

ORDINANCE NO. 746

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX III OF THE CITY CODE OF THE CITY OF MESQUITE, THE SAME BEING THE 1964 ZONING ORDINANCE OF SAID CITY DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE ON AUGUST 17, 1964, BY REPEALING IN TOTO ARTICLE IX "A" MULTIPLE-FAMILY DISTRICT REGULATIONS, SECTIONS 1 THROUGH 3, OF SAID APPENDIX III, AND SUBSTITUTING THEREFORE THE FOLLOWING: ARTICLE IX-A - MULTIPLE-FAMILY DISTRICT REGULATIONS; BY PROVIDING USE RESTRICTIONS; HEIGHT REGULATIONS; AREA REGULATIONS, INCLUDING MINIMUM FRONT; SIDE AND REAR YARD REQUIREMENTS; LOT COVERAGE; PARKING REGULATIONS; PROVIDING FOR FIRE RESISTANT CONSTRUCTION; PROVIDING MINIMUM AREA OF DWELLING UNIT; BY RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF APPENDIX III OF THE CITY CODE OF MESQUITE NOT SPECIFICALLY REPEALED BY THIS ORDINANCE; BY PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. REPEAL

That Article IX, "A" Multiple-Family District Regulations, Sections 1 through 3, of Appendix III of the City Code of Mesquite, Texas, the same being the 1964 Zoning Ordinance of said city duly passed and approved by the City Council of Mesquite on August 17, 1964, shall be, and the same are, hereby repealed in toto.

SECTION 2. SUBSTITUTION

That Article IX-A, Sections 1 through 3, shall be, and the same are, hereby substituted for the provisions of Appendix III hereby repealed in Section 1 above. That Article IX-A shall provide as follows:

A. Title

That Article IX-A shall be entitled "A" Multiple-Family District Regulations.

B. Section 1. - Use Restrictions

That in an "A" District no land shall be used and no building shall be erected for or converted to any use other than:

- (a) Two-family dwelling.
- (b) Multiple-family dwelling.
- (c) Apartment buildings in which rooms and apartments are rented to resident guests; but excluding all private clubs and retail business.

C. Section 2. Height Regulations

No building shall exceed two and one-half (2-1/2) stories in height, except that permitted institutions such as schools and churches, may be erected to exceed two stories when set back from all property lines a distance equal to twice the height of the building.

D. Section 3. Area Regulations

(a) Front Yard

- (1) There shall be a front yard having a minimum depth of not less than twenty-five (25') feet except as provided in Article XIX, Paragraph 2.
- (2) Where lots have double frontage running through from one street to another the required front yard shall be provided on both streets.

(b) Side Yards

- (1) For duplex residences there shall be combined side yards of not less than twenty percent (20%) of the width of the lot, but no side yard shall be less than five (5') feet in width. The side yard of a corner lot adjacent to a side street shall not be less than ten (10') feet in width. Where the corner lot is a "key lot" the required front yard shall be provided on both streets.
- (2) For multiple-family dwellings the side yard shall be ten (10') feet where no windows or other openings for light face the side yard. In all other cases the minimum depth shall not be less than twelve (12') feet plus one (1') foot for each fifteen (15') feet in length.  $D = 12 + \frac{L}{15}$
- (3) In all cases where the side yard is adjacent to a side street the side yard shall not be less than (10') feet. Where the corner lot is a "key lot" the required front yard shall be provided on both streets.

(c) Rear Yard

The rear yard shall be the same as side yard except where property is adjacent to residential zoned property the rear yard must have a depth of not less than twenty-five (25') feet.

(d) Distance Between Buildings

The distance between buildings within an apartment development shall in no case be less than the sum of the required minimum depth of the yards as required in Paragraph (b) "Side Yards" above.

- (1) Windowless Walls - Where two windowless walls are adjacent to each other the minimum distance between walls may be ten feet.

(e) Lot Coverage

- (1) A lot on which there is erected or converted a two-family dwelling shall contain an area of not less than 10,000 square feet.
- (2) A lot on which there is erected or converted a multiple-family dwelling shall contain a total lot area according to the following schedule:

i	Each one-bedroom unit	- 1,400 square feet
ii	Each two-bedroom unit	- 2,300 square feet
iii	More than two-bedroom unit	- 2,300 square feet plus 200 square feet for each bedroom over two.
- (3) Any room other than a living room, dining room, and kitchen shall be counted as a bedroom.
- (4) No less than thirty-five percent (35%) of the total gross land area shall be open space which shall not be used as an area of principal construction, nor for automobile driveways or parking facilities. Such open space as herein contemplated shall be used exclusively for purposes of the installation of recreational facilities and a green or landscaped area.

(f) Parking Regulations

- (1) The parking regulations for a duplex dwelling are the same as those required in the "D" Duplex Dwelling District.

(2) Whenever a structure is erected or converted for multiple-family dwelling purposes, two (2) parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four (4') feet of any building nor closer than two (2') feet to the side yard lines. No parking space shall be used for storage of any truck, truck-trailer, or van except panel and pickup trucks not exceeding one (1) ton capacity may be parked in a required parking space when the operator of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the City of Mesquite standard paving specifications.

(g) Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having at least seventy-five percent (75%) of the exterior walls constructed of brick, stone, concrete block, or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite) except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

(h) Area of Dwelling Unit

The minimum area of a dwelling unit in a multiple-family district shall be 600 square feet of floor area for each one-bedroom apartment and 750 square feet of floor area for each two-bedroom apartment.

SECTION 3. Severability

That it is hereby declared to be the intent of the City Council of the City of Mesquite that the provisions of this ordinance shall be deemed severable; and that in the event any such provision be declared unconstitutional or invalid for any reason, such unconstitutionality or invalidity shall not affect those provisions hereof left standing.

SECTION 4. Emergency

That the present ordinances of the City of Mesquite are inadequate to adequately regulate the development of multiple-family dwelling districts within the City constitutes an urgency and emergency in the interest of the public health, safety, and welfare of the public, and necessitates that this ordinance take effect immediately from and after its date of passage.

DULY PASSED AND APPROVED by the City Council of the City of  
Mesquite on this the 3 day of June, 1968.

Jim Thompson  
George Boyce Jim Thompson  
Mayor Pro Tem

ATTEST:

Norm G. McGaughey  
Norma G. McGaughey  
City Secretary

APPROVED AS TO FORM:

William R. Springfield  
William R. Springfield  
City Attorney