

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY DELETING SECTION 2-501 IN ITS ENTIRETY AND ADDING A NEW SECTION 2-501; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendment.

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by deleting Section 2-501 in its entirety and adding a new Section 2-501 to read as follows, said ordinance in all other respects to remain in full force and effect.

## APPENDIX C

### ZONING

#### **2-501 Multifamily residential/permitted nonresidential uses in A districts.**

The standards set out below shall be required for all uses in an A district, except for single family and duplex dwellings in accordance with 2-301, and shall serve as guidelines for review of multifamily developments in PD districts.

- A. *Site plan.* A site plan showing the proposed development including all easements, property lines, physical features, fire lanes and hydrants, buildings, parking facilities, landscaping and locations of refuse containers shall be submitted with the application for building permits and approved by the Development Review Committee.
- B. *Lot and setback requirements.* All multifamily and other permitted uses in the A districts shall comply with the following lot and setback requirements.

1. *Minimum lot size.* Ten thousand (10,000) square feet.
2. *Minimum lot width.* Eighty (80) feet.
3. *Minimum front and exterior side yards.* Twenty-five (25) feet. No parking shall be permitted in the front or exterior side yard setbacks.
4. *Minimum interior and rear yards.* Adjacent shall mean that the building site in the A district abuts or is across an alley from a lot or tract in the specified district.
  - a. Adjacent to AG, R or D district: Twenty-five (25) feet. (Also see height regulations below for setbacks required for two- and three-story structures.)
  - b. Adjacent to A or nonresidential district: Fifteen (15) feet.

C. *Height regulations.* The maximum height of a structure in an A district shall be thirty-five (35) feet measured from the lowest level of Fire Department vehicle access to the top plate of the uppermost story. Height shall be further restricted by district and by adjacency to an AG, R or D district as follows:

<i>District</i>	<i>A-1/A-2 Districts</i>	<i>A-3 Districts</i>
<i>Maximum number of stories:</i>		
Within eighty (80) feet of an AG, R or D district	1	1
Within two hundred (200) feet of an AG, R or D district	2	2
Over two hundred (200) feet from an AG, R or D district	2	3*

\*Three-story structures shall not be permitted in the first tier buildings closest to an AG, R or D district regardless of distance.

D. *Exterior fire resistant construction requirements.* All main structures shall be of fire resistant construction having at least seventy-five (75) percent of the total exterior walls, excluding doors and windows, constructed of brick, stone, concrete block, stucco or other masonry, or materials of equal characteristics; provided, however, that at least fifty (50) percent of the exterior walls, excluding doors and windows, shall be constructed of masonry unit construction. Masonry unit construction shall mean brick or stone which is laid unit-by-unit and set in mortar.

E. *Minimum unit size requirements.* The minimum living area required for a multifamily dwelling unit shall be as follows:

1. *One-bedroom units.* Seven hundred twenty-five (725) square feet.

2. *Two-bedroom units.* Eight hundred seventy-five (875) square feet.
3. *Three-bedroom units.* Eleven hundred (1,100) square feet.

F. *Density and open space requirements.* In the district specified, multifamily development shall not exceed the density specified below and multifamily development, as well as other permitted uses, shall provide the specified percentage of open space. Open space shall be that portion of the land area which is not covered by buildings, parking or drives.

<i>District</i>	<i>Maximum Density (Units/Acre)</i>	<i>Minimum Open Space (%)</i>
A-1	12*	40%
A-2	18*	35%
A-3	25*	30%

\*The maximum density computation indicated is based on gross site acreage as set out in 6-102. However, in no case shall density be permitted to exceed twenty-five (25) units per acre on the net buildable area regardless of the gross acreage density computation. Net buildable area is the acreage of the portion of a tract which is not in a one hundred (100) year floodplain or will not be in the one hundred (100) year floodplain after reclamation.

G. *Screening and security.*

1. *Screening.* Screening and buffering requirements for multifamily uses are set out in 1A-304.
2. *Security fencing.* Multifamily developments shall be required to provide security fencing and gates adequate to regulate and control access to the complex. In order to assure emergency access, all gate installations shall be in accordance with established rules and regulations of the Mesquite Fire Department. Fencing erected pursuant to this requirement shall be six (6) to eight (8) feet in height and shall be constructed either (1) of wrought iron with a maximum picket spacing of six (6) inches, or (2) of decorative masonry. Fencing of a non-solid construction shall be permitted within the front and exterior side yard setbacks, provided that all gates must be set back from the street right-of-way a minimum of twenty-five (25) feet.

H. *Recreational facilities.* Recreational facilities shall be provided as follows for the use and enjoyment of the residents.

1. *Minimum requirement.* Any multifamily site of fifty (50) or more dwelling units shall provide at a minimum one (1) swimming pool and one (1) playground area with a minimum five (5) pieces of equipment which is

of heavy-duty construction similar to the type normally used in public parks and school playgrounds.

2. *Number of facilities.* Sites of less than one hundred fifty (150) units shall comply with the requirements stated above. Sites with more than one hundred fifty (150) units shall provide one (1) recreational facility for each seventy-five (75) units or portion thereof. The required pool and playground shall be counted as two (2) facilities. Additional facilities may include additional pools or playgrounds; tennis, handball, basketball or volleyball courts; spas and hot tubs; open play fields (minimum one hundred fifty (150) feet by two hundred (200) feet); recreation rooms; jogging tracks; or similar areas for sports, exercise or leisure activities.
- I. *Landscape requirements.* Landscaping shall be provided for all multifamily and all permitted nonresidential uses in the A district in accordance with the requirements set out in 3-304; provided, however, that the minimum area required to be landscaped in multifamily developments shall be all open space areas with the exception of recreational areas.
- J. *Off-street parking requirements.* A total of two (2) off-street parking spaces shall be provided on the lot for each dwelling unit. A minimum of fifty (50) percent of required parking spaces shall be covered spaces provided either in an enclosed garage or under a carport, and that a minimum of ten (10) percent of the required parking spaces shall be provided in a garage which is directly accessible to the dwelling unit, which includes accessibility by covered walkway. Garage structures shall provide the same exterior masonry as set out above for main buildings. Off-street parking shall be provided in accordance with the requirements set out in 2-403 and 2-404.
- K. *Projections of architectural features.* Cornices, eaves, chimneys, bay windows, balconies, canopies and fire escapes may project three (3) feet into any required yard, provided that such feature does not occupy more than one-third (1/3) of the length of the building wall on which it is located.
- L. *Accessory structures.* Accessory structures shall be regulated in accordance with the requirements set out in 2-600.
- M. *Refuse containers.* Refuse containers, compactors and similar facilities shall be located a minimum of one hundred (100) feet from any property line abutting an AG, R or D district. All refuse containers shall be enclosed on three (3) sides by walls at least six (6) feet in height and constructed of masonry which matches the exterior of the main buildings.

SECTION 2. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part

so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 3. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense.

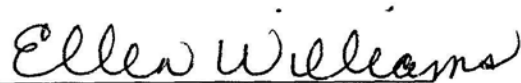
SECTION 4. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of August, 2001.



Mike Anderson  
Mayor

ATTEST:



Ellen Williams  
City Secretary

APPROVED:



B. J. Smith  
City Attorney