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ORDINANCE NO. 978

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF MESQUITE, BY PROVIDING FOR THE REPEAL OF SECTION IX THEREOF AND ADDING A NEW SECTION IX; BY PROVIDING FOR THREE (3) MULTI-FAMILY ZONING DISTRICTS INCLUDING REGULATIONS PERTAINING TO TOWNHOUSES AND ROWHOUSES; BY PROVIDING REGULATIONS FOR THE SIZE, HEIGHT AND TYPE OF CONSTRUCTION OF STRUCTURES IN SAID DISTRICTS; BY PROVIDING THE TYPE AND USE OF LAND IN SUCH DISTRICTS; BY PROVIDING FOR OPEN SPACE REQUIREMENT AND DEFINITION THEREOF, TOGETHER WITH THE PROCEDURE FOR ALLOWANCE OF CERTAIN LAND AS PART OF THE OPEN SPACE REQUIREMENT BY SPECIAL PERMIT OF THE CITY COUNCIL; BY PROVIDING THAT ALL LAND IN THE CITY OF MESQUITE PRESENTLY ZONED "A" MULTI-FAMILY DWELLING SHALL AFTER THE EFFECTIVE DATE OF THIS ORDINANCE BE DESIGNATED "A-1" MULTI-FAMILY DWELLING DISTRICT AND ALL REGULATIONS OF "A-1" MULTI-FAMILY DISTRICTS SHALL APPLY THERETO; BY PROVIDING THAT ALL LAND CURRENTLY DEVELOPED IN CONFORMITY WITH EXISTING ZONING REQUIREMENTS SHALL NOT BE DEEMED UNLAWFUL OR NON-CONFORMING; BY PROVIDING THAT LOWER DENSITY REQUIREMENTS SHALL REMAIN IN EFFECT; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

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

SECTION I. That Ordinance 560, Code of the City of Mesquite, Texas, referred to as the Comprehensive Zoning Ordinance of 1964, and included in the codified version of the Code of the City of Mesquite as Appendix III, is hereby amended as follows: Article IX of said Ordinance is hereby repealed and the following new Articles are hereby adopted in lieu thereof.

ARTICLE IX

A-1 MULTI-FAMILY DISTRICT REGULATIONS

PURPOSE AND SCOPE: It is the purpose of the A-1 Districts to encourage high-quality apartment developments, low in density, and relatively open and park-like in character.

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SECTION 1.

PRINCIPAL PERMITTED USES: No building, structure or land shall be used and no building or structure shall be erected, altered or any way enlarged which is arranged, intended or designed for other than one of the following uses:

- (a) General: All principal uses permitted and as regulated in D-District, except as hereinafter modified and the following:
- (b) Residential: Multi-family dwellings for any number of families including Townhouse or Rowhouse dwellings in conformance with Section 4 standards.
- (c) Conditional Uses: The following uses shall be permitted only if specifically authorized by the Commission.
 1. General: Any conditional permitted use as regulated in the R-Districts, except as hereinafter modified.
 2. Clubs: Clubs, sororities, fraternities, lodges, and meeting places for other organizations, not including any use that is customarily conducted as a gainful business.
 3. Accessory Uses: Accessory uses or structures permitted and as regulated in the R-1 District.

SECTION 2.

HEIGHT REGULATIONS: No principal structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories or twenty-five (25) feet in height.

SECTION 3.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS: The following minimum requirements shall apply:

USE	Lot Area Sq. Ft.	Lot Frontage	Front Yard	Side Yard		Rear Yard
				Min. Width	Sum Min. Width	
<u>Single-Family</u>						
1 & 1½ st's	7,200	60 ft.	25 ft.	8 ft.	20 ft.	35 ft.
2 & 2½ st's	7,200	60 ft.	25 ft.	10 ft.	22 ft.	40 ft.
<u>Two-Family</u>						
1 & 1½ st's	10,000	65 ft.	25 ft.	10 ft.	22 ft.	40 ft.
2 & 2½ st's	10,000	65 ft.	25 ft.	12 ft.	26 ft.	45 ft.
<u>Multi-Family</u>						
1 & 1½ st's	10,000	80 ft.	25 ft.	10 ft.	22 ft.	45 ft.
2 & 2½ st's	10,000	80 ft.	25 ft.	12 ft.	28 ft.	45 ft.

- (a) Front Yard Requirements: If frontage of one side of a street within a block is partly in the A-1 District and partly in a more restricted district, then the front yard shall conform to the front yard regulations of the more restricted districts.
- (b) Density Requirements: No parcel or complex constructed in this district shall have a gross density of more than twelve (12) dwelling units per acre.
- (c) Site Plan Required: A site plan submitted to the Commission is required for townhouse developments only.
- (d) Open Space Requirement: All parcels developed in this district shall provide at least forty (40%) per cent of the site for open space, not including parking areas.
- (e) Utilities Required: Underground utilities are required in all A-1 Districts.
- (f) Exterior Fire Resistant Construction: All main buildings shall be of exterior fire resistant construction having 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.
- (g) Sign Regulations: A single name plate or sign for an apartment building or housing project shall be permitted when such sign is affixed flat against the building and does not exceed forty (40) square feet and when the sign is not of a flashing or intermittently lighted, revolving, rotating, or similarly lighted type.

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(h) Parking Regulations:

1. The parking regulations for a duplex dwelling are the same as those in the "D" Duplex Dwelling District.
2. When 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 of yard lines. 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.

(i) Screening: Screening shall be provided according to the following:

1. In the event that an A-1 District backs or sides upon an R-1, R-2, or R-3 District, a solid masonry screening fence not less than six (6) feet in height shall be erected and maintained along the property line dividing the two districts.
2. A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the district.
3. No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street, or drive intersections.

(j) Area of Dwelling Unit: The minimum areas of dwelling units in a multiple family district shall be:

1. One bedroom apartment - 800 square feet;
2. Two bedroom apartment - 1,000 square feet;
3. Three, or more, bedroom apartment - 1,200 square feet.

SECTION 4.

TOWNHOUSE STANDARDS

That all regular and standard ordinances pertaining to subdivision, zoning, and building codes including ordinance shall be applicable to Townhouse

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development except where by special provisions in this section the requirements are modified.

- (a) Maximum Building Heights: No building shall be constructed so as to exceed two and one-half (2½) stories in height.
- (b) Minimum Yard Requirements:
1. Front Yard: All townhouse units shall have a front yard with a minimum depth of twenty (20) feet.
 2. Side Yard: Townhouses shall have a side yard between any two building groups of a minimum of thirty six (36) feet and fifteen (15) feet where the end of the building is adjacent to a street or drive.
 3. Rear Yard: A rear yard having a minimum depth of not less than twenty (20) feet shall be provided.
 4. Common Area: Where building groups face each other, on a common area, there shall be a minimum separation of forty (40) feet between opposite walls. All common areas and open space shall be permanent use open space and shall never be converted to a purpose or use inconsistent with this expressed intent.
- (c) Lot or Building Site Requirements: Each building shall be located on a lot or site having a minimum width of twenty-five (25) feet and minimum depth of one-hundred (100) feet. Each lot shall contain a minimum area of 3000 square feet and shall have access to a dedicated street or twenty-seven (27) foot access drive. Attached dwelling units shall be in groups of not less than three (3) nor more than seven (7) in any building group, but in no event shall more than one-third (1/3) of the building groups contain seven (7) units.
- (d) General Requirements:
1. Each platted lot or building site shall have access to either a dedicated street or private drive having a minimum width of twenty-seven (27) feet.
 2. All parking areas, access drives, sidewalks, private or public streets and drainage structures constructed on private or public property shall be previously

approved by the City and constructed in accordance with City specifications and requirements.

3. Each lot or building site shall have a carport or garage having a capacity of two (2) standard motor vehicles.
4. The exterior construction of all townhouse dwellings shall conform to the same requirements as "R-2" Single Family Dwelling District. A further requirement is that all attached dwelling units shall have a four-hour fire rating wall between each unit. All such fire walls shall be continuous and unbroken from the foundation slab to the underside of roof deck and conform to all other requirements for fire walls as outlined in the Building Code.
5. The minimum area for a one bedroom townhouse dwelling unit shall be 1050 square feet and all two or more bedroom townhouse dwelling units shall have a minimum of 1200 square feet of living area, exclusive of garages, breezeways, and porches.
6. No less than forty (40) per cent 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.

(e) Density Requirements: The average density of the townhouse units shall not exceed eight (8) dwelling units per acre. The density is to be computed by taking the gross land area of each designated townhouse tract and dividing by the total number of dwelling units within the tract.

(f) Utilities: All utilities in the development herein zoned shall be placed beneath the ground, except installations above ground shall be permitted when approved by the Director of Public Works of the City under the following circumstances:

1. Above ground installations of transformers;
2. Where utility lines cross a major drainage channel or depression of such depth as to make below ground installation impractical.
3. At the point where the utility enters into the development.

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approved by the City and constructed in accordance with City specifications and requirements.

3. Each lot or building site shall have a carport or garage having a capacity of two (2) standard motor vehicles.
4. The exterior construction of all townhouse dwellings shall conform to the same requirements as "R-2" Single Family Dwelling District. A further requirement is that all attached dwelling units shall have a four-hour fire rating wall between each unit. All such fire walls shall be continuous and unbroken from the foundation slab to the underside of roof deck and conform to all other requirements for fire walls as outlined in the Building Code.
5. The minimum area for a one bedroom townhouse dwelling unit shall be 1050 square feet and all two or more bedroom townhouse dwelling units shall have a minimum of 1200 square feet of living area, exclusive of garages, breezeways, and porches.
6. No less than forty (40) per cent 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.

(e) Density Requirements: The average density of the townhouse units shall not exceed eight (8) dwelling units per acre. The density is to be computed by taking the gross land area of each designated townhouse tract and dividing by the total number of dwelling units within the tract.

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1. Above ground installations of transformers;
2. Where utility lines cross a major drainage channel or depression of such depth as to make below ground installation impractical.
3. At the point where the utility enters into the development.

