

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 DELETING SECTION 4-200 IN ITS ENTIRETY AND ADDING A NEW SECTION 4-200; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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 public hearings 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 deleting Section 4-200 in its entirety and adding a new Section 4-200 to read as follows, said ordinance in all other respects to remain in full force and effect.

#### **4-200 PLANNED DEVELOPMENT DISTRICT REGULATIONS**

##### **4-201 Application procedures.**

Application for a PD district shall be made in the same manner as an application for any amendment to the Zoning Ordinance and shall include the following additional information:

- A. *Proposed uses.* An application for a PD district shall specify and the PD ordinance shall incorporate the category or type of use or the combination of uses which are to be permitted in the PD district. Uses may be specified by reference to a specific zoning district, in which case all uses permitted in the referenced district, including those permitted through the cumulative provision of the Zoning Ordinance, shall be permitted in the PD district. Uses requiring a Conditional Use Permit under the referenced district shall require a Conditional Use Permit under the PD district unless such use is specifically set out as permitted in the PD ordinance.
- B. *Development requirements.* An application for a PD district shall specify and the PD ordinance shall incorporate the development requirements and standards

which are to be required in the PD district. Development requirements and standards may include, but are not limited to, density, lot size, unit size, setbacks, building heights, lot coverage, parking ratios, screening and other requirements or standards as the Council may deem appropriate. Development requirements and standards may be specified by reference to a specific zoning district, in which case all requirements and standards in the referenced district shall be applicable. Development requirements and standards shall generally be similar to requirements and standards set out in specific zoning districts for similar uses, except when varied or different standards improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance.

- C. *Concept plan.* An application for a PD district shall include a concept plan showing a preliminary layout of proposed uses, access, buildings, parking, open space and the relationship to existing natural features and to adjacent properties and uses. The concept plan shall be construed as an illustration of the development concepts and not as an exact representation of all specific details.

#### **4-202 Development site plan.**

Approval of a development site plan shall be a prerequisite to the issuance of building permits for any property in a PD district. Review of the development site plan shall confirm compliance with the conditions and stipulations of the PD ordinance.

A. *Compliance with approvals.*

1. *Requirements and standards specified.* The development site plan must comply with all provisions of the PD ordinance relating to permitted uses and to development requirements and standards, and must substantially reflect the precepts and layout set forth in the concept plan.
2. *Requirements and standards not specified.* If a PD ordinance does not specify development requirements and standards, the development site plan shall propose and specify such requirements and standards based on the requirements and standards set out in the most similar zoning district, i.e., the most similar or comparable density, lot size and/or use type. If more than one district appears to be similar, the following district requirements and standards shall be utilized:
  - a. Single family residential uses shall utilize the R-2A district;
  - b. Multifamily residential uses shall utilize the A-2 district; and
  - c. Nonresidential uses shall utilize the Light Commercial district.

An applicant may request varied or different standards to improve development design or enable a unique development type not otherwise accommodated in the Zoning Ordinance.

B. *Review process.* The development plan review and approval procedures shall be determined based on the size and nature of the project as follows:

1. *Development Review Committee.* The Development Review Committee shall review and make recommendations on all development site plans. The Development Review Committee shall have final approval authority to approve nonresidential development site plans for projects of ten acres or less, provided that the site plan does not request consideration and approval of varied or different requirements and standards than those found in the reference zoning district, and provided that the PD ordinance does not include discretionary/interpretative requirements, such as “residential character” or “similar to...” An applicant may appeal the determination of the Development Review Committee to the Planning and Zoning Commission. Site plans for which the Development Review Committee does not have final approval authority shall be forwarded to the Planning and Zoning Commission for further and/or final review and approval as set forth herein.

2. *Planning and Zoning Commission.* The Planning and Zoning Commission shall review and make recommendations on all development site plans, except those site plans for which the Development Review Committee has final approval authority.

The Planning and Zoning Commission shall have final approval authority for single family residential site plans and shall generally consider such site plans concurrently with the preliminary plat for the subdivision. An applicant may appeal the determination of the Planning and Zoning Commission to the City Council. Site plans reviewed by the Planning and Zoning Commission for which they do not have final approval authority shall be forwarded to the City Council for final review and approval.

