement or repair of an existing wood privacy fence that is less than fifty (50) percent of the total linear footage of fencing on the property shall be exempt from the above requirements in Section 7302B.5, except that a permit shall be required for any fence construction greater than six (6) feet in height.

6. Barbed Wire Prohibited: Fences constructed of barbed wire and walls topped with broken glass or similar material shall be prohibited, except that:

a. A security fence not less than six (6) feet in height may be topped with barbed wire when located on property zoned for non-residential purposes;

b. A barbed wire fence may be erected or maintained on property that held livestock on January 1, 2004, and will continue to hold livestock in the future. The property owner shall have the burden of proof that livestock existed on site on January 1, 2004; and,

c. A barbed wire fence may be erected or maintained on any property in excess of 20 acres that held livestock or was otherwise under agricultural use on January 1, 2004, and will continue to hold livestock or otherwise continue in agricultural use in the future. The property owner shall have the burden of proof that livestock existed on the site or that another agricultural use was in effect on the site on January 1, 2004. For purposes of

Subpart c, “agricultural use” shall mean that the property owner has and maintains an agricultural exemption on the property granted by Tarrant Appraisal District”. *(Ordinance 1474 – Adopted February 23, 2004)*

7. Electrical Fences Prohibited: No fence shall be electrically charged in any form or fashion.

8. Eight Foot (8') Maximum Height: No fence in a residential district shall exceed eight feet (8') in height above ground level at the fence line. However, fences that are erected on top of retaining walls shall not exceed six feet (6’) in height as measured from the bottom of the fence to the top of the fence. (Ordinance No. 1468, Adopted 1/26/04)

9. Public Property: No fence, guy wire, brace or any post of such fence shall be constructed upon or caused to protrude over property that the city or the general public has dominion and control over, owns or has an easement over, under, around or through, except upon utility easements which are permitted to be fenced.

10. Swimming Pools Fencing: All swimming pools shall, at all times, be completely surrounded by a fence, wall or barrier not less than four (4) feet in height with no openings, holes or gaps that will allow a sphere four (4) inches in diameter to pass through. Gate openings directly into such enclosure shall be equipped with self-closing and self-latching devices capable of keeping such gates securely closed at all times when not in use; said latching devices to be no less than three (3) feet above grade. The door of any dwelling that is forming part of the enclosure need not be equipped with self-closing and self-latching devices.

    Ordinance No. 1534 – Adopted April 27, 2005

Section 7400. Residential Proximity Standards

A. **Purpose:** To protect the property value and lifestyle of citizens living in the proximity of non-residential developments without placing undue hardship on developers of non-residential developments.

B. **Applicability:**

1. The provisions of Sections 7400C through 7400I shall apply to any development in an OP, C-1, C-2, C-3, I-1 or I-2 zoning classification when abutting any property in a residential zoning classification or a PR zoning classification that is occupied by a residential use.

2. The provisions of Sections 7400G and 7400H shall apply to any development in an OP, C-1, C-2, C-3, I-1 or I-2 zoning classification when located along a street with a fifty (50) or sixty (60) foot right-of-way across from residential lots or tracts that front on such street. *(Ord. No. 1534, Adopted 4-27-05)*

3. The provisions of Sections 7400C.2 and 7400D shall apply to any residential development in a residential zoning classification or a PR zoning classification when abutting any property in an OP, C-1, C-2, C-3, I-1 or I-2 zoning classification as specified hereinafter; however, they shall not apply to residential developments that were preliminary or final platted or that were submitted for preliminary or final plat approval before the adoption of such provisions.

4. The provisions of this section shall not apply to development on any property owned and used by the City, the Mansfield Independent School District and any church regardless of zoning provided that it complies with the requirements in Sections 7400E and 7400F. *Ord. No. 1534, Adopted 4-27-05).*

5. Permitted uses that are in existence at the time of adoption of the provisions of this section shall be governed by the Nonconforming Use Regulations of this ordinance. Any expansion or addition to such existing uses shall conform to the provisions of this section.

6. The requirements in the provisions of this section shall not be administratively deferred or waived by city staff. Any person who wishes to seek a special exception or variance may follow the provisions in Sections 6300 and 8400.

7. It is the intent of this section to treat property in a PR zoning classification that is occupied by a residential use the same as it is in a single-family residential zoning classification. Therefore, all provisions of this section that apply to property or development in a single-family residential zoning classification shall also apply to property or development in a PR zoning classification that is occupied by a residential use.

C. **Setback and Height Regulations**

1. Non-residential Use:

   a. Structures in an I-1 or I-2 zoning classification shall setback a minimum of forty (40) feet from the boundary of any abutting property in a residential zoning classification. The same setback requirement shall apply to all outside storage, loading docks, truck berths, and routine parking or storage of tractor-trailers, and vehicles that are rated to have a carrying capacity over one ton.

b. Structures in an OP, C-1, C-2 or C-3 zoning classification shall comply with the minimum setback from the boundary of any abutting property in a residential zoning classification as depicted in the table below in conjunction with the specifications in BOTH the "Maximum Height" and "No. of Stories" columns.

Zoning	Min. Setback (ft.)	Max. Ht. (ft.)	No. of Stories
OP & C-1	20	20	1
OP & C-1	35	35	2 or less
C-2 & C-3	52.5	35	1
C-2 & C-3	60	40	2 or less
C-2 & C-3	67.5	45	3 or less
C-2 & C-3	75	50	1 or more

2. Residential Use:

a. Residential lots in a residential zoning classification or a PR zoning classification that abut properties in an OP, C-1, C-2, C-3, I-1 or I-2 zoning classification shall provide a forty (40) foot minimum setback for the principle residential building along the lot lines that abut the boundary of such non-residentially zoned property.

b. In order to accommodate the forty (40) foot minimum building setback, the minimum residential lot depth shall be increased by the difference between forty (40) feet and the minimum rear setback required by the residential or PR zoning district where the lot is located; or the minimum residential lot width shall be increased by the difference between forty (40) feet and the minimum side setback required by the residential or PR zoning district where the lot is located, whichever is applicable.

D. **Noise**

1. Non-residential uses shall not generate any loud noise of such intensity as to create a nuisance or detract from the use or enjoyment of the abutting residential uses. The provisions in this paragraph do not apply to properties in the I-2, Heavy Industrial zoning classification.

2. Outdoor speakers shall be directed away from any abutting property in a residential zoning classification.

E. **Setback for Trash Containers and Refuse or Recycling Storage Areas**: Trash containers and storage areas for refuse or materials awaiting disposal or recycling shall be set back a minimum of twenty-five (25) feet from the boundary of any abutting property in a residential zoning classification.

F. **Lighting**: All lighting of a non-residential use must be shielded or pointed away from any abutting property in a residential zoning classification so there shall be no direct illumination across the common boundary with the property in the residential zoning classification. This restriction shall not apply to special events not exceeding seventy-two (72) hours or the lighting of a sports facility that belongs to the City or the Mansfield Independent School District.

G. **Driveway Access**: No non-residential driveway access shall be permitted onto a street with a fifty (50) or sixty (60) foot right-of-way across from residential lots or tracts that front on that street unless no other reasonable access is available as determined by the Planning & Zoning Commission during a plan review at the developer's request. This restriction shall not apply if

the street is shown in the City's most recent Thoroughfare Plan to have a right-of-way of seventy (70) feet or larger.

H. **Signage**: Wall or free-standing signs that are located along a street with a fifty (50) or sixty (60) foot right-of-way shall not be electrically or artificially illuminated when located across from residential lots or tracts that front that street. This restriction shall not apply if the street is shown in the City's most recent Thoroughfare Plan to have a right-of-way of seventy (70) feet or larger.

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Section 7500. Open Storage and Screening Regulations.

A. **Purpose**: To encourage the most appropriate use of the land and to conserve and protect the value of adjacent land and buildings; regulations are prescribed for the location and screening of open storage of materials, commodities and vehicles of all types in the various districts in accordance with the following standards:

B. In all PR, residential and mobile home districts, no open storage or display outside a building of materials or commodities for sale at wholesale or retail or for storage purposes shall be permitted, nor shall any motor vehicle or machinery storage other than that which is incidental to the use of a premises as herein provided or permitted nor shall any truck or commercial vehicle storage be permitted, except that one (1) panel delivery or pick-up truck not exceeding one (1) ton capacity may be stored by the owner of a premises when such vehicle storage is incidental to the main use of such premises.

C. No open storage or display outside a building of materials and commodities or any other objects shall be permitted in the C-1 District. In the C-2 District, the open storage or display of items intended for direct retail sales or rental shall be permitted under the following restrictions:

   1. The area used for open display shall not be greater than ten (10) percent of the gross floor area of the establishment having such display.

   2. If the open display is located in the parking lot, the number of spaces available for parking shall not be less than that required by Section 7200 of this Ordinance.

D. No open storage or display of any object, vehicle, boat, material or equipment shall be allowed on public right-of-ways or designated private or public recreational areas. Any aforementioned objects, vehicle, boat, material or equipment parked or located upon any public right-of-way, or designated private or public recreational areas for a period longer than seventy-two (72) hours shall be classified as storage and be subject to removal by the City without prior notice at the owner's expense.

E. Open storage or display in the C-3, I-1 and I-2 Districts shall be placed on a gravel, asphalt or concrete surface or other surface approved by the Director of Planning and not on natural ground unless it is located more than thirty (30) feet from any street right-of-way or screened by an eight (8) foot opaque fence. Such surface shall be maintained in good condition and free of weeds or debris.

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Section 7600. Open Air Vending.

Within any commercial or industrial district, open air vending, as that term is herein defined, shall be allowed upon obtaining a Certificate of Occupancy for such vending from the Building Official.

A. The Building Official shall issue such Certificate of Occupancy only if he finds:

1. That such vending will not endanger the health, safety or general welfare of the public and specifically in this regard, that said vending will not unreasonably increase congestion upon the public roadways in and about said vending location so as to endanger the safety of drivers and pedestrians; and,

2. That the vendor applicant shall be in compliance with all ordinances and laws, including provisions within this Ordinance, applicable to retail commercial activity, and have obtained all other necessary permits.

3. That the vendor applicant shall be in compliance with all conditions imposed by the Building Official upon said commercial activity necessary for the health, safety or general welfare of the public.

B. For the purpose of this ordinance, open air vending shall be defined as the sale of any merchandise or goods from a fixed location upon privately owned property not within any permanent building or structure designed for the sale of such goods. The term "open air vending" shall specifically include the sale of merchandise or goods from "stands", "stalls", and all other sales not within a permanent structure. The term "sale" is herein defined as the actual transfer of goods or merchandise. The term open air vending, however, shall not include activity of itinerant vendors who continuously move about from place to place, and who do not occupy any particular parcel of private property as a permanent or stationary place for the conduct of their business. This term does include seasonal vending operations such as "Snow Cones" and "Ice Cream" stands, etc.

C. No open air vending shall be allowed to be located within any public right-of-way or city parks, or connected with public utilities unless specifically approved by the City Council.

D. No open air vending shall be allowed to be located within any property zoned in a PR, A, residential or OP District or within the required setbacks of any other zoning districts.

E. No open air vending shall be allowed in or from an unenclosed space or area.

F. Parked vehicles shall not be used as a base of operation for any open air vending.

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Section 7700. Nonconforming use regulations.

A. **Intent:**

1. Within the districts established by this ordinance or amendments thereto, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not conform to the regulations of the district in which it is located. It is the intent of this ordinance to permit such Nonconforming uses to continue, under regulations herein contained, until the same are removed, but not to encourage their survival.

2. It is further the intent of this ordinance that Nonconforming uses shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or use prohibited elsewhere in the same district.

3. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

4. For use in this section, a building shall be interpreted the same as structure and vise versa.

B. **Nonconforming Uses Regulated:** Except as herein provided, no Nonconforming use of land or buildings shall be enlarged, changed, altered or repaired except in conformity with the regulations contained in this article.

C. **Nonconforming Status:** Any use or structure which does not conform with the regulations of the zoning district in which it is located shall be deemed a lawful nonconforming use or structure when:

1. Such use or structure was in existence and lawfully operating at the time of passage of this ordinance and has since been in regular and continuous use; or

2. Such use or structure is a lawful use at the time of the adoption of any amendment to this ordinance but by such amendment is placed in a district wherein such use is not otherwise permitted; or

3. Such use or structure was in existence at the time of annexation to the City and has since been in regular and continuous use.

D. **Continuing Lawful Non-Conforming Use of Property and Existence of Structures:**

1. The lawful use of land or lawful existence of buildings or structures at the time of the passage of this ordinance, although such do not conform to the provisions hereof, may be continued; but if said Nonconforming use or building is discontinued or abandoned, any future use of said premises shall be in conformity with the provisions of this ordinance.

2. Discontinuance of a lawful Nonconforming use shall consist of the intent of the user or owner to discontinue a nonconforming use and the actual act of discontinuance. Abandonment of a lawful nonconforming building shall consist of the actual intent to abandon by the user or owner and actual act of abandonment.

3. A lawful Nonconforming use or building, when discontinued or abandoned, shall not be resumed. The following shall constitute prima facie evidence of discontinuance or abandonment.

   a. Nonconforming uses: When land used for a lawful Nonconforming use shall cease to be used in such manner for a period of six (6) month.

   b. Nonconforming Buildings: When a building or other structure designed or used for a lawful Nonconforming use shall cease to be used in such manner for a period of six (6) months.

E. **Changing Nonconforming Uses or Buildings:**

1. A lawful Nonconforming use may be changed to another Nonconforming use of the same or more restrictive zoning district classification, provided, that when a Nonconforming use is changed to a Nonconforming use of a more restrictive classification, it shall not later be reverted to the former less restrictive classification.

