

ORDINANCE NO. 4398  
Zoning Text Amendment No. 2015-03

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 SECTIONS 1A-300, 2-500, 3-600  
AND 6-100 THEREBY AMENDING REQUIREMENTS FOR  
SCREENING WALLS; 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 additions and deletions under Sections 1A-300, 2-500, 3-600 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Sec. 1A-301(C)(3).* Amend by deleting the first paragraph in Section 1A-301(C)(3) in its entirety and adding a new first paragraph in Section 1A-301(C)(3) to read as follows:

*Parking screens:* Where a parking screen is required, a four (4) foot high solid screen shall be provided along the perimeter of the parking area to screen the view of the parking and to shield from headlight glare. A solid screen shall mean a long-span precast concrete decorative screening wall, landscaped hedgerow, berm or other alternative approved by the Director. Metal and/or wood fences shall not be used to satisfy this requirement.

- (2) *Sec. 1A-301(C)(5).* Amend by deleting Section 1A-301(C)(5) in its entirety and adding a new Section 1A-301(C)(5) to read as follows:

*Screening walls:* The Building Official may require screening walls greater than three (3) feet in height to be designed by a Professional Engineer, Architect or Landscape Architect registered in the State of Texas, and shall be designed and constructed to accommodate natural and/or proposed drainage in the area.

- (3) *Sec. 1A-303(A)(1).* Amend by deleting the first paragraph in Section 1A-303(A)(1) in its entirety and adding a new first paragraph in Section 1A-303(A)(1) to read as follows:

*Basic requirement – Minimum setbacks:* An eight (8) foot high long-span precast concrete decorative screening wall and a buffer tree line shall be established and maintained along the property line abutting the residential district. The tree line may be located on either side of the wall provided that both the wall and tree line be located on the nonresidential property.

- (4) *Sec. 1A-303(A)(2).* Amend by deleting Section 1A-303(A)(2) in its entirety and adding a new Section 1A-303(A)(2) to read as follows:

*Alternate screening – Increased building setbacks:* The height of the long-span precast concrete decorative screening wall may be reduced to six (6) feet whenever the nonresidential use provides an increased setback of at least three (3) feet for each foot in height above grade at the residential district boundary. The buffer tree line shall be required as specified under the *Basic Requirement* above.

- (5) *Sec. 1A-303(C).* Amend by deleting Section 1A-303(C) in its entirety and adding a new Section 1A-303(C) to read as follows:

*Nonresidential uses adjacent to a residence within the central business or mixed use districts:* When a lot in the CB or MU district that is occupied by a nonresidential use backs or sides on a lot that is in residential use, a long-span precast concrete decorative screening wall, no less than eight (8) feet in height, shall be erected and maintained along the property line dividing the lots.

- (6) *Sec. 1A-303(D).* Amend by deleting Section 1A-303(D) in its entirety and adding a new Section 1A-303(D) to read as follows:

*Nonresidential service areas abutting a street:* When the service area of a nonresidential use is located so as to be visible from a street, a 10-foot wide landscape strip shall be created along the street right-of-way line, in which a solid screen, eight (8) feet in height, shall be established through the use of either (i) a solid landscape hedge planted in the center of the landscape strips; or (ii) a long-span precast concrete decorative screening wall located along the inside line of the landscape strip with shrubs and trees planted in front of the wall on the street side. “Service area” shall mean loading docks, loading areas, overhead doors used for loading, staging areas, truck docks and commercial vehicle parking areas.

- (7) *Sec. 1A-304(A).* Amend by deleting Section 1A-304(A) in its entirety and adding a new Section 1A-304(A) to read as follows:

*Multifamily abutting an R or D district at the rear or side:* When a multifamily district backs or sides upon a single family or duplex residential district, an eight (8) foot long-span precast concrete decorative screening wall and a buffer tree line shall be established and maintained along the property line abutting the single family or duplex residential district. The buffer tree line may be located on either side of the wall, provided that both the wall and tree line be located on the multifamily property. Alternate screening, as set out in 1A-303(A) above may be utilized by a multifamily use when stated conditions of 1A-303(A) are satisfied.

- (8) *Sec. 1A-305(A)(1)*. Amend by deleting Section 1A-305(A)(1) in its entirety and adding a new Section 1A-305(A)(1) to read as follows:

*Screening wall:* A long-span precast concrete decorative screening wall, eight (8) feet in height, in earthtone colors, shall be erected on the street right-of-way line. Color, texture and materials shall be uniform/compatible on both sides of an arterial for the entire length between intersecting arterial streets. As an alternative, a wrought iron fence, six (6) to eight (8) feet in height, with evergreen trees selected from Section 1A-500 shall be installed at intervals to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence.

- (9) *Sec. 2-501(G)(2)*. Amend by Section 2-501(G)(2) in its entirety and adding a new Section 2-501(G)(2) to read as follows:

*Security fencing.* Multifamily developments shall be required to provide security fencing and gates adequate to regulate and control access to the complex. In order to assure emergency access, all gate installations shall be in accordance with established rules and regulations of the Mesquite Fire Department. Fencing erected pursuant to this requirement shall be six (6) to eight (8) feet in height and shall be (i) constructed of wrought iron with a maximum picket spacing of six (6) inches; or (ii) a long-span precast concrete decorative screening wall. Only fencing of a non-solid construction is permitted in the front and exterior side yard setbacks, provided that all gates must be set back from the street right-of-way a minimum of 25 feet.

- (10) *Sec. 2-502(C)*. Amend by Section 2-502(C) in its entirety and adding a new Section 2-502(C) to read as follows:

*Screening.* A long-span precast concrete decorative screening wall, eight (8) feet in height, shall be erected and maintained at the perimeter of the district. Provided, however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street or drive intersections.

- (11) *Sec. 2-503(D)*. Amend by deleting Section 2-503(D) in its entirety and adding a new Section 2-503(D) to read as follows:

*Screening.* In the event that a mobile home park backs or sides upon a residential district, a long-span precast concrete decorative screening wall, not less than six (6) feet in height, shall be erected and maintained along the property line abutting such district. Provided, however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street or drive intersections.

- (12) *Sec. 2-503(E)(2)*. Amend by deleting Section 2-503(E)(2) in its entirety and adding a new Section 2-503(E)(2) to read as follows:

*Recreational vehicles and boats:* A storage area must be provided for the parking and storage of recreational vehicles and equipment. This storage area shall have a minimum area of 100 square feet for each mobile home lot and shall be screened with a long-span precast concrete decorative screening wall at least six (6) feet in height.

- (13) *Sec. 3-603(B)(4).* Amend by deleting Section 3-603(B)(4) in its entirety and adding a new Section 3-603(B)(4) to read as follows:

*Screening:* All outdoor storage shall be screened by a permanently maintained solid wood fence or solid masonry wall at least six feet in height along any side facing a front or exterior side property line, any side facing a rear or interior side property line adjacent to a district that does not allow outdoor storage as a permitted use, or any other side generally open to public view.

- (14) *Sec. 6-102.* Amend by adding a definition for “Long-Span Precast Concrete Decorative Screening Wall” to Section 6-102 to read as follows:


*Long-span precast concrete decorative screening wall:* A type of solid masonry barrier, fence or wall, which is designed and constructed in accordance with the City’s General Design Standards, Screening Walls (Public and Private), dated February 5, 2015, as amended.

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.

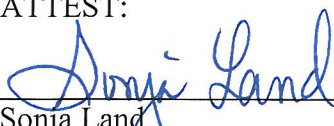
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal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

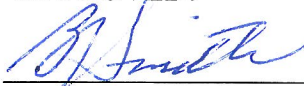
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of November, 2015.

  
\_\_\_\_\_  
Stan Pickett  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

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