

ORDINANCE NO. \_\_\_\_\_  
Zoning Text Amendment No. 2021 - 09

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY REVISING SECTION 4-102, “OVERLAY ZONING DISTRICTS” BY ADDING A NEW SECTION 4-102(J), “TPM – TRINITY POINTE MESQUITE OVERLAY DISTRICT”; REVISING SECTION 4-103, “FORM-BASED DISTRICTS” BY DELETING SUBSECTION (B) “KAUFMAN-INTERSTATE 20”; ADDING NEW SECTION 4-960 “TRINITY POINTE MESQUITE (TPM) OVERLAY DISTRICT REGULATIONS”; REPEALING SECTION 4-1100, “KAUFMAN-INTERSTATE 20 FORM-BASED DISTRICT”; REVISING SECTION 6-102, “DEFINITIONS”; ALL PERTAINING TO TEXT AMENDMENTS TO THE MESQUITE ZONING ORDINANCE THEREBY ALLOWING FOR A NEW OVERLAY DISTRICT CALLED THE TRINITY POINTE MESQUITE OVERLAY DISTRICT; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

**WHEREAS**, this Mesquite Zoning Ordinance text amendment provides for a new overlay zoning district called the Trinity Pointe Mesquite Overlay District; and

**WHEREAS**, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code, Chapter 9; 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**, 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**, a home-rule municipality has general enforcement authority and may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.001, as amended and pursuant to Mesquite City Code, Chapter 1, Section 1-6; 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, Section 54.004, as amended; 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**, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

**WHEREAS**, on **September 27, 2021**, the City of Mesquite Planning and Zoning Commission considered the text amendments to the Mesquite Zoning Ordinance and after having given proper public notice and holding a public hearing, the Planning and Zoning Commission recommends the City Council adopt the text amendments to the Mesquite Zoning Ordinance; and

**WHEREAS**, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendments; and

**WHEREAS**, 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 CODE TEXT AMENDMENT.** Part 4 and Part 6 of the Mesquite Zoning Ordinance, as amended, is hereby amended as identified in **EXHIBIT A**, attached hereto and made a part hereof, and in all other respects said Zoning Ordinance and Parts shall remain in full force and effect.

**SECTION 3. MESQUITE ZONING MAP AMENDMENT.** The City of Mesquite official Zoning Map, as amended, is hereby amended to identify the Trinity Pointe Mesquite (TPM) Overlay District as shown in **EXHIBIT B** attached hereto and made a part hereof, and in all other respects, said Zoning Map to remain in full force and effect. The TPM prefix designation constitutes a zoning overlay district that is located east of the Dallas County - Kaufman County line and west of FM 2932, generally along Interstate Highway 20 as shown in the attached **EXHIBIT B**. The addition or removal of the TPM prefix or the uses identified in the Mesquite Zoning Ordinance constitute zoning action requiring due process as required under State law. The City shall have only one (1) contiguous Trinity Pointe Mesquite Overlay District.

**SECTION 4. 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 5. 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, the Mesquite City Code, as hereby or previously amended, or the Mesquite Zoning Ordinance, as hereby or previously amended, which shall remain in full force and effect.

**SECTION 6. Penalty Clause. Generally.** Nothing in this ordinance prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by law. **Criminal.** 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 not to exceed TWO THOUSAND DOLLARS (\$2,000.00) for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file a civil action for enforcement of this ordinance. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

**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 this the 18th date of October 2021.

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**Bruce Archer**  
Mayor

**ATTEST:**

**APPROVED AS TO LEGAL FORM:**

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**Sonja Land**  
City Secretary

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**David L. Paschall**  
City Attorney

## **MESQUITE ZONING ORDINANCE**

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### **PART 4. - PD AND OVERLAY DISTRICTS**

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#### **4-102 – Overlay zoning districts.**

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*[Editor's Note: Insert the following as new letter "J".]*

##### **J. TPM – Trinity Pointe Mesquite Overlay District.**

1. *Prefix designation.* The Trinity Pointe Mesquite Overlay District prefix designation shall be TPM.
2. *Creation.* There shall be an overlay district known as TPM – Trinity Pointe Mesquite Overlay District established to provide enhanced regulations for non-residential development generally along the Interstate Highway 20 corridor in Kaufman County.
3. *Regulations.* See Section 4-960 for TPM – Trinity Pointe Mesquite Overlay District regulations.

#### **4-103 – Form-based districts.**

*[Editor's Note: Delete "B" and re-letter the remaining sub-sections accordingly.]*

A. *Truman Heights Neighborhood.* There shall be a district known as the THN - Truman Heights Neighborhood District which constitutes one (1) of the instruments for implementing the public purposes and objectives of the Truman Heights Neighborhood Plan adopted by the City Council on March 19, 2007. The form-based elements of the THN district are designed exclusively for the residential area and adjacent commercial corridors that comprise the Truman Heights Neighborhood Sustainability Zone. There shall be only one (1) contiguous THN district within the City. Any expansion of the district shall be bounded at least on one (1) side by an existing THN district boundary.

~~B. *Kaufman-Interstate 20.* There shall be a district known as the K20 – Kaufman-Interstate 20 District which serves as the primary method for implementing the Regional Sector Plan and strategic policies of the Comprehensive Plan Element for the Extraterritorial Jurisdiction adopted by the city council on August 4, 2008. The K20 district is intended for use in conjunction with the development of land east of the East Fork of the Trinity River. However, upon approval of the city council, the K20 district may be applied to other areas of the city under consideration as certain SmartCode® community types. Similar to the PD-Planned Development district floating zone, the K20 zoning shall require the submission and approval of a regulating plan and shall not attach to land until such zoning is approved.~~

~~B.C.~~ *North Gus Thomasson Corridor.* There shall be a district known as the NGTC - North Gus Thomasson Corridor District, which constitutes one (1) of the instruments for implementing the public purposes and objectives of the Casa View Heights Neighborhood Plan adopted by the city council on April 2, 2007. The form-based elements of the NGTC district are designed exclusively for the commercial corridor that is embedded within the Casa View Heights Neighborhood Sustainability Zone as amended. There shall be only one (1) contiguous NGTC district within the city. Any expansion of the district shall be bounded at least on one (1) side by an existing NGTC district boundary.

~~C.D.~~ *Traditional neighborhood mixed residential (TNMR).* There shall be a district known as the TNMR - Traditional Neighborhood Mixed Residential District, which is intended to implement the public purposes and policies of the Urban Multifamily Residential designation in the Mesquite Comprehensive Plan. The form-based design standards of the TNMR district are targeted specifically for infill locations that are sites for new multifamily residential development located outside the boundaries of the other form-based districts enumerated in this Section.

*[Editor's Note: Add new Section 4-960.]*

## **4-960 – Trinity Pointe Mesquite (TPM) Overlay District Regulations**

- 4-961 – In General
- 4-962 – Permitted Uses
- 4-963 – Development Standards
- 4-964 – 4-969 – Reserved.

*[Editor's Note: Add new Section 4-960.]*

**4-955 – 4-959. – Reserved.**

## **4-960 – Trinity Pointe Mesquite (TPM) Overlay District Regulations**

**4-961 – In General.**

**A. Purpose.**

The Trinity Pointe Mesquite (TPM) Overlay District is intended to create an attractive business corridor that will be a destination for family-friendly entertainment, high-quality retail, and innovative business services. The TPM places emphasis on the pedestrian experience, cohesive character, and district branding.

**B. Abbreviations, Acronyms, and Definitions.**

Abbreviations, acronyms, and definitions which may be used within this Zoning Ordinance or other City resource materials in association with established neighborhood overlays may be found in [Section 6-100](#).

**4-962 – Permitted Uses.****A. In General.**

In this District, no land shall be used except for one or more of the following uses to the extent that they are not prohibited by other regulations or ordinances. Uses identified in Section 3-203 as requiring a conditional use permit will require a conditional use permit in the TPM overlay district except as listed below in Section 4-962(C).

**B. Standard District.**

All land in the overlay district shall retain its underlying zoning designation and all characteristics of such zoning, except for the additional uses permitted or excluded herein.

**C. Restricted Uses.**

1. *Prohibited uses.* The following uses are expressly prohibited within the TPM Overlay District:

- a. SIC 533 Variety Stores
- b. SIC 551 Motor Vehicle Dealers (New & Used)
- c. SIC 552 Motor Vehicle Dealer (Used)
- d. SIC 5993 Tobacco Stores
- e. SIC 5999.g Paraphernalia Shops
- f. SIC 60.a Alternative Financial Establishments
- g. SIC 753.b Major Automobile Repair
- h. SIC 753.c Collision Services
- i. Primary Outdoor Storage as defined in Section 3-603

2. *Prohibited uses unless approved within a Planned Development.* The following uses are expressly prohibited within the TPM Overlay District, unless otherwise approved within a Planned Development in accordance with Section 4-200:

- a. SIC 15 Building Contractors
- b. SIC 16 Heavy Construction Contractors
- c. SIC 17 Special Trade Contractors
- d. SIC 20-39 All Manufacturing Uses
- e. SIC 42 Motor Freight Transportation and Warehousing
- f. SIC 50-51 All Wholesale Trade
- g. SIC 701 Hotels, Motels
- h. SIC 752 Automobile Parking (Lots and Structures)
- i. SIC 753.a Minor Automobile Repair
- j. Accessory Outdoor Storage as defined in Section 3-603
- k. Outdoor Display Lot as defined in Section 3-602

3. *Uses permitted with a CUP approval.* If the following uses are not included in a planned development, the uses are only permitted with the approval of a Conditional Use Permit (CUP) in accordance with Section 5-300 and the development standards established in Section 4-963:

- a. SIC 549.a Convenience Stores
- b. SIC 554 Refueling Stations

## 4-963 – Development Standards.

All lots, tracts, and parcels within the TPM Overlay District shall be designed, developed, rehabilitated and maintained in accordance with this Section in addition to all other requirements of the City's ordinances. In the event of a conflict between this Section and other provisions of the City's ordinances, this Section shall prevail.

The City Council may approve requested modifications to the provisions of this section, if approved through a Planned Development in accordance with Section 4-200.

Planned Developments in existence on October 18, 2021, shall not be classified as nonconforming under Section 1-300. A Planned Development in existence on October 18, 2021 but later amended, shall be subject to the provisions of this section.

### A. Corridor Gateways.

Gateway identification and directional signage for the TPM Overlay District is to be placed in a maintenance easement dedicated to the City of Mesquite shall be installed under the following parameters:

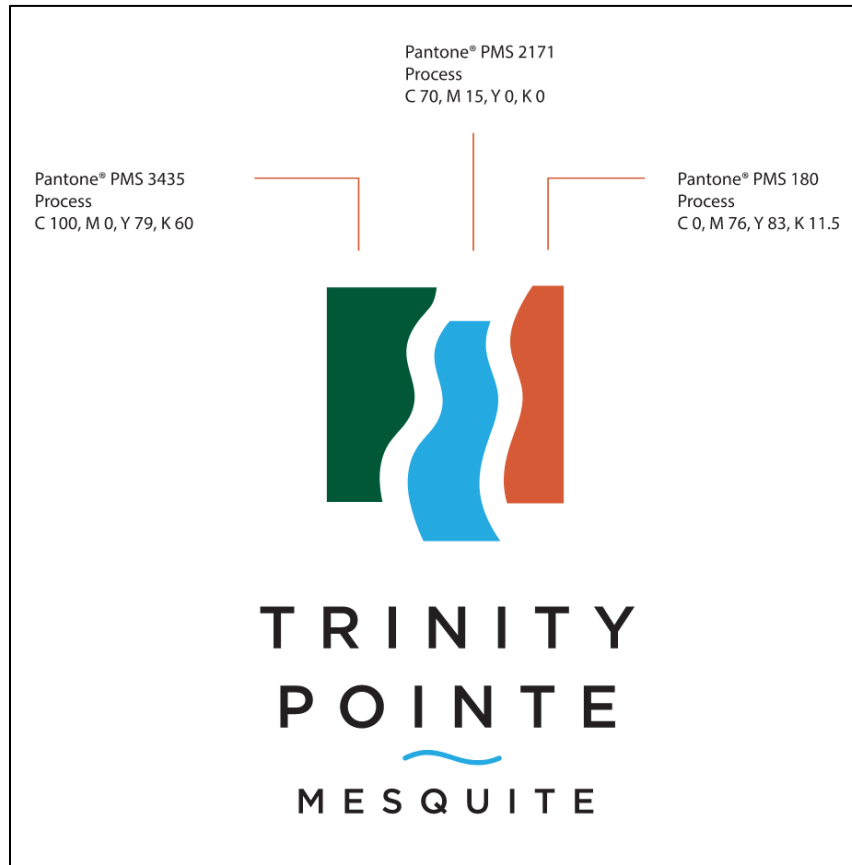
1. *Gateway Identification.* A gateway identification and directional sign within a Corridor Gateway shall include a design or feature that gives prominence and greater visibility to the TPM Overlay District at points of entry. Gateway identification signs shall be exclusively for the advertisement of the TPM Overlay District and shall not include the advertisement(s) of private entities.
2. *Gateway Identification Design.* All gateway identification and directional signage shall have the same architectural design and material as permitted by the Mesquite Sign Ordinance. The gateway identification or directional sign shall match the design and materials of the first gateway identification or directional sign installed within the TPM overlay district and be built per the development's approved design specifications as established with the first development.
3. *Corridor Gateway Locations.* Gateway identification and directional signage shall be located a minimum of 30 feet from adjoining private property lines and shall not obstruct the vision of traffic within a triangular area formed by the intersection of adjacent curb lines from a point on each curb line 20 feet from the intersection. Gateway identification and directional signage shall be installed at some or all of the roadway intersections of Interstate Highway 20 and at other major intersections within the district, when deemed appropriate by the Director of Planning and Development Services.
4. *Maintenance.* Gateway identification and directional signage shall be installed by the developer of the property unless otherwise agreed to by the City. The signage is to be located as detailed in this Section. After installation and acceptance, the City will maintain the gateway identification sign. The sign shall be placed in a maintenance easement dedicated to the City of Mesquite
5. *Conformance with Sign Ordinance.* Gateway identification and directional signage shall conform to the sign standards in the Mesquite Sign Ordinance.

### B. District Branding.

1. *Gateway recognition.* Gateway identification signs for the development shall incorporate recognition of the Trinity Pointe Mesquite Overlay District such as the district logo, as shown in sub-section 3 below.
2. *Branding Approval.* Any usage or recognition of the Trinity Pointe Mesquite branding, including but not limited to the district logo or name, must be approved by the City manager or his/her designee.



3. *District logo.*



C. **Signage.**

1. *Pole Signs.* All poles signs must be encased with brick or stone. The natural color of the masonry shall be maintained.
2. *Gateway Identification Signs.* Gateway identification signage that is installed within a Corridor Gateway, see Section 4-963(A), shall not count towards the number of signs permitted on a property.

D. **Sidewalks.**

1. *Width.* Sidewalks shall be provided along all street right-of-ways and shall have a minimum width of six (6) feet or conform to the Mesquite Master Trails Plan, whichever is greater.
2. *Connectivity.* Sidewalks, bike paths, and trails existing or planned at the edge of the development shall be continued through the interior of the development to connect all buildings, open spaces, and common use facilities. Each development shall provide a pedestrian link(s) to abutting non-residential uses.

**E. Parking Standards.**

1. *Drive-in and drive through facilities.* Drive-in and drive through facilities shall be situated behind the front façade of the primary structure.
2. *Maximum number of off-street parking spaces.* Developments with a primary structure that is 10,000 square feet of gross floor area or greater that provide parking in surface parking lots shall not exceed the minimum number of required parking spaces by more than 25%. For primary structures less than 10,000 square feet of gross floor area, surface parking lots shall not exceed the minimum number of required parking spaces by more than 40%.
3. *No parking in landscape buffers.* Parking is prohibited in required landscape buffers.
4. *Minimum number of electric vehicle charging stations.* For non-residential developments with between 50 and 100 parking spaces, a minimum of two (2) electric vehicle charging station spaces are required. One (1) additional electric vehicle charging station space shall be required for each additional 100 parking spaces, or a fraction thereof.
  - a. Electric vehicle parking spaces shall be located in the same lot as the principal use.
  - b. Electric vehicle charging station(s) located within parking lots or garages may count toward satisfying minimum off-street parking space requirements.
  - c. Electric vehicle charging station spaces should be a minimum of nine (9) feet by eighteen (18) feet, exclusive of access drives and aisles.
  - d. The design should be appropriate to the location and use. Facilities should be able to be readily identified by electric cars users but blend into the surrounding landscape/architecture for compatibility with the character and use of the site.
  - e. Charging equipment shall be protected by wheel stops, curbs, or other similar barrier.
  - f. Electric vehicle charging stations are not permitted within the City right-of-way.
  - g. Each electric vehicle charging station shall be posted with signage indicating the space is only for electric vehicle charging purposes. The following information shall be posted at all electric vehicle charging stations:
    - (1) Voltage and amperage levels;
    - (2) Hour of operations if time limits or towaway provisions are to be enforced by the property owner;
    - (3) Usage fees;
    - (4) Safety information;
    - (5) Contact information for reporting when the equipment is not operating or other problems.
  - h. The City Manager or his/her designee is authorized to develop and maintain standards for the design and construction of electric vehicle charging stations.

**F. Screening & Buffering.**

1. *Like Materials.* When like screening and buffering is possible, new development shall utilize consistent materials as the abutting non-residential properties to conform to the screening and buffering requirements.
2. *Screening Materials.* Screening materials shall be brick, stone, concrete, wrought iron with living screen, or composite material consisting of wood and plastic. All other materials are prohibited.

**G. Fences.**

1. *Fencing Materials.* Fencing materials shall be brick, stone, concrete, wrought iron, or composite material consisting of wood and plastic. All other materials are prohibited.

**H. Building Setbacks.**

1. *Minimum Setbacks.* The minimum front and exterior side yards for all structures shall be 15 feet, except when property directly abuts the Interstate Highway 20 right-of-way, at which point the minimum front and exterior side yards for all structures shall be 30 feet.

**I. Open Space and Landscaping.**

1. *Minimum Open Space.*
  - a. *Required open space.* A minimum of 15% of the site area for any development within the overlay shall be maintained as pervious open space.
  - b. *Location of required open space.* A minimum of 10% of the required open space area shall be located between the primary structure and the front and/or exterior side property lines.
2. *Landscaping Requirements.*
  - a. A minimum of 25% of the required open space shall be improved with non-turf grass landscaped beds (including shrubs, ornamental grasses, ground cover, perennials, etc.).
  - b. A landscape buffer shall be provided along all public right-of-ways with a minimum depth of 15 feet.
  - c. 1 large shade tree shall be provided for each 35 linear feet along all public right-of-ways and shall be planted within the 15-foot landscaped buffer no more than 35 feet apart. At no point shall landscaping greater than 30 inches in height be located within visibility triangles.
  - d. When a parking area contains 20 or more parking spaces, the interior of the area shall be landscaped by providing a minimum of one tree for every 12 parking spaces or a fraction thereof and shall be located at the terminus of all rows of parking. Such islands shall contain at least one tree. The remainder shall be landscaped with shrubs, turf, ground cover or other appropriate material not to exceed three feet in height. Trees located within a landscape island may be counted towards the total number of required trees.
  - e. No more than 25% of all required trees shall be of the same species.
  - f. One small canopy shade tree, as defined in Section 1A-500, is required along internal pedestrian connections for every 30 linear feet. Trees located along a pedestrian connection may be counted towards the total number of required trees.

**J. On-Site Amenities.**

For developments less than five (5) acres, a minimum of one (1) of the following on-site amenities is required. For developments five (5) acres or greater, a minimum of two (2) of the following on-site amenities shall be provided. For each additional five (5) acres, one (1) additional amenity shall be provided. To obtain credit, all standards must be met. All proposed amenities shall be identified on the Site Plan.

1. *Public pedestrian amenities.*

## a. Bicycle parking.

- (1) A minimum of two (2) bicycle parking spaces or 5% of the required off-street parking spaces shall be provided, whichever is greater;
- (2) Each bicycle parking space shall include a minimum area of 72 inches in length and 24 inches in width that is clear of obstructions;
- (3) Bicycle parking shall consist of either a lockable enclosure (locker) in which the bicycle is stored or a rack to which the bicycle can be locked;
- (4) Lockers and racks shall be securely anchored to the pavement or a structure;
- (5) Racks shall be designed and installed to support the bicycle upright by its frame in two places in a manner that will not cause damage to the wheels and to permit the frame and one or both wheels to be secure;
- (6) Areas containing bicycle parking shall be surfaced with impervious surface;
- (7) When located within a parking area: curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of bikes, motor vehicles, and pedestrians, unless determined by the Director to be unnecessary; and
- (8) Bicycle parking shall be placed in a convenient, highly visible, active, and well-lit location not more than 100 feet walking distance from the main entrance, but shall not interfere with pedestrian movements.

## b. Pedestrian Seating.

- (1) A minimum of one permanent pedestrian seating feature (such as a bench) shall be provided for each 500 linear feet of sidewalk/trail, or a fraction thereof. Pedestrian seating which is provided at building entrances do not count towards fulfilling this requirement;
- (2) Each pedestrian seating feature shall provide a minimum of three seats;
- (3) Seating shall not interfere with pedestrian movements;
- (4) All pedestrian seating used should be selected from the same or a similar design "family" as other site furnishings (such as benches, bollards, bike racks, etc.) and should be finished or painted to complement other site furnishings; and
- (5) All pedestrian seating shall be maintained by the property owner.

c. *Trash Receptacles.*

- (1) A minimum of one permanent trash receptacle shall be provided for each 500 linear feet of sidewalk/trail, or a fraction thereof. Trash receptacles which are provided at building entrances do not count towards fulfilling this requirement;
- (2) Trash receptacles shall not interfere with pedestrian movements;
- (3) All trash receptacles used should be selected from the same or a similar design “family” as other site furnishings (such as benches, bollards, bike racks, etc.) and should be finished or painted to complement other site furnishings;
- (4) Trash receptacle construction should use durable, high quality materials, such as galvanized or stainless steel; and
- (5) All trash receptacles shall be maintained by the property owner.

2. *Enhanced pavement materials.*

- a. Enhanced pavement materials shall be provided at all vehicular access points from public right-of-ways into the development and at all pedestrian crossing locations on the interior of the development.
- b. Enhanced pavement may be in the form of brick pavers, stamped and stained concrete with the appearance of hand laid units, or other material as approved by the Director.

3. *Public gathering space.*

- a. A minimum of 250 square feet or 10 square feet for each 500 square feet of gross floor area of the primary structure, whichever is greater, shall be provided for a public gathering space;
- b. The public gathering space shall provide a minimum of one seat for each 30 square feet of provided area, or a fraction thereof;
- c. Shade trees shall be provided at a ratio of one tree for each 100 square feet of provided area, or a fraction thereof;
- d. A minimum of one trash receptacle shall be provided within the public gathering space;
- e. Curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection motor vehicles and pedestrians, unless determined by the Director to be unnecessary; and
- f. The public gathering area shall be placed in a convenient, highly visible, active, and well-lit location but shall not interfere with pedestrian movements.

4. *Outdoor dining area.*

- a. An outdoor dining area, including dining tables and seating, located mostly or completely outside shall be provided. The total outdoor dining area shall not be less than 10% of the gross square footage of the business; and
- b. Curbs, fences, planter areas, bumpers, or similar barriers shall be installed and maintained for the mutual protection of motor vehicles and pedestrians, unless determined by the Director to be unnecessary.

5. *Play area.*

- a. A minimum of 300 square feet, or 20 square feet for each 500 square feet of gross floor area of the primary structure, of contiguous area shall be provided for the play area, whichever is greater;
- b. A minimum of one permanent play feature or apparatus, which may be considered active or passive playground design, must be provided within the designated play area;
- c. The play area shall be enclosed with fencing, planters, or similar barriers, unless determined by the Director to be unnecessary. Play areas in conjunction with restaurants and restaurants with drive-thru facilities shall be enclosed within the building facades;
- d. The play area shall be placed in a convenient, highly visible, active, and well-lit location but shall not interfere with pedestrian movements; and
- e. The play area may be located indoors or outdoors.

6. *Art feature.*

- a. An art feature may include a monument, sculpture, mural, or any artistic display. The art feature must have clear identification indicating its status as art (creator, dedication, year, materials, etc.);
- b. The art feature shall be located where it is highly visible and accessible to the public; and
- c. The art shall be maintained in good order for the life of the principal structure.

7. *Water feature.*

- a. A water feature may include a fountain, stream, waterwall, splash pad, or other attractive feature that utilizes water;
- b. The water feature shall be located where it is highly visible and accessible to the public; and
- c. The water shall be maintained in good order for the life of the principal structure.

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

**4-965 – 4-969 – Reserved.**

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*[Editor's Note: Repeal Section 4-1100 and reserve the Section.]*

**4-1100. – Reserved.**

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## PART 6. - DEFINITIONS

### 6-100 - DEFINITIONS AND INTERPRETATION OF TERMS

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#### 6-102 - Definitions.

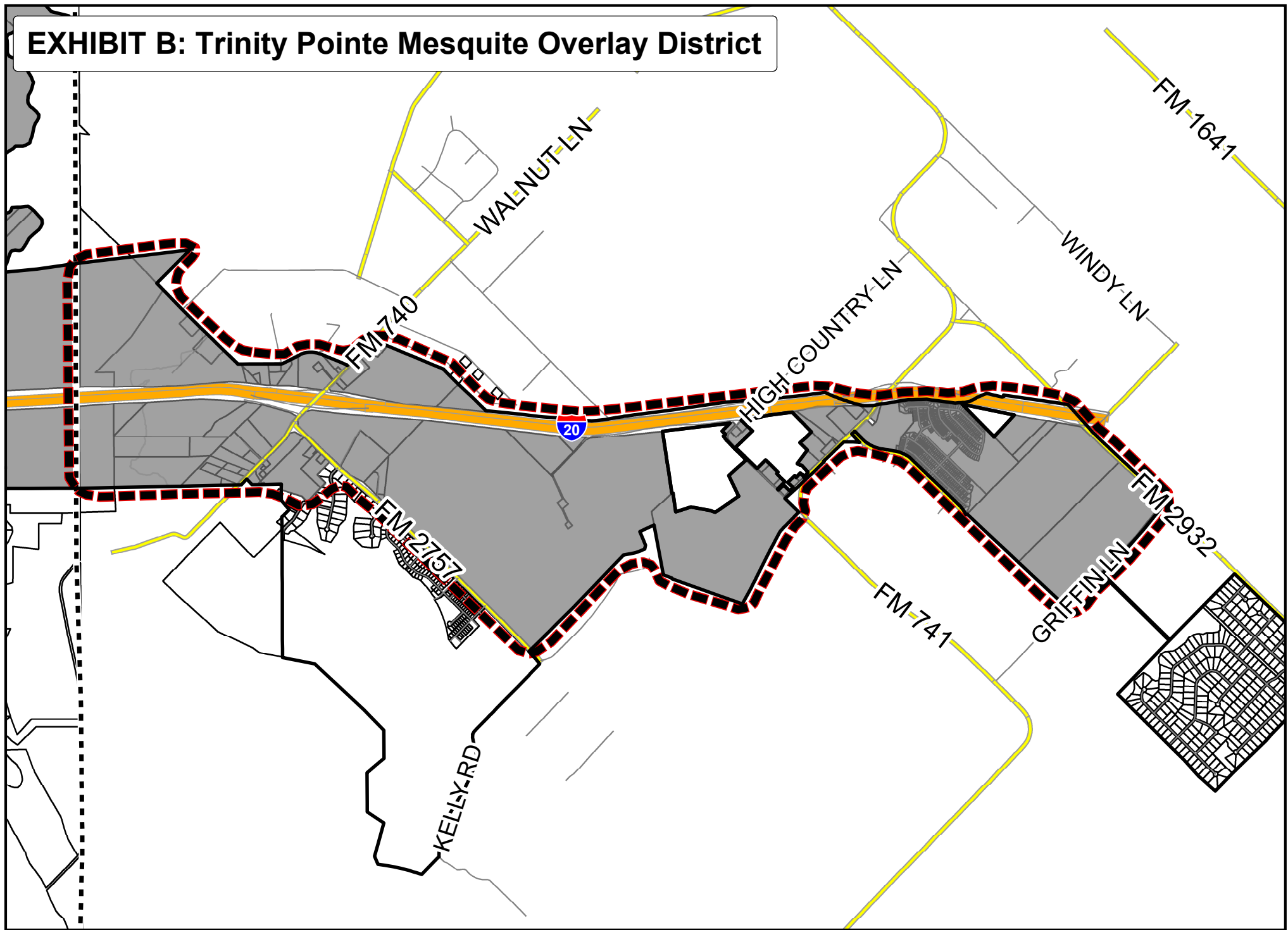
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
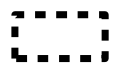
*Electric vehicle.* Any vehicle that is licensed and registered for operation on public and private highways, roads, and streets; either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board via a battery for motive purpose. "Electric vehicle" includes a battery electric vehicle and a plug-in hybrid electric vehicle.

*Electric vehicle charging station.* A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.

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# EXHIBIT B: Trinity Pointe Mesquite Overlay District



 Trinity Pointe Mesquite Overlay District  Mesquite City Limits  County Boundary

