

ORIGINAL

ORDINANCE NO. 03-04-03

AN ORDINANCE OF THE CITY OF LUCAS, TEXAS, AMENDING CHAPTER 9 OF THE CODE OF ORDINANCES, CITY OF LUCAS, BY ADDING A NEW ARTICLE 15A, "MX" MIXED USE DISTRICT, PROVIDING FOR THE ADOPTION OF A NEW ZONING DISTRICT ALLOWING MIXED USES; PROVIDING REGULATIONS APPLICABLE TO APPLICATIONS FOR "MX" ZONING; PROVIDING MINIMUM STANDARDS WITHIN THE "MX" ZONING DISTRICT; PROVIDING FOR THE FILING OF A CONCEPT PLAN AND REQUIREMENTS FOR SUCH PLANS; PROVIDING SITE, ARCHITECTURAL, AND LANDSCAPING PLAN REQUIREMENTS; PROVIDING PARKING AND OFF-STREET LOADING AND SPECIAL REQUIREMENTS; PROVIDING A REPEALING CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission of the City of Lucas and the governing body of the City of Lucas, in compliance with state laws with reference to the granting of zoning classifications and changes, have given the requisite notice by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and all persons interested and situated in the affected area and in the vicinity thereof, the governing body of the City of Lucas is of the opinion that the Comprehensive Zoning Ordinance should be amended; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LUCAS, TEXAS:

SECTION 1. That Chapter 9, (the "Comprehensive Zoning Ordinance") of the Code of Ordinances of the City of Lucas, Texas, be and is hereby amended by adding a new Article 15A, ("MX" Mixed Use District), without change, amendment or repeal of any other provision or section of Chapter 9, to read in its entirety as follows:

"CHAPTER 9

COMPREHENSIVE ZONING

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**ARTICLE 15A. "MX" MIXED
USE DISTRICT REGULATIONS**

Section 9-130. Purpose.

The purposes of "MX" Mixed Use Districts are to provide land use regulations to

control development in areas designated MX; to provide compatible development of high-density residential and commercial use within the same district that is compatible with the health, safety and quality of life of adjacent development; to provide standards for mixed-use developments; and to encourage a more creative, efficient and aesthetically desirable design and placement of buildings, open spaces, circulation patterns, that will best utilize special site features such as topography, useable open space, landscape features, and that will maintain the integrity and value of surrounding areas. MX Districts are intended to allow flexibility with respect to the placement of buildings and structures on the land, permissible uses of the land, and development regulations for the land, as well as flexibility with respect to the review and approval process. This authority extends to discretionary approval by the City Council over Concept Plans for each MX District as required by this ordinance, including consideration by the City Council of such items as proximity to major transportation arteries (such as freeways, expressways or mass transit routes), parking, setbacks, square footage of buildings and structures, sign placement, screening, landscaping, buffer zones, residential and non-residential density, and the ratio of mixed commercial or retail and residential uses and structures.

Section 9-131. Use Regulations.

In an MX District, no land shall be used and no building shall be used, erected, or converted to any use other than those authorized in the various zoning districts set forth in Chapter 9, the Comprehensive Zoning Ordinance, of the Code of Ordinances of the City of Lucas.

Section 9-132. Building Regulations.

- A. Buildings shall be clustered on site. A site master plan shall be submitted for Planning and Zoning Commission review, comment and recommendations.
- B. All buildings shall have a minimum exterior masonry of 75%, consisting of stone, tile and/or brick (not including openings for windows and doors), unless specifically excepted by the City Council. Other materials may be approved by Planning & Zoning Commission and City Council when fire safety considerations are adequately provided and overall aesthetic appearance is in compliance with purpose of zoning.
- C. All mechanical equipment shall be screened from public view either by landscaping materials or materials that blend with the building.
- D. Retail and commercial refuse collection areas shall be screened from public view.
- E. Parking and drive surfaces shall be weather impervious surface developed in accordance with City standards.
- F. Development shall comply with Performance Standards (Chapter 9, Article 24).
- G. All development in the Mixed Use District shall be subject to the Lighting Regulations. (See Article 31).

- H. In the event of any conflict or inconsistency between the provisions of an ordinance creating an MX District and the provisions contained in any other provision of the City's Comprehensive Zoning Ordinance, subdivision regulations, or other ordinances, the provisions of the MX Ordinance shall control. In the event an MX Ordinance does not include a zoning standard or regulation that is otherwise required by the City's Comprehensive Zoning Ordinance, then the standard or regulation required by the Comprehensive Zoning Ordinance shall be applied to development within the MX District.

Section 9-133. Height Regulations.

No building shall exceed two and one-half (2 ½) stories or thirty-five feet (35').

Section 9-134. Area Regulations.

- A. There shall be a minimum of 35% commercial or retail in any mixed-use development.
- B. Alleys are optional in residential developments in the mixed-use district. If alleys are to be used, they shall be a minimum of 15 feet in width and shall have access to public streets at each end of the alley. No dead end alleys are allowed.
- C. Residential trash storage shall be required to be screened from public view except on days of scheduled trash pickup.
- D. The following standards for residential and commercial development shall be used for all mixed-use developments.

	Single Family Dwelling	Multi-Family Units
Minimum Lot Area	½ acre	¾ acre
Minimum Lot Width	50 ft	50 ft
Minimum Lot Depth	100 ft	100 ft
Minimum Dwelling Size (exclusive of porches, garages and breezeways)	2200 sf	1800 sf per dwelling unit
Stories, no more than	2 1/2	2 ½
Max. Lot Coverage	60%	50%
Min. Setback, Front	25 ft	25 ft
Min. Setback, Sides	5 ft each side or 10 ft one side	15 ft
Min. Setback, Rear	10 ft	20 ft
Minimum parking spaces/unit	2	2 per dwelling unit

Maximum # of dwelling units/acre for the entire development	4.5	6.0
Minimum parkland dedication	1 acre/50 units	1 acre/50 units
Buffer between mixed use district dwelling and other residential zoning districts	Front to front- 100 ft	Front to front- 150 ft
	Front to rear –100 ft	Front to rear – 100 ft
	Rear to rear – 75 ft	Rear to rear – 75 ft
	Side to side – 50 ft	Side to side – 75 ft

Definitions:

1. **Single Family Dwelling:** A dwelling with one family in a single detached dwelling unit.
2. **Multi-Family Units:** Dwellings with a single family connected by a common wall such as a duplex, triplex, or quadplex. Condominiums are considered multi-family units. Multifamily units shall not have any stacked units, units shall be side by side only. No more than 4 units shall be allowed per building.

Commercial	
Minimum Lot Area	5000 ft
Minimum Lot width	50 ft
Max Lot Coverage	50%
Separation between rear of commercial and Residential Lot line	Minimum 8 foot high wall of stone, brick, or tile and a setback of at least 35 feet

Section 9-135. Development Standards, Application and Concept Plan Submittal

- A. **Development Standards.** Each application for MX District zoning shall contain a description of the land (described by metes and bounds) and shall specify the proposed development standards required by this section. No application shall be deemed complete and no application shall be deemed to have been filed until all of the required information is on file with the Planning and Zoning Commission of the City and any required filing or application fees have been paid in full. At least 15 copies of the Application must be submitted. All development standards contained in the application and approved by the governing body of the City shall become part of the ordinance granting MX zoning. The development standards contained within the application shall set forth the following elements:
 1. Exterior construction materials for residential and non-residential uses;
 2. Maximum height of all structures;

3. Screening and buffering between residential and nonresidential uses;
 4. Residential density (if different from the regulations provided by the City's Comprehensive Zoning Ordinance);
 5. Non-residential density (expressed as a floor area ratio);
 6. Minimum square footage of floor areas for all dwellings;
 7. Setbacks for front yards (measured from lot lines), side yards, and rear yards and, if applicable, lot coverage;
 8. Parking regulations and standards (if different from the regulations provided by the City's Comprehensive Zoning Ordinance);
 9. Landscape plan regulations and standards (if different from the regulations provided by the City's Comprehensive Zoning Ordinance);
 10. Site plan regulations and standards (if different from the regulations provided by the City's Comprehensive Zoning Ordinance);
 11. A legend detailing the minimum area of open space, the maximum density, the percentage of land allotted to each use, and the general location of each use; and,
 12. Any other regulations or standards proposed by the applicant.
 13. The City Council may require additional regulations or requirements as appropriate for a particular district.
- B. In addition to the information required by the foregoing subsection, each application for MX district zoning shall also be accompanied by the application fee, and shall not be deemed to have been filed unless so accompanied, and the development information required by this subsection, unless expressly waived by the governing body of the City. The following items shall be included with an application:
1. A Concept Plan for the property, drawn to a scale of not less than one inch equaling 200 feet. When approved by the City Council, the Concept Plan shall become part of the ordinance granting MX district zoning. Concept Plans must be consistent with the development standards contained in the application and must show or contain the following information:
 - a. Floodplain locations (based on best available information), and the locations of major drainage ways;

