

ORDINANCE NO. 4284  
Zoning Text Amendment No. 2013-03

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 SECTION 4-900 THEREBY UPDATING CERTAIN REQUIREMENTS OF THE MILITARY PARKWAY-SCYENE CORRIDOR OVERLAY DISTRICT; 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 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 proving additions and deletions under Section 4-900 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 4-904.A.* Amend Section 4-904 by deleting Subsection 4-904.A in its entirety and adding a new Section 4-904.A to read as follows:

A. Site/Floor Plan

A site/floor plan of any proposed establishment shall be submitted and approved by the Director prior to the issuance of a building permit or certificate-of-occupancy. The site plan approval shall identify (a) the specific activities approved and (b) any added stipulations or conditions for development or operation.

- (2) *Sections 4-904.C.2 through 4-904.C.11.* Amend Section 4-904 by deleting Subsections 4-904.C.2 through 4-904.C.11 in their entirety and adding new Subsections 4-904.C.2 through 4-904.C.12 to read as follows:

2. Every establishment shall have not less than one customer entrance on each street frontage. An establishment with two intersecting street frontages may have a single customer entrance on a 45-degree plane to the intersecting right-of-way lines. Entrances shall be designed as an elevated stoop, gallery or a doorway with awning except on façades lined with an arcade.
3. Any area between the building façade and the right-of-way line shall be landscaped. Such landscaping shall be in addition to and not included in meeting normal landscaping requirements for the site.
4. The height of the building shall be constructed to the required building enclosure ratio as specified in the table below. The design shall be presumed to meet this design standard when the height is greater than the percentage of the optimum width of the adjacent street right-of-way in Column C. The Director may approve a building constructed at a lesser height if the street frontage is activated by patron seating, building fenestration that meets the Design Standards, and the enhanced landscape and pedestrian walkway assembly shown in Diagram 4.
5. Vehicle access to the parking footprint shall be solely via a rear access drive from a side street other than Military Parkway or Scyene Road, or a shared access drive as provided in this paragraph. A tract without connection to a side street and without adjacency to a shared access drive on an abutting parcel, or a tract with a width of more than 200 feet at the frontage line of Military Parkway or Scyene Road, may have one shared access drive on Military Parkway or Scyene Road not exceeding 12 feet in half-width to access the parking footprint. Shared access drives shall be located at the lot line of an abutting buildable parcel. All rear access drives and shared access drives shall be configured to provide future rear access to both the servient tract and the dominant abutting parcel, which shall be secured with a cross access easement. After September 16, 2013, any plat or replat of land within the MP-SC Overlay District shall provide for access as required herein.
6. A building that is constructed for, or intended to accommodate, multiple tenants at ground level shall not present a building profile to a public street that is greater than five times the height of the building.
7. Spaces separating buildings on the same tract along the same street frontage shall be designed to provide a pedestrian access way from the public right-of-way to the rear of the buildings. A sidewalk shall be installed in the access way connecting to the public sidewalk.
8. All parking shall be designed within the parking footprint. The parking footprint shall have a minimum 25-foot setback from the adjacent right-of-way. The parking profile shall not exceed 10 percent of the property frontage on Military Parkway, Scyene Road or Gateway Boulevard. A development that achieves a building enclosure ratio that is less than or equal to 75 percent of the required ratio may expand its parking profile to 20 percent. A vertical mixed-use development that is constructed equal to or taller than the required height is eligible for a shared parking benefit.

9. The same masonry materials that are used on the building façade of a public street shall “wrap” around the building and be used on all elevations. Metal exterior siding is prohibited on primary and secondary façades in the overlay.
10. Pole signs and portable signs are prohibited. The City, working in concert with property owners, may erect one or more landmark or wayfinding signs identifying the Military Parkway–Scyene Corridor area.
11. Outdoor sales, display or storage is prohibited, §3-600 et seq. notwithstanding.
12. Any premises that abut the City’s adopted pedestrian and bicycle trail system shall, as a condition of site plan approval, and if the City deems it necessary to secure public access, dedicate an access easement of sufficient width and roughly proportional to the impact of the development from the premises to the City system.

Building Enclosure Ratios			
A	B		C
On the following streets:	The required building enclosure ratio is:	≤ 75%	Presumed met when building height equals or exceeds: (percentage of optimum width of adjacent street right-of-way)
Military Parkway	4:1	3:1	25%
Scyene Road	2:1	1.5:1	50%
Gateway Blvd.	2:1	1.5:1	50%
Gross Road	3:1	2.3:1	33%
Lindsey Street	3:1	2.3:1	33%
Carmack Street	3.5:1	2.6:1	28%
New streets	3:1	2.3:1	33%

- (3) *Section 4-905.* Amend by adding definitions for *Director* and *Walkway Assembly* to Section 4-905.

*Director* means the Director of Community Development or his designee.

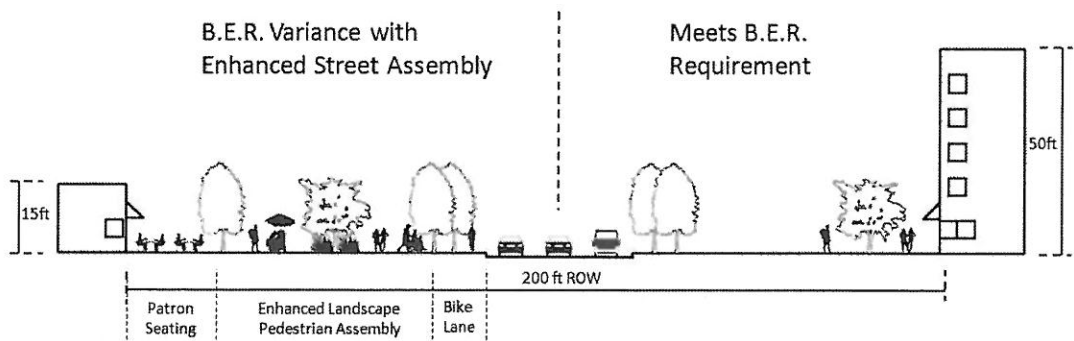
*Walkway Assembly* means enhanced pedestrian and landscape improvements installed in the public right-of-way (Diagram 4).

- (4) *Diagrams.* Amend by adding a new Diagram 4 as follows:

Diagram 4  
Enhanced Assembly

Example Required  
Building Enclosure Ratio  
(B.E.R.): 4:1

Bike lane size and  
location subject to trail  
requirements



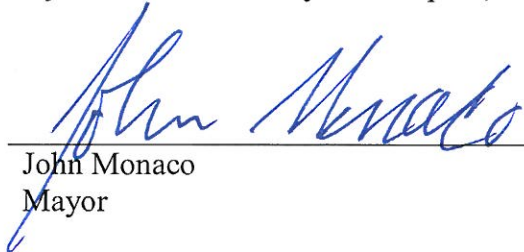
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and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

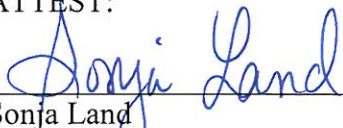
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal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

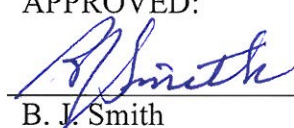
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate 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 September, 2013.

  
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John Monaco  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:  
  
\_\_\_\_\_  
B. J. Smith  
City Attorney