

ORDINANCE NO. 4423

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ADOPTING AMENDMENTS TO THE COMMUNITY APPEARANCE MANUAL PERTAINING TO THE GENERAL INTENT, APPEALS AND INDUSTRIAL STANDARDS; 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, amended by Ordinance No. 4005 on November 17, 2008, and amended by Ordinance No. 4121 on December 6, 2010, incorporated in City Code Section 11-500 and amended on May 2, 2016; and

WHEREAS, the purpose of the Manual is to encourage architects to improve the quality of design for buildings in the community, and it is important to emphasize that the photographs in the Manual are intended to serve only as a guide to design professionals on ways to achieve that end; and

WHEREAS, it is important to the process of development review in the City to provide an avenue for appeal from the provisions of the Manual and to clarify the initial steps for filing an appeal; and

WHEREAS, there are a number of exceptions for industrial buildings throughout the Manual, and for the convenience of users it is deemed advisable to consolidate all such exceptions under a single section pertaining to Industrial Standards.

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

SECTION 1. That the amendments to the Community Appearance Manual of the City of Mesquite, Texas, are hereby adopted pertaining to the General Intent, Appeals and Industrial Standards, and the amendments are attached hereto as Exhibit "A."

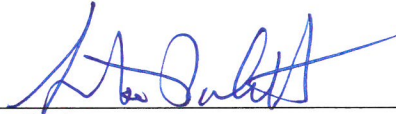
SECTION 2. That all ordinances or portions thereof in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That cross-references shall be inserted in the Manual to the extent necessary to conform to the amendments made herein.

SECTION 4. 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 5. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

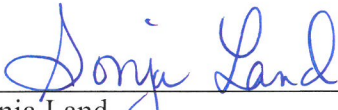
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of May, 2016.



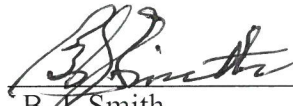
Stan Pickett
Mayor

ATTEST:

APPROVED:



Sonja Land
City Secretary



B.J. Smith
City Attorney

EXHIBIT A

(Amendments in **bold type**)

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

The pictures, drawings and other illustrations herein are intended to serve as a guide to architects and other professionals on acceptable techniques for expressing the design principles of this manual. Creativity and use of alternate methods as a means for achieving the principles are encouraged, indeed highly desirable, in the effort to build a beautiful and distinctive community.

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

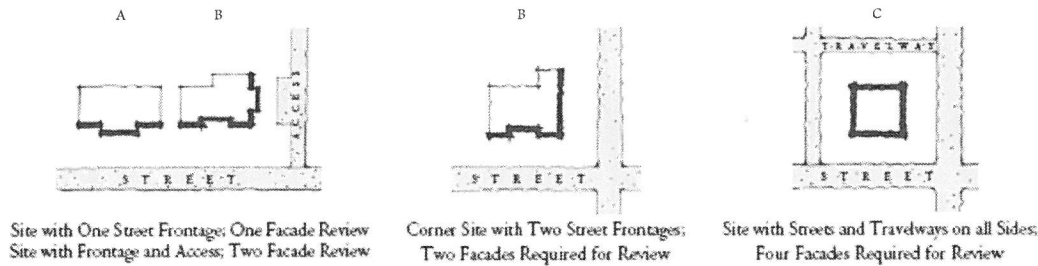
This manual shall apply to the Military Parkway – Scyene Corridor Overlay District and all other areas of the city. The following development activity shall comply with all of the requirements of this manual:

- 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

Façades to be Reviewed

Building façades to which this manual applies shall be reviewed based upon their visibility within the community. Façades shall be reviewed for substantial compliance with the principles outlined in this manual and shall be presented in a series of façade overlays in conjunction with the required Statement of Architectural Compatibility. Principles 1-9 apply to the elevations of buildings that front on a street or on an internal, external, or pedestrian-oriented travelway. These elevations are referred to as principal façades. A travelway means pedestrian, bicycle and/or automobile access points or drives into the site, locations of ingress and egress (except service alleys), and drives that connect other parcels with the site. Examples: Buildings that front a street with one visible elevation are required to have façade overlays for that elevation only (Example A). Buildings on a corner site shall be considered to have two principal façades, and façade overlays will be required for both elevations (Examples B). Buildings located on out-parcels of shopping centers surrounded by streets or connecting drives shall be considered to have four principal façades and façade overlays shall be required for all elevations (Example C). Unless otherwise provided in this manual, Principles 1-9 do not apply to secondary façades.



