

ORDINANCE NO. _____
Zoning Text Amendment No. 2018-02

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 MAKING CERTAIN DELETIONS
AND ADDITIONS IN SECTIONS FOUND UNDER CHAPTERS
1-600, 2-200, 3-200, 3-500 AND 6-100 THEREBY PROVIDING
NEW AND REVISED REGULATIONS FOR PRIMARY AND
SECONDARY EDUCATIONAL USES AND TEMPORARY
CLASSROOMS; 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 adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by providing additions and deletions in sections found under Chapters 1-600, 2-200, 3-200, 3-500 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

(1) *Chapter 1-600.* Amend Sections 1-603(A), 1-603(A)(1) and 1-603(A)(2) in Chapter 1-600 by deleting the sections in their entirety and adding new Sections 1-603(A), 1-603(A)(1) and 1-603(A)(2) to read as follows:

A. *Temporary classrooms.* To allow the use of temporary classroom buildings by elementary and secondary schools, churches, boy/girl scouts and similar organizations. Approval shall be for no more than a three-year period, provided that the Board may specify conditions under which the approval period may be extended. Such temporary buildings shall be considered compatible if the following criteria are met.

1. *Approved site with main use in permanent building:* A temporary building is prohibited unless it is to be located on a site where an existing permanent building housing an authorized main use is located. For purposes of this

requirement, an authorized main use is one for which a valid certificate of occupancy has been issued. The use of the temporary building shall be limited to the main use for which a certificate of occupancy has been issued or an authorized use accessory to that main use.

2. *Proposed construction:* The applicant shall submit a proposed schedule and a plan of construction/expansion of permanent facilities that eliminate the need for the long-term use of the temporary buildings.

- (2) *Chapter 2-200.* Amend Table 2-203 in Chapter 2-200 by deleting Section B(12)(a) in Table 2-203 in its entirety and adding a new Section B(12)(a) in Table 2-203 to read as follows:

	AG	R	D	TNMR	A	SPECIAL CONDITIONS
B. NONRESIDENTIAL USES						
12. EDUCATIONAL FACILITIES						
a. Elementary and Secondary Schools	C	C	C		C	SIC 821. Requires compliance with 3-509.

- (3) *Chapter 3-200.* Amend Table 3-203 in Chapter 3-200 by deleting SIC CODE 821 in its entirety and adding a new SIC CODE 821 in Table 3-203 to read as follows:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
82	EDUCATIONAL SERVICES												
821	Elementary, Secondary Schools	C	C	C		C	C	C		C	C	21	Requires compliance with 3-509

- (4) *Chapter 3-500.* Amend Chapter 3-500 by adding a new Section 3-509 to read as follows:

3-509 Public and private schools.

- A. In connection with a Conditional Use Permit (“CUP”) for an elementary or secondary school, as defined in Section 6-102 of the Mesquite Zoning Ordinance, the applicant shall comply with the regulations in this section. The purpose of the CUP requirement is to ensure that the traffic impacts from a school will not create traffic and safety hazards for the community.
- B. Prior to presentation of a CUP application for a public or private school to the Planning and Zoning Commission, the applicant shall submit a Traffic Impact Analysis (“TIA”) to the Traffic Engineering Division for approval. The TIA must be prepared and sealed by a qualified, licensed engineer in accordance with the City’s Requirements for Preparing a Traffic Impact Analysis, as amended. The TIA must identify potential problems, provide effective improvements to alleviate the problems and include a Traffic Management Plan (“TMP”). The TMP must alleviate all conflicts with through-traffic and traffic movements on public right-of-way abutting and in the vicinity of the application, and must include a design for

picking-up and dropping-off students without queuing vehicles into public right-of-way. Compliance with the approved TIA and TMP shall be required by the CUP.

- (5) *Chapter 6-100.* Amend Section 6-102 in Chapter 6-100 by adding a definition for “elementary, secondary school” to read as follows:

Elementary, secondary school: A public, private or parochial institution for the education of students in any grade between pre-kindergarten through 12 or in any combination thereof. A public school includes an open enrollment charter school as defined under the Texas Education Code. Elementary, secondary school does not include a trade, vocational or commercial school.

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 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.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th day of May, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary


Paula Anderson
Interim City Attorney