2. No lawful Nonconforming use shall be changed to another Nonconforming use which requires more off-street parking facilities or off-street loading space than the original Nonconforming use unless additional off-street parking facilities and loading space is provided so as to comply with the requirements of Section 7200.

3. A conforming building shall not be changed to a use which would result in the building becoming nonconforming.

F. **Extension of Nonconforming Uses or Buildings.**

1. A lawful Nonconforming building or structure may be enlarged or added to provided that the enlargement or addition, when considered independently of the original building or structure, complies with all applicable regulations of this ordinance.

2. Expansion, enlargement or intensification of a lawful Nonconforming use shall not be permitted unless such expansion, enlargement or intensification, when considered independently of the lawful Nonconforming use, complies with all applicable regulations of this ordinance.

3. A building or structure occupied or used by a lawful Nonconforming use shall not be enlarged, extended or structurally altered unless the use occupying or using such enlargement, extension or alteration, when considered independently of the lawful Nonconforming use, complies with all applicable regulations of this ordinance.

4. Repairs and maintenance work on a lawful Nonconforming building or on a conforming building occupied by a lawful Nonconforming use may be made, provided that no structural alterations shall be made except as required by law to preserve such building in a structural sound condition and provided that there is no increase whatsoever in the degree or extent of the previously existing nonconformity.

5. No lawful Nonconforming use within a building may be extended to occupy any land outside the building.

G. **Termination of Nonconforming Uses and Buildings.** The right to operate a legal nonconforming use or building shall cease and such use shall be terminated under any of the following circumstances:

1. When such use or building is abandoned, as hereinabove provided in Section 7700 D.

2. When any provision of this ordinance or any other ordinance, or Federal or State Statute is violated with respect to a nonconforming use or nonconforming building.

3. When a lawful nonconforming use, building or structure is damaged by fire, explosion, act of God or other calamity to the extent that the cost of the reconstruction or repair exceeds fifty percent (50%) of the replacement cost of the structure; except in the following circumstances: a) The original property owner who has been living in a lawful nonconforming mobile home or lawful nonconforming HUD-Code manufactured home, which has been used for residential purposes, may rebuild or re-establish such lawful nonconforming use with a HUD-Code manufactured home within six (6) months of the destruction of the home; and b) a lawful non-conforming dwelling unit, which does not meet the minimum floor area requirement of the PR or residential district where it is located, may be rebuilt or replaced by a dwelling unit of equal or larger size, provided that a special exception is granted by the Board of Adjustment as stipulated in Section 6300 of this Ordinance.

4. When the right to maintain or operate a lawful nonconforming use or nonconforming structure has been terminated by the Board of Adjustments as provided in Section 8400 hereof.

5. Whenever a lawful nonconforming use or building has been changed to conforming, such use or building shall not thereafter be changed back to nonconforming.

6. Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed by fire, explosion, act of God, a public enemy or other calamity to the extent that the cost of the reconstruction or repair does not exceed fifty percent (50%) of the replacement cost of the structure, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction.

H. **Exceptions**

1. Existing land uses or structures, that do not conform with the required yard setbacks due to land or right-of-way acquisition by a public agency with the power of eminent domain, shall be exempted from the provisions of Subsection 7700G.3, provided that any reconstruction or replacement does not cause a greater extent of nonconformance to the setback requirements than the pre-existing nonconforming uses or structures and is not in conflict with the real estate interest of any public agency. The expansion, enlargement or intensification of a pre-existing nonconforming use during reconstruction or replacement shall not qualify for the exemption and shall continue to be regulated by the provisions of Section 7700.F.

2. Any carport in existence on December 15, 1996, which is non-conforming as to front, side or rear setback restrictions or any carport receiving a building permit between November 25, 1996, and December 15, 1996, and not located within five (5) feet of the City RIGHT-OF-WAY, shall be heretofore a legal non-conforming use, subject to all provisions of this section.

Section 7800. Special Conditions.

A. **General.** The following sections describe the special conditions under which certain uses are permitted in a zoning district when reference is made to one or more of said sections in the Ordinance. A building permit or certificate of occupancy shall not be issued for any permitted use with "Special Conditions" until all of the required conditions have been met.

B. Special Conditions By Use:

1. Zero Lot Line Dwellings: Zero lot line dwellings shall meet each of the following structural restrictions:

   a. No window, door or any kind of opening shall be allowed in the zero lot line wall.

   b. A three (3) foot overhang easement shall be secured from owner of property adjacent to the zero lot line wall in the event that the eave projects beyond the zero lot line into the adjacent property.

   c. A ten (10) foot maintenance easement shall be secured from owner of property adjacent to the zero lot line wall.

   d. A minimum of ten (10) foot building separation between zero lot line dwellings.

   e. A minimum of ten (10) foot building separation shall be provided between any zero lot line dwelling and abutting single, two-family, or multiple family dwellings.

   f. No zero lot line dwellings are allowed to be located on a lot line that abuts a public right-of-way or private alley.

2. Townhome, Multi-family Dwelling or Apartment:

   a. All structures shall have a minimum roof pitch of 4/12.

   b. Dumpster Setback: All dumpsters shall setback at least fifty (50) feet from any abutting Single-family Residential Districts.

   c. No private recreation facilities for multi-family residential developments shall be located within landscape buffer yards, street landscape setback or any required landscaped areas.

   d. No boats, motor homes, trailers, recreational vehicles, motor homes, towed trailers or similar vehicular equipment shall be parked or stored on the property of any multi-family residential development. In case of an apartment or other rental housing development, this requirement shall be incorporated into the rental contract.

   e. Lighting Requirements: Sufficient lighting shall be installed by the developer at all driveway entrances from public streets, driveway intersections, parking lots and throughout the multi-family residential development per the Illumination Engineering Society’s standards on illuminance levels for safety.

   f. Pavement Specifications: All parking areas and driving lanes shall be constructed with five (5) inches of concrete pavement on a scarified and compacted subgrade. All

dumpster pads and loading area in front of dumpsters shall be constructed with six (6) inches of concrete pavement on a scarified and compacted subgrade. The concrete pavement shall be reinforced with three-eighth (3/8) inch steel bars spaced twenty-four (24) inches on center each way or six by six (6 x 6), #6 gauge welded wire fabric. An approved paving fiber may be substituted for the reinforcing steel. Chairs shall be used to support reinforcement.

g. Access: Principal access to multi-family residential developments shall be restricted to minor collector or larger streets. The primary connection from such access to major collectors or larger streets shall not pass through any street that is bordered on both sides by one of the Single-Family Residential Districts or a combination of those districts.

h. No single structure shall exceed three hundred (300) feet in length.

3. Manufacturing Housing or Camping Trailer: A manufactured home or camping trailer shall be permitted only in a manufactured home rental community or a manufactured home subdivision or an approved campground or recreational vehicle park.

4. Hotel and Motels:

a. To be classified as a hotel or motel, an establishment must meet each of the following requirements:

1. The establishment shall contain a minimum of twenty (20) individual guest rooms or units and an office.

2. The establishment shall furnish customary hotel service, including but not limited to laundry service, linen service, telephone, maid service, use of and up-keep of furniture.

3. The establishment shall maintain a register of guest, however, no guest shall be registered for more than thirty (30) consecutive days.

4. Guest rooms shall not be used in any form or manner as a permanent residence.

b. Hotels or motels shall provide interior access to guestrooms. The use of exterior corridors on hotels or motels on any exterior façade of the building shall be prohibited. Exterior access to guestrooms shall only be permitted for rooms facing a courtyard that is enclosed on four sides by the hotel or motel building.

c. Outdoor recreational facilities at hotels and motels such as swimming pools, sports courts and playgrounds shall be located behind the building, or if located on the side of the building shall not be forward of the front building elevation that is closest to the street. The facility must be screened from view of public rights-of-way by fencing, landscaping, or a combination of these. Wood or chain link fencing shall not be permitted.

5. Residential Accessory Buildings:

a. An accessory building may be attached or semi-attached to, or detached from the main residential building. Permitted uses or buildings accessory to a single or two-family dwelling, apartment house or farm shall include, but are not limited to the following:

   1. Single or two-family dwelling: a private garage for automobile storage, tool house, lath or greenhouse as a hobby (no business), home work shop, children's playhouse, storage house or garden shelter, but not involving the conduct of a business.

   2. Apartment: Private recreational facilities as defined and regulated under Section 7800.B.7 below, employee's washroom, a manager's apartment and office, and laundry. The manager's apartment may be used as an office, but such facility shall be included in computations of lot area requirements. The laundry room may be used for clothes washing and drying facilities for the exclusive use of the tenants and no exterior advertising of such uses may be permitted.

   3. Farm: A barn, poultry house, stable, machinery shed, granary or other buildings used for the storage or housing of usual products and animals raised or maintained on a farm.

b. An accessory building for the purpose of maintaining property or livestock may be erected prior to the construction of a principle building or use in a PR or residential district provided that it meets the requirements below. Notwithstanding any other requirements in this Zoning Ordinance, an accessory building for the purposes stated hereinabove may be erected prior to the property being included in an approved plat. Further, an accessory building may be erected on property zoned for non-residential purposes, provided that such property contains more than 50 acres. When used in the paragraphs here-in-below, the term "property" shall mean an area or tract(s) of land contained in one recorded deed on file in the Deed Record Office of the County in which the property is located.

   1. A minimum of three (3) acres of land shall be required.

   2. The accessory building must setback a minimum of 75 feet from all property lines and 150 feet from any adjacent residential structure. Accessory building used for horses or other animals must conform with the requirements set forth in Subsection 14 d, e, f, g, h and i of Section 7800B here-in-below.

   3. The size of the accessory building shall be no larger than 1,500 square feet.

   4. The accessory building shall be removed from the property within 24 months from the time that fifty (50) percent or more of the property is included in an approved final plat, unless the accessory building complies with all applicable regulations in this Zoning Ordinance and serves a principle building or use occupying the same lot or premises as the accessory building.

c. An attached or semi-attached accessory building shall be made structurally a part of and 1) have a common wall with the main residential building; or 2) have a continuous roof assembly and common attic with the main residential building. Attached or semi-attached accessory buildings shall comply with the setback,

height, lot coverage, masonry construction and all other provisions of this ordinance applicable to the main residential building. Attached or semi-attached accessory buildings shall not be subject to paragraphs d through p below.

d. An accessory building that is not attached to the main residence by a common wall or continuous roof assembly with a common attic shall be considered a detached accessory building and shall comply with the regulations set forth in the following paragraphs.

e. One (1) detached garage may be built with the main residential building as part of the original building permit for the main residential building under the following regulations:

1. The detached garage shall be located at least fifty (50) feet behind the front façade of the main residential building that is closest to the street, at least five (5) feet from the side property line, seven and one-half (7.5) feet from the rear property line and must not encroach upon any pre-established building lines or easements.

2. The detached garage shall not be higher than twenty (20) feet or the main residential building, whichever is less.

3. The combined square footage of the detached garage and the main residential building shall not exceed the maximum lot coverage for the district in which the property is located.

4. The detached garage shall be constructed of the predominant building material (i.e., brick, stone, siding, etc.) used on the main residential building.

5. Any additional detached garages built with the main residential building or detached garages that are built after the issuance of the building permit for the main residential building shall be subject to the provisions set forth below in Paragraphs f through p.

6. On property where a detached garage was constructed at the same time as the main residential building, other accessory buildings or structures shall be permitted, subject to the regulations set forth below in Paragraphs f through p.

Ordinance No. 1488, Adopted 7/12/04

f. Accessory buildings or structures shall not exceed the maximum square footage for each zoning district as depicted in the following table.

Zoning District	Maximum Total Square Feet For All Accessory Buildings or Structure*
2F	120 sq. ft.
SF-6/12	200 sq. ft.

SF-7.5/12	200 sq. ft.
SF-7.5/16	200 sq. ft.
SF-7.5/18	200 sq. ft.
SF-8.4/16	400 sq. ft.
SF-8.4/18	400 sq. ft.
SF-9.6/20	400 sq. ft.
SF-12/22	400 sq. ft.
A	2% of the total area of the lot
SF-5AC/24	2% of the total area of the lot

*Where the area of a lot in any SF district exceeds the minimum required lot area for that district, accessory buildings or structures may conform to the maximum total square footage limits established in Section 7800.B.5.g. below. *(Ordinance No. 1481, Adopted 4/26/04)*

g. Notwithstanding the above, accessory buildings or structures for single-family homes in the PR, 2F and MF-1 Districts shall conform to the maximum square footage limit for accessory buildings or structures shown below.

Area of the Residential Lot	Max. Total Sq. Ft. for All Accessory Buildings or Structures
Less than 8,400 sq. ft.	200 sq. ft.
Between 8,400 sq. ft. and 19,999 sq. ft.	400 sq. ft.
20,000 sq. ft. or greater	2% of the total area of the lot

(Ordinance No. 1481, Adopted 4/26/04)

h. The maximum square footage limits shown hereinabove shall be cumulative of all accessory buildings or structures for each lot. The square footage within a loft or attic shall be excluded from the calculation of maximum square footage of an accessory building or structure.

i. Accessory buildings or structures for duplexes and townhomes in the MF-1 and MF-2 districts shall conform to the standards established for accessory buildings or structures in the 2F District.

j. Accessory buildings or structures for multi-family apartments or dwellings in MF-1 and MF-2 Districts shall comply with the area, height and setback standards for the principal buildings in such districts.

k. Accessory buildings or structures shall comply with the minimum setback from the property line as depicted in the table below in conjunction with the height of the accessory building or structure. Accessory buildings or structures shall be limited to one story, and may have a loft or attic, provided that such loft or attic is not used as habitable space. The height of accessory buildings or structures shall be measured from the ground to the highest point of the building or structure.

Max. Accessory	Minimum Setbacks

Building Height	Min. Rear Yard	Min. Side Yard
8'	7.5’	5’
10’	9.5’	7’
12’	11.5’	9'

l. Accessory buildings or structures may be located in the side yard provided that they meet the minimum height/setback requirements described in subsection 7800.B.5.k and that they are at least 75’ from the front property line or behind the rear façade of the main residential building that is furthest from the street.

m. On double frontage lots, accessory buildings or structures may be located within the 25’ rear yard setback provided that they meet the minimum height/setback requirements described in subsection 7800.B.5.k.

n. On corner lots that back up to the rear yard of another lot, accessory buildings or structures may be located within the exterior side street setback provided that they meet the minimum height/setback requirements described in subsection 7800.B.5.k. No accessory building or structure shall be permitted within the exterior side street setback of a lot that backs up to the side yard of another lot that faces the side street.

o. A minimum distance of 5’ from accessory buildings or structures to the house and to other accessory buildings or structures shall be required. No minimum separation shall be required for accessory buildings or structures with an area of 120 square feet or less.

p. The Board of Adjustment may grant a Special Exception to allow an increase in the maximum area or height, or a reduction of the minimum setback requirements for accessory buildings or structures, subject to the conditions established in Section 6300.E.6 of this ordinance. *(Ordinance No. 1426, Adopted 5/12/03)*

6. Home Occupation: A home occupation is permitted when the occupation or activity conducted within a dwelling unit is clearly incidental and subordinate to the use of the premises for dwelling purposes and provided that:

a. No retail business of any sort is involved.

b. No stock in trade is kept nor commodities sold except those made or used on the premises.

c. Only members of the family residing on the premises are employed.

d. No internal or external alterations, special construction or features are involved.

e. There is no advertising of any type on premise and no other display or storage of materials or exterior identification of the home occupation or variation from the residential character of the main building or any accessory buildings.

f. No equipment is used which creates offensive noises, vibrations, sound, smoke or dust, odors, heat, glare, x-ray, or electrical disturbance to radio or television. In particular, a home occupation includes the following and similar uses: artist's studio, dressmaking

and millinery; limited professional practice provided no clients or customers are permitted on the premises (such as lawyer, engineer, architect or accountant); music teaching limited to not more than two (2) pupils at one time; the keeping of up to four (4) children under the age of sixteen (16) years at any one time apart from their parents, guardians or custodians for regular periods of time for compensation, provided that the total number of children under the age of sixteen (16) years on the premises at any one time, including those kept without compensation and those who reside on the premises, shall not exceed eight (8).

g. Repair of automobiles for a fee shall not be permitted as a home occupation.

7. Private Recreation Facility: Private recreation facilities in residential districts shall, for multi-family residential developments, subdivisions, or homeowners associations, be restricted to use by the occupants of the residence and their guests, or by members of a club or homeowner's association and their guests, and shall include but not be limited to such uses as swimming pools, open game fields, common green areas or open space, basketball, shuffleboard, racquet ball, croquet, and tennis courts, and meeting or locker rooms. Activity areas shall be fenced and screened from abutting properties. Dispensing of food and beverages shall be permitted on the premises only for the benefit of users of the recreation facility and not for the general public. Off-street parking shall be required on the basis of one parking space for each four thousand (4,000) square feet of area devoted to recreational use with a minimum of four (4) spaces.

8. Reserved for future use.

9. Swimming Pool: All public, private and commercial pools including those permitted as private recreation facilities shall conform to the following provisions:

   a. If located in any residential zoning district, the pool shall be intended and used solely for the enjoyment of the occupants of the principle use of the property on which it is located and their guests.

   b. A swimming pool may be located anywhere on a premise except in the required front yard, provided that the water’s edge of the swimming pool shall not be located closer than five (5) feet to any side property line or seven and a half (7-1/2) feet to any rear property line, or within any easement. Swimming pool pump and filter installations shall not be located within the front yard or any public easement and shall be screened from adjacent property and public streets.

   c. The swimming pool shall be enclosed by a wall or fence as set forth in Section 7300.

10. Private Utility Shop or Storage: Shall not be permitted to be used for commercial or business purposes, whether full time or part time, and not including the storage of junk or hazardous materials, equipment or vehicles not customarily associated with a residence.

11. TV Dish Antenna: Permitted only if located in the rear of a main building on the same lot and only if conforming with all yard requirements as provided for accessory buildings in Section 4500 C.

12. Private Stable: All private stables shall conform to the requirements as set forth for commercial stable in subsection 14 c, d, e, f, g, h and i below. If the private stable is located

on a lot or tract of land with less than three acres, a specific use permit shall be obtained by the property owner in accordance to the provisions of Section 6100 prior to the construction of the stable.

13. Stable, riding club: All stables owned by a riding club shall conform to requirements as set forth for commercial stables in subsection 14 c, d, e, f, g, h and i below.

14. Commercial Stable: All commercial stables shall conform to the following requirements:

    a. No commercial stable shall be permitted if its existence would be incompatible with surrounding residential land uses and zoning.

    b. The minimum lot size area shall be two hundred thousand (200,000) square feet.

    c. If any horses (including horses, ponies, mules, donkeys and other animals used for riding) are kept outside of any building, the maximum number of horses permitted shall be in accordance with the following schedule:

Number of Horses	Minimum Area
l	15,000 Sq. Ft. (1/3 Acre)
2	21,780 Sq. Ft. (1/2 Acre)
3	1 acre
each additional horse	1/2 Acre

A minimum of eight hundred (800) square feet of space shall be provided for each horse kept within a corral or any outside animal retainment area.

    d. If all horses (and other riding animals) are kept inside a building, the maximum number of horses permitted shall be limited to the building capacity to house, show, and ride said horses. A minimum area of 100 square feet shall be provided for each horse kept under roof.

    e. Stables, corrals, animal enclosure and retainment structures, feed, and bedding shall be located seventy-five (75) feet from any lot line and one hundred fifty (150) feet from any residential structure in order to minimize odor and nuisance problems. Open pasture may extend to the lot line.

    f. Adequate and secure fencing shall be provided around all animal retainment areas to prevent unwanted trespassing onto adjacent properties. All fencing must be a minimum of five (5) feet high and of sufficient strength to retain animals and maintained in good condition. All gates must be kept closed at all times.

    g. A vegetative strip at least fifty (50) feet wide shall be maintained between any corral, animal retainment structure, and any surface water or well in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption.

    h. In an area with a slope of five (5) percent or more, corrals and animal retainment structures shall be one hundred and fifty (150) feet from a well and two hundred (200)

feet from any natural drainage, unless the water is upgrade or there is adequate diking as determined by the Building Inspector.

i. Premises must be maintained in such a manner as not to create a health nuisance. Corrals and stables shall be maintained in clean, sanitary condition at all times, and sprayed periodically to prevent the breeding of flies and insects. Refuse and manure must be collected daily, and placed in fly and rat proof containers and disposed of weekly.

j. Parking stalls required are one (1) stall per every two (2) horses (or other riding animals) based on the number of horse stalls or maximum horses allowed on the property, plus one (1) per every employee on the largest shift.

k. Special events such as fat stock shows, exhibitions, and contests shall only be permitted when a Temporary Use Permit has been granted and are subject to the requirements of Section 6200 B, Subsection lb.

15. Airport Landing Field and Heliport.

a. Any proposed airport or heliport shall comply with regulations of the Federal Aviation Administration or other authority qualified by law to established airport or air-traffic regulations.

b. The approach zone to the airport or heliport shall be so situated as to minimize any interference and negative impact upon existing and future use of adjacent properties and to insure the safety of aircraft in landing and taking off and the safety of persons occupying or using the area within the approach zone and the security of property thereon. An approach zone, once designated during the establishment of the airport or heliport, shall not be changed in the future unless approved by the City Council

c. Off-street parking required: one (1) space for every plane space within the hangers plus one (1) space for every tie-down space plus one (1) for every two (2) employees.

d. Building setbacks; any building, hanger, or other structure shall be at least one hundred (100) feet from any street or lot line.

e. All repairs of airplanes and machinery shall be done inside hangers. No servicing or fueling facilities shall be included as part of a heliport. A proposed airport or heliport shall comply with any other restrictions imposed by the City Council for the safety and welfare of the general public.

16. Commercial Parking Lot or Structure: Facilities for servicing of automobiles may be included in commercial parking lots or structures provided that such facilities are primarily an internal function for use only by automobiles occupying the structure and creates no special problems of ingress and egress.

17. Car Wash: No car wash, whether full or self service shall be permitted if its existence generates obnoxious conditions perceptible at the abutting property lines of the tract on which the facility is located.

18. Auto Repair Garages, Paint and Body Shops Tire Changing and Patching Shops: Automobile repairing, painting, glass, upholstering, auto tire body and fender work shall be performed only under the following conditions.

    a. All body and fender repairing shall be done within a completely enclosed building or room with stationary windows, doors or other openings that may be opened only at intervals necessary for ingress and egress;

    b. No spray painting may be done except in a building or room specially designed for that purpose;

    c. All other auto repairing, glass, upholstering, and tire work shall be conducted within a building enclosed on at least three (3) sides.

    d. All temporary storage of vehicles awaiting dismantling or repair and outside storage of materials or products for finishing, fabrication, and disposal, shall be completely screened from the public's view by a six (6) foot high opaque fence.

19. Reserved for future use.

20. Farm, Ranch or Orchard: A minimum lot area of three (3) acres or more shall be required for farm, ranch or orchard use. Stables, corrals, pens, barns, buildings and other structures used for the enclosure or retainment of farm animals shall conform to requirements as set forth in subsection 14 e, f, g, h and i above.

21. Establishments that sell alcoholic beverages: All establishments that sell alcoholic beverages shall conform to the following provisions:

    a. The sale of alcoholic beverages shall be permissible only after obtaining the appropriate licenses and/or permits in accordance with the applicable State of Texas regulations.

    b. When applying for a Mixed Beverage Permit from the State of Texas, a restaurant that holds a food and beverage certificate and private club permit from the Texas Alcoholic Beverage Commission prior to September 10, 2005 is exempt from the requirements in subsection c and d below provided that the restaurant has not been closed for business for more than six months preceding the application.

    c. No sale of alcoholic beverages shall be permitted by any establishment which is located within three hundred (300) feet of a church, public or private school or public hospital. The measurement of the distance between a place of business where alcoholic beverages are sold and a church or public hospital shall be along the property lines of the street fronts and from front door to front door, and in direct line across intersections. The measurement of the distance between a place of business where alcoholic beverages are sold and public or private schools shall be in a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections.

    d. No sale of alcoholic beverages shall be permitted by any establishment which is located within three hundred (300) feet of a day-care center or child-care facility, as defined by Section 42.002, Texas Human Resources Code. The measurement of the distance between a place of business where alcoholic beverages are sold and a day-care center or

child-care facility shall be in a direct line from the property line of the day-care center or child-care facility to the property line of the place of business, and in a direct line across intersections. In accordance with the Texas Alcoholic Beverage Code, the minimum distance requirement shall not apply if:

1. The establishment holds a food and beverage certificate from the Texas Alcoholic Beverage Commission;

2. The establishment and a day-care center or a child-care facility are located on different stories of a multistory building;

3. The establishment and a day-care center and a child-care facility are located in separate buildings and either the establishment or the day-care center or child-care facility is located on the second story or higher of a multistory building;

4. The establishment is adjacent to a foster group home, foster family home, family home, agency group home, or agency home as those terms are defined by Section 42.002 of the Texas Human Resources Code; or

5. The establishment sells alcoholic beverages for off-premise consumption in accordance with the applicable State of Texas regulations.

e. Establishments that sell alcohol beverages under a mixed beverage late hours permit issued by the Texas Alcoholic Beverage Commission may sell alcoholic beverages on Sundays between the hours of 1:00 a.m. and 2:00 a.m. and on any other day between the hours of 12:00 a.m. and 2:00 a.m. in accordance with the Texas Alcoholic Beverage Code.

f. In accordance with Section 2200.B.1 of the Zoning Ordinance, any establishment which derives more than 75 percent of its gross revenues from the sale of alcoholic beverages shall be defined as a bar.

Ordinance No. 1549, Adopted 11/14/05

22. Retail and Service Establishments Not Elsewhere Listed: Any retail sales or service establishment which is not listed in Section 4400B may be permitted in the designated Districts, except in the OP, C-1 and C-2 Districts, all inventory, equipment and items for sale are displayed entirely within an enclosed building; and further provided that such use is not noxious or offensive by reason of the emission of odor, dust, gas fumes, noise or vibration and that no type of manufacturing or treatment shall be permitted on any premises in the OP, C-1 and C-2 Districts other than the manufacture of products clearly incidental to the conduct of a retail business on the premises.

23. Temporary Batch Plant: The Director of Public Works may issue a permit for a temporary batch plant provided that the plant is located at least 300 feet away from any park, school, child care center, or residential structure and that the plant shall not be located on the same property more than 120 days. The operator of a temporary batch plant must apply to the Board of Adjustment for a Special Exception under Section 6300 of the Zoning Ordinance if the plant is to be located closer than 300 feet to any park, school, child care center or residential structure, or if the plant will be located on the same property more than 120 days.

All temporary batch plants, whether allowed by permit or by Special Exception, shall conform to the following requirements:

a. The stationary equipment of a temporary batch plant shall not be located closer than 100 feet to the nearest property line.

b. The hours of operation of a temporary batch plant shall be restricted to Monday through Friday from 7:00 am to 7:00 pm, and Saturdays, 9:00 am to 5:00 pm. Hauling aggregate (sand and gravel) to or from the site on Saturdays shall be prohibited.

c. The site on which the temporary batch plant is located shall be returned to its original condition within thirty (30) days following the termination of the plant operations.

d. No more than one temporary batch plant shall be permitted on the same property within a period of eighteen (18) consecutive months.

e. A temporary batch plant shall be located on property of the construction site or abutting the construction site or project.

f. Concrete or asphalt from a temporary batch plant shall not be trucked over to any other construction site other than the site of the project for which the plant was approved.

g. A temporary batch plant shall comply with all standards of and must receive a permit from the Texas Commission on Environmental Quality. A plant shall meet all current city ordinances pertaining to storm water, dust or other environmental standards.

(Ordinance No. 1415, Adopted 2/10/03)

24. Offices: Office development in the OP, Office Park District, shall be subject to the following additional supplemental conditions:

    a. Impervious surface coverage consisting of all buildings and structures and all paved or impervious surfaces shall not exceed ninety (90) percent of the total lot area.

    b. Store front, show window, or display window effects shall not be permitted and there shall be no display from windows or doors and no storage of merchandise in the building or on the premises except in quantities customarily found in professional or business offices and the associated retail and service type business.

    c. Permitted retail and service type uses in the OP district shall be conducted for the sole convenience of the occupants of the associated office building and there shall be no entrance to any such place of business except from the inside of the building.

25. Industries Not Elsewhere Listed: Industrial uses in the I-l, Light Industrial District shall include only those operations which are not offensive by reason of the creation of a hazard or emission of detectable dust, odor, glare, noise, smoke, gas, fumes or vibration beyond the bounding property lines of the lot or tract upon which the use is located. It is the intent of the I-l, Light Industrial District that the processing of raw material, to be used by another industrial operation, not be permitted. Manufacturing or industrial operations not specifically listed in the Permitted Use Table are intended to be located in the I-2, Heavy Industrial District unless such operations meet the special conditions set forth above for the

I-l, Light Industrial District. Said conditions shall apply to both listed and unlisted uses permitted in the I-l District. The installation of abatement devices for control of dust, odor, noise, etc. may be necessary in certain instances.

26. New and Used Car Sales Lot: No combined new and used car sales lot shall have more than fifty (50) percent of the vehicle units for sale made up of used cars.

27. Warehouses: All mini-warehouses located in the C-3 District shall setback a minimum of one hundred (100) feet from the front lot line. No outside storage or display of merchandise, vehicles, equipment or objects are permitted in the C-2 District except as provided in Section 7500C of the Ordinance.

28. Building Material and Lumber Sales, Nursery Garden Center – Notwithstanding the restrictions of Section 7500C, outside storage of materials, supplies, products and containers customarily associated with building materials, lumber sales and plant nurseries are permitted in the C-2 and C-3 Districts provided such storage area is visually screened from the street by a six (6) foot high solid fence, and provided that all building materials and lumber shall be placed on pallets or neatly packaged and consist of no used items; and provided that all plant or landscaping materials be balled or burlaped or neatly contained in pots and/or buckets.

29. In the C-3, Commercial-Manufacturing District, no trailer, truck or recreational vehicle available for rent shall exceed the size of a single rear axle vehicle. Trailers available for rent in said Districts shall be limited to a single wheel, dual axle, bumper pull type maximum.

30. Adult Entertainment Establishment: Adult entertainment establishments shall conform to with all applicable regulations in the Mansfield Code of Ordinances as now existing or as hereafter amended.

31. Reserved for future use.

32. Quarters for an On-Site Manager or Caretaker of a Mini-warehouse Facility: Residential quarters for mini-warehouse facilities shall conform to the following requirements:

    a. One residential unit shall be permitted as an accessory use for each mini-warehouse facility.

    b. Occupancy of the residential unit shall be limited to the on-site manager or caretaker of the mini-warehouse facility and immediate family of the occupant.

    c. The residential unit shall not be leased or rented.

    d. The residential unit shall be located inside the office or attached to the office by a common wall.

    e. The residential unit shall be limited to 1,000 square feet of floor area.

    f. A minimum of two (2) parking spaces, enclosed in a garage or unenclosed, shall be provided for the residential unit, exclusive of the required parking for the mini-warehouse office.

33. Food Carts: Food carts shall conform to the following requirements:

a. For the purposes of this section, a food cart is defined as a non self-propelled, vehicle mounted food service establishment designed to be readily movable. A food cart may be used only for packaged or unpackaged non-potentially hazardous food and hot dog-like products including bratwurst. A food cart business shall not include a grill, smoker or a cart where food is prepared over an open flame.

b. For the purposes of this section, the health authority is that authority designated in Section 94 of the Mansfield Code of Ordinances.

c. All food cart operators are required to obtain an annual food service permit from the health authority.

d. No food cart shall operate within the City of Mansfield unless the owner or operator of the cart first obtains a business license from the City. An application for a business license will not be processed unless accompanied by a copy of the food service permit issued by the health authority and a letter from the property owner stating that the food cart is permitted to operate on the property.

e. If any unwrapped foods are prepared, stored, displayed, or served on the food cart, a three-compartment sink and hand sink with soap and disposable towels shall be required on the food cart.

f. Carts requiring sinks must be equipped with a potable water system that is under pressure or gravity feed and be capable of providing hot and cold water at a minimum rate of one-half (.5) gallon per minute. The system must be of an adequate capacity, as determined by the health authority, for food preparation, utensil cleaning and hand washing. The water inlet must be located so it will not be contaminated by waste discharge, road dust, oil, grease and similar materials. The water outlet must be capped at all times except during time of service. Liquid waste must be stored in a retention tank that is at least fifteen (15) percent larger than the water supply tank. Liquid waste may only be disposed of in an approved sanitary sewer. Discharge of wastewater on the ground or into a storm sewer is prohibited.

g. Mechanical refrigeration and hot food storage must be provided for the maintenance of all potentially hazardous foods. All potentially hazardous food must be kept at 41°F or below or at 140°F or above. The use of ice, dry ice, and Sterno as a means of maintaining proper food temperatures is not approved unless written permission is given by the health authority. Coolers that are smooth, durable, and easily cleanable may be used for the storage of soft drinks. The use of Styrofoam is prohibited.

h. All food products must come from sources approved by the health authority. All prepackaged foods must be properly labeled. Home-prepared foods of any kind are prohibited.

i. All finishes on the food cart must be smooth, durable, non-absorbent, and easily cleanable.

j. All food and any items coming in contact with food are to be stored above the ground and protected from contamination. The use of open condiments is prohibited.

Condiments must be dispensed from individual packets or from a closed dispenser such as a squeeze container.

k. Wiping cloths must be stored in an approved sanitizer at appropriate strength when not in actual use.

l. A covered trash receptacle must be provided for the public's use and removed from the premises when the food cart is not present.

m. Public restrooms must be easily accessible to employees of the food cart.

n. Every portion of a food cart must be entirely covered by a building overhang or a canopy or umbrella that must be removed from the premises when the food cart is not present.

o. The following items must be kept on site and used as necessary:

1. A calibrated product thermometer scale 0°F to 220°F;

2. Test strips for the type of sanitizer used; and

3. Food grade gloves.

p. Each employee of the food cart and the owner must obtain all appropriate cards, permits, licenses or certificates regarding food handling from the health authority prior to the issuance of a food service permit.

q. All food carts must operate from a commissary approved by the health authority. The food cart operator must submit to the health authority a letter from the owner of the commissary giving permission to use that establishment as a commissary. All food carts must report at least once per day to the commissary for supplies, clean up of the food cart and any other activities related to the operation of the food cart, such as the use of a three-compartment sink for washing large items. When not in use the food cart must be stored at the commissary in a covered area protected from the weather.

r. The owner or operator of a food cart must submit to the health authority such plans, drawings, specifications and other information that fully describe the food cart as the health authority may require.

s. Any food cart that operates with propane must be located at least ten (10) feet from the building and at least twenty feet from any opening into the building. Additionally, a minimum of one (1) two and one-half (2.5) pound fire extinguisher must be located within twenty (20) feet of the food cart.

t. Electrical cords may not extend more than six (6) feet beyond the food cart, and must be installed and secured to prevent safety hazards.

u. A food cart shall only be permitted on property with an existing retail shopping center that has at least one (1) anchor tenant with a minimum floor area of 50,000 square feet. The food cart must be located on the same lot occupied by said anchor tenant.

v. Only one (1) food cart shall be permitted per retail shopping center.

w. A food cart shall not be allowed in any required parking space of the retail shopping center.

34. Gas well drilling and production and line compressors: Gas wells, drilling and production of gas, and Line Compressors facilities shall conform to the regulations set forth in Section 7960 of the Zoning Ordinance. *(Ordinance No. 1703-08, Adopted 8/25/08) (OR-1766-10, Amended 4/27/10)*

35. The construction of an accessory dwelling in any A, PR or SF zoning district shall be permitted, subject to the following:

    a. The accessory dwelling shall be built with the main residential building at the time of the original building permit.

    b. The accessory dwelling shall be made structurally a part of the main residential building and:

        1. Have a common wall with the main residential building, or,

        2. Have a continuous roof assembly and common attic with the main residential building.

    c. The habitable floor area of an accessory dwelling shall not exceed 1,000 square feet or fifty (50) percent of the habitable floor area of the main residential building, whichever is less. The accessory dwelling and the main residential building together shall not exceed the maximum lot coverage allowed by the regulations of the zoning district in which the property is located.

    d. The maximum height of an accessory dwelling shall not exceed the height of the main residential building.

    e. Occupancy of the accessory dwelling shall be limited to domestic servants or caretakers employed on the premises, temporary guests, or family members of the owner of the premises. Guests may occupy such dwelling no more than 90 consecutive days in any twelve-month period.

    f. An accessory dwelling shall not be rented as an apartment or used as a separate domicile.

    g. No more than one accessory dwelling shall be allowed on any lot or tract.

    h. An accessory dwelling must comply with the same minimum side and rear setback requirements as the main residential building.

    i. No separate driveway approach shall be permitted for an accessory dwelling.

    j. An accessory dwelling shall be constructed of the predominant building and roofing materials used on the main residential building.

k. All utilities must be on the same meter as the main residential building.

l. Applications may be made to the Board of Adjustment for a special exception for any accessory dwelling which does not comply with the regulations above, subject to the provisions of Section 6300.E.7 of this ordinance.

Ordinance No. 1487, Adopted 7/12/04

36. Eating Places with Drive-Through Service: In addition to the conditions specified in Sections 6100.F and G of this Ordinance, Eating Places with Drive-Through Service shall be subject to the following supplemental conditions:

a. For the purposes of this Section, the following definitions shall apply:

1. Dross access shall mean a service drive providing vehicular access between two or more contiguous sites so that drivers need not enter the public street system.

2. Stacking lane shall mean an area of stacking spaces and driving lane provided for vehicles waiting for drive-through service that is physically separated from other traffic and pedestrian circulation on the site.

3. Stacking space shall mean an area within a stacking lane for vehicles waiting to order and/or finish a drive-through transaction.

b. Two (2) points of access to the property shall be provided to aid in traffic circulation.

c. Shared access with adjacent lots should be established wherever feasible. Shared access should be provided by a driveway connecting two or more contiguous lots to the public street system.

d. Cross access should be provided across the width of the property to adjacent lots. An access easement must be established wherever cross access is provided.

e. The stacking lane(s) shall not be parallel to a public street when there is not a building or a row of parking spaces between the stacking lane(s) and the street.

f. The stacking lane(s) should be designed to prevent circulation congestion on the property and on adjacent public streets. The design should minimize conflicts between pedestrian and vehicular traffic and should not impede access in or out of parking spaces.

g. The stacking lane(s) for vehicles waiting for drive-in service shall be clearly delineated from traffic aisles, other stacking lanes and parking areas with striping, curbing, landscaping or alternative paving.

h. The stacking lane(s) shall be integrated with the on-site circulation pattern and shall not enter or exit directly into a public street.

i. For a stacking lane next to a curb, landscaping or property line, a by-pass or exit lane shall be provided to allow vehicles to leave the stacking lane.

j. The stacking lane(s) should accommodate at least five (5) stacking spaces before the order board and four (4) stacking spaces between the order board and the transaction window.

k. The intersection of a stacking lane and walk-in customer access shall be clearly delineated with a crosswalk with alternative paving, and/or striping.

l. Each stacking lane shall have a minimum width of ten (10) feet along straight segments and a minimum width of twelve (12) feet along curve segments.

m. The stacking lane, menu or order board and speaker shall be located a minimum of one hundred (100) feet from the property line of residential zoning district.

n. When a stacking lane(s) is not screened by the restaurant building, additional screening shall be provided by planting shrubs along the entire lot line that is parallel or close to parallel to the stacking lane. The shrubs must be planted at three (3) feet on center and have a minimum height of three (3) feet at the time of planting.

o. A landscape buffer with a minimum width of twenty (20) feet shall be provided along the side lot lines of the property. The buffer must have one (1) tree planted for each twenty-five (25) linear feet or portion thereof.

p. Exposed machinery and areas for storage, service and disposal shall be screened from adjacent lots and public streets using the same predominant construction materials on the building.

q. The design of proposed buildings and additions should complement, whenever feasible, the roof line, roof pitch, arrangement of openings, color, exterior materials, proportion and scale of existing non-residential buildings in the vicinity.

r. An Eating Place with Drive-Through Service shall not be permitted on property within the boundaries of Historic Mansfield TIRZ No. 2 as established in Ordinance No. OR-1861-12 unless it is approved by the City Council as a Planned Development District.

s. An Eating Place with Drive-Through Service should comply with the driveway design and spacing requirements and other application requirements in the City of Mansfield Roadway Design Manual.

t. Notwithstanding the foregoing provisions, the Planning and Zoning Commission may recommend and the City Council may approve such modifications, changes or alternatives to the above conditions as they deem appropriate.

37. Solar panel systems shall conform to the following requirements:

a. Solar panel systems shall meet all applicable codes and ordinances and shall be installed only after issuance of a building permit.

b. Roof-mounted solar panel systems shall comply with the following:

1. Solar panel systems shall be permitted on the roof of a building provided that the panels are not located on a front or side roof slope facing any public street or a rear roof slope facing a street with four or more lanes as shown in the Thoroughfare Plan.

2. Solar panel systems shall have a top edge that is parallel to the roof ridge and shall conform to the slope of the roof.

3. Solar panel systems may be located on any roof slope of an accessory building or structure, such as a patio cover or detached garage, subject to the regulations in this Sub-section b, Paragraphs 2 and 5.

4. Solar panel systems mounted on flat roofs shall not exceed the maximum height permitted within the zoning district and shall be screened in accordance with Section 7301.A of this ordinance.

5. Solar panel systems shall be positioned on the roof so as not to extend above or beyond the edge of any ridge, hip, valley or eave.

c. Ground-mounted solar panel systems shall comply with the following:

1. A ground-mounted solar panel system is not permitted as the primary use of a property.

2. On residential property, ground-mounted solar panel systems shall comply with the maximum square footage and minimum setback requirements for residential accessory buildings and structures. On non-residential property, ground-mounted solar panel systems shall comply with the minimum setback requirements for non-residential buildings and structures and shall not be located within any required bufferyard or parking space.

3. Ground-mounted solar panel systems shall not be located between a property line abutting a street and the building.

4. Masonry and architectural requirements shall not apply to ground-mounted solar panel systems.

5. Ground-mounted solar panel systems on residential property shall be screened from view of the street or adjacent properties by an opaque screening fence. Except in the I-1 and I-2 Zoning Districts, ground-mounted solar panel systems on non-residential property shall be screened from view of the street and adjacent properties by a screening wall constructed of materials that match the predominant material used on the building.

6. The maximum height of ground mounted solar panel systems shall not exceed the height of the required opaque fence and in no case shall exceed eight (8) feet.

7. Long lengths of conduit and wiring associated with the system's connection to the primary electrical panel shall be placed underground.

d. Supporting equipment for solar panel systems, including power conditioning equipment such as batteries for electricity storage and stand-by gasoline electric generators shall be

located behind the building and shall be screened by an opaque screening device, except that wall-mounted inverters may be located next to the electric meter.

e. Solar panel systems shall be installed in conformance with all applicable City codes and ordinances, including the 2015 International Fire Code and future amendment thereof.

f. On residential lots or tracts of two (2) acres or larger, roof-or ground-mounted solar panel systems may face a public street provided that the solar panel system is located at least three hundred (300) feet from any street right-of-way line. An opaque fence shall not be required to screen ground-mounted solar panel systems meeting this provision.

g. Solar panel systems incorporated into building materials such as roof shingles or tiles, windows, siding, or other architectural features integral to a building's design and are reasonably indistinguishable from traditional building materials may be installed on any roof or façade of the building. The eligibility of a solar panel system under this paragraph shall be subject to the determination of the Director of Planning.

h. The City Council may approve an alternate location than specified in this Section for a roof-mounted or ground-mounted solar panel system at one (1) meeting after holding a public hearing. Written notice of the hearing shall be sent to owners of real property, as they appear on the last approved tax roll, situated within two hundred (200) feet of the exterior boundary of the property on which the solar panel system is requested at least ten (10) days prior to the date of the hearing. Notice of the hearing shall also be published in the official newspaper of the City of Mansfield at least ten (10) days prior to the date of the hearing.

Section 7900. Industrialized Housing and Building Regulations

A. **General Provisions.**

In compliance to Article 5221f-1, Vernon's Texas Civil Statutes, all local requirements and regulations relating to land use, zoning, building setback, site planning and development, subdivision control, landscaping and architectural requirements, erection and installation shall be uniformly applied to industrialized housing and building without distinctions as to whether the housing or buildings are manufactured or are constructed on-site.

B. **Construction and Installation Requirements.**

For each installation and related on-site construction of industrialized housing or building within its corporate limits, the City of Mansfield specifically requires:

1. That a compete set of design plans and specifications bearing the stamp of the Texas Industrialized Building Code Council be submitted to the City for review for compliance with the mandatory state codes.

2. That all applicable local permits and licenses and fees be obtained before any construction begins on a building site.

3. That all modules or modular components within an industrialized housing or building bear an approved decal or insignia under rules of the Texas Department of Labor and Standards reflecting that they have been inspected at the manufacturing plant or facility.

4. That the industrialized housing or building be placed on an approved permanent foundation.

5. That the Building Official be notified for inspection of all foundation and other on-site construction, and installation of modules or modular components on the permanent foundation to assure compliance with approved designs, plans and specifications.

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Section 7950. Wireless Telecommunication Facility Regulations.

A. **Purpose**: Wireless telecommunications facilities used in transmitting and receiving signal energy are essential and promote the health, safety, and general welfare of the citizens of the City. The purpose of this section is to govern the placement of these facilities to:

1. assure that their location and use do not compromise the aesthetic quality of the community;

2. encourage operators of antenna facilities and antennas to locate them in areas where the adverse impact on the community is minimal;

3. encourage co-location on both new and existing antenna facilities;

4. encourage operators of antenna facilities and antennas to configure them in a way that minimizes the adverse visual impact through careful design, landscape screening, and innovative stealth techniques;

5. enhance the ability of antenna facilities and antennas to provide services to the community effectively and efficiently; and

6. promote the aesthetic quality of the city as a significant aspect of the health, safety, and general welfare of the community.

B. **Definitions:** In this section the following definitions apply:

1. **Amateur Radio Antenna:** A radio communication antenna used by a person holding an amateur station license from the federal communications commission.

2. **Antenna**: A device used in communications, which transmits or receives radio signals.

3. **Antenna, Building Attached**: Antenna attached to an existing structure in two general forms: (1) roof-mounted, in which antennas are placed on the roofs of buildings, or (2) building-mounted, in which antennas are placed on the sides of buildings. These antennas can also be mounted on structures such as water tanks, billboards, church steeples, electrical transmission towers, etc.

4. **Antenna Facility:** Any structure, monopole, tower, or lattice tower used to support antennas.

5. **Co-location:** The act of locating wireless communications equipment for more than one use on a single antenna facility.

6. **Equipment Storage Building:** An unmanned, single story equipment building used to house radio transmitters and related equipment.

7. **Monopole:** A self-supporting antenna facility composed of a single spire used to support communications equipment or other visible items.

8. **Satellite Receive-Only Antenna:** An antenna that enables the receipt of television signals transmitted directly from satellites to be viewed on a television monitor. Such antennas are

commonly known as a satellite dish, television receive-only antenna, dish antenna, parabolic antenna, or satellite earth station antenna.

9. **Stealth Facility:** An antenna facility that is virtually transparent or invisible to the surrounding neighborhood. Stealth facilities may include totally enclosed antennas, wireless facilities that replicate or duplicate the construction of common structures such as flagpoles, and camouflaged wireless facilities that are constructed to blend into the surrounding environment.

10. **Tower, Lattice:** A self-supporting tower having three or four support legs with cross-bracing and the capacity to hold a number and a variety of antennas.

11. **TV Antenna:** An antenna that enables the receipt of television signals transmitted from broadcast stations.

C. **General Regulations:** The following regulations apply to all antenna facilities and antennas located within any district:

1. **Equipment and Storage Building:** An equipment storage building associated with an antenna facility or an antenna shall be screened and landscaped as described in other sections of this ordinance, or be incorporated into the stealth treatment so that it is consistent and complementary with the existing structures and uses on the premises.

2. **Driveway Surfaces:** All driveways accessing any antenna facility site or equipment storage site shall be constructed of concrete. *(Ordinance No. 1447, Adopted 10/13/03)*

3. **Lights:** No outdoor lighting shall be allowed on antennas located on residentially zoned property except lights or lighting that is by required by the Federal Aviation Administration or the Federal Communications Commission.

4. **Limitations:** Antenna facilities are limited to stealth facilities and monopoles except where other facilities are allowed by this section.

5. **Antenna Facility Capacity:** An antenna facility shall not have more than the number and size of antennas attached to it than are allowed by the antenna facility manufacturer's designs and specifications for maximum wind load requirements.

6. **Monopoles:** No guy wires are permitted with the use of monopoles.

7. **Prohibited in Easements:** Antenna facilities constructed solely for the purpose of supporting antennas shall not be placed in an easement.

8. **Construction Standards:** A building permit must be obtained prior to the construction or installation of a tower, antenna, or mast. An antenna facility must be installed according to the manufacturer’s recommendations or under the seal of a registered professional engineer of the State of Texas.

9. **Use and Repair:** Antenna facilities and antennas not in use shall be removed within 30 days following notice given by the Building Official. Antenna facilities or antennas in need of repair as determined by the Building Official, shall be removed or brought into compliance within 30 days following notice given by the Building Official. This notice

requirement shall not preclude immediate action by the Building Official if public safety requires it.

10. **Contained on Property:** No part of an antenna facility, antennas, or other attachment may extend beyond the property lines of the lot on which the antenna or antenna facility is located.

11. **Special Exception Requirement:** A Special Exception is required from the Zoning Board of Adjustment for an antenna or antenna facility which will not comply with any requirement of this section. See **Section J. Special Exceptions.**

D. **Amateur Radio and TV Antennas:** Amateur radio and TV antennas are permitted as accessory uses in the 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 or MH or PR zoning districts. Amateur radio and TV antennas must comply with the following regulations:

1. **Antenna Facility Type:** The antenna facility may be either building attached, a monopole, tower, or a lattice tower.

2. **Number of Facilities per Lot:** Only one antenna facility exceeding 35 feet in height is permitted on each lot.

3. **Height Limitations:** An antenna facility, exclusive of the height of any antenna or mast, shall not exceed 35 feet in height; except, that an antenna facility shall be permitted additional height at the ratio of one added foot in height for each additional foot of setback beyond the minimum setback required of an accessory building in the Zoning District Regulations to a maximum height of 65 feet in a residential district. A special exception is required for additional height.

4. **Height Limit for Building Mounted Antenna:** An antenna shall not extend more than eight-feet above a building on which it is mounted.

5. **Setbacks:** The following minimum setbacks apply:

    1. Antennas and antenna facilities shall not be permitted in front or side yards. Guy wires are not permitted in front yards;

    2. Guy wires are permitted in required side and rear yards;

    3. Setback for antenna facilities shall be the same as is required for accessory buildings in residential districts;

6. **Separation:** There shall be no minimum or maximum separation requirements for antenna facilities from other structures on the same lot of record;

7. **Lights:** No outdoor lighting above 20 feet shall be allowed on antenna facilities located on residentially zoned property, and no lights so located shall be directed off one’s property, except lights or lighting that is required by the Federal Aviation Administration or the Federal Communications Commission;

E. **Satellite Receive-Only Antennas Generally**: A satellite receive only antenna is permitted as an accessory use under the following conditions:

1. The satellite receive-only antenna is not greater than one meter in diameter: all zoning districts.

2. The satellite receive-only antenna is one meter or greater in diameter, but not greater than two meters in diameter: all nonresidential zoning districts.

F. **Satellite Receive-Only Antennas Greater Than One Meter in Diameter in Residential Districts and Greater Than Two Meters in Diameter in Nonresidential Districts** are permitted as accessory uses if they comply with the following regulations:

1. **Number of Antennas per Lot:** Only one satellite receive-only antenna per lot of record.

2. **Height:** not exceeding ten feet in height.

3. **Set backs:**

    1. **Front and side yards**: Not permitted.

    2. **Rear yard:** Minimum setback as required for accessory buildings in residential districts and as for all buildings in nonresidential districts.

4. **Separation:** No minimum or maximum separation requirements for satellite receive-only antennas from other structures on the same lot of record.

5. **Screening:** Satellite receive-only antennas that are mounted on the ground shall be screened from view from adjoining properties by solid fencing or evergreen plants to a height of a least six feet. A satellite receive-only antenna located within a fence surrounding the yard in which the satellite receive-only antenna is located shall be considered to be screened.

G. **Placement of Antenna Facilities (Other Than Amateur Radio, TV, and Satellite Receive-Only Antennas) within Land Use Thresholds**: For the purpose of determining the appropriate locations for the placement of antenna facilities other than amateur radio, TV, and satellite receive-only antennas, the City is divided into land use threshold areas that require different regulations pertaining to height, location, and type of antenna facility. These land use thresholds are defined as follows:

1. **Interior Industrial "II" -** Property within the I-1 and I-2 zoning districts that is located more than 1,000 feet away from any other zoning district.

2. **Exterior Industrial "EI" -** Property within the I-1 and I-2 zoning districts, that is located within 1,000 feet of any other zoning district.

3. **Full Commercial "FC" -** Property within the OP, C-1, C-2, C-3, or C-4 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.

4. **Undeveloped Residential "UR" -** Property within the 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 districts, that:

    1. is not a part of a recorded subdivision; or

    2. is a part of a recorded subdivision but has not had a building permit issued for a residential structure; and

    3. is not located within the calculated limits of the "DR" threshold.

5. **Edge Commercial "EC"** –Property within the OP, C-1, C-2, C-3, or C-4 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

6. **Wireless Corridors "WC" -** Property within, and 75 feet either side of, the right-of-way of a freeway or a major or minor arterial roadway, as indicated on the City's Thoroughfare Plan.

7. **Developed Residential "DR"** –Property within the 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 districts, which:

    1. is a recorded subdivision that has had at least one building permit for a residential structure; or

    2. is within the exterior surfaces of an existing primary residential structure; or

    3. is within 600 feet of areas described by paragraphs 7.a and 7.b above.

8. **Scenic / Limited "SL" -** Property that has been defined as a Scenic/Limited area, the boundary of which has been delineated on the zoning map.

H. **Antenna Facility Impact Levels**: For the purpose of determining appropriate locations for antenna facilities, the city recognizes differing levels of impact for antenna facilities depending upon physical location, aesthetics, and land uses compatibility. These antenna facility impact levels are defined as follows:

1. **90 Foot Monopole -** A monopole no greater than 90 feet in height. The antenna equipment may not extend more than 5 feet above the highest point on the monopole.

2. **60 Foot Monopole -** A monopole no greater than 60 feet in height. The antenna equipment may not extend more than 5 feet above the highest point on the monopole.

3. **35 Foot Monopole -** A monopole no greater than 35 feet in height. The antenna

equipment may not extend more than 5 feet above the highest point on the monopole.

4. **Level 4 Stealth Facility** - The antenna on a Level 4 Stealth facility is located on an existing structure (other than an antenna facility) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna is not screened nor hidden. For the purpose of this level, a pole or tower may be reconstructed to structurally hold the antenna but shall not be any higher than the original structure that it is replacing.

5. **Level 3 Stealth Facility** - The antenna on a Level 3 Stealth facility is located on an existing structure (other than an antenna facility) including, but not limited to, a building, water tower, utility tower, steeple, or light pole. The antenna may be aesthetically painted, constructed, or applied with material so that it is incorporated into the pattern, style, and material of the structure to effectively render the antenna unnoticeable. A new structure may be constructed to hold or house the antenna or equipment; however, the structure must be consistent with the overall architectural features of the primary buildings.

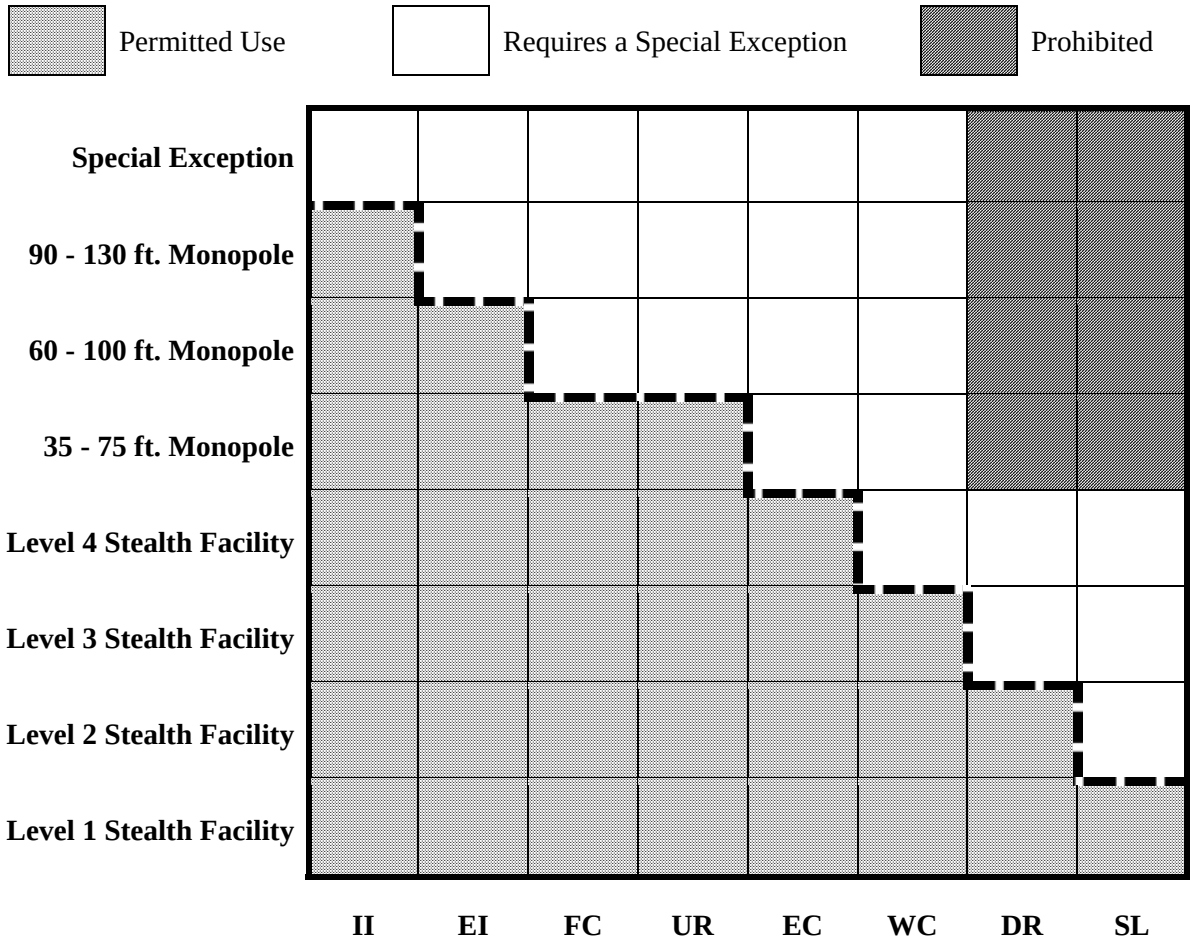
6. **Level 2 Stealth Facility** - The antenna on a Level 2 stealth facility is attached to the structure in such a manner that if it is seen it appears unrecognizable as an antenna, and the structure in which or on which the antenna is attached is an integral part of an overall development.

7. **Level 1 Stealth Facility** - The antenna on a Level 1 stealth facility is attached to the structure in such a manner that the antenna is completely unseen and the structure in which or on which the antenna is attached is an integral part of an overall development.

I. **Antenna Facility Siting Matrix:** Antenna facilities shall be located in accordance with the following siting matrix. This matrix provides for areas where antenna facilities may be located as permitted uses, areas where they may be located with a special exception, and areas where they are prohibited.

1. **Additional Height -** Permitted monopoles shown as 90 ft., 60 ft., and 35 ft. in the Antenna Facility Siting Matrix may be increased in height up to 20 feet, if the antenna facility is constructed to accommodate co-location. Co-location must include area requirements for ground storage buildings, driveways, screening, and any other accommodation that is required for the successful operation of a multiple-user antenna facility site. The extension of height may only occur twice to a maximum 40 additional feet.

Antenna Facility Siting Matrix



J. **Special Exception:** When a special exception is required by this section for the location of an antenna facility or an antenna, the property owner must submit an application to the Zoning Board of Adjustment.

1. **Application:** To properly evaluate an application to locate an antenna facility or an antenna that requires a special exception, the following information must be provided by the applicant:

    1. Describe the nature of the antenna site. Indicate whether the proposed structure is a monopole or mounted to a self-supporting structure. Indicate the proposed height.

    2. Provide photos or drawings of all equipment, structures, and antennas.

3. Describe why the antenna or tower is necessary at the particular location.

4. State the name(s) of the telecommunications providers or other users of the antenna or tower and describe the use to be made by each user.

5. Indicate if this antenna or tower site is to be connected to other sites; and if so, describe how it will be connected and who will be the back haul provider.

6. The applicant must address whether it has made an effort to co-locate the facilities proposed for this antenna facility on existing antenna facilities in the same general area. Identify the location of these existing sites, and describe in detail these efforts and explain in detail why these existing sites were not feasible. Attach all studies or tests performed which demonstrate why the existing sites will not provide sufficient signal coverage. Provide written documentation from existing sites' owners and/or operators which confirm the statements provided. Indicated whether the existing sites allow/ promote co-location and, if not, describe why not.

7. Indicate whether co-location will be allowed to other telecommunications providers at the requested site. If they are not allowed, state every reason and the basis of each reason.

8. If the requested location is in a residential district the applicant must address whether it has made an effort to locate the facility in a nonresidential district. Identify the location of these nonresidential district sites, describe in detail these efforts, and explain in detail why these nonresidential sites were not feasible. Attach all studies or tests performed which demonstrate why the nonresidential sites will not provide sufficient signal coverage. Provide written documentation from nonresidential district sites' owners or operators which confirm the statements provided.

9. Indicate the proposed provider's current coverage area for the City. Attach maps showing the areas the proposed provider's existing antenna currently covers, the areas the applicant's existing sites and the requested site would cover.

10. Describe the applicant's master antenna facilities plan for the City. Attach maps and other related documentation. Provide information indicating each phase of the plan.

11. Describe the applicant's plan to minimize the number of antenna facilities needed to cover the City.

2. **Consideration of application.** In considering whether to grant a Special Exception, the Zoning Board of Adjustment shall consider the following:

   1. The effect on the value of the surrounding property;

   2. The potential for interference with the enjoyment or the use of surrounding properties;

   3. Aesthetics;

   4. The proposed height of the antenna facility.

5. The zoning district and the adjoining zoning districts of the property for which the Special Exception is sought; and

6. The unique conditions that govern reasonable reception on any given lot.

3. The Zoning Board of Adjustment will approve a requested application subject to the finding that co-location of this facility with a nearby existing antenna facility is technically not feasible and subject to the following conditions:

   1. Applicant will permit co-location of others at the site;

   2. Applicant will construct and configure its antenna facility and other equipment to accommodate other providers;

   3. Applicant will identify its backhaul provider connecting antenna sites; and

   4. Applicant will give notice to the City identifying any provider who co-locates to the site and identify its backhaul provider.

K. **Written Report Upon Denial of Request:** The Board of Adjustment shall document in writing any denial of a request to place, construct, or modify an antenna facility. This documentation shall be supported by substantial evidence within the written record.

Section 7960. Gas Well Drilling & Production

A. Definitions: For the purposes of this Section, the definitions set forth in section 114.02 of the Code of Mansfield, Texas, shall apply unless the context clearly indicates or requires a different meaning. All technical industry words or phrases related to the Drilling and production of Gas Wells not specifically defined shall have the meanings customarily attributable thereto by prudent Operators in the Gas industry.

B. Specific Use Permit Required: The Drilling and production of Gas within the City shall only be permitted by Specific Use Permit in accordance with Section 6100 of this Ordinance. A site plan is required with the Specific Use Permit application and must include all information required by Section 6100.D and the follo9wing additional information:

1. The total number of Wells to be drilled.

2. The location of the Drill Site and a layout of the site showing all related facilities, including, but not limited to, Drilling rig, pipe rack, water and sanitary sewer facilities, electrical supply, camper/office trailers, reserve pit, and fracturing pits.

3. The location of the Operation Site and a layout of the site showing all related facilities, including but not limited to Wellheads, separators, dehydrators, tank batteries, compressors, and metering stations.

4. Size, location and purpose of any shared facilities, including, but not limited to, centralized tank batteries or fracturing pits for multiple Wells or Drill Sites.

5. The design, location, and arrangement of all access roads.

6. A map of the public streets to be used by truck traffic to the Drill Site.

7. The location of any floodplain, drainage or flowage easement.

8. A tree survey if required by the Landscape Administrator for compliance with the City's Natural Resources Management Ordinance.

9. A pipeline routing map indicating the location and size of all existing and planned pipelines within both the territorial and extraterritorial limits of the City intended to serve the well or wells identified in the above-referenced site plan. If approved by the City Council, the submitted pipeline routing map shall be made a condition of the Specific Use Permit. Proposed revisions or modification to an approved pipeline routing map shall be processed in accordance with the provisions of Section 6100.J of this Ordinance.

10. A video, provided in DVD format only, documenting existing conditions of the City streets within one (1) mile of the Drill Site or Line Compressor facility that will be used by truck traffic to the site, plus a DVD video or still photographs taken from the well(s) in four directions depicting the existing conditions of the property being used for the Drill Site or Line Compressor.

11. Time Limits:

a. A Specific Use Permit issued under this section shall expire as to each drill site, operation site or Line Compressor facility authorized by the Specific Use Permit, and a new Specific Use Permit shall be required approving each unused drill site, operation site or line compressor facility if two (2) years have elapsed since the approval of the specific Use Permit and at the time of the proposed use an unused drill site, operation site or line compressor facility would no longer comply with the setback limitations set forth in Section 7960.E of this ordinance.

b. The authorization for gas well drilling and production activities under a Specific Use Permit issued under this section shall be valid for a period of five (5) years from the date of issuance and shall expire for any surface activity, including, but not limited to, the drilling, fracturing and completion of wells or the installation of new equipment, that is not completed within said five (5) year period, unless an extension of time is approved by the City Council in accordance with the following procedure:

    1. An operator of an existing Drill Site or Operation Site seeking an extension of time shall submit an application for a new Specific Use Permit in accordance with Section 6100 of this ordinance, including a site plan and any other required documentation.

    2. Before the City Council takes any action on the application, the Planning and Zoning Commission must submit its recommendation and report to the City Council, and public hearings before both the Planning and Zoning Commission and the City Council must be held and public notice must be given in accordance with Section 8600.C of the Zoning Ordinance.

    3. Written consent for a distance setback specified in Section 7960.E of this ordinance shall not be required for an existing Drill Site or Operation Site, provided that there are no changes, other than the extension of time, being proposed from the preceding Specific Use Permit. If changes are proposed, that in the opinion of the City Manager or his or her designee, would change the character of the site and increase its impact on surrounding properties, the Manager or his representative shall advise the Mayor and Council that the staff is recommending that the renewal request comply with requirements of 7960.E of this Ordinance. An Applicant may appeal such decision to the City Council.

    4. The City Council may grant additional extensions of time, not to exceed five years in duration per request. Additional extensions of time may be sought subject to the limitations set forth in this Section, provided that the application is made not sooner than the four year anniversary and prior to the five year anniversary of the new Specific Use Permit.

    5. Notwithstanding the foregoing Sub-subparagraph 4, the operator of an existing Drill Site or Operation Site shall be entitled to make an application for an extension of time regardless of the expiration of the preceding Specific Use Permit, provided that the application is made prior to April 28, 2016. Any application received after April 28, 2016, shall conform to Sub-subparagraph 4 above.

6. If the application for the new Specific Use Permit is approved by the City Council, the operator shall conduct all gas well drilling and production activities in compliance with the regulations in Chapter 114 of the Code of Ordinances and all other applicable City ordinances, and any amendments thereof.

c. A Specific Use Permit issued for the activities regulated by this Section shall not be subject to expiration pursuant to Section 6100.H.

d. An approved Specific Use Permit shall expire for each drill site operation site or line compressor facility that is used and then abandoned. A drill site, operation site, or line compressor facility that is used will be deemed abandoned once the use thereafter ceases for at least twelve consecutive months. Intent to abandon shall be irrelevant.

C. Line Compressors

1. A Specific Use Permit is required for the establishment and operation of a Line Compressor and its related facilities and equipment whether in conjunction with a Gas Well or as an independent operation, in accordance with Section 6100 of the Mansfield Zoning Ordinance

2. A site plan is required with the Specific Use Permit application and must include all applicable information required by Sections 6100.C and this Subsection. The site plan must identify the location of the proposed Line Compressor and provide a layout of the site showing all related facilities and equipment. If the compressor is established separately from a Drill Site or Operation Site, a video documenting the existing conditions where the compressor is to be located shall also be required.

D. Efficient Use of Surface: It is the intent of this Section to encourage efficient surface land use by requiring compact and centrally located gas well development that minimizes the total amount of surface area needed for gas well facilities and avoids the creation of unusable strips and parcels. In order to implement this requirement, each Operator shall, to the extent permitted by Railroad Commission spacing rules, strive to locate new Drill Sites in close proximity to pre-established Drill and/or Operation Sites, if located within six hundred (600') feet of the proposed new Site. This requirement shall apply regardless of whether the pre-established Drill and/or Operation Sites are owned or managed by a different Operator.

E. Required Setback

1. No Drill Site or Line Compressor facility shall be permitted within six hundred (600') feet of the boundary of any preliminary or final platted residential subdivision, except under one of the following conditions:

a. A Drill Site or Line Compressor facility shall be permitted as close as three hundred (300') feet to any boundary line of a platted subdivision if all affected property owners within six hundred (600') feet of the Drill Site or Line Compressor facility consent in writing; or

b. Notwithstanding the foregoing, a Drill Site or Line Compressor facility may be located on a lot within the boundaries of a preliminary or final platted residential

subdivision with the written consent of the property owner, provided the Drill Site or Line Compressor facility is located at least three hundred (300') feet from the boundary of any final platted residential lot within the subdivision and the required distances set forth in subsections (2) and (3) are adhered to in accordance with their terms.

c. For the purpose of Subparagraph (a) above, "affected property owner" shall mean the owner of property that is both within six hundred (600) feet of the proposed Drill Site or Line Compressor facility and located within the boundary of a preliminary or final platted residential subdivision.

2. No Drill Site or Line Compressor facility shall be permitted within six hundred (600) feet of the boundary line of a property with a residential structure (if located on an unplatted tract), public building, institution, public or private school, day care center, or commercial building, except under one of the following conditions:

   a. A Drill Site or Line Compressor facility shall be permitted as close as three hundred (300) feet to any boundary line of a property described in Paragraph 2 above if all affected property owners within six hundred (600) feet of the Drill Site or Line Compressor facility consent in writing; or

   b. Notwithstanding the foregoing, a Drill Site or Line Compressor facility may be located on a property containing a residential structure (if located on an unplatted tract), public building, institution, public or private school, day care center, or commercial building with the written consent of the property owner and the required distances set forth in subsections (1) and (3) are adhered to in accordance with their terms.

   c. For the purpose of Subparagraph (a) above, "affected property owner" shall mean the owner of property that is both within six hundred (600) feet of the proposed Drill Site or Line Compressor facility and contains a building or structure described in Paragraph 2 above.

3. No Drill Site or Line Compressor facility shall be permitted within one thousand (1,000) feet from any hospital, nursing home, or the City's Law Enforcement Center. For the purposes of this Section, "nursing home" means a place for the care of individuals who, because of injury, incapacity, age or infirmity are generally non-ambulatory and require twenty-four hour supervised personal and/or medical care.

4. No Well or Line Compressor may be located within one hundred (100) feet of a railroad right-of-way.

5. In addition to obtaining written permission from property owners in accordance with Sections 7960.E.1.a or 7960.E.2.a above, a Gas Well Operator shall give written notice, in a form acceptable to the city, to the tenants or lessees of any residential Protected Use or the owner of a residential structure such as a manufactured home on a rental property within six hundred (600) feet of the proposed Drill Site for which the operator is making an application for a Specific Use Permit. Such notice shall be sent by certified mail, return receipt requested, and by first class U.S. mail. The Operator shall provide copies of the return receipts and an affidavit certifying that notice has been sent to the above-referenced tenants or lessees.

Ordinance No. 1703-08, Adopted 8/25/08
Ordinance No. 1766-10, Amended 4/27/10

ARTICLE 8. ADMINISTRATION, AMENDMENTS AND ENFORCEMENTS.

Section 8100. Enforcement, Violations and Penalties.

A. **Enforcement.** The provisions of this Ordinance shall be administered and enforced by the City. Each application for a building permit shall be accompanied by a site plan in triplicate drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building and or structure to be erected, and such other information as may be necessary to provide for the enforcement of this Ordinance.

B. **Violations and Penalties.** Any person, firm, corporation or entity that violates or assists in the violation of any of the provisions of this Ordinance or fails to comply with any of the requirements thereof, or who shall build or alter any building or use in violation of any plan or permit submitted and approved hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 10.99 of the Code of Ordinances of Mansfield, Texas. Each day such violation exists shall constitute a separate offense.

C. **Civil Remedies.** In order to enforce the provisions of this Ordinance, the City Attorney is authorized to institute any civil action in the appropriate court upon the prior approval of the City Manager.

Section 8200. Issuance of Building Permits and Utility Service.

A. No building permit for the construction of a building or structure upon any tract, parcel or premise shall be issued, and public utilities shall not be extended or connected to a building or structure unless the lot, tract, parcel or premise is part of a plat of record properly approved by the Planning and Zoning Commission or a lot of record. However, nothing herein shall require a plat to be approved and filed as a prerequisite to construction where such construction occurs in an area zoned in a PR, A or Single-family Residential District for any of the following purposes:

1. adding to an existing building or structure; or

2. altering an existing building or structure; or

3. adding an accessory building or structure; or

4. restoring any building or structure previously destroyed by fire, explosion or any other casualty or act of God where the extent of the destruction is not more than fifty percent (50%) of its reasonable market value.

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Section 8300. Certificate of Occupancy and Compliance.

A. No existing building or structure shall be changed in use, and no building or structure erected, enlarged or structurally altered after the effective date of this ordinance, unless a Certificate of Occupancy and Compliance shall first have been issued by the Building Official of the City of Mansfield certifying that the building and the proposed use of the building and premises comply with all building and fire codes, and any other applicable codes and ordinances.

B. A Certificate of Occupancy and Compliance shall be applied for coincident with the application for a Building Permit and will be issued within ten (10) working days after the completion of the erection, alteration or conversion of such building or land provided such construction or change has been made in complete conformity to the provisions of this Ordinance. All existing or hereafter created nonconforming uses shall obtain Certificates of Occupancy within eighteen (18) months of the effective date of this Ordinance. A Certificate of Occupancy shall be considered evidence of the legal existence of a lawful nonconforming use as contrasted to an illegal use and violation of this Ordinance.

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Section 8400. Board of Adjustments.

A. **Membership, Appointment and Term of Office:** There shall be a Board of Adjustments composed of five (5) regular members and up to three (3) alternate members who serve in the absence of one or more regular members. The members of the Board shall be residents and real property taxpayers in the City of Mansfield, appointed by the City Council for a term of two (2) years or until their successors are appointed. Four (4) members of the Board shall be so appointed each odd-numbered year and four (4) members shall be appointed each even–numbered year. The City Council may remove a board member for cause, as found by the City Council, on a written charge after a public hearing. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made. Members of the Board shall serve without compensation. *Ordinance No. 1517, Adopted 2/28/05*

B. **Proceedings.** The Board of Adjustments shall adopt rules to govern its proceedings provided, however, that such rules are not inconsistent with this Ordinance or statutes of the State of Texas. Meetings of the Board shall be held at the call of the Chairman or at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

C. Appeal Process.

1. Appeals to the Board can be taken by any person aggrieved by an officer, department, or board or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within fifteen (15) days after the decision has been rendered by the administrative officer, by filing with the Officer from whom the appeal is taken and with the Board, a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed was taken.

2. At a public hearing relative to any appeal or variance, any interested party may appear in person or by agent of attorney. The burden of proof shall be on the applicant to establish the necessary facts to warrant favorable action of the Board of Adjustments on any appeal.

D. **Stay of Proceeding.** An appeal shall stay all proceedings in furtherance of the action appealed from unless the officer from whom the appeal is taken certifies to the Board of Adjustments, after the notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise, than by a restraining order which may be granted by the Board or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.

E. **General Powers.** The Board shall have the following powers.

1. To hear and decide appeals when it is alleged there is an error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Ordinance. The Board must find the following in order to grant an appeal:

   a. That there is a reasonable difference of interpretation as to the specific intent of the zoning regulations or zoning map.

   b. That the resulting interpretation will not grant a special privilege to one property inconsistent with other properties or uses similarly situated.

   c. The decision of the Board must be such as will be in the best interest of the community and consistent with the spirit and interest of this Ordinance.

2. To initiate, on its motion or otherwise, action to bring about the vacation and demolition of a nonconforming structure which is deemed to be obsolete, dilapidated or substandard or the discontinuance of a non-conforming use under any plan whereby full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance.

3. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of said law will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. The term "variance" shall mean a deviation from the literal provisions of the Zoning Ordinance which is granted by the Board when strict conformity to the Zoning Ordinance would cause an unnecessary hardship because of circumstances unique to the property on which the variance is granted. Except as otherwise prohibited under Paragraph F hereto, the Board is empowered to authorize a variance from a requirement of the Zoning Ordinance when the Board finds that all of the following conditions have been met:

   a. That the granting of the variance will not be contrary to the public interest; and

   b. That literal enforcement of the ordinance will result in unnecessary hardship because of exceptional narrowness, shallowness, shape, topography or other extraordinary or exceptional physical situation or physical condition unique to the specific piece of property in question. "Unnecessary hardship" shall mean physical hardship relating to the property itself as distinguished from a hardship relating to convenience, financial considerations or caprice, and the hardship must not result from the applicant or property owner's own actions; and

   c. That by granting the variance, the spirit of the Ordinance will be observed and substantial justice will be done.

   The applicant shall have the burden of proving to the Board that the foregoing conditions have been met.

4. To authorize special exceptions as specified in Section 6300 of this Ordinance.

F. **Use Variance Prohibited.** No variance shall be granted to permit a use in a zoning district in which that use is prohibited, or a use which is explicitly prohibited by this ordinance.

G. **Additional Conditions.** The Board is empowered to impose upon any variance any condition reasonably necessary to protect the public interest and community welfare.

H. **Revocation or Modification.** A variance or special exception may be revoked or modified for any of the following reasons:

1. That the variance or special exception was obtained or extended by fraud or deception.

2. That one or more of the conditions imposed by the Board in granting such variance or special exception has not been complied with or has been violated.

3. That the variance or special exception although granted in accordance with all requirements hereof, has caused a nuisance or is otherwise detrimental to public health, safety and welfare.

An action to revoke or modify a previously granted variance or special exception may be initiated by order of the Board, or the person who obtained the variance or special exception.

The Board of Adjustments shall hear a request for the revocation or modification of a variance or special exception in accordance with the same notification and hearing procedures established for the original variances or special exception.

I. **Notification and Public Hearing Process.** Any request for an appeal, variance or special exception shall require a public hearing before the Board. Notice of said public hearing shall be published at least one time in a newspaper of the City of Mansfield, at least ten (10) days prior to the date of the hearing. A written notice of the hearing shall be sent to owners of property situated within two hundred (200) feet of the exterior boundary of the property with respect to which such appeal or variance is requested at least ten (10) days prior to the date of the hearing. It shall be sufficient that such written notice is addressed to the owner appearing on the last approved tax roll of the City and addressed to such owner at the address stated on said roll. If no owner is stated on the tax roll or no address appears thereon, the written notice to such property owner shall not be required. An application fee as set forth in the Mansfield Fee Schedule Ordinance shall be paid to the City in advance of the hearing except as indicated in Section 6300 of this Ordinance. No refund shall be made under any circumstances except in the event the application is withdrawn prior to the mailing of the required written notification or publication in the official newspaper, the fee shall be refunded.

J. **Action of the Board.** The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such ordinance, or to effect any variation in such ordinance.

K. **Appeal from Decision of Board.** Any person aggrieved by any decision of the Board of Adjustment, or any officer, department or other board or commission of the City of the City Council, may appeal the decision or action of the Board of Adjustments by filing a petition for same in a court of competent jurisdiction, setting forth that such decision is illegal in whole or in part, and specifying the grounds for the alleged illegality. Such petition shall be filed with the

court within ten (10) days from the day the Board renders its decisions, and not thereafter. The time period set forth herein shall be deemed jurisdictional.

L. **Reapplication.** No application for a variance or appeal which has been denied shall be again filed earlier than one (1) year from the date of original denial unless other property in the immediate vicinity has, within the said one year period, been changed or acted on by the Board of Adjustments or City Council as to alter the facts and conditions on which the previous Board action was based. Such change of circumstances shall permit the rehearing of an appeal by the Board of Adjustments prior to the expiration of the one year period, but such conditions shall in no wise have any force in law to compel the Board of Adjustments, after a hearing, to grant a subsequent appeal. Such subsequent appeal shall be considered entirely on its merits and the peculiar and specific conditions related to the property on which the appeal is brought.

Section 8500. Planning and Zoning Commission.

A. **Membership, Appointment and Term of Office:** There shall be a Planning and Zoning Commission composed of seven (7) members, who shall be residents and real property taxpayers in the City of Mansfield. The members of the Commission shall be appointed by the City Council for two (2) year terms or until their successors are appointed. Three (3) members of the Planning and Zoning Commission shall be so appointed each odd-numbered year and four (4) members shall be appointed each even-numbered year. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made. The City Council may remove a Commissioner for cause set forth in writing. Members of the Commission shall serve without compensation. *Ordinance No. 1517, Adopted 2/28/05*

B. **Proceedings.** The Planning and Zoning Commission shall have the power to adopt its own rules, regulations or bylaws to govern its proceedings; provided that such rules shall not be inconsistent with the ordinances of the City or the laws of the State of Texas. All meetings of the Planning and Zoning Commission shall be open to the public. A majority of the members of the Planning and Zoning Commission entitled to vote shall constitute a quorum for the transaction of business.

C. **Powers and Duties.** The Planning and Zoning Commission shall have the following powers and duties:

1. To make studies and project plans for the improvement of the City, with a view toward its future development and extension, and to recommend to the City Council all matters for the development and advancement of the City's facilities, layout and appearance, and to perform all duties imposed upon the City Planning and Zoning Commission by the Statutes of the State.

2. To make plans and maps of the whole or any portion of the City and of land outside the City located within one (1) mile of the City which, in the opinion of the Planning and Zoning Commission, bears a relation to the planning of the City, and to make changes in, additions to and extensions of such plans or maps when it deems same advisable.

3. To assist all other municipal and governmental agencies, and especially the City Council, in formulating and executing proper plans of municipal development.

4. To plan and recommend the location, plan, and extent of City alleyways, viaducts, bridges, subways, parkways, parks, playgrounds, airports, automobile parking places and other public properties, and public utilities, including bus terminals, railroads, railroad depots, and terminals, whether publicly or privately owned, for water, lights, sanitation, sewerage disposal, drainage, flood control, communication, marketing, and shipping facilities, power and other purposes, and for the removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of any of the foregoing public places, works, buildings, facilities, or utilities.

5. To select and recommend to the City Council routes of streets, avenues and boulevards, and particularly to investigate and recommend the opening, widening, or abandonment of streets, avenues, boulevards, and alleys or the changing thereof to conform with the City's system, present and future, of boulevards, streets, avenues, alleyways, parks and parkways.

6. To investigate, consider and report to the City Council upon the layout or platting of new subdivisions of the City or of property situated within one (1) mile of the City limits, and to approve all plans, plats, or replats of additions within the City limits, or within one (1) mile of the City limits.

7. To recommend to the City Council for adoption and promulgation rules, regulations, terms and conditions governing plats and subdivision of land within the corporate limits of the City to promote the health, safety, morals and general welfare of the community, and the safe, orderly and healthful development of such community.

8. To recommend plans to the City Council for improving, developing, expanding, bayous and streams, river front and yacht basins in or adjoining the city, and to cooperate with the City Council and other agencies of the City in devising, establishing, locating, improving, selecting, expanding and maintaining the public parks, parkways, playgrounds and places for public recreation.

9. To aid and assist the City Council by recommending plans for the development of civic centers.

10. To recommend the boundaries of the various districts or zones, to recommend appropriate regulations to be enforced therein, to make their preliminary report as to such zoning districts and regulations and to hold a public hearing or public hearings on the same before submitting a final report, and to submit a final report to the City Council and to perform all other duties and exercise all other powers conferred upon it by the statutes of the State of Texas.

11. To suggest plans for clearing the City of slums and blighted areas.

D. **Cooperation by Other Department Heads and Officials.** All department heads and officials of the City shall be available to the Planning and Zoning Commission for advice and consultation, and they shall cooperate with and render such services for the Department of Planning as shall come within the scope of the duties of such department heads and officials. All such department heads and officials shall attend meetings of the Planning and Zoning Commission upon the request of the Planning and Zoning Commission or its duly authorized official or officials and upon prior approval of the City Manager.

Section 8600. Changes and Amendments.

A. **Authority to Amend:** The City Council may, from time to time, on its own motion, or on petition of an interested property owner or owners, amend, supplement, or change by ordinance the zoning classification of any property or the regulations herein established or issue or revoke Specific Use Permits.

B. **Recommendation by Planning and Zoning Commission.** Before taking any action on any proposed amendment, supplements, change or a Specific Use Permit, the City Council shall submit the same to the Planning and Zoning Commission for its recommendation and report. The Planning and Zoning Commission shall hold a public hearing before submitting its recommendation and report to the City Council.

C. **Public Hearing and Notification Requirements.** No regulation, restriction or zoning district classification of any property shall be amended, supplemented or changed and no Specific Use Permit approved or revoked until after public hearings in relation thereto are held by the Planning and Zoning Commission and City Council, at which parties in interest and citizens shall have an opportunity to be heard. Written notice of all public hearings before the Planning and Zoning Commission on proposed changes in zoning district classification or Specific Use Permits shall be sent to owners of real property lying within two hundred (200) feet of the property on which the change in classification or Specific Use Permit is proposed, such notice to be given, not less than ten (10) days before the date set for hearing, to all such owners who have rendered their said property for City taxes as the ownership appears on the last approved City tax roll. Such notice may be served by depositing the same, properly addressed and postage paid, with the United States Postal Service. At least fifteen (15) days notice shall be published in an official paper, or a paper of general circulation in the City of Mansfield before the City Council public hearing.

D. **Application Fee.** Any person, firm or corporation applying for a change in this Ordinance or the zoning district classification of any property or a Specific Use Permit shall be required to pay an application processing fee as set forth in the Mansfield Fee Schedule Ordinance. No part of this fee shall be refundable unless the application is withdrawn prior to the mailing of the required written notification or publication in a newspaper. The limitation in reference to giving of notice is to protect owners of nearby properties against insincere applicants simply using the City's notice procedure to test public reaction. No harm is done in terms of public image if case is withdrawn prior to giving of public notice.

E. **Limitation of Re-applications.** No application for a change in zoning districts or Specific Use Permit shall be heard for a particular parcel of property if within twelve (12) months prior to the date of said application either a zoning case was denied by the City Council or a zoning case was withdrawn after the giving of public notice, and such application currently under consideration includes property which was all or a part of the previously denied or withdrawn case, and the application currently under consideration is for the same or a more intense zoning district than provided, however, on receipt of written request by the original applicant stating how conditions have changed substantially in the community since prior consideration of his proposal so as to justify an earlier review of this matter, the City Council may waive the mandatory delay period and authorize the acceptance of a new application. The term "more intense zoning district" shall mean one that generally permits uses of higher intensity, progressing from the first district listed in Section 3100 as the least intense to the I-2, Heavy Industrial District as the most intense, in the order listed in Section 3100.

F. **Postponement of Public Hearings at Applicant's Request:** An applicant for a zoning change or Specific Use Permit may request a postponement of a scheduled public hearing on such zoning request not less than ten (10) days, excluding Saturdays, Sundays, and holidays, prior to such scheduled public hearing. In the event that any publication or notification has been made by the City of the public hearing prior to such request for postponement, such applicant shall include, with his request, payment to the City of Mansfield of such fee for such postponement as may be set by the Planning and Zoning Commission or City Council.

G. **Zoning Districts not Available for Application** – The City will not accept any application for zoning change to the SF-5AC/24, SF-8.4/16, SF-7.5/16, SF-7.5/12 or SF-6/12 District.

Section 8700. Historic Landmarks Commission

A. **Membership, Appointment and Term of Office:** There shall be a Historic Landmark Commission composed of seven (7) regular members and one (1) alternate member who serves in the absence of a regular member. The members of the Commission shall be residences and real property taxpayers in the City of Mansfield, appointed by the City Council for two (2) year terms or until their successors are appointed. Four (4) members of the Commission shall be so appointed each odd-numbered year and four (4) members shall be appointed each even-numbered year. Vacancies shall be filled for the unexpired term of any member whose position becomes vacant for any cause in the same manner as the original appointment was made. Members of the Commission shall serve without compensation. *Ordinance No. 1517, Adopted 2/28/05*

B. **Organization:** The Historic Landmark Commission shall hold an organizational meeting within thirty (30) days of appointment in October of each year and shall elect a chairman and vice-chairman from among its members before proceeding to any other matters of business. The Planning and Development Director of the City of Mansfield, or her (his) designated representative, shall be the secretary of the Board. The Planning and Development Director shall provide technical assistance to the Historic Landmark Commission. The Planning and Development Director or his designee shall serve as Local Historic Preservation officer. The Historic Landmark Commission shall meet regularly and shall designate the time and place of its meetings. It shall adopt its own rules of procedure and keep a record of its proceedings in accordance with the State Statutes and the Zoning Ordinance and the Charter of the City of Mansfield. Newly appointed members shall be installed at the first regular meeting after their appointment.

C. **Meetings and Quorum:** Three (3) members of the Historic Landmark Commission shall constitute a quorum for the conduct of business; however, three (3) affirmative votes shall be required to decide any issue before the Historic Landmark Commission. The members shall regularly attend meetings and public hearings of the Historic Landmark Commission and shall serve without compensation, except for reimbursement for authorized expenses attendant to the performance of their duties.

D. **Powers and Duties.** The Historic Landmark Commission shall thoroughly familiarize itself with the buildings, land, areas and districts within the city which may be eligible for designation as historic landmarks and shall prepare an Historic Landmark Preservation Plan hereinafter referred to as the "Preservation Plan," which shall:

1. Identify and catalog buildings, land, areas, and districts of historical, architectural, archaeological or cultural value, along with statements of fact which verify their significance;

2. Identify criteria to be used in determining whether to grant or deny Certificates of Approval for proposed alterations to the exterior of a designated historic landmark;

3. Identify guidelines to be used in determination of whether to grant or deny Certificates of Approval for proposed alterations to the exterior of a designated historic landmark;

4. Formulate a program for private and public action which will state the role of various agencies in the City for preservation of historic landmarks;

5. Suggest sources of funds for preservation and restoration activities and for acquisitions, to include federal, state, municipal, private and foundation sources; and

6. Recommend incentives for preservation

The Preservation Plan shall be presented to the City Planning and Zoning Commission.

The Historic Landmark Commission shall recommend to the City Planning and Zoning Commission that certain buildings, land areas, and districts in the City be designated as historic landmarks. Each recommendation shall include:

1. Those premises, lots, or tracts to be designated;

2. Any additional uses to be permitted in the specific "H" Historic Landmark Overlay District;

3. Specific criteria for the required preservation of the exteriors of the premises within the designated sub-district.

If the Historic Landmark Commission finds that certain buildings, land, areas or districts cannot be preserved without acquisition, the Commission shall recommend to the City Planning and Zoning Commission that the fee or a lesser interest in the property be acquired by gift, or purchase, using funds available for preservation or restoration.

Where there are conditions under which the required preservation of an historic landmark would cause undue hardship to the owner or owners, use changes may be recommended by the Commission. Such changes shall be in keeping with the spirit and intent of Section 5400 of this Ordinance.

Periodically the Commission shall review the status of designated Historic Landmark Overlay Districts and include in the Commission's minutes a report of such review.

The designation of a Historic Landmark Overlay District may be amended or removed using the procedure provided in Section 5400 L of this Ordinance.

Section 8800. Miscellaneous Provisions.

A. **Uses Prohibited by Other Ordinances.** Nothing in this Ordinance shall be construed as repealing any existing ordinance of the City of Mansfield regulating nuisances or permitting uses which are not prohibited by this ordinance.

B. **Deed Restriction.** No provision or application of this Ordinance shall be construed as affecting in any manner the rights of individual property owners to privately enforce deed restrictions upon the use of any property zoned under the terms of this Ordinance if such restrictions are of higher or more restrictive classification than the provisions contained herein.

C. **Conflicting Provisions.** Whenever a conflict arises among any provisions of this Ordinance, the most restrictive requirement shall apply.

D. **Completion of Building.**

1. Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this Ordinance and which entire building shall be completed within one (1) year from the date of the passage of this Ordinance.

2. In the event construction drawings have been submitted for a building permit prior to the effective date of this ordinance showing development proposed under terms of the prior ordinance, the Building Official may grant a permit for the development and construction based on the requirements of the previous ordinance and set a reasonable time limit for the completion of such development.

E. **Right of Entry.** Whenever necessary to make an inspection to enforce any of the provisions of this Code, or whenever the Building Official or his authorized representative has reasonable cause to believe there exists in any building or upon any premises a violation of this Code, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this Code, provided that if such building or premises be occupied, he shall first present proper credentials and request entry; and if such building or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused or if no owner or other person having charge or control of the building or premises can be located, the Building Official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

Section 2.

Any person violating any of the provisions of this Ordinance shall, upon conviction, be fined as provided in Section 1-6 of the City Code of Ordinances, and each day and everyday that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. The owner or owners of any building or premises, or part thereof, where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any such violation shall be guilty of a separate offense and upon conviction shall be fined as herein provided.

Section 3.

By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the existing Zoning Ordinances were repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinances had not been repealed.

Section 4.

If any section, paragraph, subsection, clause, phrase or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid or unconstitutional.

Section 5.

That all ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms or provisions contained in this ordinance are hereby repealed to the extent of any such conflict.

Section 6.

This Ordinance shall be effective and shall be in full force and effect on and after the 27 DAY OF APRIL, 1986.

PASSED AND ADOPTED ON ITS FIRST READING THIS THE 31 DAY OF MARCH, 1986.

PASSED AND ADOPTED ON ITS SECOND READING THIS THE 14 DAY OF APRIL, 1986.

PASSED AND ADOPTED ON THIS THIRD AND FINAL READING THIS THE 15 DAY OF April, 1986.

/S/_____
L. Wayne Wilshire, Mayor

ATTEST:

/S/_____
Kathryn Howard, City Secretary

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