

ORDINANCE NO. 4037

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE COMPREHENSIVE PLAN BY ADDING A NEW SECTION IN PART IV THAT ESTABLISHES POLICIES FOR THE USE OF CERTAIN SMARTCODE® COMMUNITY TYPES AND MODIFYING THE COMMUNITY BUSINESS AND NEIGHBORHOOD RELATED MAPS TO DESIGNATE CERTAIN AREAS AS APPROPRIATE FOR THE DEVELOPMENT OR RETROFIT OF NEIGHBORHOODS IN ACCORDANCE WITH THE SMARTCODE® STANDARDS OF THE K20 CLASSIFICATION; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, on August 4, 2008, the City Council adopted Ordinance No. 3978 amending the Mesquite Comprehensive Plan to incorporate SmartCode® policies for the growth and development of territory lying within the city limits of Mesquite and its extraterritorial jurisdiction situated within Kaufman County; and

WHEREAS, pursuant to implementation of the Plan's SmartCode® policies, the City Council enacted Ordinance No. 3984 on September 2, 2008, which created the Kaufman – Interstate 20 zoning classification (K20) and associated standards of development known as the Interim K20 Development Code for the purpose of promoting walkable, mixed-use communities, and said ordinance provided for the use and application of the K20 floating zone classification in other areas of the city where the development of Clustered Land Developments or Traditional Neighborhood Developments were deemed appropriate; and

WHEREAS, following publication and public hearings as required by law, the Planning and Zoning Commission has identified a low density community area of the city where the use of the K20 classification and certain authorized community types would be beneficial in helping create more sustainable neighborhoods and is recommending that the City Council modify development standards for that area accordingly; and

WHEREAS, the Texas Local Government Code, Section 211.004, provides that local zoning regulations must be adopted in accordance with a comprehensive plan, and it is deemed prudent to amend the Mesquite Comprehensive Plan concurrently with the application of new standards to the area identified by the Commission to strongly support and validate the full intent of such standards.

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

SECTION 1. That the *Mesquite Comprehensive Plan*, last updated on December 15, 2008, be and the same is hereby amended by adopting revisions to the Neighborhood Guidelines of Part IV, attached hereto as Exhibit "A," pertaining to policies on the use of certain SmartCode® community types when appropriate within the city's low density community areas.

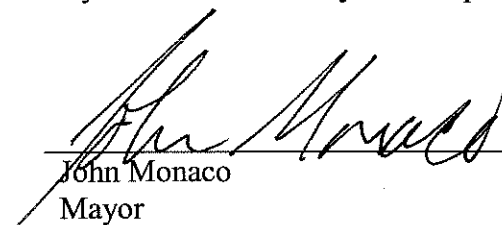
SECTION 2. And further, that the *Mesquite Comprehensive Plan* is hereby amended by adopting revisions to the "Neighborhoods - South" and the "Community Business - South" maps in Part IV, attached hereto as Exhibit "B," for the purpose of designating certain areas as appropriate for the development or retrofitting of neighborhoods in accordance with the authorized community types and standards of the K20 zoning classification.

SECTION 3. 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 4. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

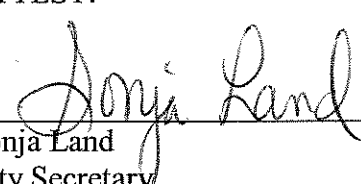
SECTION 5. That the present ordinances of the City of Mesquite are inadequate to provide for the proper protection of the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires 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 2nd day of March, 2009.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

K20 SMARTCODE® COMMUNITY TYPES

The K20 SmartCode® Community designation is reserved for future or developing neighborhoods of the community where the goal is to achieve holistic communities that are more sustainable, walkable and mixed-use than is possible under conventional land use regulations. The intent of such communities is grounded in the Comprehensive Plan Element for the Extraterritorial Jurisdiction and its primary implementation tool, the SmartCode®-based Interim K20 Development Code. The K20 Code is designed for greenfield applications to single tracts, or an assembly of tracts, that are of sufficient size to properly allocate a marketable mix of residential and non-residential functions and reach “neighborhood completeness” over the long-term. The designation may be appropriate for retrofitting areas undergoing initial development but not for infill or revitalization scenarios.

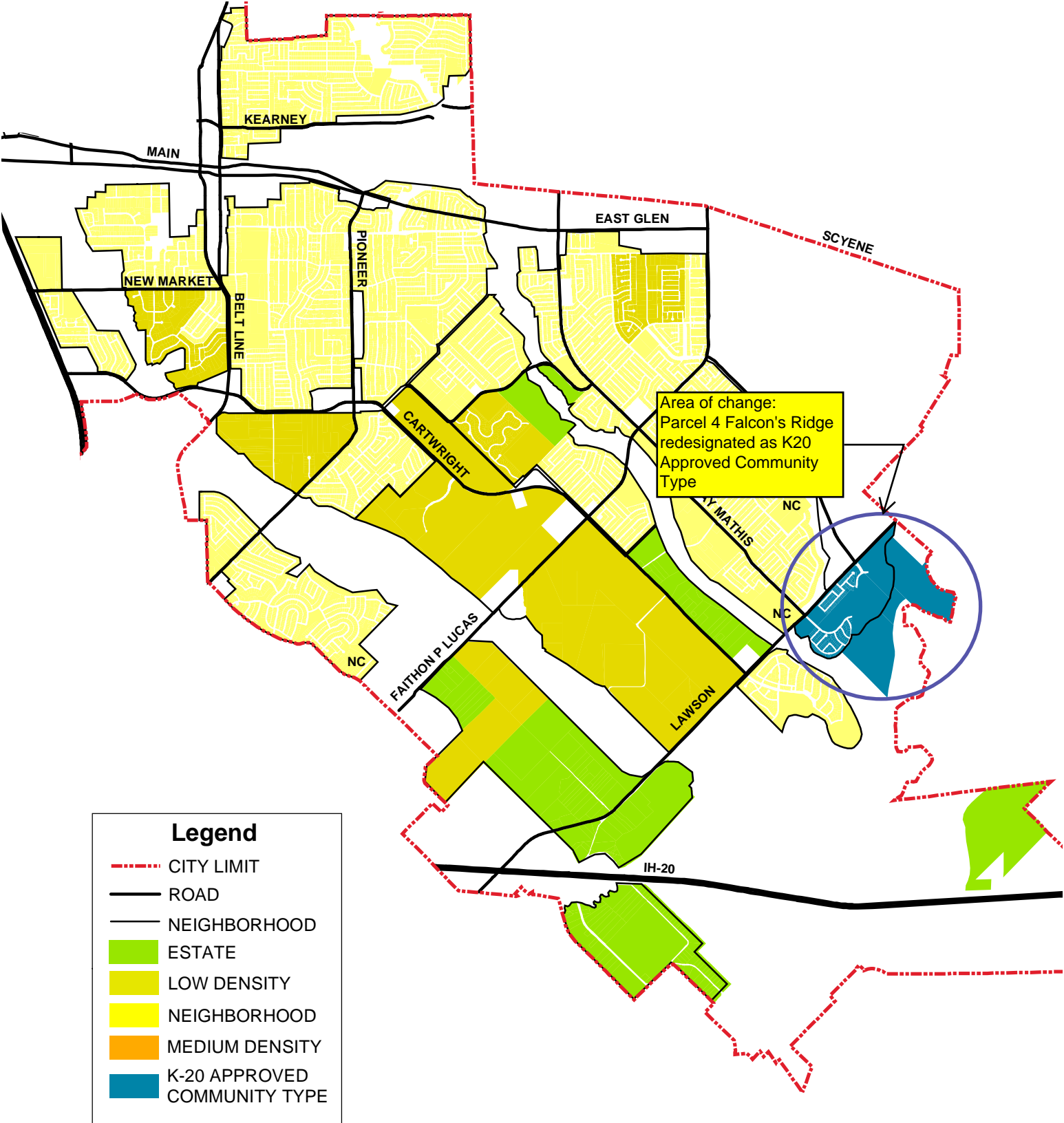
Desirable Communities

- Between 30 and 160 acres in size, depending upon the community type to be achieved
- Ideal for Clustered Land Developments, Traditional Neighborhood Developments and Town Center Developments
- Larger areas may consist of a “string” of community types

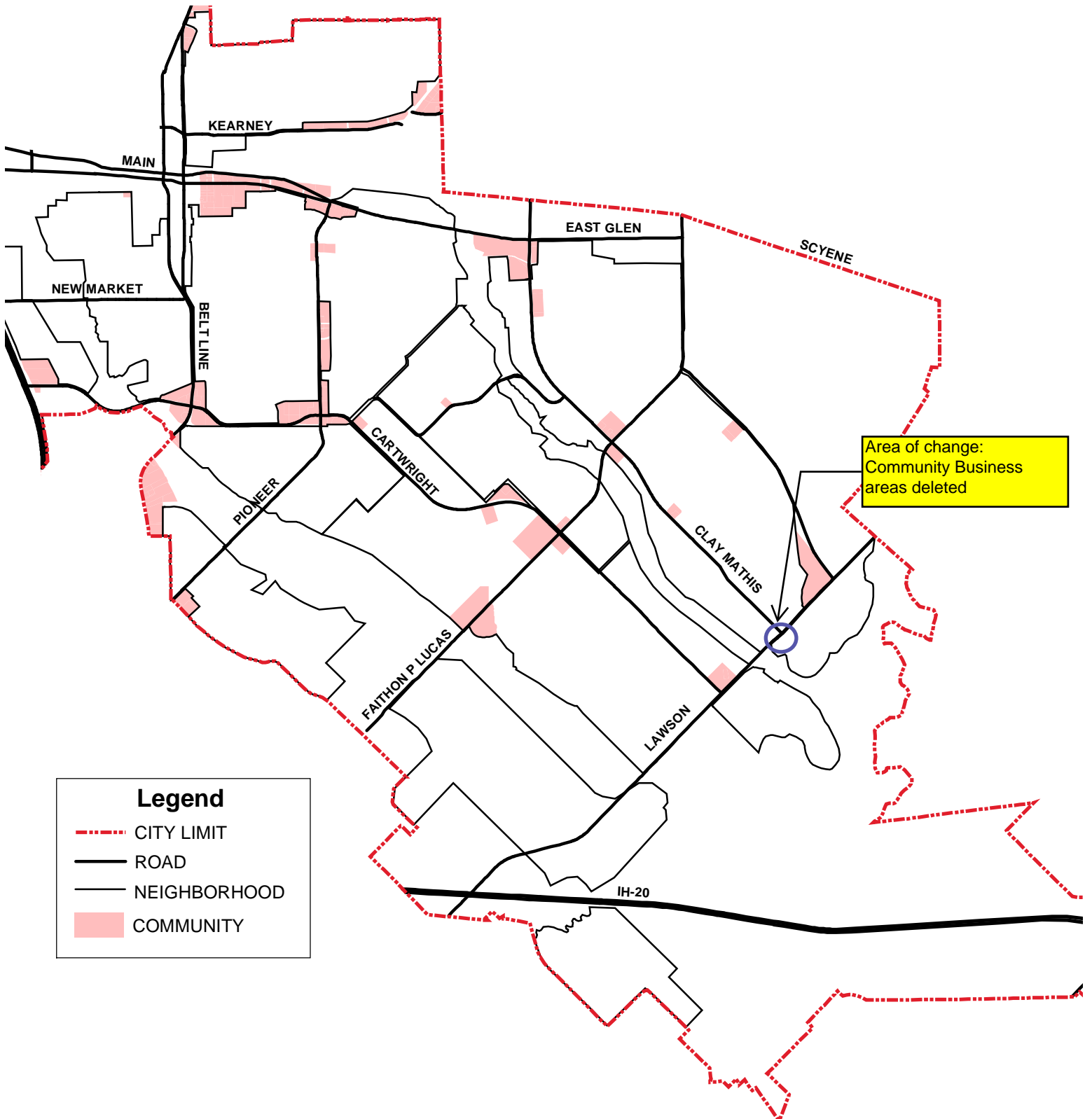
Retrofit Context

- Incomplete or stale neighborhood developments in progress with anemic mixed-use
- Planned or existing residential fabric sufficient to support walk-to retail
- Remaining flexibility to modify street and/or pedestrian networks, civic space

NEIGHBORHOODS - SOUTH



COMMUNITY BUSINESS - SOUTH



Legend

- CITY LIMIT
- ROAD
- NEIGHBORHOOD
- COMMUNITY