

ORDINANCE NO. _____
Zoning Text Amendment No. 2019-01

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN DELETIONS AND ADDITIONS IN SECTIONS FOUND UNDER CHAPTERS 1A-300, 2-100, 2-400, 2-500 AND 2-600 THEREBY PROVIDING NEW AND REVISED REGULATIONS FOR MULTIFAMILY RESIDENTIAL USES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding proposed revisions and has recommended amendment of the ordinance; and

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

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

SECTION 1. That the Mesquite Zoning ordinance be and the same is hereby amended by providing additions and deletions in sections found under Chapters 1A-300, 2-100, 2-400, 2-500 and 2-600, to read as follows, said Ordinance in all other respects to remain in full force and effect:

(1) *Chapter 1A-300.* Amend Section 1A-304.A in Chapter 1A-300 by deleting the section in its entirety and adding a new Section 1A-304.A to read as follows:

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

(2) *Chapter 2-100.* Amend Section 2-104 in Chapter 2-100 by deleting the section in its entirety and adding a new Section 2-104 to read as follows:

Sec. 2-104. A-Multifamily residential.

The A-districts are established to accommodate multifamily housing, thereby providing for apartment and condominium housing opportunities. The districts also accommodate parks, schools, churches, and other public and semi-public facilities to serve and complement the residential development. The Traditional Neighborhood Mixed Residential (TNMR) zoning district is established to create new regulations for infill multifamily development and is expressly intended on land designated in the Mesquite Comprehensive Plan as appropriate for Urban Multifamily Residential.

- A. *A-1 Multifamily.* To accommodate multifamily developments which are low in density.
 - B. *A-3 Multifamily.* To accommodate multifamily development at average to higher densities.
 - C. *Traditional Neighborhood Mixed Residential (TNMR).* To accommodate new multifamily and mixed residential uses at a variety of densities and dwelling types in a traditional neighborhood setting. The district is intended for urban residential development at medium to large infill locations, including an assemblage of tracts, and provides housing choices and urban design characteristics that complement adjoining residential neighborhoods and support commercial uses within a pedestrian shed. See Section 4-1500 for TNMR district regulations.
- (3) *Chapter 2-400.* Amend Section 2-403.A in Chapter 2-400 by deleting the section in its entirety and adding a new Section 2-403.A to read as follows:
- A. *Number and location of spaces.* Two (2) off-street parking spaces shall be provided on the lot for each dwelling unit. Location of parking lots and number of parking spaces shall comply with the requirements found in Section 2-501.K.
- (4) *Chapter 2-500.* Amend Section 2-501 in Chapter 2-500 by deleting the section in its entirety and adding a new Section 2-501 to read as follows:

2-501. Multifamily residential/permitted nonresidential uses in A districts.

Except as provided in Section 2-301 for single family and duplex dwellings, the standards set out below shall be required for all uses in an A district and shall serve as guidelines for review of multifamily developments in PD districts.

- A. *Site plan.* Submittal and approval of a site plan is required. The site plan shall show the proposed development including all items on the Site Plan Review Checklist kept on file in the Planning Office and all items required by this section.
- B. *Lot and setback requirements.* All multifamily and permitted non-residential uses in the A districts shall comply with the following lot and setback requirements.
 - 1. *Minimum lot size.* Ten thousand (10,000) square feet.

