

ORDINANCE NO. 4098
Zoning Text Amendment No. 2010-02

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 2-100, 2-200, 4-100, 6-100 AND ADDING A NEW SECTION 4-1500 THEREBY CREATING A NEW ZONING CLASSIFICATION TO BE KNOWN AS THE TRADITIONAL NEIGHBORHOOD MULTIFAMILY 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, the Mesquite Comprehensive Plan establishes land use policies for Urban Multifamily Residential development in the City and identifies certain infill locations of the City as appropriate for such development; and

WHEREAS, future multifamily development at infill locations in the City should offer a variety of housing choices on a well-designed site that complements the surrounding neighborhood and supports nearby commercial areas; and

WHEREAS, the Community Development Department has prepared a new form-based district to be called the Traditional Neighborhood Multifamily District (TNMF) to fully implement the policies and strategies of the Mesquite Comprehensive Plan; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding the proposed creation of and standards for the TNMF District and has recommended amendments to the Mesquite Zoning Ordinance; and

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

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 2-100, 2-200, 4-100, 4-1500 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 2-104.* Amend by deleting the opening paragraph in the section in its entirety and adding a new opening paragraph under Section 2-104 to read as follows:

The A – districts are established to accommodate multifamily housing, thereby providing for apartment and condominium housing opportunities. The districts also accommodate parks, schools, churches, and other public and semi-public facilities to serve and complement the residential development. The Traditional Neighborhood Multifamily

(TNMF) zoning district is established to create new regulations for infill multifamily development and is expressly intended to replace the A – districts on land designated on the Mesquite Comprehensive Plan as appropriate for Urban Multifamily Residential. After June 7, 2010, no property within the City shall be rezoned to any of the A – districts.

- (2) *Section 2-104(D)*. Amend by adding a new Section 2-104(D) to read as follows:

D. TRADITIONAL NEIGHBORHOOD MULTIFAMILY (TNMF)

To accommodate new multifamily and mixed residential uses at a variety of densities and dwelling types in a traditional neighborhood setting. The district is intended for urban residential development at medium to large infill locations, including an assemblage of tracts, and provides housing choices and urban design characteristics that complement adjoining residential neighborhoods and support commercial uses within a pedestrian shed. See Section 4-1500 for TNMF district regulations.

- (3) *Section 2-201*. Amend by deleting the opening paragraph in the section in its entirety and adding a new opening paragraph under Section 2-201 to read as follows:

No land shall hereafter be used and no structure shall hereafter be erected, altered or converted in a residential district which is arranged, designed or used for any use other than a use specified in Section 2-203 as permitted in the district in which it is located except as otherwise permitted herein or as specified in Section 4-1500.

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

D. TRADITIONAL NEIGHBORHOOD MULTIFAMILY (TNMF)

There shall be a district known as the TNMF – Traditional Neighborhood Multifamily District, which is intended to implement the public purposes and policies of the Urban Multifamily Residential designation in the Mesquite Comprehensive Plan. The form-based design standards of the TNMF district are targeted specifically for infill locations that are sites for new multifamily residential development located outside the boundaries of the other form-based districts enumerated in this Section.

- (5) *Sections 4-1500 through 4-1507*. Amend by adding new Sections 4-1500 through 4-1507 to read as follows:

4-1500 TRADITIONAL NEIGHBORHOOD
MULTIFAMILY (TNMF) DISTRICT

4-1501 PURPOSE AND SCOPE

Historically multifamily development has been viewed as inimical to single-family neighborhoods. Multifamily uses were walled-off from neighborhoods and employed as transitional land uses to shield neighborhoods from commercial corridors. The purpose of the Traditional Neighborhood Multifamily (TNMF) zoning district is to create communities consisting of multifamily housing and other housing types that are well-

designed and integrated into the surrounding neighborhood. Using familiar form-based concepts such as enclosure, walkability, connectivity, complete streets and step-down density, the district seeks to expand housing choice in a traditional pedestrian-scaled development that builds on, supports and reconnects the existing urban fabric. In that sense, the TNMF district is not only appropriate but highly desirable for infill locations.

4-1502 SITE PLAN REQUIRED

A. All development within the TNMF district shall comply with a site plan approved in accordance with the City's procedural and substantive requirements for site plan review. In addition to all other submittal requirements, a site plan for development within the TNMF district shall include the following:

1. Designation of all building types
2. Designation of all frontage types
3. Location, number and dimension of any on-street parking spaces
4. Right-of-way improvements including sidewalks, street trees, etc.
5. All open spaces and any improvements within the open spaces

B. Upon written request of the applicant, the Director of Community Development ("Director") may, but shall not be required to, permit a practice that is not consistent with or covered by a specific provision of the TNMF district but is justified by its intent. The Director's decision to approve a request, in whole or in part, shall be made in writing and made a permanent part of the final site plan.

4-1503 PERMITTED BUILDING TYPES

A. All development shall include a minimum of two building types from the list below not including Accessory Units and Mixed Use Buildings. Each building type provided (excluding Accessory Units and Mixed Use Buildings) shall constitute a minimum of 10 percent of the dwelling units found within the development. Each building type is limited to specific frontage types as found in parentheses following the building type.

Apartment Building	(Gallery, Arcade, Doorway, Front Yard, Forecourt, Common Lawn)
Townhouse	(Doorway, Dooryard, Terrace/Light Court, Front Yard, Common Lawn)
Flat Over Flat – Duplex	(Front Yard, Common Lawn)
Paired House – Duplex	(Front Yard, Common Lawn)
Single-Family Detached House	(Front Yard, Common Lawn)
Accessory Unit	(Dependent Upon Main Structure)
Mixed Use Building	(Storefront, Gallery, Arcade) – Mixed Use Buildings Permitted on Corner Lots Only

B. The following uses are permitted in a Mixed Use Building:

1. **Upper floors:** Office, residential, lodging and parking
2. **Ground floor:** Retail, office and parking

4-1504 SETBACK REQUIREMENTS

A. Except as required for step-down design in Section 4-1505, the setback requirements in the TNMF district shall be determined by the frontage type.

1. ***Gallery, Doorway and Arcade Frontage Types:***

- a. Front Setback – 0 feet maximum
- b. Gallery or Arcade Columns – three feet from curb maximum
- c. Side Setback – 10 feet maximum
- d. Rear Setback
 - i. With Rear Alley – five feet maximum or 16 feet minimum
 - ii. Without Rear Alley – five feet minimum

2. ***Common Lawn, Front Yard and Forecourt Building Types:***

- a. Front Setback – 15 feet maximum
- b. Side Setback – 10 feet maximum
- c. Rear Setback
 - i. With Rear Alley – five feet maximum or 16 feet minimum
 - ii. Without Rear Alley - five feet minimum

3. ***Dooryard, Terrace/Light Court:***

- a. Front Setback – eight feet minimum; 20 feet maximum
- b. Side Setback – 10 feet maximum
- c. Rear Setback
 - i. With Rear Alley – five feet maximum or 16 feet minimum
 - ii. Without Rear Alley – five feet minimum

B. Accessory units shall be placed between the rear façade line of the main structure and the rear lot line.

4-1505 DEVELOPMENT STANDARDS

1. ***Block size:*** The maximum block perimeter shall be 2000 feet, and the maximum block face between intersections shall be 700 feet.
2. ***Lot width:*** The minimum lot width for detached structures shall be 25 feet; 16 feet for attached structures.
3. ***Connectivity:*** Public streets, sidewalks, bike paths and trails existing or planned at the edge of the development shall be continued through the interior of the development. If not practical, a public street, path or trail may be laid at the boundary of the development and shall be connected to

the development through a series of private internal sidewalks, paths or trails. The development shall link to abutting non-residential uses with improved openings at the edge.

4. ***Parking and access:***
 - a. Minimum of 1.0 and maximum of 1.5 spaces per dwelling unit
 - b. May exceed the maximum only if parking is shared or structured
 - c. Off-street, surface parking shall be restricted to the third layer.
 - d. Parking for Apartment Buildings shall be structured and lined on street frontages.
 - e. Parking on the ground floor level of Mixed Use Buildings shall be lined with office or retail along all street frontages.
 - f. Access drives shall be limited to 10 feet in the first layer.

5. ***Open space:*** Not less than five percent of the area of the development shall be set aside and equipped as functional open space. Streams, creeks or other watercourses shall be daylighted and naturally vegetated.

6. ***Street trees:*** Street trees will be planted in an allee that extends the full length of all roadways excluding alleys, service drives and driveways, and shall meet the following standards:
 - a. A variety of species shall be used from block to block; one species may be used on both sides of a street for the entire length of a block.
 - b. Street trees shall be planted no more than 20 feet on-center unless the size of the species selected at maturity and other site features such as infrastructure and utilities justify a greater distance.
 - c. Responsibility for the care, maintenance or replacement of street trees shall remain with the abutting property owner.

7. ***Sidewalks:*** Sidewalks shall be provided along all streets, establish a minimum parkway of seven feet, and meet the following standards:
 - a. Unless stated otherwise in this subsection, sidewalks shall have a minimum width of five feet.
 - b. Where sidewalks are adjacent to Gallery, Arcade or Doorway frontage types, the sidewalk shall be a minimum of seven feet in width.
 - c. Sidewalks that serve as extensions of the City's Bike and Trails Master Plan shall be sized, vegetated and marked accordingly.
 - d. A series of sidewalks interior to a development shall connect all buildings, open spaces and common use facilities.

8. **Step-down:** Where applicable, the maximum height of buildings, the minimum front setback of buildings and the minimum lot width shall be modified through step-down design.

4-1506 FAÇADE APPEARANCE AND LANDSCAPING

All buildings within the development except Single-Family Detached Housing shall comply with the Community Appearance Manual and the following requirements, whichever is more restrictive:

1. **Apartment Buildings:** Not less than 50 percent of the unitized masonry requirement shall be satisfied with the use of unitized stone. Not less than 20 percent of the pervious area in the first layer shall be improved with landscape beds.

4-1507 DEFINITIONS

For purposes of the TNMF district, the following terms shall have meaning ascribed to them in this Section:

Building Types:

Accessory Unit: A dwelling unit that is located over a garage on the same lot as the main structure. An accessory unit may also be a single story dwelling unit, not associated with a garage, located on the same lot as the main structure. An accessory unit may be attached or detached from the main structure.

Apartment Building: A structure with more than two dwelling units on one lot.

Flat Over Flat (Duplex): A structure with two dwelling units placed one above the other.

Paired House (Duplex): A structure with two dwelling units placed one beside the other sharing a common wall.

Single-Family Detached House: One dwelling unit on its own lot, detached from structures on adjoining lots. An accessory unit may be located on the same lot as a single-family detached house; the accessory unit may be attached or detached to the single-family detached house.

Townhouse: A dwelling unit attached by a common wall to at least one other dwelling unit. A townhouse is generally a fee simple unit, from ground to roof, with no units above or below. Structures containing townhouses must contain at least three dwellings.

Frontage Types:

Arcade: A frontage type wherein the façade is a colonnade that overlaps the sidewalk, while the façade at sidewalk remains the frontage line.

Common Lawn: A frontage type wherein a group of buildings share a common lawn. The frontage has a visual relation to the street and to the buildings across the lawn.

Doorway: A frontage type wherein the façade is aligned with the sidewalk and the entry is a door flush with the façade or recessed into the façade.

Dooryard: A frontage type wherein the façade is set back from the frontage line by an at-grade courtyard. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment.

Forecourt: A frontage type wherein a portion of the façade is close to the frontage line and the central portion is set back. The forecourt created is suitable for vehicle drop offs.

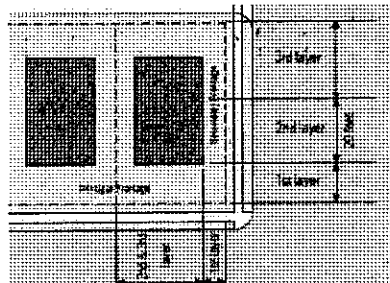
Front Yard: A frontage type wherein the façade is set back from the frontage line with an attached porch permitted to encroach.

Gallery: A frontage type wherein the façade is aligned close to the frontage line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk.

Storefront: A frontage type wherein the façade is aligned close to the frontage line with the building entrance at sidewalk grade. It has substantial glazing on the sidewalk level and an awning that may overlap the sidewalk.

Terrace/Light Court: A frontage type wherein the façade is set back from the frontage line by an elevated terrace or sunken light court. The sunken court can potentially access an additional unit below grade. This type buffers residential use from urban sidewalks and removes the private yard from public encroachment.

Layer means the depths of a lot (as shown below) within which certain elements are permitted.



Range means the average of the actual referenced dimension or specification (e.g., height) of existing buildings or lots.

Step-down design means the process of gradually adjusting a design dimension or specification at the edge of a development to substantially match the range in an adjacent single-family residential neighborhood.

- (6) *Section 6-102.* Amend Section 6-102 by adding the following definition:

INFILL LOCATION

Land that has been bypassed, remained vacant and/or is underused as a result of continuing urban development and which is served by or readily accessible to one or more elements of the City's infrastructure.

SECTION 2. Upon adoption of this ordinance, the Director of Community Development is directed to review those properties designated as Urban Multifamily Residential in the Comprehensive Plan, and where any such property, the surrounding neighborhood, or adjacent commercial area would benefit from TNMF zoning, he shall initiate a rezoning of the same from A – Multifamily Residential District to the Traditional Neighborhood Multifamily Residential District.

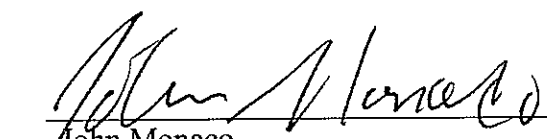
SECTION 3. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. That should any word, sentence, clause, paragraph, 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 5. 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.

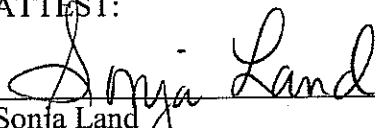
SECTION 6. That this ordinance shall be effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of June, 2010.



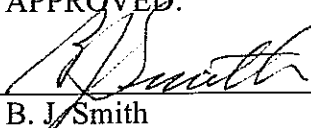
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney