

ORDINANCE NO. \_\_\_\_\_  
Zoning Text Amendment No. 2007-8

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY ADDING A NEW SECTION 4-950 THEREBY CREATING THE SHERWOOD FOREST OVERLAY DISTRICT; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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 public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

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

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by adding a new Section 4-950 to read as follows, said Ordinance in all other respects to remain in full force and effect:

**4-950 SHERWOOD FOREST OVERLAY DISTRICT**

**4-951 PURPOSE AND SCOPE**

On March 5, 2007, the Mesquite City Council adopted the Sherwood Forest Neighborhood Plan. The Plan contains strategies to modify the preferred locations for retail use and preserve the prevailing residential site design and architectural standards of the neighborhood. The purpose of the Sherwood Forest Overlay District is to implement the strategies of the Plan with minimal disruption to the basic regulatory fabric that already exists for the area. To this end, the SF Overlay District is intended to:

- Accommodate a limited mix of neighborhood-oriented commercial and service uses along Scyene Road that compliment the residential core of the neighborhood.
- Amend certain non-residential construction, parking, landscaping and signage standards within the zoning districts that impact Sherwood Forest.
- Amend obsolete design standards in undeveloped planned developments districts that are incompatible with adjacent residential subdivisions.

- Maintain the distinct character of the residential core with infill housing that is architecturally compatible.

#### **4-952 SHERWOOD FOREST OVERLAY DISTRICT PREFIX**

The SF prefix designation is a zoning overlay district. After the effective date of this ordinance, the addition or removal of the SF prefix constitutes zoning action requiring due process required under State law. No land within the City except the following described area shall be designated SF without the requisite notice and public hearing provided by State law. The City shall have only one contiguous Sherwood Forest Overlay District.

#### **Land Zoned SF Sherwood Forest.**

All land, regardless of zoning on the effective date of this ordinance, which is located within Census Tract 176.03 Block Group 2, which is bounded by:

- A. Scyene Road to the north, Peachtree Road to the east, W. Bruton Road to the south, and S. Sam Houston to the west.

#### **4-953 PERMITTED USES**

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.

#### **A. Standard District**

All land in the overlay district shall retain its existing zoning designation and all characteristics of such zoning, except as modified herein.

#### **B. Non-Residential Uses — Restricted**

1. Except for the uses listed in paragraphs 3 and 4 of this subsection, all uses within the underlying non-residential zoning districts of the SF Overlay District shall require approval of a Conditional Use Permit in accordance with §5-300 and the supplemental criteria established herein. When a use is allowed in the underlying zoning district by the Schedule of Permitted Uses (§3-203) as a Permitted Use or Conditional Use Permit, application may be made in the SF Overlay District for approval as a Conditional Use Permit.
2. In addition to the review criteria for a Conditional Use Permit enumerated in §5-303, the Planning Commission and City Council shall consider the following:
  - (a) ***Conformance to Planning Principles***

That the proposed use conforms to the Comprehensive Plan and the purposes of the SF Overlay District.
  - (b) ***Support for Residents***

That the proposed use will support the retail and service needs of the residents of the overlay district.
3. The uses permitted-by-right in the non-residential zoning districts of the SF Overlay District include, and are expressly limited to, the following:

***Retail Trade***

- (a) SIC 525 Hardware Stores
- (b) SIC 53 General Merchandise Stores, except SIC 533 Variety Stores
- (c) SIC 54 Food Stores, except SIC 549 Miscellaneous Food Stores
- (d) SIC 56 Apparel, Accessory Stores
- (e) SIC 57 Furniture, Home Furnishings
- (f) SIC 5812 Eating Places, including Drive-In Restaurants and accessory Drive-Through Facilities
- (g) SIC 591 Drug, Proprietary Stores
- (h) SIC 594 Miscellaneous Shopping Goods Stores
- (i) SIC 599 Retail Stores NEC, except SIC 5999 Miscellaneous Retail NEC

***Services***

- (j) SIC 701a General Service Hotel/Motel
- (k) SIC 7011 Bed and Breakfast Inns
- (l) SIC 7219 Laundry, Garment Services NEC
- (m) SIC 724 Barber Shops
- (n) SIC 725 Beauty Shops
- (o) SIC 725 Shoe Shine and Repair
- (p) SIC 7991 Physical Fitness Facilities
- (q) SIC 801-804 Offices for Doctors, Dentists and other Practitioners
- (r) SIC 835 Child Day Care Services
- (s) SIC 866 Churches

***Accessory Uses and Structures***

- (t) As provided in §3-203 L, except Outdoor Display and Storage

4. The following uses are expressly prohibited within the SF Overly District:

***Construction***

- (a) SIC 15 Building Contractors
- (b) SIC 16 Heavy Construction Contractors
- (c) SIC 17 Special Trade Contractors

***Manufacturing***

- (d) SIC 20-39 (All manufacturing uses)

***Transportation and Utilities***

- (e) SIC 42 Motor Freight Transportation and Warehousing
- (f) SIC 44-49 Transportation, Pipelines, Communications, Utilities

***Wholesale Trade***

- (j) SIC 50-51 (All wholesale trade use, durable and non-durable)

***Retail Trade***

- (k) SIC 55 Automobile Dealers, Service Stations
- (l) SIC 593a Pawnshops

***Finance, Insurance and Real Estate***

- (m) SIC 60-67 (All finance, insurance and real estate uses)

***Services***

- (n) SIC 726 Funeral Service
- (o) SIC 7299b Body Art/Decoration
- (p) SIC 731-733 Advertising, Credit Reporting, Reproduction Services
- (q) SIC 735 Miscellaneous Equipment Rental, Leasing
- (r) SIC 75 Automotive Repair and Services
- (s) SIC 836c Residential Care Institutions

***Accessory Uses and Structures***

- (t) Outdoor Display and Storage

**C. Supplemental Residential Uses**

In addition to the uses provided in §2-203, the following uses shall be allowed as a Conditional Use Permit within those underlying residential zoning districts of the SF Overlay District that are located north of S. Sam Houston Road:

1. Two detached dwelling units on one lot. Approval, if given, shall be subject to the following stipulations in addition to other conditions imposed by the City Council:
  - (a) Only one drive approach shall serve the lot.
  - (b) The owner of the property shall domicile on the lot.
  - (c) The larger of the dwelling units shall have a minimum living area of 1,700 square feet, and the living area of the smaller unit shall be equal to the that of any existing unit on the lot, or 1,700 square feet, whichever is less.
  - (d) The lot may not be subdivided unless it can be replatted in accordance with all provisions of the Subdivision Ordinance.
2. SIC 7011 Bed and Breakfast Inns, not exceeding five rooms for public accommodation.

**4-954 REQUIRED CONDITIONS**

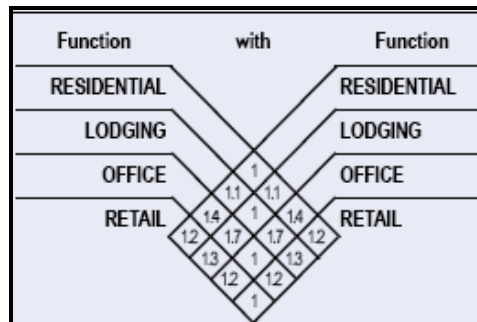
All lots, tracts or parcels within the SF Overlay District shall be designed, developed, rehabilitated and maintained in accordance with this Section in addition to all other requirements of the City's ordinances, including any stipulations or conditions of approval under the Conditional Use Permit provisions of this ordinance. In the event of a conflict between this Section and other provisions of the City's ordinances, this Section shall prevail. The Board of Adjustment is not authorized to grant relief from the provisions of this subsection.

**A. Non-Residential Site Design and Maintenance**

Notwithstanding the underlying non-residential zoning classifications and conditional use permits that exist within the District, all non-residential site design, construction, rehabilitation and property maintenance shall comply with the following standards:

1. Structures shall comply with the Community Appearance Manual.
2. Lot coverage shall not exceed 50%. The total of all impervious surfaces shall not exceed 70% of the area of the site.
3. Landscape areas shall, at a minimum, be equal in size to at least 25% of the site. Not less than 20% of the landscape area between the main building and the front and/or exterior side property lines shall be improved with landscape beds.

4. A one-story building that is constructed for, or intended to accommodate, multiple tenants shall not present a building profile to a public street that is greater than five times the height of the building.
5. Pole signs are prohibited. The City, working in concert with property owners, may erect one or more neighborhood designation or wayfinding signs identifying the SF Overlay District area.
6. Stalls for drive-in restaurants shall be situated behind the front façade of the primary structure.
7. Outdoor sales, display or storage is prohibited, §3-600 et seq. notwithstanding.
8. A mixed-use development, or dissimilar uses on adjoining lots by written agreement approved by the Director, may be entitled to a shared parking benefit, as determined according to the factors below.



9. Any premises that abut the City’s pedestrian and bicycle trail system shall, if the City deems it necessary to secure public access, dedicate an access point of sufficient width from the premises to the City system as a condition of site plan approval.

**B. Residential Site Design and Maintenance**

Notwithstanding the underlying residential or planned development-residential zoning classifications that exist within the District, all residential infill site design, construction, rehabilitation and property maintenance shall comply with the following standards:

1. The minimum residential lot and unit size requirements shall be as follows:

	Minimum Dimension / Size
Lot Size	7,200 square feet
Lot Width	60 feet
Lot Depth	110 feet
Unit Living Area	1,700 square feet

2. The front setback shall fall within the Range.
3. The height and width of the primary façade of new buildings shall fall within the Range.
4. The height of new foundations shall fall within the Range.
5. The height and width of porches shall fall within the Range.

6. The pitch of new roofs shall be designed to fall within the Range.
7. Within the District north of S. Sam Houston Road, cementitious-fiberboard may be considered as masonry for purposes of §2-501 D.
8. For additions, the façade materials, roof materials, doors and windows shall be compatible to those original to the house.
9. Additions shall be made to the rear or side of the house only. Additions taller than the primary façade shall be made to the rear of the house to keep the original scale of the façade consistent with adjacent buildings.
10. The Building Official may authorize porches to extend into the front yard setback to maintain consistency with similarly sited porches along the street.
11. Fences, if provided in the front yard of the building, shall be painted wood or wrought iron with a maximum height of three and one-half (3½) feet and not less than 50 percent through vision. Fences in the rear yard of the building may be of wood board, painted wood, wrought iron or chain link.
12. For tracts exceeding 250 feet in depth, no more than four (4) vehicles or equipment may be parked on an improved surface in the rear yard for purposes of City Code Section 10-14(c).

#### **4-955 DEFINITIONS**

For purposes of this ordinance, the following terms shall have the meanings ascribed to them in this Section.

*Building profile* means the apparent width of a building when viewed from the street. A development with multiple street frontages will have one building profile for each frontage.

*Range* (e.g., setback) refers to the variation, if any, in the actual referenced dimension or specification of existing buildings on two or more adjacent lots.

*Shared parking benefit* refers to a concession made for parking in a mixed-use development that has the effect of lowering the minimum parking requirement based upon variations in parking demand by time of day and land use relationships that induce single auto trips. The shared parking benefit is the sum of the parking requirements for all uses divided by the factor shown in §4-954 A(8).

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

**SECTION 3.** That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not

affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of November, 2007.

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John Monaco  
Mayor

ATTEST:

APPROVED:

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Judy Womack  
City Secretary

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B. J. Smith  
City Attorney