3. *City Council.* The City Council shall review and shall have approval authority for all development site plans, except those site plans which may be approved by either the Development Review Committee or the Planning and Zoning Commission. In addition, the City Council may specify in a PD ordinance that it is delegating the authority for final approval of a development plan to the Development Review Committee or the Planning and Zoning Commission if it is satisfied that adequate information has been reviewed on the Concept Plan.

C. *Requirements.*

1. *General information.* Twenty copies of development site plan, vicinity map or adequate reference to intersecting streets to locate specific property, north arrow, date and scale (not less than one inch equals one hundred feet).

2. *Site/adjacent property information.* Site, indicating boundaries and project phase lines, if any, public or private rights-of-way and easements on site or abutting or intersecting the site, adjacent properties with zoning and existing uses identified.
  3. *Building layout.* Existing and proposed structures showing: approximate outline of perimeter walls and including distances to property lines and other structures; front, side and rear building setback lines; proposed category of use or uses of structures; elevation views or renderings indicating architectural design, building materials proposed and window orientations (one copy required); number of stories in height and feet; gross floor area; location of entrances and exits.
  4. *Circulation and parking.* Location, dimensions and proposed construction of all streets, private drives, alleys, parking areas and drive approaches; streets, drives and alleys which are adjacent to or dead-end into the site, including the location of existing and proposed median openings and left-turn lanes in boulevard streets; number and dimensions of parking spaces and width of drive approaches and aisles; sidewalks and other facilities for pedestrian circulation; location, width and curve radii for required fire lanes.
  5. *Drainage/utilities/services.* Existing and proposed topography reflecting proposed handling of on-site surface drainage; limits of the 100-year flood plain and floodway as shown on current FIA mapping including location and acreage; proposed improvements and method of maintenance for any drainage channels; existing and proposed sanitary sewer layout; existing and proposed fire hydrant locations; proposed locations for solid waste container pads.
  6. *Screening/open space/recreational facilities.* Location, height and building materials for any proposed or required walls or fences; height, location and type of any proposed berm or living screens; location and size (if applicable) of proposed recreation facilities (swimming pools, tennis courts, etc.); location of open play areas and playgrounds with play equipment; landscape plan.
  7. *Living units.* Table showing type of units by size, number of bedrooms and number of each type; floor plans for all units.
- D. *Application fee.* In order to defray the administrative costs of processing, a fee in the amount shown in the current fee schedule as adopted by the City Council shall be submitted with each application.

- E. *Administrative action.* Upon approval of a Development Site Plan by the Development Review Committee, Planning and Zoning Commission and/or City Council as set forth in 4-202B, and approval of the preliminary plat, application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor changes may be authorized by the Director of Development Services when such changes will not cause any of the following circumstances to occur:
1. A change in the character of the development;
  2. An increase in the ratio of the gross floor area in structures to the area of any lot;
  3. An increase in the intensity of use;
  4. A reduction in the originally approved separations between buildings;
  5. An increase in the external effects on adjacent property;
  6. An increase in the problems of circulation, safety and utilities;
  7. A reduction in the originally approved setbacks from property lines;
  8. An increase in ground coverage by structures;
  9. Reduction in the ratio of off-street parking and loading space to the gross floor area in structures; and
  10. Change in the locations, lighting or orientation of originally approved signs.
- F. *Expiration (Ord. 3031/5-1-95).* Approval of any Development Site Plan on file on the date of passage of this section and any site plan approved after the date of passage shall automatically expire three years from the date of approval unless a building permit has been issued and development activity on the tract has begun. When only an initial or partial phase of a project is constructed, the approval of the development site plan for any additional phases shall automatically expire after three years from the from the date of initial approval unless a building permit has been issued for the additional phases and development activity on the additional phases has begun. Extension of the approval period may be requested at any time prior to expiration or within sixty days after expiration. When it is determined that no significant changes affecting the site plan have occurred, the City Council may, after recommendation by the Planning and Zoning Commission, extend the approval. All approvals and extensions shall be valid for three years from the date of action, unless the City Council specifies a greater or lesser period.


SECTION 2. 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 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

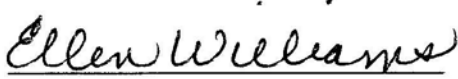
the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense.

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 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 15th day of October, 2001.

  
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Mike Anderson  
Mayor

ATTEST:

  
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Ellen Williams  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney