

ORDINANCE NO. 4122  
Zoning Text Amendment No. 2010-02A

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, 4-100 AND 4-1500 THEREBY AMENDING THE NAME OF THE TRADITIONAL NEIGHBORHOOD MULTIFAMILY (TNMF) DISTRICT TO THE TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL (TNMR) 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, on June 7, 2010, the City Council of the City of Mesquite enacted Ordinance No. 4098 to create a new form-based district called the Traditional Neighborhood Multifamily (TNMF) District; and

WHEREAS, the Community Development Department has determined that the TNMF District would be more aptly called the Traditional Neighborhood Mixed Residential (TNMR) District to clearly convey the intent and purpose of said district, which is to promote a balanced mix of residential functions in a neighborhood context; and

WHEREAS, to date no properties in the City of Mesquite have been rezoned to the TNMF District and changing the name of the district to Traditional Neighborhood Mixed Residential will not adversely affect any property owners; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding the proposed creation of the TNMR 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, 4-100 and 4-1500 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 Mixed Residential (TNMR) 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 deleting the section in its entirety and adding a new Section 2-104(D) to read as follows:

D. TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL (TNMR)

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 TNMR district regulations.

- (3) *Section 4-103(D)*. Amend by deleting the section in its entirety and adding a new Section 4-103(D) to read as follows:

D. TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL (TNMR)

There shall be a district known as the TNMR – Traditional Neighborhood Mixed Residential 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 TNMR 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.

- (4) *Sections 4-1500 through 4-1502*. Amend by deleting the sections in their entirety and adding new Sections 4-1500 through 4-1502 to read as follows:

4-1500 TRADITIONAL NEIGHBORHOOD MIXED RESIDENTIAL (TNMR)  
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 Mixed Residential (TNMR) 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 TNMR district is not only appropriate but highly desirable for infill locations.

#### 4-1502 SITE PLAN REQUIRED

- A. All development within the TNMR 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 TNMR 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 TNMR 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.
- (5) *Section 4-1504(A)*. Amend by deleting the opening paragraph in the section in its entirety and adding a new opening paragraph in Section 4-1504(A) to read as follows:

#### 4-1504 SETBACK REQUIREMENTS

- A. Except as required for step-down design in Section 4-1505, the setback requirements in the TNMR district shall be determined by the frontage type.
- (6) *Section 4-1507*. Amend by deleting the opening sentence in the section and adding a new opening sentence in Section 4-1507 to read as follows:

#### 4-1507 DEFINITIONS

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

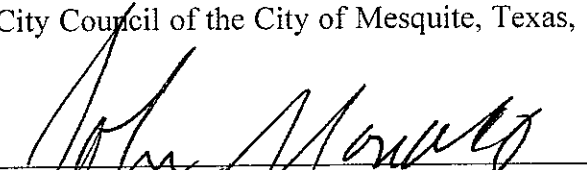
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and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

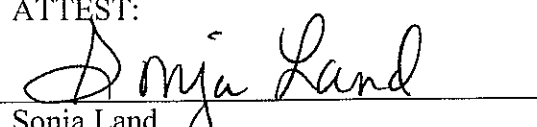
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal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

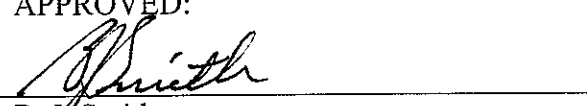
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That 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 6th day of December, 2010.

  
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John Monaco  
Mayor

ATTEST:  
  
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Sonja Land  
City Secretary

APPROVED:  
  
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B. J. Smith  
City Attorney