

ORDINANCE NO. 3837
 File No. 2006-4

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 PROVIDING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS 2-200, 2-500 AND 6-100 THEREBY MODIFYING OR ADDING SUPPLEMENTARY DEVELOPMENT STANDARDS REGARDING TOWNHOUSES AND PATIO HOMES; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS 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 providing certain additions and deletions to Sections 2-200, 2-500 and 6-100 thereby modifying or adding Supplementary Development Standards regarding Townhouses and Patio Homes to read as follows, said Ordinance in all other respects to remain in full force and effect.

1. *Section 2-203(A).* Amend by deleting the section in its entirety and adding a new Section 2-203(A) to read as follows:

2-203 SCHEDULE OF PERMITTED USES

	<i>AG</i>	<i>R</i>	<i>D</i>	<i>A</i>	<i>SPECIAL CONDITIONS</i>
<i>A. RESIDENTIAL USES</i>					
1. SINGLE-FAMILY DETACHED DWELLINGS					
a. Conventional Dwellings	P	P	P	P	
b. Zero Lot Line Dwellings					Requires PD district; See 2-504.
c. Patio Homes					Requires PD district; See 2-502.

	<i>AG</i>	<i>R</i>	<i>D</i>	<i>A</i>	<i>SPECIAL CONDITIONS</i>
2. SINGLE-FAMILY ATTACHED DWELLINGS					
a. Duplex Two-family Dwellings			P	P	
b. Townhouse Dwellings					Requires PD district; See 2-502.
c. Other Attached Dwellings (3-plex, 4-plex)					Requires PD district.
3. MULTIFAMILY DWELLINGS				P	Requires compliance with 2-501.
4. MOBILE HOME PARKS					Requires PD district; See 2-503.

2. *Section 2-502.* Amend by deleting the section in its entirety and adding a new Section 2-502 to read as follows:

2-502 TOWNHOUSES AND PATIO HOMES

The standards set out below shall serve as guidelines for review of townhouse and patio home developments in a PD district. Modification of these guidelines may be approved with the concept plan required under the PD district in order to provide design flexibility which allows innovative and creative development concepts.

A. LOT, SETBACK AND BUILDING STANDARDS

	Townhouses	Patio Homes
1. <i>Minimum Lot Area</i>	3,000 square feet	5,000 square feet
2. <i>Minimum Lot Depth</i>	100 feet	90 feet
3. <i>Minimum Lot Width</i>	25 feet	50 feet
4. <i>Minimum Front Yard</i>	20 feet – front entry 15 feet – rear entry	
5. <i>Minimum Exterior Side Yard</i> (from any public or private street, drive or alley)	10 feet	
6. <i>Minimum Interior Side Yard</i>	Per Fire Code	0 feet on one side 15 feet on other side
7. <i>Minimum Rear Yard</i>	10 feet – front entry 20 feet – rear entry	
8. <i>Maximum Density</i>	8 units per acre	6 units per acre
9. <i>Minimum Living Area</i>	1,500 square feet	
10. <i>Maximum Height</i>	2 stories, but up to 35 feet on interior lots	
11. <i>Minimum Exterior Fire Resistant Construction (Masonry)</i>	90 percent of the total exterior wall 100 percent of the façade facing a public street	
12. <i>Minimum Separation Between Buildings</i>	26 feet	15 feet
13. <i>Maximum Number of Units per Building</i>	4 units	NA
14. <i>Minimum Open Space</i>	40 percent	
15. <i>Parking</i>	<i>Resident parking</i>	2 covered off-street spaces per unit
	<i>Visitor parking, off-street in a common area</i>	1 space for every 2 units 1 space for every 4 units

B. RECREATIONAL FACILITIES

Recreational and community facilities, including community buildings, swimming pools and playground areas, shall be considered in the review of the development plan.

C. SCREENING

A solid masonry-screening wall eight feet in height shall be erected and maintained at the perimeter of the district. Provided, however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street or drive intersections.

D. PARKING AND STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT

The Planned Development district shall stipulate that no recreation vehicle, motorhome, watercraft or other equipment greater than six feet in height when mounted on its transporting trailer shall be parked or stored on any lot with a dwelling unit. Regardless of height, no such equipment shall be parked or stored on any street for longer than 24 hours.

E. LANDSCAPING AND OPEN SPACE

1. *Submission* The concept plan submitted with the Planned Development application shall evidence compliance with the open space requirements of this Section. A landscape plan conforming with the requirements of 1A-201 and this Section shall be submitted with the development site plan.
2. *Open Space* Not less than 40 percent of the area in the district, excluding the lots with dwelling units, shall be improved and maintained as pervious open space. The district shall include a plaza or other common space with a minimum of 10,000 square feet not within public right-of-way that is connected to the district's system of sidewalks and which is designed for walking and other passive recreation.
3. *Landscaping* All lots with dwelling units, and each 500 square feet of open space, including rights-of-way, shall be landscaped with turf grass, irrigated and planted with trees in accordance with 1A-203(A). Not less than 20 percent of the required open space and pervious area of each lot with a dwelling unit shall be improved with landscape beds.

F. HOMEOWNERS' ASSOCIATION

Before issuance of building permits for a project containing any common areas or community facilities, it shall be necessary to assure the City that provisions have been made for adequate upkeep and maintenance of such area and facilities through the creation of a homeowners or maintenance association established to maintain and manage all such common areas and community facilities. Documents creating such association shall grant the City the right to collect maintenance fees and provide maintenance in the event that the association fails to do so.

3. *Section 6-102.* Amend by deleting the definition for "Townhouse" in the section in its entirety and adding new definitions for "Patio Home" and "Townhouse" in Section 6-102 to read as follows:

6-102 DEFINITIONS

PATIO HOME

A detached, single-family unit that orients outdoor activity within rear or side yard patio areas for better use of the site for outdoor living space.

TOWNHOUSE

A single-family, attached dwelling unit in a building with three or more dwelling units, each being on a separate lot and attached by common vertical walls extending from the foundation through the roof and structurally independent of the corresponding wall of the adjoining unit.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

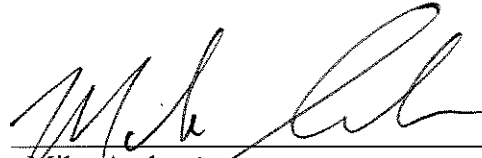
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 4. 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 (\$2,000.00) Dollars for each offense.

SECTION 5. 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 16th day of October, 2006.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney