

ORDINANCE NO. 3984
Zoning Text Amendment No. 2008-5

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 UNDER SECTIONS 4-100 AND 4-1100 THEREBY CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE KAUFMAN – INTERSTATE 20 FORM-BASED DISTRICT; ADOPTING THE KAUFMAN-INTERSTATE 20 INTERIM DEVELOPMENT CODE THEREBY CONTROLLING THE USES, SITE DEVELOPMENT AND FORM OF BUILDINGS FOR ALL LAND, PUBLIC AND PRIVATE, WITHIN THE KAUFMAN-INTERSTATE 20 DISTRICT; PROVIDING 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 EFFECTIVE DATE THEREOF.

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 a public hearing 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 under Sections 4-100 and 4-1100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

(1) *Section 4-102(C).* Amend by deleting the section in its entirety and adding a new Section 4-102(C) to read as follows:

C. RESERVED

(2) *Section 4-103(B).* Amend by adding a new Section 4-103(B) to read as follows:

B. KAUFMAN – INTERSTATE 20

There shall be a district known as the K20 – Kaufman-Interstate 20 District which serves as the primary method for implementing the Regional Sector Plan and strategic policies of the Comprehensive Plan Element for the Extraterritorial Jurisdiction adopted by the City Council on August 4, 2008. The K20 District is intended for use in conjunction with the development of land east of the East Fork of the Trinity River. However, upon approval of the City Council, the K20 District may be applied to other areas of the City under consideration as certain SmartCode® Community Types. Similar to the PD-Planned Development District floating zone, the K20 zoning shall require the submission and approval of a regulating plan and shall not attach to land until such zoning is approved.

- (3) *Sections 4-1100 through 4-1103.* Amend by adding new Sections 4-1100 through 4-1103 to read as follows:

4-1100 KAUFMAN – INTERSTATE 20
FORM-BASED DISTRICT

4-1101 PURPOSE AND SCOPE

On August 21, 2006, the City annexed 2.2 square miles of sparsely inhabited greenfield territory situated in Kaufman County. The newly annexed territory is centered on the Interstate 20 corridor. Annexation of the area was preceded by a year-long study of the economic impacts of growth in the corridor. The study concluded that annexation could produce a net positive economic benefit for the City if residential and commercial growth occurred in an orderly manner and at certain requisite densities. The territory was annexed into the City under the default Agricultural zoning classification pending the development of a plan for fiscally supportable growth and the adoption of regulatory controls to implement the plan. By the time the planning process began in the spring of 2007, new concerns were surfacing over the price of oil and its effect upon conventional suburban lifestyles, the pressing need to reshape the City's image through quality development and the challenges of taking joint responsibility to prepare the region for a more sustainable future. The Comprehensive Plan Element for the Extraterritorial Jurisdiction ("the ETJ Plan") adopted by the City Council on August 4, 2008, addresses these issues and many more.

The purpose of the Kaufman – Interstate 20 (K20) District is to provide the first tier of regulations designed to implement the ETJ Plan. As new development occurs, the K20 District is uniquely crafted to guide that development in a manner that is consistent with the goals and strategic policies of the ETJ Plan. The District uses principles of the SmartCode® to funnel development into Growth Sectors of varying intensity in locations identified by the ETJ Plan. Within each sector, the District prescribes certain Community Types in an effort to foster the creation of walkable, complete neighborhoods. Development proceeds upon approval of a regulating plan built around Transect Zones that are SmartCode® allocated according to each Community Type. Form standards ensure that buildings and streets contribute to a pedestrian-oriented, visually attractive environment. As the regulating plan is built out over time, the result is a place that is distinctive, less auto-dependent and mixed use, populated by housing that offers income and generational diversity.

4-1102 KAUFMAN-INTERSTATE 20 DISTRICT

The K20 zoning classification is a floating district that attaches to a parcel or parcels only upon approval of a regulating plan by the City Council. It is not an overlay district. The following properties shall be subject to the application of the K20 District:

- A. All land within the city limits of the City of Mesquite that are situated east of the East Fork of the Trinity River;
- B. Other land designated by the City Council for development as a Clustered Land Development (CLD), Traditional Neighborhood Development (TND), Town Center Development (TCD) or Regional Center Development (RCD) (east of the Mesquite Airport as depicted in the ETJ Plan) in accordance with principles of the SmartCode®;
- C. New territory annexed into the City of Mesquite for either full or limited purposes; and
- D. Land within the City's extraterritorial jurisdiction pursuant to a development agreement with the landowner.

4-1103 K20 INTERIM DEVELOPMENT CODE

After the effective date of this ordinance, and except as modified herein, all new subdivisions, development and new land uses on property enumerated in Section 4-1102 as subject to the application of the K20 District shall conform exclusively to the Kaufman-Interstate 20 Interim Development Code, adopted concurrent with the creation of the K20 District, and which is incorporated herein as if set forth in full. Property that is zoned Agricultural on the date that it becomes subject to the application of the K20 District may continue to be developed and used according to the terms of the AG District, provided that this exception shall not apply to the subdivision of land into one or more tracts of less than five acres for residential use or when subdivision of the property requires installation of a street under the Subdivision Ordinance.

SECTION 2. That the Kaufman-Interstate 20 Interim Development Code (the "Code") is hereby adopted as the set of regulations controlling the uses, site development and form of buildings for all land, public and private, within the K20 District, and that the Code shall be amended hereafter in the same manner prescribed for text changes to the Mesquite Zoning Ordinance.

SECTION 3. That a copy of the Kaufman-Interstate 20 Interim Development Code shall be maintained in the office of the City Secretary as an original document and ordinance of the City.

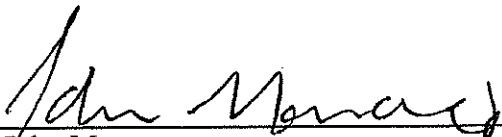
SECTION 4. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 5. 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 6. 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 7. That this ordinance shall be effective immediately from and after its passage.

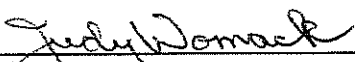
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd of September, 2008.



John Monaco
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney