

ORDINANCE NO. 1335

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY DELETING ARTICLE 30 THEREOF AND ADOPTING A NEW SECTION 30 PROVIDING CLARIFICATION OF PLANNED DEVELOPMENT GUIDELINES AND PROVIDING FOR A COURTESY NOTICE TO PROPERTY OWNERS WITHIN TWO HUNDRED (200) FEET.

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

SECTION 1. That the Comprehensive Zoning Ordinance is hereby amended as follows, in all other respects to remain in full force and effect:

Article 30, PD-Planned Development, is hereby deleted and a new Section 30 is hereby adopted to read as follows:

PURPOSE AND SCOPE: The PD - Planned Development District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts dealing with planned unit development of residential areas, planned shopping centers, and planned industrial parks. It shall, where applicable, supplement other classifications and is optional zoning where such uses are allowed under other zoning classifications.

Standards set forth in specific zoning districts are to be used as guidelines for Planned Developments.

Modifications of standards shall be considered if the modification substantially meets the intent of the standards and improves the design of the project. Therefore, the modifications of standards shall be based on the following criteria:

1. Unique project design which cannot be readily accomplished through other zoning districts.
2. Substantially accomplishes the intent of the standard and improves the overall development design. (Even though the modification may not meet the letter of the applicable standard, it provides for a better project design.)
3. Pecuniary reasons shall not be the sole reason for modification of standards.

A Planned Development project in this zoning classification shall include a detailed Development Plan and improvements in this district shall conform to the Development Plan approved by the Council in the zoning change action.

30.00 PRINCIPAL PERMITTED USES:

Townhouse development
Cluster housing
Shopping centers
Industrial parks
Civic centers or community centers
Medical centers or hospitals
Combination of uses: with proper application, certain uses may be combined
Other Uses: Such other uses that lend themselves to planning concepts that may not be applied in other zoning districts.

30.01 DEVELOPMENT PLAN: Approval of a Development Plan and filing of final plat with the Dallas County Clerk shall be a prerequisite to the issuance of building permits for any property in the PD - District. The Development Plan review process includes:

- (a) review by the Development Review Committee
- (b) review by the Commission and referral to the Council with a recommendation
- (c) review and final approval of the Development Plan by the Council

A courtesy notice, 10 days prior to official action by the Planning and Zoning Commission, shall be provided to all property owners within 200' of a proposed development for which Planned Development site plans have been submitted; provided however, that such notice shall be limited to one notice within a 12-month period, and further that such notice is for information only and shall not be considered a public hearing. (Separate public hearing notices as required for zoning action by this Ordinance and State Law shall be considered separate from this notice provision.)

30.011 MODIFICATIONS: The Commission may recommend and the Council may require such modifications of a Development Plan that will insure the proposed project will be in harmony with the existing and anticipated development of surrounding areas.

30.012 AMENDMENTS: All Development Plans hereunder approved may be amended pursuant to the same procedure and subject to the same limitations and requirements by which such plans were originally approved.

30.02

REQUIREMENTS OF DEVELOPMENT PLAN: A Development Plan shall include, but not necessarily be limited to, the following information:

- (a) Land area included with the site and the land area of all abutting sites with the zoning classifications thereon; all public and private rights-of-way and easements bounding and intersecting the site, and the abutting sites which are proposed to be continued, created, relocated, and/or abandoned;
- (b) Description of the proposed site and boundaries thereof;
- (c) Proposed finished grade of the site, showing contours to intervals of two (2) feet;
- (d) Location of each existing and each proposed structure on the site; the general category of use or uses of the structures; the architectural design and building materials proposed; the number of stories, gross floor area, and location of entrances and exits to the buildings;
- (e) Relation to public services and facilities;
- (f) Location of all on-site facilities for sanitation services;
- (g) Location and width of all streets and private drives;
- (h) Dimensions and capacities of parking areas and loading areas; character and location of illumination facilities for same;
- (i) Pedestrian walks, malls, and open spaces for use by the tenants or the public; including a plan for landscaping of the entire project;
- (j) Location and height of all walls, fences, and screen planting;
- (k) Location, size, height, and orientation of all signs, including signs flat on building facades;
- (l) Types of surfacing, such as paving, turfing, or gravel to be used at various locations;
- (m) Location of all existing and proposed utilities;
- (n) Locations of fire hydrants and designations of fire lanes;
- (o) Storm drainage and engineering design information.

C0147

30.03

ADMINISTRATIVE ACTION: Upon approval of the Development Plan and filing of the final plat with the Dallas County Clerk, all necessary permits and certificates authorized thereby may be issued. Subsequent to such approval, minor changes may be authorized by the Director of Community Development when such minor changes will not cause any of the following circumstances to occur:

- (a) A change in the character of the development
- (b) An increase in the ratio of the gross floor area in structures to the area of any lot
- (c) An increase in the intensity of use
- (d) A reduction in the originally approved separations between buildings
- (e) An increase in the problems of circulation, safety, and utilities
- (f) An increase in the external effects on adjacent property
- (g) A reduction in the originally approved setbacks from property lines
- (h) An increase in ground coverage by structures
- (i) Reduction in the ratio of off-street parking and loading space to gross floor area in structures
- (j) Change in the locations, lighting, or orientation of originally approved signs

30.04

CLUSTER HOUSING: The Cluster Plan is an application of higher density zoning as compared to conventional single-family residential zoning. In a cluster pattern, residential structures are arranged in closely related groups around access courts and the remainder of the tract may be left in its natural state or landscaped in harmony with the entire development. This open space may be designated as "common" to all homeowners in the development, or portions may be individually owned as in conventionally zoned areas. In either case, an agreement similar to a Homeowners' Agreement shall be made that upkeep and maintenance of the open space is the sole responsibility of the homeowners. It shall be stipulated that upkeep and maintenance of the open space does not become a burden to the city.

C0148

30.05 TOWNHOUSE DEVELOPMENT: Development of townhouse projects shall be considered within the scope of the PD-Planned Development zoning classification, thereby providing flexibility in planning and design, and allowing the application of innovative and creative development concepts.

The Standards for Townhouse Development (Article 63) are set forth as guidelines for the preparation of a Development Plan as required by this article.

SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, section or provision 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 of 1973 as a whole.

SECTION 3. 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 Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate to allow for proper development within the City, creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law and charter in such cases provides.

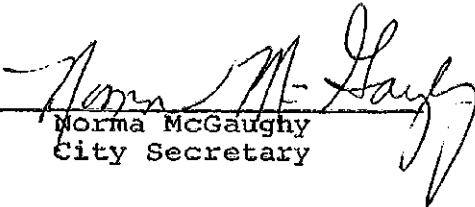
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of October, 1976



Bob Beard
Mayor

ATTEST:

APPROVES AS TO FORM:



Norma McGaughey
City Secretary

Elland Archer
City Attorney