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development except where by special provisions in this section the requirements are modified.

(a) Maximum Building Heights: No building shall be constructed so as to exceed two and one-half (2½) stories in height.

(b) Minimum Yard Requirements:

1. Front Yard: All townhouse units shall have a front yard with a minimum depth of twenty (20) feet.

2. Side Yard: Townhouses shall have a side yard between any two building groups of a minimum of thirty six (36) feet and fifteen (15) feet where the end of the building is adjacent to a street or drive.

3. Rear Yard: A rear yard having a minimum depth of not less than twenty (20) feet shall be provided.

4. Common Area: Where building groups face each other, on a common area, there shall be a minimum separation of forty (40) feet between opposite walls. All common areas and open space shall be permanent use open space and shall never be converted to a purpose or use inconsistent with this expressed intent.

(c) Lot or Building Site Requirements: Each building shall be located on a lot or site having a minimum width of twenty-five (25) feet and minimum depth of one-hundred (100) feet. Each lot shall contain a minimum area of 3000 square feet and shall have access to a dedicated street or twenty-seven (27) foot access drive. Attached dwelling units shall be in groups of not less than three (3) nor more than seven (7) in any building group, but in no event shall more than one-third (1/3) of the building groups contain seven (7) units.

(d) General Requirements:

1. Each platted lot or building site shall have access to either a dedicated street or private drive having a minimum width of twenty-seven (27) feet.

2. All parking areas, access drives, sidewalks, private or public streets and drainage structures constructed on private or public property shall be previously

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there shall be no other exceptions than those enumerated above save by approval by the City Council, but in no event shall individual house services be above ground.

- (g) Home Owners or Maintenance Association: Before the approval of any plat, containing any common area, it shall be necessary to assure the City of Mesquite that provision has been made for adequate upkeep and maintenance of such area and facilities. Any such home owners or maintenance association so established to maintain and manage all such common open areas shall be approved by the City Manager prior to the issuance of any building permits. In the event of failure to maintain said common area the City may by ordinance provide for such maintenance at the expense of the property owners and provide for a lien against the property of the members as in the case of individual homeowners.
- (h) Alley requirements: No alleys shall be required in the town-house use tracts except when in the opinion of the City of Mesquite at the time of submission of the preliminary site plan it appears that the development of adjacent properties would be hindered without the construction of an alley on lots which abut property not in this development that are adjacent to land requiring alleys under the then current zoning.

ARTICLE IX-A

A-2 MULTI-FAMILY DISTRICT REGULATIONS

PURPOSE AND SCOPE: It is the purpose of the A-2 District to encourage apartment development of a slightly higher density than that allowed in District A-1.

SECTION 1.

PRINCIPAL PERMITTED USES: No building, structure or land shall be used and no building or structure shall be erected, altered, or any way enlarged which is arranged, intended or designed for other than one of the following uses:

- (a) General: All principal uses permitted and as regulated in A-1 District, except as hereinafter modified.
- (b) Conditional Uses: The following uses shall be permitted only if specifically authorized by the Commission:
1. General: Any conditional permitted use as regulated in the A-1 District, except as hereinafter modified.

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2. Clubs: Clubs, sororities, fraternities, lodges, and meeting places for other organizations, not including any use that is customarily conducted as a gainful business.
3. Accessory Uses: Accessory uses or structures permitted and as regulated in the A-1 District.

SECTION 2.

HEIGHT REGULATIONS: No principal structure shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, and no accessory structure shall exceed two (2) stories or twenty-five (25) feet in height.

SECTION 3.

LOT AREA, FRONTAGE AND YARD REQUIREMENTS: The following minimum requirements shall apply:

USE	Lot Area Sq. Ft.	Lot Frontage	Front Yard	Side Yard		Rear Yard
				Min. Width	Sum Min. Width	
<u>Single Family</u>						
1 & 1½ st's	7,200	60 ft.	25 ft.	8 ft.	20 ft.	35 ft.
2 & 2½ st's	7,200	60 ft.	25 ft.	10 ft.	22 ft.	40 ft.
<u>Two-Family</u>						
1 & 1½ st's	10,000	65 ft.	25 ft.	10 ft.	22 ft.	40 ft.
2 & 2½ st's	10,000	65 ft.	25 ft.	12 ft.	26 ft.	45 ft.
<u>Multi-Family & Other Permitted Uses</u>						
1 & 1½ st's	10,000	80 ft.	25 ft.	10 ft.	22 ft.	45 ft.
2 & 2½ st's	10,000	80 ft.	25 ft.	12 ft.	28 ft.	45 ft.
<u>Townhouse</u>	2,400	22 ft.	20 ft.	Same as A-1 Req.		20 ft.

- (a) Front Yard Requirements: If frontage of one side of a street within a block is partly in the A-2 District and partly in a more restricted district, then the front yard shall conform to the front yard regulations of the more restricted district.
- (b) Density Requirements: No parcel or complex constructed in this district shall have a gross density of more than sixteen (16) dwelling units per acre. Maximum density for townhouses in this classification shall be ten (10) units per acre.