Secondary Facades to be Wrapped with Same Materials

The masonry materials used on secondary façades shall consist exclusively of one or more of the same masonry materials that are used on the principal façade(s) of the building. The Director may waive the wrapping requirement for secondary façades on buildings in Industrial zoning districts (except industrial parks) where the context of the building site and surrounding land uses negate any improvement to community appearance, or for reasons of economic development.

Process

The City of Mesquite requires that a Statement of Architectural Compatibility (SAC) be submitted as a part of the development plan approval process for all site plans of buildings that fall within the requirements of this manual. This is a written document, describing the site and discussing design intent. In addition to the document, façade overlays and material samples must also be submitted with individual building plans.

Appeals:

Any applicant may petition the City Manager in writing for relief from the provisions of this Manual. Within ten days from receipt of the City Manager's decision, the applicant may appeal the same to the Planning and Zoning Commission. The applicant may appeal the determination of the Planning and Zoning Commission to the City Council by filing the appeal in writing with the Director of Planning and Development Services no later than ten days following the Commission's action.

11.1 INDUSTRIAL STANDARDS

Statement of Intent

Due to their importance in economic development and typical location, industrial buildings are accorded certain exceptions to the design principles. Those exceptions and the corresponding principles to which they pertain are as follows:

- 11.1.1 The Director may approve less than the surface area minimum of unitized masonry in Section 1.1 for industrial buildings of 3 or more stories in height, where the secondary facades are wrapped with the same percentage of unitized masonry materials as the principal facades, or for other reasons enumerated in Section 1.1.
- 11.1.2 In Industrial districts the wall area not clad in unitized masonry may include painted concrete tilt-wall or other materials listed in Section 1.2.
- 11.1.3 The Director may waive the wrapping requirement for secondary façades on buildings in Industrial zoning districts (except industrial parks) where the context of the building site and surrounding land uses negate any improvement to community appearance, or for reasons of economic development.
- 11.1.4 In Industrial districts, Section 4.2 shall not apply.
- 11.1.5 Industrial uses shall incorporate transparent features over a minimum of 35% of the surface area at ground level on that portion of the principal facades which correspond to interior spaces used for lobby, office and conference room activities.

11.2 OFFICE AND INDUSTRIAL PARKS

Statement of Intent

Clustered office and industrial facilities can serve as significant employment centers and tax generators for local economies. Given its proximity to major expressways, the City of Mesquite is well positioned to attract and sustain development of this nature. The following requirements have been created to ensure that Office and Industrial Parks contribute to the attractiveness of Mesquite as a place to live and work. An office or industrial park and the buildings that comprise it shall meet the requirements of this section in addition to the façade principles and other requirements of this manual.

Requirements for an Office or Industrial Park:

- 11.2.1 Unless otherwise designated in the Planned Development concept plan, all building façades within an office or industrial park shall be deemed principal façades. Any of the masonry materials specified in Sections 1.1 and 1.2 (except cement board) may be used in any percentage, which shall be consistent on all facades, to achieve a uniform design and appearance. Principle 4 shall not apply.
- 11.2.2 All structures within an office or industrial park shall share a common architectural theme, and building façades shall be consistent in color, materials, and design.
- 11.2.3 The office or industrial park shall incorporate hardscape, lighting, and amenities of Site Consideration Sections 10.2, 10.3, and 10.4.