- b. Existing and proposed major thoroughfare and arterial and collector street layouts within and outside the property;
 - c. Major utility layouts showing the locations of existing and proposed major utility easements and water and wastewater lines;
 - d. Areas intended for single family development, including unit density per acre;
 - e. Areas intended for other residential development, including unit density per acre;
 - f. Areas intended for non-residential development, including schools, commercial and retail areas, and locations of utility plants;
 - g. Areas intended for common areas, open space, or recreational uses, such as parks, green belts and golf courses;
 - h. To the extent known (but not required), major landscaping elements and features;
 - i. To the extent known (but not required), significant physical or natural features that will be preserved;
 - j. Areas to be left open as open space of not less than two percent (2%) of the gross area of the tract, exclusive of streets, alleys and rights-of-way; and
 - k. Signage requirements and standards, including entry signs.
2. A traffic impact analysis prepared by a qualified traffic engineer. Such analysis shall take into consideration the capacity of existing and future streets, projections of the traffic that will be generated by the proposed development, the ability of existing and future streets to accommodate the projected traffic generated by the proposed development, and measures to mitigate high traffic areas and effects. The traffic impact analysis will be provided for informational purposes only and shall not become part of the ordinance granting MX district zoning.
3. A preliminary drainage study and a general description of the storm water management techniques that will be used to develop the property. Such study and general description will be provided for informational purposes only and shall not become part of the ordinance granting MX district zoning. Detailed drainage plans for flood plain and storm water

management will be prepared and approved in accordance with the City's subdivision regulations.

4. A description of the manner in which water and wastewater service will be provided to the property and a utility impact study/analysis showing the effect on existing and future area utility systems. Such general description will be provided for informational purposes only and shall not become part of the ordinance granting MX district zoning. Detailed plans for water and wastewater service will be prepared and approved in accordance with the City's subdivision regulations.
5. A capital improvements study specifying the current and future capital improvements, facilities expansion, and anticipated level of increase in municipal services generated by the proposed MX District. Such study shall include a description of any anticipated special, road, flood, or utility districts which may be created to serve the MX District as well as any potential impact on present and future ad valorem and sales tax levels. Such study and description will be provided for informational purposes only and shall not become part of the MX Ordinance.
6. A general map showing areas of significant vegetation and tree groupings.
7. Any additional information the applicant feels may be beneficial to the City in the evaluation of the application. Such additional information will be provided for informational purposes only and may not become part of the ordinance granting MX zoning.

Section 9-136. Zoning Change Approval

An application for MX district zoning shall be processed in the same manner as an application for a zoning change. Upon submission, review and approval of the Concept Plan, the City may adopt an MX ordinance that will further identify the types, intensity and density of land uses on the site. No actual construction shall commence on the site or on any portion thereof unless and until a site plan and final plat have been processed and approved. Approval of the Concept Plan and the adoption of an ordinance designating the tract as having MX zoning shall reflect zoning approval only of the basic concept and may not be implemented until site plans and final plats have been approved by the City Council for each section or phase. The studies and analyses to be submitted with a Concept Plan shall be used by the Council in determining whether a preliminary plan and final plat application should be approved.

Section 9-137. Site Plan Approval.

- A. Prior to issuance of any building permit, an application in writing, for the approval of the site plan, together with twenty (20) copies, shall be filed with the City Secretary. The plans are to be submitted at least ten (10) consecutive calendar days before the meeting of the Planning and Zoning Commission, if

the site plan is to be considered at such meeting. No site plan will be considered by the City until the prescribed filing fees have been paid. The applicant shall submit proof of written notification set forth in Chapter 6, Article 4, Section 6-11, of the Lucas Code of Ordinances. The site plan shall contain those items as designated by approved City procedure, but not be limited to the following information:

1. The boundaries and dimensions of the proposed development, including total area.
 2. Adjoining property, owners, and zoning.
 3. Contour lines at five-foot (5') intervals.
 4. Location map.
 5. Architectural standards discussion/plan.
 6. Existing or platted streets; public rights of way; easements or railroads within or adjacent to the tract.
 7. Existing and proposed utility lines showing sizes of water and sewer lines.
 8. Existing and proposed fire hydrants and fire lanes.
 9. Location of all easements.
 10. Building setback lines.
 11. Location and dimensions of commercial buildings.
 12. Means of ingress and egress.
 13. Engineering for drainage.
 14. Areas designated for landscaping and location of exterior lighting.
 15. Parking area locations and specifications.
 16. Must be drawn to an acceptable scale.
 17. Must provide signature lines for Chairman of Planning & Zoning Commission, City Engineer, and Mayor to signify approval.
 18. Tree management plan for all trees in compliance with the City's Tree Conservation Ordinance (Art. 13, Section 6-39, Chapter 6).
- B. For the purpose of assisting in-process planning, a properly designated preliminary site plan may be submitted for consideration. Approval of a preliminary site plan will not imply approval of all elements of a site plan.
- C. Final plans shall be approved by City Council as provided in Chapter 9, Article 22.

Section 9-138. Landscape Plan Approval.

- A. All proposed Mixed Use developments shall require a mandatory site and landscape plan. The site and landscape plans will be reviewed and approved by the Planning & Zoning Commission, City Engineer, and the City Council prior to receiving plat approval or building permit. In addition to the site plan, the owner shall provide such other sketches, diagrams, and calculations necessary to determine whether the proposed development conforms to the provisions of the district and to determine the effect of the proposed development on population densities, streets, schools, recreation, and other community facilities in the area. Such site plans, sketches, diagrams, and

calculations shall become a part of the site plan approval and shall form the basis for issuance of a building permit on conformity therewith. Prior to issuance of any building permit, there shall be seven (7) copies of a landscape plan submitted to the City. The plans are to be submitted at least ten (10) days prior to the Planning & Zoning Commission meeting at which they are to be considered. The landscape plan shall be approved or disapproved based on its compliance with the following requirements and any other deemed necessary to promote the character and value of the surrounding neighborhoods:

1. Plans shall be to same scale as approved site plan.
 2. A minimum of 15% of the gross area must be landscaped.
 3. The area between the property line and the street shall be included in the landscape plan and shall be maintained by the property owner.
 4. Heights of landscaping materials shall be such that they do not create safety hazards for vehicular traffic by blocking sight lines at ingress and egress points.
 5. The specifications shall state the common names, sizes, and quantity of all materials to be utilized.
 6. Where the property abuts a different zoning district, it must be screened by a living screen. Planting which serves as a living screen shall be evergreens with an initial minimum six-foot (6') height and provides a solid visual barrier within two (2) years after planting.
- B. It shall be the property owner's responsibility to permanently maintain the approved landscaping in a neat and orderly manner.

Section 9-139. Architectural Plan Approval.

- A. Prior to the issuance of a building permit, there shall be seven (7) copies of a proposed architectural elevation of the building or buildings (except for single family dwellings) submitted to the City. The proposed architectural rendering, including use of site and/or building signage, shall be approved or disapproved based on its ability to create a village setting with a rural country style as a retail and neighborhood services area. This effort shall entail several design fixtures such as the use of clustered buildings as opposed to strip-type development. Sloping roofs are required for all dwelling units.
- B. Final architectural plans shall be approved by City Council as provided in this Chapter.

Section 9-140. Off-Street Loading and Parking.

In the Mixed Use district there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

- A. Business (general) or professional office, studio, bank, medical or dental clinic: Three (3) parking spaces plus one (1) additional parking space for each three hundred square feet (300 sq. ft.) of floor area over five hundred feet (500').

- B. Retail Store or Personal Service Establishment except as otherwise specified herein:

<u>Gross Leaseable Area</u>	<u>Minimum Parking Requirements</u>
0 - 2,499 sq.ft.	7 spaces per 1,000 sq.ft.
2,500 - 9,999 sq.ft.	5 spaces per 1,000 sq.ft.
10,000 sq.ft. & Over	5 spaces per 1,000 sq.ft.

Final parking requirements shall be based on occupancy and building use and shall be approved by the Planning and Zoning Commission.

- C. Food Service Establishment: One parking space per 2 seats in the dining area with at least 5 parking spaces minimum.

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- A. "Floor area" shall mean the gross floor area of the specific use.
- B. Where fractional spaces result, the parking spaces required shall be constructed to the nearest whole number.

