

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MESQUITE BY DELETING THE EXISTING PLANNED DEVELOPMENT DISTRICT, ARTICLE 30, AND ADOPTING IN LIEU THEREOF ARTICLE 30 ENTITLED PD-PLANNED DEVELOPMENT; BY PROVIDING THE USES ALLOWED THEREIN AND THE PROCEDURES FOR REVIEW AND APPROVAL APPLICABLE THEREIN; BY ESTABLISHING FEES; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

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

1. Article 30 of the Comprehensive Zoning Ordinance of the City of Mesquite is hereby deleted in its entirety and in lieu thereof there is hereby adopted Article 30, designated PD-Planned Development, said article to read as follows:

ARTICLE 30
PD - PLANNED DEVELOPMENT

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.

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:

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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.

Granting of Planned Development zoning by the City Council shall require submission and approval of a Development Plan by the Planning and Zoning Commission and the City Council. Property development and improvements shall conform to the Development Plan as approved by the City Council.

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PRINCIPAL PERMITTED USES: Permitted uses under Planned Development zoning shall be dependent on specific zoning ordinances pertaining to individual tracts of land. If a Planned Development zoning ordinance references an existing zoning district, permitted uses shall be limited to those permitted in the referenced zoning district but shall include those uses permitted through the cumulative provisions of the Comprehensive Zoning Ordinance. Such permitted uses shall be allowable subject only to Planning and Zoning and City Council approval of a Development Plan. Other requirements specified in a Planned Development zoning ordinance shall serve as minimum standards for development of the property. Provided, however, that if a proposal incorporates a development concept not specifically regulated through an existing zoning district, the Commission and Council shall apply standards in site plan approval as in one or both of the existing zoning districts between which, as determined by the Commission and Council, the concept would most logically fall. The Commission and Council shall further exercise such discretion as they would exercise if the new concept was a proposal for adoption as a standard zoning district.

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DEVELOPMENT PLAN: Approval of a Development Plan and filing of a final plat with the Dallas County Clerk shall be a prerequisite to the issuance of building permits for any property in the Planned Development District. Development Plan approval shall also serve as preliminary plat approval provided that all requirements of the Subdivision Ordinance and all subsequent amendments are satisfied.

The Development Plan review process shall include:

- a. Review by the Development Review Committee.
- b. Review by the Planning and Zoning Commission and referral to the City Council with a recommendation and
- c. Review and final approval of the Development Plan by the City 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 feet 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. (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 City 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 FEES: Applications for Development Plan approval shall require a fee of \$100.00 for sites 10 acres or less or \$100 plus \$1.00 per acre for each acre over 10 when sites are larger than 10 acres.
- 30.02 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.
- 30.03 REQUIREMENTS OF DEVELOPMENT PLAN: A Development Plan shall include, but not necessarily be limited to, the following information:
- a. Land area included in the site and proposed boundaries thereof,
 - b. Identification of ownership and zoning of adjacent property, and if the adjacent property is platted, the identification of all streets and alleys that dead-end into the subject property,
 - c. Existing topography with contours at 5 foot intervals and for sites with unusual topographic characteristics, contours at 2 foot intervals or spot elevations may be required,

- d. Location of each existing and proposed structure on the site showing the approximate outline of perimeter walls of the structures with their distances from the property lines and other buildings, proposed building materials to be used, the number of stories, gross floor area and location of all entrances and exits to the building except for conventional single family (defined as structures located on lots with 60 foot minimum widths),
- e. Location of all on-site facilities for solid waste disposal,
- f. Location of all existing water, sanitary and storm sewer facilities within or abutting the site,
- g. Approximate location of fire hydrants and designation of fire lanes,
- h. Location and width of all existing and proposed streets, private drives, rights-of-way and easements either abutting, intersecting or crossing the site and an indication of any proposal to relocate or abandon same,
- i. Number and dimensions of parking spaces, width of driveways and driveway aisles; location of illumination facilities may also be required,
- j. For apartments, townhouses, condominiums and high-density detached single family, a landscaping plan showing existing wooded area to remain, types and locations of plantings, pedestrian walkways, location and height of all fences, recreational facilities and proposed equipment for play areas. Approval of the landscaping plan may be postponed until after the Planned Development site plan approval or delegated to the Staff.
- k. Location, size, height and orientation of all signs particularly those which are non-conforming to the City of Mesquite Sign Ordinance,
- l. For apartments, townhouses, condominiums and high-density detached single family, a table showing unit size, number of bedrooms and number of each unit type. Floor plans and building elevations may also be required,
- m. North point, scale at not less than 1"-100' and date.

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30.04 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 the gross floor area in structures, and
- j. Change in the locations, lightings, or orientation of originally approved signs.

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 the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

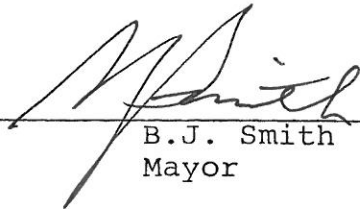
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid,

illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. 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 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an 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 and publication of said ordinance, as the law in such cases provides.

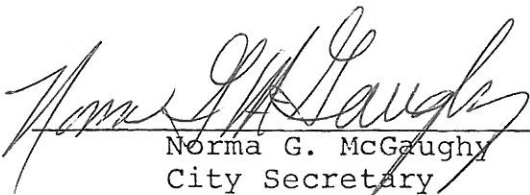
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of February, A.D., 1981.



B.J. Smith
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughey
City Secretary

Elland Archer
City Attorney