

ORDINANCE NO. 5187
Zoning Text Amendment No. 2025 – 02

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2025-02, THEREBY REVISING APPENDIX C – ZONING ORDINANCE, REVISING PART 4 TO BE RETITLED (PD, SPECIAL PURPOSE ZONING DISTRICTS, AND OVERLAY DISTRICTS); AND ADDING NEW 4-1600 (DOWNTOWN MESQUITE SPECIAL PURPOSE ZONING DISTRICT) FOR THE PURPOSE OF ADDING REGULATIONS FOR THE NEWLY CREATED DOWNTOWN MESQUITE SPECIAL PURPOSE ZONING DISTRICT (DM-DISTRICT) AND ITS SUB-DISTRICTS; AND OTHER GENERAL UPDATES RELATED THERETO; PROVIDING CONFLICTS RESOLUTION, SAVINGS, AND SEVERABILITY CLAUSES; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite (“City”) is taking bold steps to transform its downtown into a vibrant hub for residents and visitors alike. Through three carefully planned initiatives, the City is modernizing its zoning framework to create a more walkable, business-friendly, and attractive downtown area while respecting our community's unique history and character; and

WHEREAS, the City undertook an extensive community engagement process beginning approximately two years ago when the first Open House was held on December 7, 2023. Since then, the City has hosted informational tables at the Farmers Market located at Front Street Station on June 21, 2025, and again on June 28, 2025. The City hosted an in-person Open House at the Corner Theatre on June 24, 2025, and conducted a Virtual On-Line Open House on July 10, 2025; and

WHEREAS, the cornerstone of this effort is the establishment of the Downtown Mesquite (“DM”) Special Purpose Zoning District (**DM-District**) in this Ordinance No. 5187 (ZTA 2025-02). This modern zoning approach divides downtown into three (3) distinct subdistricts, each with tailored regulations. The DM-Core subdistrict will serve as the lively center with shops and restaurants, while the DM-Mixed-Use area will blend mixed-use residential and commercial spaces. The DM-Edge subdistrict provides a thoughtful transition between downtown and surrounding neighborhoods. These changes will make our downtown more pedestrian-friendly while supporting both existing businesses and new investment; and

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WHEREAS, to complement the new zoning district, the City is removing obsolete zoning classifications in Ordinance No. 5189 (ZTA 2025-03). The outdated Central Business (“CB”) District, and Military Parkway-Scyene Corridor Overlay District will be eliminated since they no longer serve the community's needs. This cleanup simplifies the Mesquite Zoning Ordinance (“MZO”) while maintaining important development standards, making it easier for property owners and businesses to navigate the regulations; and

WHEREAS, Ordinance No. 5188 (File No. Z0725-0405) applies the new DM-District zoning to approximately 268 acres in our downtown area. This includes updating the Mesquite Comprehensive Plan’s Future Land Use Map to designate these properties as part of the Downtown Special Planning Area. The rezoning to the DM-District ensures our regulations match our vision for a thriving downtown that balances economic growth with community character; and

WHEREAS, the final piece of this initiative is Ordinance No. 5190, amending Mesquite City Code, Chapter 13 (Signs) for the purpose of incorporating sign regulations into the City Code for the DM-District and its sub-districts; and

WHEREAS, the City recognizes the importance of protecting current businesses during this transition. All legally established businesses that do not conform to the new zoning standards are allowed to continue operating. However, under the MZO, *in general*, legal nonconforming uses may continue as long as they are not expanded, intensified, or changed to a different nonconforming use. In addition, under the MZO, *in general*, if a nonconforming use is intentionally discontinued for six consecutive months or more, the right to operate that use is considered abandoned and cannot be resumed; and

WHEREAS, in addition to local regulation, Section 211.019 of the Texas Local Government Code offers further protections to property owners and lessees impacted by zoning changes. *In general*, if a municipality requires the cessation of a legal nonconforming use, it must either (1) compensate the owner or lessee for direct costs and loss in market value, or (2) allow continued operation of the use until those losses are recovered; and

WHEREAS, the City is currently **not** proposing to stop any legal nonconforming uses; and

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WHEREAS, in summary, all the coordinated changes will create numerous benefits for the City, including safer pedestrian environments, increased economic opportunities, and clearer development guidelines. The plan maintains the City’s historic charm while positioning downtown for smart growth. Developed through extensive community engagement, these improvements reflect what residents and business owners told the City they wanted for downtown's future; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072](#)(a); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, [Section 2](#); and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter A, [§ 54.004](#), as amended; and

WHEREAS, the City derives its municipal zoning authority for zoning regulations and districts from Texas Local Government Code, Title 7, Subtitle A, [Chapter 211](#), (Municipal Zoning Authority); and

WHEREAS, zoning regulations must be adopted in accordance with a comprehensive plan pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, [Section 211.004](#) (Compliance with Comprehensive Plan); and

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WHEREAS, on **July 28, 2025**, the City of Mesquite **PLANNING & ZONING COMMISSION** considered the herein described text amendments to the *Mesquite Zoning Ordinance* and after having given proper public notice and holding a public hearing for the receipt of public comments, the Planning and Zoning Commission *recommended* by majority vote the City Council adopt the text amendments to the Mesquite Zoning Ordinance, attached as **EXHIBIT A**; and

WHEREAS, after having given proper public notice and holding a public hearing, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

**SECTION 2. Mesquite Zoning Ordinance Text Amendment.
Amending Part 4.**

The Mesquite Zoning Ordinance is hereby amended by making certain additions and deletions as identified in **EXHIBIT A** and said Exhibit is attached hereto and made a part hereof, and in all other respects said Zoning Ordinance, and its parts, and sections shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 5. Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

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SECTION 6.

Penalty Clause.

Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7.

Publication.

This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8.

Effective Date.

This Ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 18th DAY OF AUGUST 2025.

Signed by:

Jeff Casper

83A5B847EC00466...

Jeff Casper
Mayor Pro Tem

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A TO ORDINANCE NO. 5187; ZTA NO. 2025 – 02.
Appendix C – Mesquite Zoning Ordinance (“MZO”);
NEW 4-1600 – Downtown Mesquite Special Purpose Zoning District (“DM-District”).
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MESQUITE CITY CODE

* * *

APPENDIX C – MESQUITE ZONING ORDINANCE (“MZO”)

* * *

Part 4. – PD, SPECIAL PURPOSE ZONING DISTRICTS, AND
OVERLAY DISTRICTS

* * *

4-1600. DOWNTOWN MESQUITE SPECIAL PURPOSE ZONING DISTRICT (“DM-DISTRICT”)

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APPENDIX C – MESQUITE ZONING ORDINANCE (“MZO”)

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Editor’s Note:

[Revise the title for Part 4; and ADD New 4-1600 with the following text.]

**Part 4. – PD, SPECIAL PURPOSE ZONING DISTRICTS, AND
OVERLAY DISTRICTS**

* * *

**4-1600. Downtown Mesquite Special Purpose Zoning District
 (“DM-District”)**

4-1601 – Purpose and Scope.

The Downtown Mesquite Special Purpose Zoning District (“**DM-District**”) is a mixed-use district designed to serve as a tool to guide development of Downtown and the surrounding area by providing opportunities for existing and new businesses; and creating a downtown environment that positions the district as a desirable area for business development and the enjoyment of citizens and visitors. It facilitates pedestrian oriented, mixed-use residential, urban infill redevelopment, providing shopping, employment, housing, and business and personal services.

This is achieved by promoting an efficient, compact and walkable development pattern; encouraging pedestrian activity; reducing the reliance on private automobiles; positioning the historic Town Center as a viable transit-oriented development (TOD); promoting a more functional and attractive community using recognized and time-tested principles of urban design; and allowing developers flexibility in land use and site design. A high level of attention to site and building design is required to promote an attractive and functional Downtown Mesquite, as envisioned in the Mesquite Comprehensive Plan.

While revitalization of the historic Downtown Mesquite area is a high priority, it must be accomplished in a manner that preserves and perpetuates the history and heritage of this community. It is the City’s goal to enhance the significance of the City’s authentic core to residents, tourists and visitors and serve as a support and stimulus to business and industry.

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4-1602 – Downtown Mesquite Special Purpose Zoning District (“DM-District”) Prefix and Suffixes.

- A. *Prefix.* The Downtown Mesquite zoning district prefix “DM” constitutes a special purpose zoning district, and the addition or removal of the “DM” prefix is considered a Zoning Map Amendment, constituting zoning action, requiring due process required under State and other law.
- B. *Suffix denotes character subdistrict.* The “DM” prefix designation will include an alphabetical suffix at the end that specifies a particular area as a “Character Subdistrict.” The addition, removal, or change of any “DM” suffix (denoting a character subdistrict) is considered a Zoning Map Amendment, constituting zoning action, requiring due process required under State and other law. The DM-District has three (3) distinct character subdistricts denoted by the following suffixes:
1. *DM-C.* Downtown Mesquite-Core Subdistrict, or DM – Core Subdistrict, or DM-C Subdistrict.
 2. *DM-MU.* Downtown Mesquite-Mixed-Use Subdistrict, or DM – Mixed-Use Subdistrict, or DM-MU Subdistrict.
 3. *DM-E.* Downtown Mesquite-Edge Subdistrict, or DM – Edge Subdistrict, or DM-E Subdistrict.

Cross references –

Zoning Map Amendment; MZO, Part 5, 5-300, [Section 5-309](#).

Boundaries and descriptions of district and character subdistricts; MZO, Part 4, 4-1600, Section 4-1603.

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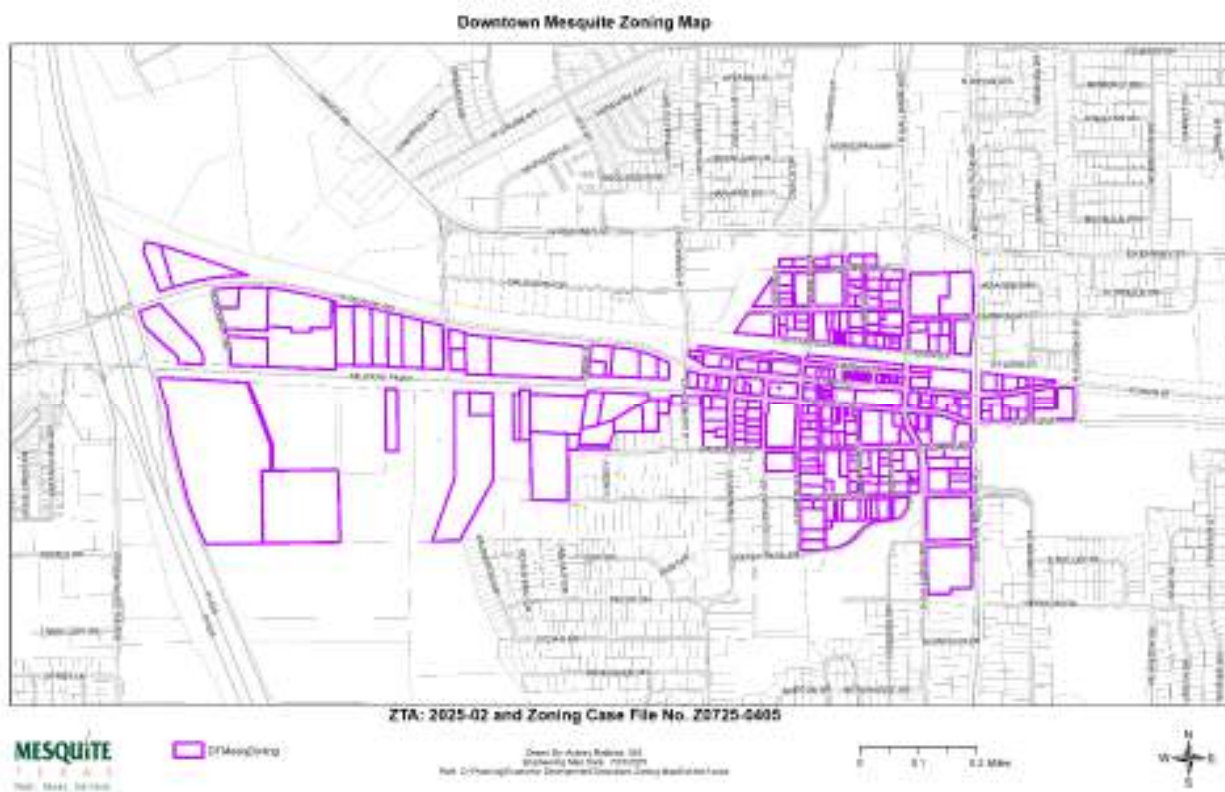
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4-1603 – Boundaries and Descriptions of District and Subdistricts.

- A. *DM-District boundary.* The Downtown Mesquite Special Purpose Zoning District (“DM-District”) includes the approximate 268 acres of land within Mesquite’s downtown area as shown below in Figure 4-1603.01 (Downtown Mesquite Special Purpose Zoning District (“DM-District)). The DM-District borders shall be contiguous.

Figure 4-1603.01 (Downtown Mesquite Special Purpose Zoning District (“DM-District”))



Cross reference – Zoning Map Amendment; MZO, Part 5, 5-300, [Section 5-309](#).

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B. Subdistrict boundaries.

1. **DM-C. Downtown Mesquite-Core Subdistrict.** DM-C Subdistrict shall apply to the area geographically bounded by the Union Pacific Railroad property line on the north, Florence Street and South Bryan-Belt Line Road on the east, East Davis Street, West College Street, and West Davis Street on the south, and Carmack Street on the west. The DM-C area is the core of the Downtown Mesquite Zoning District (“DM-District”) and shares the same boundaries as the *Downtown Mesquite Main Street Program Boundary Area*. See below Figure 4-1603.02 (DM-District Subdistricts).
2. **DM-MU. Downtown Mesquite-Mixed-Use Subdistrict.** DM-MU Subdistrict shall apply to specific areas directly abutting the DM-C boundary to the west, north, and south. The DM-MU area provides for mixed-use opportunities for new development and redevelopment that shall be cohesive with the future vision of downtown. See below Figure 4-1603.02 (DM-District Subdistricts).
3. **DM-E. Downtown Mesquite-Edge Subdistrict.** DM-E Subdistrict shall apply to all parcels that front West Scyene Road and Military Parkway bounded by IH-635 on the west and Gross Road on the east. This area contains several large undeveloped properties west of the downtown core. The DM-E area is intended to provide for mixed-use developments with an aesthetic transition for visitors as they commute into the core of the downtown district. See below Figure 4-1603.02 (DM-District Subdistricts).

Figure 4-1603.02 (DM-District Subdistricts)

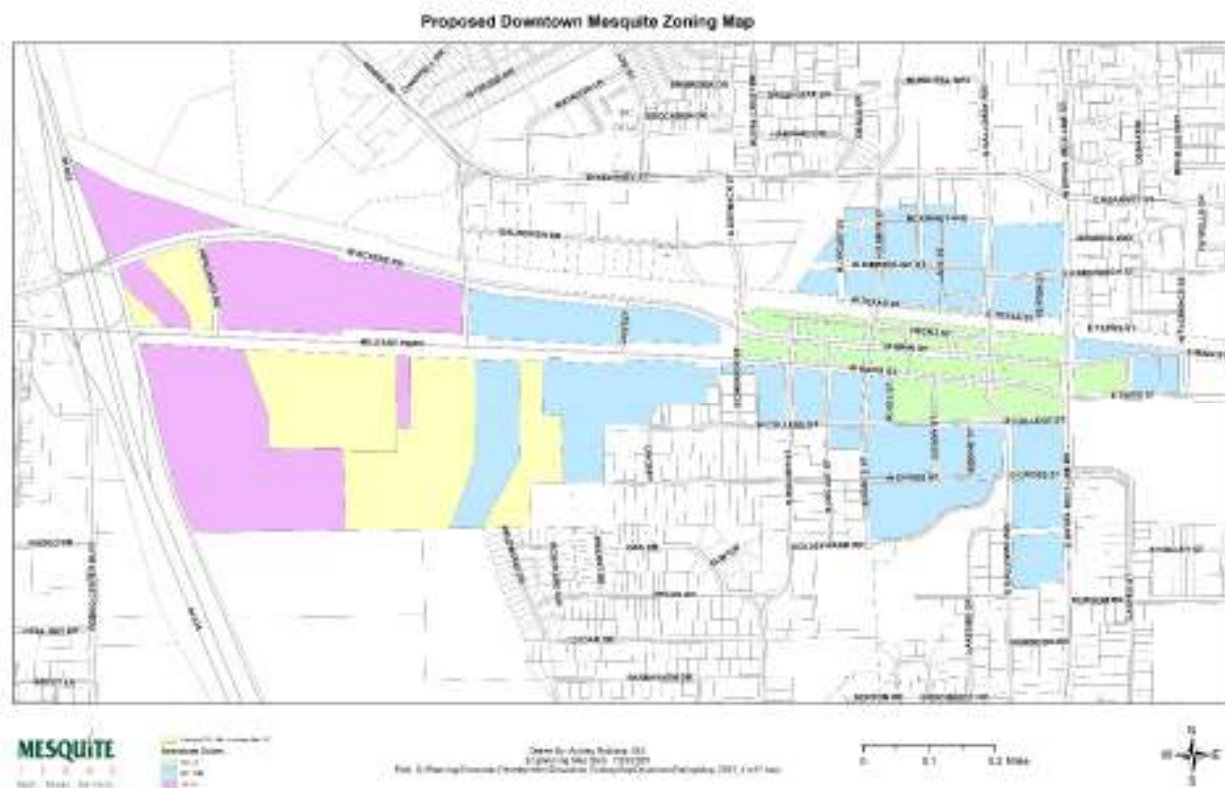


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4-1604 – Abbreviations, Acronyms, and Definitions.

A. *In general.* The rules of [Section 6-101](#), regarding interpretation, construction and interchangeability of terms, shall be observed, except when the context requires otherwise.

B. *Abbreviations and Acronyms.*

1. BOA: Board of Adjustment
2. CO: Certificate of Occupancy
3. CUP: Conditional Use Permit
4. DM: Downtown Mesquite
5. DM-District: Downtown Mesquite Special Purpose Zoning District
6. DM-C: Downtown Mesquite-Core
7. DM-MU: Downtown Mesquite-Mixed-Use
8. DM-E: Downtown Mesquite-Edge
9. H-POD: Historic Preservation Overlay District
10. ML: Mesquite Landmark
11. MLC: Mesquite Landmark Commission
12. MZO: Mesquite Zoning Ordinance
13. PD: Planned Development
14. P&Z: Planning and Zoning
15. TLGC: Texas Local Government Code
16. ZTA: Zoning Text Amendment

C. *Definitions.* For other general definitions, See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) (Definitions).

Awning means any element with a fabric or material surface that is typically sloped.

Awning Valance Height means the height of any fabric hanging down from the front edge of an awning.

Belt Courses means a continuous row or layer of brick set in a wall.

Block Face means the properties located on one side of the street situated between two intersections.

Boutique Hotels means small-scale hotels that provide a unique lodging experience, such as, but not limited to, a bed and breakfast, an inn, etc. A boutique hotel shall not be considered a limited service or general service hotel/motel.

Building: Any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

Free-standing building: A building which is physically separated from other buildings.

Building edge: The outermost edge of a building where the building meets the surrounding environment or property line.

Building line: The line parallel or approximately parallel to street line, beyond which no building or part thereof shall project, except as otherwise provided.

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Building site: A lot which is shown on a plat approved by the commission and filed in the plat records of the county.

Bulkhead means retaining wall-like structure that are located below the display window, adds interesting detail to the streetscape, and shall be preserved, as shown below in Sec. 4-1604.D (Images), Figure 4-1604.01 (Anatomy of a Main Street Building).

Canopy means a fixed, rigid element attached to a building by tie rods or hangers.

Character Subdistricts: Are intended to preserve and/or create an urban form that is distinct from other Character Subdistricts. Each Character subdistrict shall establish use and building standards including but not limited to building placement, height, parking, service access, and other functional design standards for all properties within that Character Subdistrict. The Official Zoning Map classifies all properties within Downtown Mesquite into one of three Character Subdistricts: Downtown Mesquite-Core (“DM-C”); Downtown Mesquite-Mixed-Use (“DM-MU”); and Downtown Mesquite-Edge (“DM-E”). The different Character Subdistricts are based on historic and regional architectural traditions and development intended to create a built environment that is consistent with the adopted Downtown Special Planning Area, as defined in the Mesquite Comprehensive Plan.

Compatible Property: See [6-200](#) (Definitions for Historic Preservation and Landmarks), [Sec. 6-202](#).

Contributing Property: See [6-200](#) (Definitions for Historic Preservation and Landmarks), [Sec. 6-202](#).

Cornice means the projecting member at the top of the exterior wall, as shown below in Sec. 4-1604.D (Images), Figure 4-1604.01 (Anatomy of a Main Street Building).

Demolition: See [6-200](#) (Definitions for Historic Preservation and Landmarks), [Sec. 6-202](#).

Department Store: Large-scale retail stores.

Development Document: A document, including an application for a plat, plan, or development permit, related to the development of or improvement to land that is required by law, ordinance, rule, or other measure to be approved by a regulatory authority in order for a person to initiate, engage in, or complete the development or improvement. See TLGC, Title 7, Subtitle C, Chapter 247, [Sec. 247.001](#) (Definitions).

Development Inspection: The inspection of an improvement to land required by a regulatory authority as part of a project to develop the land or construct or improve an improvement to the land. See TLGC, Title 7, Subtitle C, Chapter 247, [Sec. 247.001](#) (Definitions).

Display Windows means the main portion of glass on the storefront, where goods and services are displayed, as shown below in Sec. 4-1604.D (Images), Figure 4-1604.01 (Anatomy of a Main Street Building). See also “Non-Display Windows.”

District, zoning: A portion of the City of Mesquite within which uniform regulations apply under the provisions of this ordinance.

Residential district: The AG-Agricultural district, any R-Single Family Residential district, the D-Duplex district, any A-Multifamily district, and any portion of a PD-Planned Development district which permits residential uses.

Nonresidential district: Any district which is not a residential district and any portion of a PD-Planned Development district which permits nonresidential uses.

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Downtown Mesquite Main Street Program Boundary Area: The geographic area of focus of the Mesquite Downtown Development/Main Street program. The City of Mesquite, Texas, is recognized as a designated Texas Main Street community by the Texas Historical Commission. The Downtown Mesquite Main Street Program Boundary Area is identified as a layer within the Downtown Mesquite online interactive map located on the City's website. The *Downtown Mesquite Main Street Program Boundary Area* shares the same boundaries as the Downtown Mesquite Character Subdistrict–Downtown Core (DM-C). See 4-1603 (Boundaries and descriptions of district and subdistricts).

Downtown Mesquite Zoning District (“DM”): A special purpose zoning district, and a geographic area of focus, designed to serve as a tool to guide development of Downtown and the surrounding area by providing opportunities for existing and new businesses; and creating a downtown environment that positions the district as a desirable area for business and mixed use development and the enjoyment of citizens and visitors. See 4-1603 (Boundaries and Descriptions of District and Subdistricts).

Element means material part or detail of a building, structure, object, site, street, or district.

Exterior Feature(s) includes character defining features and means the architectural style and the general design and arrangement of the exterior of a building, structure, site, or object, including, but not limited to, the kind and texture of the building material(s), and the type, style and arrangement of all windows, doors, light fixtures, signs and other appurtenant elements, or the natural features including significant tree(s). In the case of outdoor advertising signs and billboards, "exterior feature" includes the style, material, size, and location of the sign.

Façade means the entire exterior building wall including the parapet.

Form means the shape and structure of a building.

Harmonious means having a pleasing or congruent arrangement.

Horizontal Elements means any component of a building or structure that extends horizontally.

Improvement means any building, structure, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property, or part of such betterment.

In-kind replacement means the replacement of an element with a new element of the same material, color, texture, shape, and form as the original.

Integrity means the authenticity of physical characteristics from which properties obtain their significance. When properties retain historic material and form, they are able to convey their association with events, people, and designs from the past. All buildings change over time.

Live-Work Units means any structure or portion of a structure that connects a dwelling unit and a non-residential use permitted by Table 4-1605.01 (Permitted Uses).

Maintain means to keep in an existing state of preservation or repair.

Mesquite Sign Ordinance means the regulations regarding signs located in Mesquite City Code, [Chapter 13 \(Signs\)](#).

Non-Display Windows shall pertain to any window that is located on the first floor but not part of the storefront. See also “Display Windows.”

Pet Shop means any pet supply or retail store that includes the sale and/or grooming of pets.

Planning means the process of setting development goals and policies to achieve goals and objectives as

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they relate to a community.

Signs. See Mesquite City Code, Chapter 13, Article 1, [Section 13-1](#) (Definitions) for a comprehensive list of sign definitions.

Single-Family Attached Dwellings means four (4) or fewer total units that are connected by a common fire-rated wall between units. Townhomes shall be included in this use.

Special Purpose Zoning District means a zoning area that has specific zoning requirements for a unique area. These districts are created to meet the needs of specific areas that may not fit standard zoning.

Storefronts mean any exterior face of a retail or commercial establishment that faces a street or public area, as shown below in Sec. 4-1604.D (Images), Figure 4-1604.01 (Anatomy of a Main Street Building).

Structure: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Structure shall not include trailers, trailers with wheels removed, export/shipping containers, or any other device designed and/or intended for transportation purposes or any modification of such a device.

Principal structure: A building or other structure occupied by or used by a principal use.

Accessory structure: A building or other structure on a lot which is occupied by an accessory use. Accessory structure shall include agricultural structures and building, statues, monuments, and fountains.

Temporary Retail means any business that temporarily operates up to a maximum of thirty (30) days.

Transom means any upper glass band of traditional storefronts, introduces light into the depths of the building, as shown below in Sec. 4-1604.D (Images), Figure 4-1604.01 (Anatomy of a Main Street Building).

Use (noun) means the purpose for which premises are occupied by a business, person, or activity.

Zoning is a police power measure, enacted by a municipality, including the City, in which the community is divided into districts or zones within which permitted and conditional uses (or special uses) are established as are regulations governing lot size, building bulk, placement, and other development standards. The purpose of zoning districts is to separate incompatible uses into various classifications in order to reduce conflicts between property owners, protect property values, and promote the general welfare and development of the City.

Zoning District means any district delineated on the official zoning district map under the terms and provisions of this code or which may hereinafter be created subsequent to the enactment of this code for which regulations governing the area, height, use of buildings, or use of land, and other regulations relating to development or maintenance of existing uses or structures, are uniform.

Zoning Map Amendment means a change in the boundaries or a change in classification of the zoning districts. A Conditional Use Permit (CUP) is considered a Zoning Map Amendment.

Zoning Text Amendment (ZTA) means a change in the regulations within the Mesquite Zoning Ordinance.

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D. Images.

Figure 4-1604.01 (Anatomy of a Main Street Building)

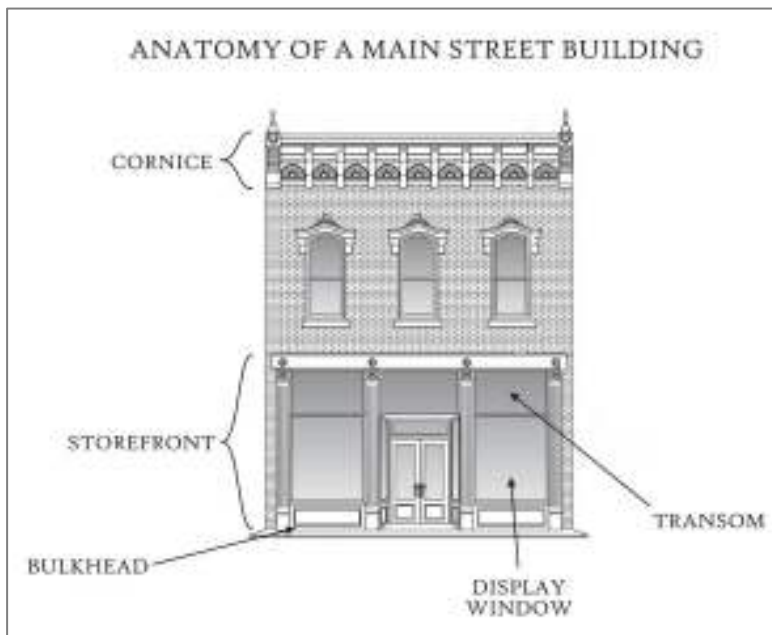


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Appendix C – Mesquite Zoning Ordinance (“MZO”);

NEW 4-1600 – Downtown Mesquite Special Purpose Zoning District (“DM-District”).

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4-1605 – Permitted Uses in DM-District.

A. *In general.*

1. This Section 4-1605 (Permitted uses) shall apply to the permitted uses within the Downtown Mesquite Special Purpose Zoning District’s (“DM-District”) three-character subdistricts, DM-C, DM-MU, and DM-E.
2. Any change made to Table 4-1605.01 (Permitted Uses) identifying the permitted uses is considered a Zoning Map Amendment (a change of zoning classification) and shall comply with MZO, Part 5, [5-300](#) (Amendments to the Comprehensive Plan, Zoning Text, and Zoning Maps; and Procedures for CUP, PD, Overlay, and Other Districts).

B. *Legal nonconforming uses.* Any use established prior to adoption of this ordinance shall be permitted to continue operation, so long as the business complies with MZO, Part 1, [1-300](#), [Section 1-302](#) (Nonconforming Uses). See also, MZO, Part 1, [1-300](#), [Section 1-301](#) (General Provisions) see Heritage Square.

C. *Permitted uses.*

1. Table 4-1605.01 (Permitted Uses) below shows the permitted uses within DM-C, DM-MU, and DM-E Subdistricts.
2. In the Downtown Mesquite Special Purpose Zoning District (“DM-District”), no land shall be used except for one (1) or more of the following uses to the extent that they are not prohibited by other regulations or ordinances.

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D. Table 4-1605.01 (Permitted Uses) below shall use the following classifications:

P = Permitted Use

C = Conditional Use Permit

¹ = In a case where a structure is comprised of multi-family dwelling units, the multi-family is prohibited on the first floor.

² = Wholesale Trade permitted when incidental to a permitted manufacturing use.

³ = This use shall require a Conditional Use Permit (CUP) in the case of adaptive reuse in DM-MU where the use is changing from residential to non-residential or is adjacent to existing single family home.

TABLE 4-1605.01 – PERMITTED USES within Downtown Mesquite-Core (DM-C), Downtown Mesquite-Mixed-Use (DM-MU), and Downtown Mesquite-Edge (DM-E)					
SIC Code	Land Use	DM-C	DM-MU	DM-E	Use Regulations
Agriculture and Animal Uses					
0742	Veterinary Services - Indoor	C	P ³	P	
0742	Pet Boarding – Indoor	C	P ³	P	
0752	Grooming – Household Pets	P	P ³	P	
5999d	Pet Shops	C	C	P	
Manufacturing					
	Cottage Industrial	P	P ³	P	See 4-1606. A.5
	Food Processing, Less than 3,000 Square Feet	P	P ³	P	See 4-1606. A.8
	Food Processing, More than 3,000 Square Feet	C	C	P	See 4-1606. A.9
	Craft Alcohol Production	P	C	P	See 4-1606. A.4
	Office-Warehouse		C	P	See 4-1606. A.18
Transportation/Utilities					
	Railroad/Bus/Transit Terminal		C	P	
	Parking Lot as the principal use	C	C	P	See 4-1606. A.20
Retail Trade					
533	Variety Stores		C	C	See 3-510
549a	Convenience Store		C	C	
5812	Eating Place, with Drive-Through		C	C	
5812	Eating Place, without Drive-Through	P	P ³	P	
	Eating Place, with brewpub	P	C	C	See 4-1606. A.7
	General Retail Unless Otherwise Specified, Less than 5,000 Square Feet	P	P ³	P	See 4-1606. A.10
	General Retail Unless Otherwise Specified, More than 5,000 Square Feet	C	C	P	See 4-1606. A.11
5812c	Mobile Food Unit Park	C	P ³	P	See 3-512
549b	Outdoor Farmers Market	P		C	See 4-1606. A.19
5999e	Sales Barns, Flea Markets	C	C	C	
593	Used Merchandise Stores/Antique Stores	C	C	C	
Finance, Insurance, Office					
	Bank or Financial Institution with a Drive-Through	C	C	C	See 4-1606. A.1
	Bank or Financial Institution without a Drive-Through	P	P ³	P	See 4-1606. A.1
	Office, Business, and Professional Services	P	P ³	P	See 4-1606. A.17

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SIC Code	Land Use	DM-C	DM-MU	DM-E	Use Regulations
Services					
7011	Boutique Hotel	C	C	C	See 4-1606. A.2
7011	Hotel – General Service	C		P	See 3-506
7211	Laundry, Cleaning, Garment Services	P	P ³	P	
7215	Coin Operated Laundry	C	P ³	P	
	Personal Service, General	P	P ³	P	See 4-1606. A.21
7299b	Body Art/Decorating	P	C	C	
Entertainment and Recreational					
7832	Motion Picture Theater, excluding drive-in	P	P ³	P	
791	Dance Studios	P	P ³	P	
	Minor Reception Facility NOT within 500-ft of a Residential District	P	C	P	See 3-508
	Minor Reception Facility within 500-ft of a Residential District	C	C	C	See 3-508
	Major Reception Facility	C	C	C	See 3-508
793	Bowling Center	P	P ³	P	
7991	Physical Fitness Facility	P	C	P	
7993	Coin-Operated Amusement Game Room	C	C	C	
7999b	Indoor Recreation	P	P ³	P	
7999a	Outdoor Amusement	C	C	C	
7999f	Escape Rooms	P	P ³	P	
7999g	Recreational and Entertainment Facilities	P	C	P	
7999d	Sports Instruction, Indoor	P	P ³	P	
Services: Health Services					
	Medical Clinic	C	P ³	P	See 4-1606. A.14
	Medical Offices	P	P ³	P	See 4-1606. A.15
805	Nursing, Personal Care Facilities		C	P	
807	Medical, Dental Laboratories		C	P	
8082	Home Care Services		C	P	
Services: Educational Services					
8211	Elementary, Secondary Schools	C	C	C	
8221	Universities, Community Colleges	C		P	
8231	Libraries	P	C	P	
8249	Vocational Schools, Excluding Driving	C	C	P	
Services: Social Services					
8322	Social Services, Individual, Family		C	C	
8331	Job Training (Excluding Truck Driving and Equipment Operating Schools)	C	C	P	
8351	Day Care		P ³	P	
Cultural Uses					
8412	Art Galleries, Museums, Artist Studio	P	C	P	
8422	Arboretum, Botanical Gardens	C	C	P	
86	Membership Organizations	P	P	P	
Residential Uses					
	Single Family Detached		P		See 4-1606. A.22
	Townhomes		P		See 4-1606. A.24
	Mixed-Use Residential	P ¹	P ¹	P	See 4-1606. A.16
	Live Work Units	P	P	C	See 4-1606. A.13
Other Uses As described in Section 4-1606 (Use Regulations and Use Definitions for DM-District)					
	Temporary Retail	P			See 4-1606. A.23
	Drive-Through Facility		C	C	See 4-1606. A.6
	EV Charging Stations (Accessory Use)	P	P	P	See 3-702.G

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4-1606 – Use Regulations and Use Definitions for DM-District.

A. Regulations and definitions for Specific Uses.

1. **Bank or Financial Institution with or without drive through** means an establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses. This definition does not include establishments defined as alternative financial establishments.
 - a. One parking space is required per 450 square feet of gross floor area
 - b. Drive-through facilities require a conditional use permit.
2. **Boutique Hotel** means small-scale hotels with 30 or fewer guest rooms that provide a unique lodging experience, such as, but not limited to, a bed and breakfast, an inn, etc. A boutique hotel shall not be considered a limited service or general service hotel/motel.
 - a. One parking space is required per room.
 - b. Provides food that is prepared on-site
3. **Craft Alcohol Production** means a facility in which processing and production of beverages occurs, including canning, bottling, and packaging for sale and/or distribution to retailers, drinking establishments, restaurants, or wholesalers, but may also include onsite consumption and/or retail sales.
 - a. On-premise consumption or retail sales shall be required to operate a craft alcohol production establishment.
 - b. Areas used for production, bottling, packaging, storing, and other manufacturing related activities shall not exceed 10,000 square feet of gross floor area per lot. Additional square footage shall require a conditional use permit.
 - c. The storage of raw and/or spent materials shall be kept in a fully enclosed structure, building, or container.
 - d. The establishment shall operate in full compliance with all rules and regulations of the Texas Alcoholic Beverage Commission
 - e. Parking. 1 space per 300 square feet
4. **Cottage Industrial** means an establishment or business where the primary purpose is small-scale and individualized (i.e., not mass produced) assembly and light manufacturing of commodities and is characterized by low to no external impact. This use includes workshops and studios for cottage industries such as pottery, glassblowing, metalworking and fabrication, weapon bluing, and furniture-making. Cottage industrial enterprises may include direct sales to consumers and repair or rehabilitation of household goods, appliances, or furnishings. This use does not include any maintenance or repair work done on automobiles, heavy load vehicles or vehicles.
 - a. Cottage Industrial use shall be limited to 10,000 square feet. Larger than 10,000 square may be permitted with a conditional use permit.
 - b. In the DM-DC and DM-MU, if the building is within 200 feet of a residential zoning district or residential use, artisan manufacturing uses shall be limited to 6,000 square feet per lot, unless conditional use permit is approved.
5. **Drive-Through Facility.** Drive-Through Facilities shall pertain to any structure or portion of a structure with a building opening, including windows, doors, or mechanical devices, through which occupants of a motor vehicle receive or obtain a product or service. See

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MZO, Part 3, 3-400, [Section 3-402](#) (C) Drive through facilities. Drive-Through Facilities within the DM subdistricts are not permitted unless a conditional use permit is approved.

6. ***Eating Place with brewpub*** means a restaurant which includes a microbrewery as an accessory use. The microbrewery in conjunction with the restaurant allows limited manufacturing and production for the primary sale on-site. Off-site distribution associated with the microbrewery shall not be permitted.
 - a. No outdoor performances shall be permitted within 500 feet of a residential property line or zoning district, without the approval of a conditional use permit.
 - b. Parking required 1 space per 150 square feet.
7. ***Food Process, Less than 3,000 square feet*** means a facility or area containing not more than 3,000 square feet of gross floor area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and sold on site. Food may be distributed to retailers or wholesalers for resale on or off the premises as an accessory use. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning or storing of green hides or skins.
 - a. Parking 1 space per employee on the largest shift or 1 space per 3,500 sq ft GFA
 - b. Only on-premises sales shall be allowed. Distribution, warehousing, or wholesaling activities as the primary use are prohibited unless approved with a conditional use permit.
8. ***Food Process, More than 3,000 square feet*** means a facility or area containing more than 3,000 square feet of gross floor area in which food for human consumption in its final form, such as candy, baked goods, tortillas, and ice cream is produced, and the food is distributed to retailers or wholesalers for resale on or off the premises. This use does not include commercial feedlots, meatpacking, poultry dressing, stockyards, fat rendering, or the tanning, cutting, curing, cleaning or storing of green hides or skins.
 - a. Parking 1 space per employee on the largest shift or 1 space per 3,500 sq ft GFA
 - b. Only on-premises sales shall be allowed. Distribution, warehousing, or wholesaling activities as the primary use are prohibited unless approved with a conditional use permit.
9. ***General Retail Unless Otherwise Specified, Less than 5,000 square feet*** mean retail sales containing less than 5,000 square feet of gross floor area. This definition does not include establishments that meet the definition of Convenience Stores, Variety Stores, Pawn Shops, or Paraphernalia Shops.
 - a. Parking 1 space per employee on the largest shift or 1 space per 350 sq ft GFA.
10. ***General Retail Unless Otherwise Specified, More than 5,000 square feet*** mean retail sales containing more than 5,000 square feet of gross floor area. This definition does not include establishments that meet the definition of Convenience Stores, Variety stores, Pawn Shops, or Paraphernalia Shop.
 - a. Parking 1 space per employee on the largest shift or 1 space per 350 sq ft GFA.
11. ***Live-Work Units*** means a dwelling unit containing an integrated living and working space in different areas of the unit. Live-Work Units shall pertain to any structure or portion of a structure that connects a dwelling unit and a non-residential use permitted by Table 4-1605.01 (Permitted Uses). Live-Work Units shall follow these requirements:

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- a. A minimum of one (1) entrance/exit that does not require an exit path through the non-residential use; and
 - b. A minimum of 50% of the total floor area of the building footprint must contain the non-residential use; and
 - c. The livable area shall be a minimum of 400 square feet; and
 - d. Shall be located on the second floor and beyond with the commercial use on the first floor; or
 - e. Shall be located adjacent and to the rear of the commercial use on the first floor.
12. **Medical Clinic** means an establishment for the provision of medical, psychiatric, or surgical services on an outpatient basis. These facilities can be differentiated from a medical office in that such facilities may either be open to and operated for the general, walk-in public, or require an appointment. This definition includes ambulatory surgical center (ASC); end-stage renal disease facility (dialysis), outpatient services, freestanding emergency medical care facility.
 - a. In the DM-C subdistrict uses are limited to no more than 5,000 square feet of gross floor area per lot.
 - b. The main entrances and ambulance loading zones shall not face residential zoning districts.
13. **Medical Office** means an establishment where patients receive consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention. This definition includes dentist’s office and doctor’s office.
14. **Mixed-Use Residential** means the use or development, as applicable, of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development. The term includes the use or development of a condominium.
 - a. The ground floor fronting a public street shall have a minimum wall height of 12 feet.
 - b. Each individual dwelling unit shall have a minimum of 725 square feet of living space floor area.
15. **Office, Business, and Professional Services** means establishments that provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices.
 - a. One parking space is required per 500 square feet of gross floor area.
16. **Office/Warehouse** means a structure or group of structures offering compartments of varying size for rental to different tenants for the storage of commercial goods or wares, conducting of certain retail trade activities, or provision of those personal or business services, or for trade contractor services. This use does not include any maintenance or repair work done on automobiles, heavy load vehicles or vehicles.
 - a. A minimum of 25% of the use shall include office.

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- b. Office/Warehouse use shall be limited to 10,000 square feet. Larger than 10,000 square or office space less than 25% may be permitted with a conditional use permit.
 - c. One parking space is required per 1,000 square feet of gross floor area.
- 17. **Outdoor Farmers Market** means the seasonal selling or offering for sale at retail directly to the consumer of fresh fruits, vegetables, flowers, herbs, or plants, processed food stuffs and products such as jams, honey, pickled products, sauces, baked goods, crafts, and art, clothing and other goods, occurring in a pre-designated area, where the vendors are generally individuals who have raised the produce or have taken the same or other goods on consignment for retail sales.
- 18. **Parking Lot** means the ownership, lease, operation, or management of a surface parking lot, above-ground structure, or below-ground structure.
- 19. **Personal Service, General** means an establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, dry cleaning, shoe repair, alterations, spas, and tanning salons, photography studios, house cleaning services, weight reduction centers, or florist. This use does not include body art/decoration, massage parlors, Turkish & steam baths, commercial laundry and dry cleaning facilities.
 - a. One parking space is required per 350 square feet of gross floor area.
- 20. **Single Family Detached.**
 - a. Shall follow the standards for R-3 Single Family zoning.
 - b. Not permitted on properties that front along streets designated as arterials.
- 21. **Temporary Retail** means any business that temporarily operates up to a maximum of thirty (30) days. Temporary Retail shall pertain to any business that is a permitted use in Table 4-1605.01 (Permitted Uses) and temporarily operates up to a maximum of thirty (30) days. The temporary retail use shall either:
 - a. Occupy 100% of a vacant storefront, or
 - b. Occupy a maximum of 50% of the square footage of the existing business that it operates out of; and
 - c. Maximum of two (2) businesses.
- 22. **Townhome.**
 - a. Each individual dwelling unit shall have a separate entrance facing the street frontage to which the building address is assigned. Buildings on corner lots may have entrances facing either street frontage.
 - b. Each dwelling shall have direct access to a street or alley.
 - c. Townhomes are not permitted along streets designated as arterials.
 - d. Shall follow the townhome standards in Section 2-502 except for building separation, open space, and parking.

B. *Reserved.*

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4-1607– Parking Standards for DM-District.

- A. *In general.* This Section 4-1607 (Parking Standards for DM-District) shall apply to parking provided for development within the Downtown Mesquite Special Purpose Zoning District’s (“DM-District”) three subdistricts: DM-C, DM-MU, and DM-E.
- B. *Applicability.* Unless otherwise specified, properties within the DM-District shall first abide by [Section 3-400](#) (Off-Street Parking and Loading Regulations) of the Mesquite Zoning Ordinance (MZO). The regulations in this Section 4-1607 provide additional criteria (not otherwise addressed in this Code) and/or more relaxed standards (otherwise not permissible in this Code).
- C. *Minimum Parking Requirements.*
 1. The following shall apply to parking provided in DM-C Subdistrict:
 - a. There shall be no minimum parking requirement for nonresidential uses.
 - b. Any residential dwelling unit within the subdistrict shall provide one (1) on-site parking space that may be provided on-site in the rear, or with a shared parking agreement.
 2. The following shall apply to parking provided in DM-MU and DM-E Subdistricts:
 - a. Non-residential uses shall abide by the City’s Minimum Parking Standards as defined in the Definition and Specific Use Standards in Section 4-1606. When a parking standard is not provided in Section 4-1606, the use shall follow the City’s Minimum Parking Standards as defined in MZO [Section 3-405](#) (Table of parking standards—Nonresidential uses).
 - b. Adaptive Reuse or non-residential uses that have been established by converting a residential structure into a commercial structure shall use the following to comply with the City’s parking standards:
 - (1) Comply with MZO [Section 3-404](#) (Number of parking spaces required), and
 - (2) A parking space may be located within a garage and counts as one (1) required parking space, and
 - (3) A driveway may count as one (1) parking space.
- D. *Permitted Paving Materials.* See MZO, Part 3, 3-400, [Section 3-402](#) (D) Surfacing.

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E. *Parking Lots.*

1. ***DM-C Subdistrict.*** The following parking lot standards shall be met when constructing a new parking lot or expanding an existing parking lot area by more than fifty percent (50%) within DM-C.
 - a. An on-site parking area shall be located behind a building, where its visual impacts will be minimized.
 - b. Minimize the surface area of paving materials.
 - c. Locate a parking lot to minimize gaps in the continuous building wall of a block. Where a parking lot shares a site with a building, place the parking at the rear of the site (preferred) or beside the building (if there are no other options).
 - d. Parking lots adjacent to the pedestrian walkway shall be visually screened with landscaping and/or fencing or walls of three (3) to four (4) feet. Fencing and walls shall be constructed with decorative metal, wrought iron, brick or stone.
 - e. A maximum of one entrance/exit drive is allowed per parking lot per block face.
 - f. Parking lots may be set back from the public right-of-way with at least five (5) feet of landscaped separation. The landscape area can include grass, ground cover, and/or low plantings.
2. ***DM-MU and DM-E Subdistricts.*** Parking shall be located behind the front building façade within DM-MU and DM-E.

Cross reference –

Mesquite City Code, Chapter 9, [Sec. 9-199](#), and [Sec. 9-202](#), for Heritage Square.

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4-1608– Sign Standards for DM-District.

See Mesquite City Code, Chapter 13 (Signs).

See *also* Mesquite City Code, Chapter 13, Article IV, Sec. 13-76 (Sign use within the DM-District).

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4-1609 – Landscaping, Living Screen and Buffering for DM-District.

- A. *In general.* The establishment of requirements for the installation, preservation, and maintenance of landscaping, living screen and buffering, and trees as site improvements is essential for the enhancement of the community's ecological, environmental, and aesthetic qualities. Such amenities serve to reduce the negative effects of increases in air temperatures, pollution, glare, noise, erosion and sedimentation caused by expanses of impervious and unvegetated surfaces, and provide buffers between land uses of different character. The City is also committed to conservation of water resources. Therefore, it is the intent of this Section 4-1609 (Landscaping, Living Screen and Buffering for DM-District) to provide for and require landscape design, landscape materials, and irrigation systems that conserve water and have a higher probability of surviving drought conditions while achieving the aesthetic, environmental and quality of life benefits of good landscaping.
- B. *Applicability.*
1. Unless otherwise specified, the properties within the DM-District shall first abide by Mesquite Zoning Ordinance (MZO), Part 1A, (Landscaping, Buffering and Screening and Tree Preservation). The regulations in this Section 4-1609 provide additional criteria (not otherwise addressed in this Code) and/or more relaxed standards (otherwise not permissible in this Code).
 2. This Section 4-1609 (Landscaping, Living Screen and Buffering for DM-District) shall apply to the Downtown Mesquite Special Purpose Zoning District (“DM-District”), and its subdistricts as follows:
 - a. *DM-C Subdistrict.* Landscaping, Living Screen and Buffering – Not required.
 - b. *DM-MU Subdistrict.* Landscaping, Living Screen and Buffering – Required.
 - c. *DM-E Subdistrict.* Landscaping, Living Screen and Buffering – Required.

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- C. *Requirements – Non-Residential and Multi-Family Uses.* Table 4-1609.01 (Landscaping, Living Screen and Buffering for DM-District) displays the requirements for non-residential and multi-family uses.
1. In any case where a property has frontage along two sides of the property, the street frontage landscaping requirements shall be met along each street frontage.
 2. Unless otherwise specified by this section, landscaping in the DM-MU and DM-E subdistricts shall abide by MZO, Part 1A, (Landscaping, Buffering and Screening, and Tree Preservation). Landscaping installed to fulfill the requirements below can count towards meeting the landscaping requirements in Parts 1A.

Table 4-1609.01: LANDSCAPING, LIVING SCREEN AND BUFFERING REQUIREMENTS for Downtown Mixed-Use (DM-MU) and Downtown Edge (DM-E) Subdistricts			
		Abutting Residential Use	Abutting Non-Residential Use
Non-Residential and Multi-Family Uses	Front/Street Frontage Buffer	• 100% screening of parking lots with continuous row of hedges or shrubs • 1 tree per 30 feet of lot frontage	• Minimum landscape buffer width of 10' for properties within DM-MU and 20' for properties within DM-E • 1 tree per 50 feet of lot frontage
	Rear/Side Yard Buffer	• 100% screening of parking lots with continuous row of hedges or shrubs • 1 tree per 30 feet of lot length	
Adaptive Reuses	Front/Street Frontage Buffer	• All portions of the front yard and/or street side yard which are not covered by driveways, parking lots, or similar, must be landscaped. • A parking lot located within a street side yard must have a 10-foot-wide landscaped area between the parking lot and the street, screened by a continuous row of hedges or shrubs	
	Rear/Side Yard Buffer	• A parking lot located in the rear or side yard must have either (1) 6-foot opaque fence along property line or (2) a row of continuous hedges or shrubs, or berm, at a minimum height of 4 feet located between the parking lot and the property line where adjacent to residential uses.	

Cross reference – Landscaping, Buffering and Screening, and Tree Preservation), Mesquite Zoning Ordinance, Part 1, Part 1A.

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4-1610 – Design Standards for DM-District – Overview.

- A. *Purpose and intent.* For new construction and certain renovations of property in the downtown area, the intent of these design standards is to protect the integrity and character of the downtown area while maintaining or enhancing a historical essence, to encourage economic development, and to protect property values.
- B. *Design standard requirements.* The design standards applicable for development and redevelopment for each Subdistrict are located in the following sections:
1. Section 4-1611. Downtown Mesquite Core (“DM-C”) Subdistrict Design Standards.
 2. Section 4-1612. Downtown Mesquite Mixed-Use (“DM-MU”) Subdistrict Design Standards.
 3. Section 4-1613. Downtown Mesquite Edge (“DM-E”) Subdistrict Design Standards.
- C. *Table.* The following (Table 4-1610.01) identifies the DM-District Subdistricts(s) and any design standards that exist for a specific Subdistrict. The Table is provided as an overview. See the applicable section(s) for specific regulation descriptions.

TABLE 4-1610.01: DOWNTOWN MESQUITE DISTRICT (“DM-DISTRICT”) DESIGN STANDARDS			
DESIGN STANDARDS	SUBDISTRICT		
	DM-C	DM-MU	DM-E
	See Sec. 4-1611	See Sec. 4-1612	See Sec. 4-1613
Building & Façade	●	●	
Building Edge	●	●	
Building Materials	●		
Building Width	●	●	
Building Height	●	●	●
Building Additions	●	●	
Dimensional Standards	●	●	●
Storefronts	●		
In General	●		
Rehabilitated Storefronts	●		
Bulkhead	●		
Display Windows	●		
Entrances and Doors	●		
Transoms	●		
Non-Display Windows	●		
Street Furnishings & Sidewalk Displays	●	●	
Outdoor Seating & Dining Areas	●	●	
Awnings and Canopies	●	●	
Exterior Lighting	●	●	
Fencing	●	●	●
Screening of Mechanical Equipment	●	●	●
Private Sector Art Installations and Creative Signs	●	●	●

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D. *Dimensional standards.* The standards set out in following section shall be required for the uses in the districts as indicated, except as otherwise provided.

DIMENSIONAL STANDARDS	DM-C	DM-MU	DM-E
A. MAXIMUM LOT COVERAGE (%)	N/A	60	50
B. MINIMUM FRONT AND EXTERIOR SIDE YARDS (FEET)	See 4-1611.D	See 4-1612.D	25
C. MINIMUM INTERIOR SIDE AND REAR YARDS (FEET)	0	0	0
1. Adjacent to Nonresidential District			
2. Adjacent to A District	0	15	15
3. Adjacent to AG, R, or D District		25 feet or 2 times the height of the building above the grade at the nearest AG, R, or D district boundary, whichever is greater.	
D. MAXIMUM HEIGHT (FEET OR STORY)			
1. With Setbacks Specified Above (Ft)	45	45	50
2. Increase Height Permitted With Increased Setbacks (See 3-305)	No	No	No

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4-1611–

Downtown Mesquite Core (“DM-C”) Subdistrict Design Standards.

- A. *In general.* The following design standards shall apply to properties undergoing new development or redevelopment located within the boundary of the Downtown Mesquite Core (“DM-C”) Subdistrict within the Downtown Mesquite Special Purpose Zoning District (“DM-District”). These standards are not meant to be exhaustive; rather, they are intended to establish minimum requirements to achieve an overall design consistency.
- B. *Applicability.* Unless otherwise specified by this Section 4-1611 (Downtown Mesquite Core (“DM-C”) Subdistrict Design Standards), the following exterior design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.
- C. *Administrative review of design standards and permits.* SEE Sec. 4-1614 (Administrative Review of Design Standards and Permits within the Downtown Mesquite-Core (“DM-C”) Subdistrict).
- D. *Building and Façade: DM-C Subdistrict.*
 1. *Building Edge: DM-C Subdistrict.*
 - a. Building storefront shall face the street or other public spaces.
 - b. Buildings shall provide a setback in context with the block face. The full length of the front building facade shall be built to the front property line except:
 - (1) to match an existing block face;
 - (2) to allow public utilities; or
 - (3) to accommodate a required sidewalk.
 - c. Changes to existing building facades shall be consistent with existing architecture and architectural features.
 - d. The ground floor of buildings shall provide architectural relief.
 - (1) Primary building entrances shall be clearly articulated, using elements such as awnings, canopies, recessed entry, or other similar treatments.
 - (2) Secondary facades of ten (10) feet or more shall be broken up with articulation or other architectural treatments.
 - e. Windows, stoops, and porches shall open to the street.
 - f. New buildings shall provide articulation between the first and second floor.
 - g. A building shall conform to the alignment of horizontal elements along the block face to provide scale and continuity.
 - (1) Traditional floor heights shall be expressed with horizontal moldings, window alignment, and other architectural details. In particular, the windows and doors in a building shall appear similar in height to those seen traditionally and in context with surrounding buildings.
 - (2) Storefronts, windowsills, moldings, belt courses and cornices are among those elements that typically repeat within DM-C; therefore, new construction shall contain horizontal elements.
 - (3) Where the location of horizontal elements varies, new buildings shall place horizontal elements to align with one of the adjacent buildings or locate

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the new horizontal element between the respective elements on the two adjacent buildings.

2. *Building Materials: DM-C Subdistrict.*

- a. Materials used to maintain existing structures or to build infill shall complement traditional materials, thereby maintaining the authenticity and uniqueness of the area.
- b. Building materials shall be visually compatible with the predominant materials of the area. Brick is required to be used when it is already existing on a storefront. Permitted materials for new storefronts include:
 - (1) Brick;
 - (2) Plaster stucco;
 - (3) Wood;
 - (4) Steel, anodized aluminum;
 - (5) Similar materials with long-lasting characteristics.
- c. When brick is used, the following shall apply:
 - (1) Mortar joints of no more than one-half inch, and
 - (2) Brick coursing patterns should be consistent with those compatible in the district;
 - (3) Stacked brick(s) are not permitted;
 - (4) Brick shall not be painted, unless it was previously painted.
- d. Exterior Insulation and Finish Systems (EIFS) are not permitted.
- e. Expansion joints shall align with horizontal elements and shall not give the impression of an over-large panel.

3. *Building Width: DM-C Subdistrict.*

- a. Buildings shall appear similar in width to those seen historically in the block.
- b. Side walls of corner buildings can be longer than the primary elevation width.

4. *Building Height: DM-C Subdistrict.*

- a. Buildings shall be limited to three stories and/or forty-five (45) feet, including parapet walls.
- b. Parapet walls shall not be altered, especially those on primary elevations or highly visible façades.

5. *Building Additions: DM-C Subdistrict.*

- a. Ground-level floor or rooftop additions to an existing building in DM-C shall be permitted in DM-C.
- b. An addition to the ground-level floor of a building shall be permitted if it complies with the following:
 - (1) Ground-level additions shall be primarily to the rear or side of a building.
 - (2) An addition to the front of a building shall only be permitted when the structure does not have historic significance, and the front façade is currently setback further than five (5) feet from the front property line.
 - (3) The materials, window sizes, and alignment of trim elements on the addition shall be compatible with those of the existing structure, but also visually subordinate in character to avoid calling attention to the addition.

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- (4) An addition shall be compatible in scale, materials, and character with the main building.
 - (5) An addition shall relate to the building in mass, scale, and form. It shall be designed to remain subordinate to the main structure.
 - (6) An addition shall not damage or obscure architecturally important features. Loss or alteration of a cornice line should be avoided.
- c. An addition to the rooftop of a building shall be permitted if it complies with the following:
- (1) An addition shall be set back a minimum of 25 feet from the front façade and not visible from the street curb directly across the street from the primary, character-defining façade to preserve the perception of the building's historic scale.
 - (2) The addition's design shall be modest in character, so it will not detract attention from the historic façade.
 - (3) The addition should be distinguishable as new, albeit subtly.
 - (4) The roofs of additions shall not interfere with the original roof form by changing its basic shape and shall have a roof form compatible with the original building.

E. Storefronts: DM-C Subdistrict.

1. In general.

- a. If a storefront is altered, it shall be restored to the original design when possible.
- b. If evidence of the original design is missing and no evidence of its character exists, a new design that uses traditional elements shall be used.
- c. In some cases, an original storefront may have been altered early in the history of the building and may itself have taken on significance. Such alterations shall be preserved.

2. Rehabilitated storefronts in DM-C shall preserve these character-defining elements:

a. Bulkhead:

- (1) If the original bulkhead is covered with another material, the original design shall be exposed.
- (2) If the original bulkhead is missing, a compatible design shall be developed.
- (3) Bulkheads shall align with adjacent historic bulkheads on the block face.

b. Display windows shall:

- (1) Cover a minimum of 75% of the first-floor square footage of the storefront.
- (2) Use clear glass and be transparent.
- (3) Not contain dividers.
- (4) Be permitted to contain module windows with square or rectangular mullions.
- (5) Be trimmed with wood, dimensioned steel, or copper to emulate historic storefronts.

c. Entrances and Doors on storefronts shall:

- (1) Appear similar to those used historically in the block.

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- (2) Either be centered with windows on either side or located to one side with storefront windows taking up the rest of the façade.
- (3) Be clearly defined, and obvious to pedestrians.
- (4) Be recessed between three (3) and five (5) feet from the building edge/building façade in the context with the original architecture.
- (5) Comply with building code regulations, including door width, direction of swing, and construction.

d. *Transoms shall abide by the following regulations:*

- (1) Transoms shall not be removed or enclosed.
- (2) The shape of the transom is important to the proportion of the storefront, and it shall be preserved in its historic configuration.
- (3) If the original glass is missing, new glass shall be installed.
- (4) If the transom must be blocked out, retain the original opening proportions.
- (5) Alternate treatments to camouflage mechanical equipment may be considered on a case-by-case basis.

e. *Non-Display Windows.*

- (1) Shall be set a minimum of two inches behind the plane of the façade.
- (2) Shall be clear and non-reflective.
- (3) Shall not be tinted.
- (4) Can contain window film if it is non-reflective and does not darken the windows.

F. *Street Furnishings and Sidewalk Displays: DM-C Subdistrict.*

- 1. Street furnishings and sidewalk displays shall be kept in good condition at all times.
- 2. A minimum width of four (4) feet shall remain clear at all times to allow for the orderly flow of pedestrians.
- 3. Individual furnishings shall be designed such that they may be combined with other street furniture in a coherent composition.
- 4. All furniture and fixtures must be durable and of sturdy construction. Plastic shall be a prohibited material for street furniture.
- 5. Planters that are in scale with a property and do not impede pedestrian traffic or accessibility are permitted to be used to define entry areas. Planters shall be well-maintained and contain healthy live plant material at all times.

G. *Outdoor Seating and Dining Areas: DM-C Subdistrict.*

- 1. No sidewalk coverings or raised platforms are permitted on the sidewalk.
- 2. No more than three tables with two seats each may be placed in the right-of-way, unless otherwise authorized by the Director.
- 3. Tables and seating must be placed next to the building.
- 4. Maintain compliance with accessibility standards.
- 5. All portable furniture must be securely stored inside the establishment during non-business hours.
- 6. Tables and chairs may be colored or of a natural unpainted material (i.e. wood or metal). Tables and chairs are not permitted to be plastic or of any fluorescent or other exceedingly bright or vivid color.

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7. Upholstered chairs designed for outdoor use are permitted if they are kept in good repair. All chairs used within a particular establishment’s outdoor seating area must match each other by being of visually similar design, construction, and color.
8. Other furniture such as serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters, and torches may be permitted provided they are not impeding the pedestrian path or right-of-way.
9. No extra or additional signs are permitted solely as a result of an outdoor seating area. If any signs are proposed, they shall meet the sign requirements of the Mesquite City Code, Chapter 13 (Signs), the “Mesquite Sign Ordinance,” and also more specifically Sec. 13-76 (Sign Use within the DM-District).
10. Umbrellas.
 - a. Umbrellas shall not block views of building signs or windows, including those of adjacent properties.
 - b. Umbrellas shall be appropriately designed and sized for the location where they will be utilized. Umbrellas shall be free of advertisements.
 - c. The lowest dimension of an extended umbrella shall be at least 7 feet above the sidewalk surface and not block the main walking path or create a hazard.
 - d. Any part of an umbrella used in a ground level outdoor seating area may not exceed a height of 120” (10 feet) above the level of the sidewalk.
 - e. Umbrella fabric shall not be fluorescent or exceedingly bright or vivid color. In addition, only one fabric color is allowed, or one color with white stripes.
 - f. Umbrella fabric must be of a material designed for outdoor use. No plastic fabrics, plastic/vinyl-laminated fabrics, grass, or rigid materials are permitted for use as umbrellas within an outdoor seating area.

H. *Awnings and Canopies: DM-C Subdistrict.*

1. Materials, construction, and style shall be in keeping with the building style.
2. Design cues shall be taken from the size of window and door openings; awnings shall be contextual in size. Attention shall be paid to accentuate character-defining features and not conceal them.
3. Shed (sloping) shapes are appropriate to rectangularly oriented openings.
4. Bubble and bull-nose awnings are prohibited in DM-C.
5. Minimum awning valance height: 8 inches.
6. Permitted awning materials: Matte finish canvas, glass, or metal.
7. Internal illumination that makes awnings glow is not permitted.
8. Lighting that shines onto sidewalks from an awning or fixed canopy is appropriate where it is shielded and concealed in the underside of the awning or canopy.
9. Awning signs may be allowed on the shed (sloped) portion of the awning but are preferred on the valance flap. The flap height shall be large enough for letters and symbols to be read easily.
10. Maximum letter height: 75 percent of the height of the valance flap/shed area.
11. Minimum vertical clearance from sidewalk to the base of the awning: 8 feet.

I. *Exterior Lighting: DM-C Subdistrict.*

1. *In general.* Traditionally, Downtown lighting has been modest and simple in character and was used for very specific purposes. In keeping with that practice, lighting installations shall be focused, shielded, and welcoming to the pedestrian.

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2. Lighting may be used for the following purposes:
 - a. To accent signs, architectural details or building entrances.
 - b. To illuminate sidewalks and pedestrian routes.
 - c. To illuminate service and parking areas.
3. In general:
 - a. Building lights shall be compatible with the architecture of the building.
 - b. Lighting shall be designed in a manner to avoid disturbances and glare onto adjacent properties.

J. Fencing: DM-C Subdistrict.

1. Walled-off or fenced development, defined as perimeter fencing around all or part of a development, is not allowed. Railings, such as railing for porches and sidewalk dining, are not considered to be included in this definition.
2. Fencing composed of acceptable materials, no higher than six feet, may be considered for courtyards, greenspace, or private parking that is part of a development. Acceptable materials include wrought iron, brick, stone, or dark tubular steel. Such fencing shall have openings (transparency) containing a minimum 75% of the surface area.
3. Railings for outdoor dining shall not impede pedestrian movement and shall have a maximum height of four feet and be compatible with the surrounding streetscape.
4. Chain-link, barbed-wire, or razor-wire fences are prohibited.

K. Screening of Mechanical Equipment: DM-C Subdistrict.

1. *In general.* Building equipment and service areas shall be screened. These areas shall include, but are not limited to, rooftop equipment, mechanical and electrical equipment and conduit, ducts, piping, fire equipment, water backflow devices, trash facilities, recycling facilities, utilities, satellite dishes, solar collectors, antennas, loading and unloading areas and draining facilities.
2. *Requirements.* The following shall be met when screening in Downtown Mesquite Core (“DM-C”) Subdistrict:
 - a. Building equipment and service areas shall be designed and located so that they are not the primary building feature or interfere with pedestrian and/or vehicular circulation.
 - b. Equipment and services shall be combined when possible.
 - c. Dumpsters shall be located at the rear of the property or out of sight from the street and screened from public view using masonry or other architecturally compatible materials in accordance with the Engineering Design Manual.
 - d. Rooftop equipment shall not be visible from the street or neighboring properties at the same level or below.
 - e. Visible equipment shall be constructed of non-reflective material and screened to the greatest extent possible.
 - f. Screening materials shall be chosen to blend with and complement the architectural style of the building.
 - g. Locate a satellite dish out of public view, to the extent feasible, and in compliance with other regulations.

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- h. Paint mechanical equipment attached to the building the same color as the background to which it is attached to blend into the building. This includes conduit, piping, and meters, etc.
- i. Service areas shall not be used for storage of any kind.
- j. Window air conditioning units are prohibited on the building’s primary façade.
- k. Equipment and service areas shall be incorporated into the design of the building.
- l. Use low-profile mechanical units and elevator shafts on rooftops that are not visible from the public view. If this is not possible, set back or appropriately screen rooftop equipment from view.
- m. Character-defining features of existing buildings (i.e. roofline, chimneys, dormers) shall not be damaged or obscured when adding new roof-mounted energy conservation systems such as solar devices.

L. *Private Sector Art Installations and Creative Signs: DM-C Subdistrict.*

- 1. ***Murals and Ghost Signs.*** Murals and Ghost Signs must follow Mesquite’s *Policy & Guidelines for Murals and Ghost Signs*.
- 2. ***Other art installations and creative signs.*** Applicants shall provide the items below to the Downtown Manager, or designee, for the purpose of receiving comments and suggestions on the design and other features from the Downtown Manager, or designee, and/or the Downtown Development Advisory Board prior to installation:
 - a. Proposal statement describing the context and nature of the art installation and/or creative sign, the location, and the timeframe of the project, including the length of time to install, and if it is not of a permanent nature, the length of time the art installation or creative sign will be on site.
 - b. Photos or artistic renderings of the art installation and/or creative sign.
 - c. Clearly marked aerial view of where on the property the artwork and/or creative sign is to be installed.
 - d. Proof of insurance when a permit is required.

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4-1612–

Downtown Mesquite Mixed-Use (“DM-MU”) Subdistrict Design Standards.

- A. *In general.* The following design standards shall apply to properties undergoing new development or redevelopment located within the boundary of Downtown Mesquite Mixed-Use (“DM-MU”) Subdistrict within the Downtown Mesquite Special Purpose Zoning District (“DM-District”). These standards are not meant to be exhaustive; rather, they are intended to establish minimum requirements to achieve an overall design consistency.
- B. *Applicability.* Unless otherwise specified by this Section 4-1612 (Downtown Mesquite Mixed-Use (“DM-MU”) Subdistrict Design Standards), the following exterior design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.
- C. *Building and Façade: DM-MU Subdistrict.*
 1. *Building Edge: DM-MU Subdistrict.*
 - a. Building storefront shall face the street or other public spaces.
 - b. Windows, stoops, and porches shall open to the street.
 - c. Buildings shall provide a setback in context with the block face. The full length of the front building facade shall be built to the front property line except:
 - (1) to match an existing block face;
 - (2) to allow public utilities; or
 - (3) to accommodate a required sidewalk.
- D. *Street Furnishings and Sidewalk Displays: DM-MU Subdistrict.*
 1. Street furnishings and sidewalk displays shall be kept in good condition at all times.
 2. A minimum width of four (4) feet shall remain clear at all times to allow for the orderly flow of pedestrians.
 3. Individual furnishings shall be designed such that they may be combined with other street furniture in a coherent composition.
 4. All furniture and fixtures must be durable and of sturdy construction. Plastic shall be a prohibited material for street furniture.
 5. Planters that are in scale with a property and do not impede pedestrian traffic or accessibility are permitted to be used to define entry areas. Planters shall be well-maintained and contain healthy live plant material at all times.
- E. *Outdoor Seating and Dining Areas: DM-MU Subdistrict.*
 1. No sidewalk coverings or raised platforms are permitted on the sidewalk.
 2. No more than three tables with two seats each may be placed in the right-of-way, unless otherwise authorized by the Director.
 3. Tables and seating must be placed next to the building.
 4. Maintain compliance with accessibility standards.
 5. All portable furniture must be securely stored inside the establishment during non-business hours.

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6. Tables and chairs may be colored or of a natural unpainted material (i.e. wood or metal). Tables and chairs are not permitted to be plastic or of any fluorescent or other exceedingly bright or vivid color.
7. Upholstered chairs designed for outdoor use are permitted if they are kept in good repair.
8. All chairs used within a particular establishment’s outdoor seating area must match each other by being of visually similar design, construction, and color.
9. Other furniture such as serving stations, bar counters, shelves, racks, sofas, televisions, trash receptacles, heaters, and torches may be permitted provided they are not impeding the pedestrian path or right-of-way.
10. No extra or additional signs are permitted solely as a result of an outdoor seating area. If any signs are proposed, they shall meet the sign requirements of the Mesquite City Code, Chapter 13 (Signs), the “Mesquite Sign Ordinance,” and also more specifically Sec. 13-76 (Sign Use within the DM-District).
11. Umbrellas.
 - a. Umbrellas shall be appropriately designed and sized for the location where they will be utilized. Umbrellas shall be free of advertisements.
 - b. The lowest dimension of an extended umbrella shall be at least 7 feet above the sidewalk surface and not block the main walking path or create a hazard.
 - c. Any part of an umbrella used in a ground level outdoor seating area may not exceed a height of 120” (10 feet) above the level of the sidewalk.
 - d. Umbrella fabric shall not be fluorescent or exceedingly bright or vivid color. In addition, only one fabric color is allowed, or one color with white stripes.
 - e. Umbrella fabric must be of a material designed for outdoor use. No plastic fabrics, plastic/vinyl-laminated fabrics, grass, or rigid materials are permitted for use as umbrellas within an outdoor seating area.

F. *Awnings and Canopies: DM-MU Subdistrict.*

1. Awning signs may be allowed on the shed (sloped) portion of the awning but are preferred on the valance flap. The flap height shall be large enough for letters and symbols to be read easily.
2. Maximum letter height: 75 percent of the height of the valance flap/shed area.
3. Minimum vertical clearance from sidewalk to the base of the awning: 8 feet.

G. *Exterior Lighting: DM-MU Subdistrict.*

1. *In general.* Traditionally, Downtown lighting has been modest and simple in character and was used for very specific purposes. In keeping with that practice, lighting installations shall be focused, shielded, and welcoming to the pedestrian.
2. Lighting may be used for the following purposes:
 - a. To accent signs, architectural details or building entrances.
 - b. To illuminate sidewalks and pedestrian routes.
 - c. To illuminate service and parking areas.
3. In general:
 - a. Building lights shall be compatible with the architecture of the building.
 - b. Lighting shall be designed in a manner to avoid disturbances and glare onto adjacent properties.

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H. *Fencing: DM-MU Subdistrict.*

1. Walled-off or fenced development, defined as perimeter fencing around all or part of a development, is not allowed. Railings, such as railing for porches and sidewalk dining, are not considered to be included in this definition.
2. Fencing composed of acceptable materials, no higher than six feet, may be considered for courtyards, greenspace, or private parking that is part of a development. Acceptable materials include wrought iron, brick, stone, or dark tubular steel. Such fencing shall have openings (transparency) containing a minimum 75% of the surface area.
3. Railings for outdoor dining shall not impede pedestrian movement and shall have a maximum height of four feet and be compatible with the surrounding streetscape.
4. Chain-link, barbed-wire, or razor-wire fences are prohibited.

I. *Screening of Mechanical Equipment: DM-MU Subdistrict.*

1. *In general.* Building equipment and service areas shall be screened. These areas shall include, but are not limited to, rooftop equipment, mechanical and electrical equipment and conduit, ducts, piping, fire equipment, water backflow devices, trash facilities, recycling facilities, utilities, satellite dishes, solar collectors, antennas, loading and unloading areas and draining facilities.
2. *Requirements.* The following shall be met when screening in *Downtown Mesquite Mixed-Use (DM-MU) Subdistrict*:
 - a. Building equipment and service areas shall be designed and located so that they are not the primary building feature or interfere with pedestrian and/or vehicular circulation.
 - b. Equipment and services shall be combined when possible.
 - c. Dumpsters shall be located at the rear of the property or out of sight from the street and screened from public view using masonry or other architecturally compatible materials in accordance with the Engineering Design Manual.
 - d. Rooftop equipment shall not be visible from the street or neighboring properties at the same level or below.
 - e. Visible equipment shall be constructed of non-reflective material and screened to the greatest extent possible.
 - f. Screening materials shall be chosen to blend with and complement the architectural style of the building.
 - g. Locate a satellite dish out of public view, to the extent feasible, and in compliance with other regulations.
 - h. Paint mechanical equipment attached to the building the same color as the background to which it is attached to blend into the building. This includes conduit, piping, and meters, etc.
 - i. Equipment and service areas shall be incorporated into the design of the building.
 - j. Use low-profile mechanical units and elevator shafts on rooftops that are not visible from the public view. If this is not possible, set back or appropriately screen rooftop equipment from view.
 - k. Character-defining features of existing buildings (i.e. roofline, chimneys, dormers) shall not be damaged or obscured when adding new roof-mounted energy conservation systems such as solar devices.

EXHIBIT A TO ORDINANCE NO. 5187; ZTA NO. 2025 – 02.

Appendix C – Mesquite Zoning Ordinance (“MZO”);

NEW 4-1600 – Downtown Mesquite Special Purpose Zoning District (“DM-District”).

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J. *Private Sector Art Installations and Creative Signs: DM-MU Subdistrict.*

1. *Murals and Ghost Signs.* Murals and Ghost Signs must follow Mesquite’s *Policy & Guidelines for Murals and Ghost Signs*.
2. *Other art installations and creative signs.* Applicants shall provide the items below to the Downtown Manager, or designee, for the purpose of receiving comments and suggestions on the design and other features from the Downtown Manager, or designee, and/or the Downtown Development Advisory Board prior to installation:
 - a. Proposal statement describing the context and nature of the art installation and/or creative sign, the location, and the timeframe of the project, including the length of time to install, and if it is not of a permanent nature, the length of time the art installation or creative sign will be on site.
 - b. Photos or artistic renderings of the art installation and/or creative sign.
 - c. Clearly marked aerial view of where on the property the artwork and/or creative sign is to be installed.
 - d. Proof of insurance when a permit is required.

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4-1613–

Downtown Mesquite Edge (“DM-E”) Subdistrict Design Standards.

- A. *In general.* The following design standards shall apply to properties undergoing new development or redevelopment located within the boundary of the Downtown Mesquite Edge (“DM-E”) Subdistrict within the Downtown Mesquite Special Purpose Zoning District (“DM-District”). These standards are not meant to be exhaustive; rather, they are intended to establish minimum requirements to achieve an overall design consistency.
- B. *Applicability.* Unless otherwise specified by this Section 4-1613 (Downtown Mesquite Edge (“DM-E”) Subdistrict Design Standards), the following exterior design standards apply to new construction, substantial repair or rehabilitation meant to remedy damage or deterioration of the exterior façade of an existing structure, and additions to an existing structure. However, only those standards that relate to the specific repair, rehabilitation, or addition apply. These standards do not apply to interior remodeling.
- C. *Fencing: DM-E Subdistrict.*
 1. Fencing composed of acceptable materials, no higher than six feet, may be considered for courtyards, greenspace, or private parking that is part of a development. Acceptable materials include wrought iron, brick, stone, or dark tubular steel. Such fencing shall have openings (transparency) containing a minimum 75% of the surface area.
 2. Railings for outdoor dining shall not impede pedestrian movement and shall have a maximum height of four feet and be compatible with the surrounding streetscape.
 3. Chain-link, barbed-wire, or razor-wire fences are prohibited.
- D. *Screening of Mechanical Equipment: DM-E Subdistrict.*
 1. *In general.* Building equipment and service areas shall be screened. These areas shall include, but are not limited to, rooftop equipment, mechanical and electrical equipment and conduit, ducts, piping, fire equipment, water backflow devices, trash facilities, recycling facilities, utilities, satellite dishes, solar collectors, antennas, loading and unloading areas and draining facilities.
 2. *Requirements.* The following shall be met when screening in Downtown Mesquite Edge (DM-E) Subdistrict:
 - a. Building equipment and service areas shall be designed and located so that they are not the primary building feature or interfere with pedestrian and/or vehicular circulation.
 - b. Equipment and services shall be combined when possible.
 - c. Dumpsters shall be located at the rear of the property or out of sight from the street and screened from public view using masonry or other architecturally compatible materials in accordance with the Engineering Design Manual.
 - d. Rooftop equipment shall not be visible from the street or neighboring properties at the same level or below.
 - e. Visible equipment shall be constructed of non-reflective material and screened to the greatest extent possible.
 - f. Screening materials shall be chosen to blend with and complement the architectural style of the building.

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- g. Locate a satellite dish out of public view, to the extent feasible, and in compliance with other regulations.
- h. Paint mechanical equipment attached to the building the same color as the background to which it is attached to blend into the building. This includes conduit, piping, and meters, etc.

E. *Private Sector Art Installations and Creative Signs: DM-E Subdistrict.*

- 1. ***Murals and Ghost Signs.*** Murals and Ghost Signs must follow Mesquite’s *Policy & Guidelines for Murals and Ghost Signs*.
- 2. ***Other art installations and creative signs.*** Applicants shall provide the items below to the Downtown Manager, or designee, for the purpose of receiving comments and suggestions on the design and other features from the Downtown Manager, or designee, and/or the Downtown Development Advisory Board prior to installation:
 - a. Proposal statement describing the context and nature of the art installation and/or creative sign, the location, and the timeframe of the project, including the length of time to install, and if it is not of a permanent nature, the length of time the art installation or creative sign will be on site.
 - b. Photos or artistic renderings of the art installation and/or creative sign.
 - c. Clearly marked aerial view of where on the property the artwork and/or creative sign is to be installed.
 - d. Proof of insurance when a permit is required.

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4-1614 – Enhanced Approval Standards for Approval of Permits within the Downtown Mesquite-Core (“DM-C”) Subdistrict.

- A. *Purpose.* The City has provided enhanced approval standards for administrative review and approval of regulated activities or improvements made to the exterior of buildings and structures. The enhanced approval standards will also be considered when issuing any permits, or any other regulated approvals, when the proposed activity includes the exterior of buildings and structures. The enhanced approval standards ensure compliance with the design standards applicable to the Downtown Mesquite-Core (“DM-C”) Subdistrict within the Downtown Mesquite Special Purpose Zoning District (“DM-District”), and ensures that the integrity and character, along with the historic essence, of the area is maintained.
- B. *Design Standards for DM-C Subdistrict.* SEE Sec. 4-1611– Downtown Mesquite Core (“DM-C”) Subdistrict Design Standards.
- C. *Approval Standards.*
 1. *Applicability.*
 - a. The following approval standards shall apply to any regulated activities or improvements made to the exterior of buildings and structures within the DM-C Subdistrict.
 - b. The following enhanced approval standards will also be considered when issuing any permits, or any other regulated approvals, when the proposed activity includes the exterior of buildings and structures within the DM-C Subdistrict.
 - c. It is not the intention of these approval standards to require the complete reconstruction or restoration of individual or original buildings and/or prohibit the demolition, removal, or relocation of the same.
 2. *Application of the Enhanced Approval Standards.* Upon review of the application for an administrative approval as described in this section the Director of Planning and Development Services, or his/her designees, must balance the following standards in making any decision for approval along with considering any other approval criteria as may required in this Code:
 - a. Whether the proposed activity is in compliance with the design standards identified in the following Section, as amended, Section 4-1611 (Downtown Mesquite-Core (“DM-C”) Subdistrict Design Standards).
 - b. Whether the proposed activity involving exterior features and/or exterior architectural features is harmonious with the special character of the subdistrict.
 - c. Whether the proposed activity will adversely affect any exterior feature and/or exterior architectural feature.
 - d. Whether the proposed activity will adversely affect the historic character of the landmark, site, building, structure, landscape and/or object.

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- e. Whether the proposed activity will adversely affect the property if it is listed as a historic landmark, or is identified in the City's most recent Historic Resource Survey as a “contributing property” or a “compatible property”. In some instances, approval of the proposed activity may be required by the Landmark Commission pursuant to MZO, Part 4, [4-400](#) (Mesquite Landmarks (ML) and Historic Preservation Overlay Districts (H-POD) Designations and Regulations. See also, [Sec. 4-402](#) (Historic Resource Surveys); and MZO, Part 6, [Sec. 6-200](#) (Definitions For Historic Preservation and Landmarks).
- f. In considering new construction, if a contemporary design or adaptive reuse technique is used, the architectural styles from particular historic periods are not required; however, a determination regarding whether the contemporary design or adaptive reuse technique is harmonious with the character of the subdistrict is required.
- g. A contemporary interpretation of the design standards, which are similar in scale and overall character to those seen historically, may be considered if the historic storefront is missing or has been altered in a manner inconsistent with the original style of the building.

D. *Appeal Process.* See Section 4-1615 (Appeals).

Cross references –

Building Permit. See MZO.

Site plan review and façade review. See MZO, Part 5, 5-107.

Fencing permits. See MZO.

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4-1615 – Appeals.

A. Appeals made to the Board of Adjustment.

1. *In general.* Persons aggrieved by the decision of the Director of Planning and Development Services, or his/her designee, may appeal to the Board of Adjustment.
2. *Process and procedures.* The appeal shall be conducted in accordance with Part 5, 5-200, [Section 5-210](#) (Appeals of administrative decisions to Board of Adjustment).
3. *Deadline.* The appeal must be filed not later than the twentieth (20th) day after the date the administrative decision is made. The date the administrative decision is made shall be considered Day Zero (0).

B. Appeals made to the City Council.

1. In accordance with Texas Local Government Code, Chapter 247, Section 247.006 (Appeal) as amended, a person may appeal to the City Council:
 - a. A decision to conditionally approve or disapprove a development document made by the regulatory authority for the City, or a person authorized by Texas Local Government Code, Section 247.002(a) as amended, to perform the review of the document; or
 - b. A decision regarding a development inspection conducted by the regulatory authority, or a person authorized by Texas Local Government Code, Section 247.002(b) to perform the inspection.
2. A person must file an appeal under this section not later than the 15th day after the date the decision being appealed is made. The date of decision is considered Day Zero (0).
3. If the City Council hearing the appeal does not affirm the decision being appealed by a majority vote on or before the 60th day after the date the appeal is filed:
 - a. The development document (e.g., plat) that is the subject of the appeal is considered deemed approved; or
 - b. The development inspection that is the subject of the appeal is deemed waived.

State Law reference— Appeal; V.T.C.A. Local Government Code, Chapter 247, [Section 247.006](#).

Cross references –

Platting Review Procedures; Appendix B – Subdivisions; [Article III](#) Platting Review Procedures.

Site Plan; Appendix C – Mesquite Zoning Ordinance; Part 5; 5-100; [Sec. 5-107](#).