Section 9-141. Special Conditions

- A. Property to be developed for nonresidential purposes, other than public and semi-public uses, shall be located upon a thoroughfare, except if it abuts property which is zoned for commercial or industrial purposes and which has major street frontage. A plan for development of the property, showing adequate access to and from the major streets shall be submitted to the Planning & Zoning Commission.
- B. Loudspeakers and similar devices in conjunction with commercial uses or parking lots shall not be used.
- C. Open space will be interconnected from interior of the site to the exteriors when feasible.
- D. A landscape plan shall include irrigation system size, quantity, and type of landscaping materials drawn to same scale as the site plan. A minimum of twenty percent (20%) shall be materials other than grasses. The landscape plan shall be submitted to the Planning & Zoning Commission for approval.
- E. Underground utilities will be required.

Section 9-142. Amendments

- A. A minor amendment to a MX district (including minor amendments to an approved Concept Plan) shall be defined as a change which: (1) does not decrease lot coverage or increase density; (2) does not change maximum structure height, setbacks, or required parking; and (3) does not change access to the property or circulation within or adjacent to the property.

- B. In cases of minor amendments to an MX district (including amendments to an approved Concept Plan), the City Council shall be authorized to approve such changes upon written application and explanation of the requested change by the owner of the property. No further public hearings shall be required.
- C. Any other change to an MX district (including amendments to an approved Concept Plan or Development Plan) shall be considered a change in zoning and shall be processed through the normal rezoning procedure, requiring public hearings before the Planning and Zoning Commission and City Council.

Section 9-143. Filing and Expiration Deadline

- A. An application for MX district zoning shall be submitted to the Planning and Zoning Commission at least fifteen (15) days prior to the meeting of the Commission at which such application may first be considered. The Planning and Zoning Commission shall, upon consideration of the application, the Concept Plan, and the information submitted therewith, make its recommendation to the City Council. The City Council shall consider the application, Concept Plan and other information, as well as the recommendation of the Commission, and shall approve or deny the application or shall require the applicant to submit additional information or make appropriate revisions to the materials submitted. An MX ordinance may be adopted upon approval of the application, Concept Plan and related information.
- B. If a site plan, landscape plan and architectural plan for all or any portion of an MX district are not filed within 30 months from the approval of a Concept Plan and the adoption of an ordinance granting MX zoning for a particular tract, the Planning and Zoning Commission and the City Council may review the Concept Plan and the ordinance granting MX zoning to determine whether the underlying concepts and assumptions are still valid. If any concepts and assumptions are no longer valid, a new Concept Plan may be required or different zoning may be established for the tract.
- C. If a project is not commenced and no preliminary plan application has been filed within 24 months from the approval of the site plan, landscape plan and architectural plan for a particular tract, the Planning and Zoning Commission and the City Council may review the Concept Plan, and the ordinance granting MX zoning to determine whether the underlying concepts and assumptions are still valid. If any concepts and assumptions are no longer valid, a new Concept Plan may be required or different zoning may be established for the tract.”

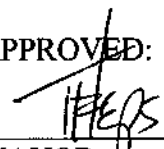
SECTION 2. That all provisions of the ordinances of the City of Lucas in conflict with provisions of this ordinance be and same are hereby repealed and all other provisions of the Code of Ordinances shall remain in full force and effect.

SECTION 3. That should any sentence, paragraph, subdivision, clause, phrase or section of this Ordinance be adjudged or 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 Comprehensive Zoning Ordinance as a whole.

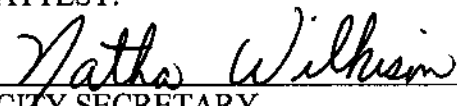
SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance as amended hereby shall be deemed guilty of a misdemeanor and subject to a penalty as provided for in the Code of Ordinances, and upon conviction shall be punished by fine not to exceed the sum of Two Thousand Dollars (\$2,000.00) for each offense, and each and every day such violation shall continue shall constitute a separate offense.

SECTION 5. That this ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law in such cases provides.

DULY ADOPTED by the City Council of Lucas, Texas on the 3RD day of MARCH, 2003.

APPROVED:


MAYOR

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:

CITY ATTORNEY

(51662)

ORDINANCE NO. 03-04-03

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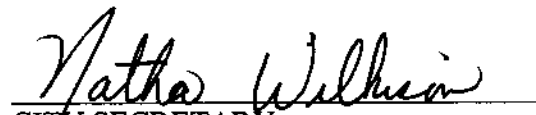
DULY PASSED by the City Council of Lucas, Texas on the 3RD day of MARCH, 2003.

APPROVED:



MAYOR

ATTEST:



CITY SECRETARY