2. *Minimum lot width.* Eighty (80) feet.
 3. *Minimum front and exterior side yards.* Twenty-five (25) feet.
 4. *Minimum interior and rear yards.* Adjacent shall mean that the building site in the A district abuts or is across an alley from a lot or tract in the specified district.
 - a. Adjacent to AG, R or D district: Twenty-five (25) feet (Also see height regulations below for setbacks required for structures taller than one story).
 - b. Adjacent to A or nonresidential district: Fifteen (15) feet.
- C. *Maximum stories.* The maximum number of stories in an A district shall be:
1. Two-stories if less than 200 feet from a single-family residential zoning district.
 2. Three-stories if 200-300 feet from a single-family residential zoning district.
 3. Five-stories if more than 300 feet from a single-family residential zoning district.
- D. *Exterior fire resistant construction requirements.* All main structures shall be of fire resistant construction having at least 75 percent of the total exterior walls, excluding doors and windows, constructed of brick or stone.
- E. *Dwelling unit requirements.*
1. *Minimum dwelling size.* Seven hundred twenty-five (725) square feet, provided that efficiency units may be five hundred (500) square feet.
 2. *Maximum number of efficiency units.* Five (5) percent of total number of dwelling units in the development.
 3. *Minimum number of one-bedroom units.* Fifty (50) percent of total number of dwelling units in the development.
 4. *Maximum number of units with three or more bedrooms.* Five percent of the total number of dwelling units.
 5. *Basic facilities.*
 - a. Each dwelling unit will include the following:
 - Washer and dryer hookups

- Security devices in accordance with the requirements of the Texas Property Code § 92.153, as amended.
- The entry to all dwelling units shall be from an interior hallway of the building, provided that private patios and balconies shall have access to the unit.

b. Bathrooms shall be required as follows:

- One-bedroom and efficiency units shall have a minimum of one full bathroom.
- Two-bedroom units shall have a minimum of one full and one-half bathrooms.
- Three and four-bedroom units shall have a minimum of two full bathrooms.
- Five or more bedroom units shall have a minimum of two full and one-half bathrooms.

- F. *Density.* In the district specified, multifamily development shall not exceed the density specified below, provided that a planned development district may be granted to allow densities exceeding the maximums specified below.

<i>District</i>	<i>Maximum Density (Units/Acre)</i>
A-1	12*
A-3	25*

* The maximum density computation indicated is based on gross site acreage. In no case shall density be permitted to exceed 25 units per acre on the net buildable area regardless of the gross acreage density computation unless approved as part of a planned development district. Net buildable area is the acreage of the portion of a tract which is not in a 100-year flood plain or will not be in the 100-year flood plain after reclamation.

G. *Screening and security.*

1. *Screening.* Screening and buffering requirements for multifamily uses are set out in 1A-304.
2. *Security fencing.* Multifamily developments shall be required to provide security fencing and gates adequate to regulate and control access to the complex. In order to assure emergency access, all gate installations shall be in accordance with established rules and regulations of the Mesquite Fire Department. Fencing erected pursuant to this requirement shall be six to eight feet in height and shall be constructed of wrought iron with a maximum picket spacing of six inches, or a long-span precast concrete decorative screening wall, brick, stone or vinyl. Only fencing of a non-solid construction is permitted within the front and exterior side yard setbacks,

provided that all gates must be set back from the street right-of-way a minimum of 25 feet.

3. *Site security.* All parking areas, common hallways and entrances shall be illuminated and have operational video surveillance.
- H. *Open space and outdoor amenities.* Open space and outdoor amenities shall be provided as follows for the use and enjoyment of the residents.
1. *Open space requirement.* Any multifamily site containing more than 12 dwelling units shall be required to provide a minimum of 400 square feet of open space per dwelling unit. Open spaces shall not include any area with drainage structures, floodplain or within any required front or exterior side setback. Open spaces that count toward this requirement shall have a minimum dimension of 25 feet and a minimum area of 800 square feet.
 2. *Number of amenities.* Any multifamily site with 12 to 49 dwelling units shall provide a minimum of one outdoor amenity from the list of Outdoor Amenities Group A and one from Outdoor Amenities Group B. Multifamily sites with 50 or more dwelling units shall provide a minimum of two outdoor amenities from the list of Outdoor Amenities Group A and two from Outdoor Amenities Group B below. For each additional 75 dwelling units on a property, one additional outdoor amenity from Group A and Group B shall be provided. All amenities shall be of quality and construction similar to the type normally used in public parks.

Outdoor Amenities – Group A

Swimming pool

Splash pad

Sports courts – regulation sized (such as basketball, volleyball, tennis)

Playgrounds with a minimum of five pieces of equipment and 1000 square feet of area.

Other amenities may be allowed as approved by the Director of Planning and Development Services.

Outdoor Amenities – Group B

Fire pit

Outdoor cooking facilities

Picnic areas to include dining tables and permanent shade structures

Hot tub/spa

Others amenities may be allowed as approved by the Director of Planning and Development Services.

- I. *Indoor amenities.* Any multifamily site with 50 or more dwelling units shall provide a minimum of two indoor amenities from the list of Indoor Amenities below. For each additional 50 dwelling units on a property, one additional indoor amenity shall be provided.

Indoor Amenities

Fitness room to include cardio and weight training equipment with a minimum area of three square feet per dwelling unit

Indoor pool

Indoor hot tub/spa

Business center to include at least two computer stations, a printer, scanner, and photocopying device

Media room with permanent television/movie viewing equipment and seating for a minimum of 20 individuals

Club room with a minimum of 10 square feet for each dwelling unit, but in no case less than 1500 square feet. Club room shall include a sink, coffee bar, seating and tables

Recreation room with equipment such as pool tables, ping pong, foosball, shuffle board or similar game equipment

Other amenities may be allowed as approved by the Director of Planning and Development Services

- J. *Landscape requirements.* Landscaping shall be provided for all multifamily and all permitted nonresidential uses in the A district in accordance with the requirements set out in 1A-200, Landscape Requirements; provided however, that the minimum area required to be landscaped in multifamily developments shall be all open space areas with the exception of areas where outdoor amenities are located.

- K. *Off-street parking requirements.*

1. A total of two off-street parking spaces shall be provided on the lot for each dwelling unit. A minimum of three parking spaces shall be provided for each unit with three or more bedrooms. A minimum of 50 percent of required parking spaces shall be covered spaces provided either in an enclosed garage, a multilevel garage or under a carport. Parking structures shall provide the same exterior masonry as set out above for main buildings. Off-street parking shall be provided in accordance with the requirements set out in 2-403 and 2-404. In no case shall parking be provided between any building and any public street, nor shall parking be permitted in any front or exterior side setback.
2. If carports are provided, the support columns must be encased in brick or stone to match the primary structures. The roof of the carport must have a minimum pitch of 4 to 12 with the peak being located above the center of the structure.

- L. *Projections of architectural features.* Cornices, eaves, chimneys, bay windows, balconies, canopies and fire escapes may project three feet into any required yard, provided that such feature does not occupy more than 1/3 of the length of the building wall on which it is located.
 - M. *Accessory structures.* Accessory structures shall be regulated in accordance with the requirements set out in 2-600.
 - N. *Refuse containers.* Refuse containers, compactors and similar facilities shall be located a minimum of 100 feet from any property line abutting an AG, R or D district. All refuse containers shall be enclosed as required in the City of Mesquite Engineering Design Manual.
 - O. *Traffic impact analysis.* The proposed construction of 50 or more multifamily dwelling units, whether a new development or expansion of an existing development, shall require a traffic impact analysis. The traffic impact analysis shall include an analysis of pedestrian facilities serving the site.
 - P. *School impact analysis.* All requests for rezoning for any development that includes 25 or more multifamily dwelling units, whether a new development or expansion of an existing development, shall require an analysis of the expected impact on the public school system. The school impact analysis shall be submitted to the Director of Planning and Development Services and the applicable school district no less than seven days prior to consideration of the zoning request by the Planning and Zoning Commission.
- (5) *Chapter 2-600.* Amend Section 2-601.E in Chapter 2-600 by deleting the section in its entirety and adding a new Section 2-601.E to read as follows:
- E. *Multifamily accessory buildings.* Accessory buildings permitted in conjunction with multifamily uses shall be limited to storage buildings with a maximum size of 120 square feet and a maximum height of eight feet. All other structures shall comply with the requirements for a principal structure.

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

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

SECTION 4. That this ordinance shall take effect immediately from and after its passage.

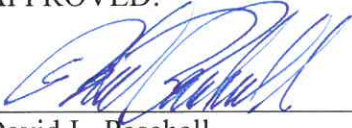
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 18th day of March 2019.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



David L. Paschall
City Attorney