ORDINANCE NO. ___4121___

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMMUNITY APPEARANCE MANUAL PERTAINING TO THE APPLICABILITY OF DESIGN REQUIREMENTS FOR EXISTING BUILDINGS; 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 EFFECTIVE DATE.

WHEREAS, the Community Appearance Manual (the "Manual") was adopted by the City Council on December 17, 2007, and amended by Ordinance No. 4005 on November 17, 2008, and incorporated in City Code Section 11-500; and

WHEREAS, the application of the Manual has been beneficial in the implementation of Project Renewal by requiring improved design standards for all new construction; and

WHEREAS, the general application of the Manual to existing buildings is triggered by structural alterations, and the redevelopment, rehabilitation, remodeling and modification of existing structures is mandated only when substantial changes are made; and

WHEREAS, some of the existing buildings in the City's older commercial corridors use color schemes that do not conform with the color requirements of Section 9.0 of the Manual; and

WHEREAS, under most circumstances non-compliant color schemes on existing buildings can be modified to conform to the Manual without having to make cost-prohibitive structural changes; and

WHEREAS, given the limited application of the Manual to existing buildings, the Manual cannot effect a positive change on the non-compliant color schemes of existing buildings, thereby slowing the overall progress of Project Renewal.

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

SECTION 1.   That the Community Appearance Manual of the City of Mesquite, Texas, is hereby amended by amending the Applicability section pertaining to the conditions whereby an existing building shall be modified to conform to the color requirements of the Manual, and the amendment is attached hereto as Exhibit "A."
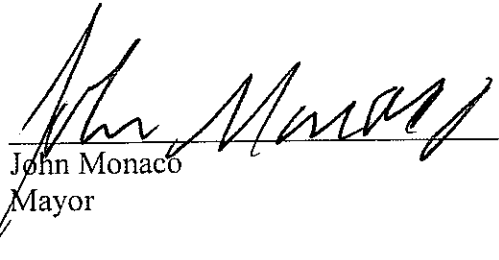
SECTION 2.   That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3.   That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the validity of the remaining provisions of this ordinance shall not be affected and shall remain in full force and effect.
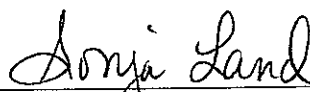
SECTION 4.   That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand ($2,000.00) Dollars for each offense.

SECTION 5.   That this ordinance shall take effect immediately on and after its passage.
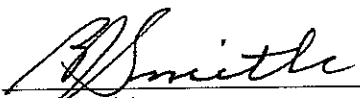
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of December, 2010.

John Monaco
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:

B. J. Smith
City Attorney

Principles and Requirements for Façade Design

GENERAL INTENT:

This manual addresses the architectural design of development in order to implement the City of Mesquite's vision for a more attractive, livable community. The general purposes of the manual include:

- To provide appropriate standards to ensure a high quality appearance for Mesquite that allows for flexibility, individuality, creativity and artistic expression
- To support a more human-scale and pedestrian-oriented environment and increase connectivity
- To strengthen and protect the image and identity of Mesquite and thereby to enhance its business economy and stabilize its property values
- To protect and enhance residential neighborhoods and nonresidential districts by encouraging physical development that is of high quality and is compatible with the character, scale, and function of its surrounding area
- To encourage developments that relate well to public streets, open spaces, and neighborhoods

APPLICABILITY:

General Applicability

The principles and requirements set out in this manual shall supersede any conflicting design standards and building materials specified in the Mesquite Zoning Ordinance, unless otherwise stated within this manual. The Board of Adjustment is not authorized to grant relief from the provisions of this manual.

Military Parkway – Scyene Corridor Overlay District, New Construction, Redevelopment, Rehabilitation and Modification

This manual shall apply to the Military Parkway – Scyene Corridor Overlay District and all other areas of the city. The following development activity shall comply with all of the requirements of this manual:

A. New construction; and
B. Redevelopment, including rehabilitation, remodeling, renovation or modification of an existing building that is valued at more than 25 percent of the replacement cost of the entire building, if new. Provided, that as an encouragement to redevelopment of an existing building, the Director may waive or modify the requirements of this manual according to the structural or architectural limitations of the building and so that substantial compliance is achieved.

An existing building shall be modified to comply with all of the requirements of this manual when the cumulative effect of all new construction that has occurred since December 17, 2007 increases the impervious cover by 25 percent or more beyond the amount of impervious cover existing on said date. An existing building shall be modified to comply with the non-structural requirements of Section 9.0 upon issuance of a new or revised certificate-of-occupancy due to a change in use, a change in ownership or occupancy, or a structural addition of any size.

Notwithstanding any other provision of this section, the modification of a building façade is permitted if such modification results in greater conformance with this manual.