

ORDINANCE NO. 3874  
Zoning Text Amendment No. 2007-5

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; THEREBY AMENDING THE PLANNED DEVELOPMENT DISTRICT REGULATIONS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; 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 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. The applicant or the City may propose varied or different standards that 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 PLANNED DEVELOPMENT SITE PLAN**

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

### **A. COMPLIANCE WITH APPROVALS**

1. ***Requirements and Standards Specified*** The PD 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 PD 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.

### **B. REVIEW PROCESS**

The PD site plan review and approval procedures shall be as follows:

1. ***Development Review Committee*** The Development Review Committee shall review and make recommendations on all PD site plans. The Development Review Committee shall have final approval authority to approve PD site plans for projects of 10 acres or less. An applicant may appeal:

- a. Prior to the final determination of the Development Review Committee, the interpretation or applicability of a particular requirement or standard to the Director of Community Development.
- b. The final determination of the Development Review Committee to the Planning and Zoning Commission.

2. ***Planning and Zoning Commission*** The Planning and Zoning Commission shall review and have final approval authority on all PD site plans except those site plans for which the Development Review Committee has final approval authority and that are not appealed. The Planning and Zoning Commission may consider site plans concurrently with a preliminary plat for the development.

An applicant may appeal the final determination of the Planning and Zoning Commission to the City Council. Said appeal shall be filed in writing with the Director of Community Development no later than 10 days following the Commission's action.

### **C. REQUIREMENTS FOR PD SITE PLAN SUBMITTAL**

1. ***General Information*** 20 copies of PD site plan: vicinity map or adequate reference to intersecting streets to locate specific property; north arrow, date, scale (not less than 1" = 100').
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 final approval of a PD site plan, and approval of the preliminary plat, application(s) may be made for the permits and certificates necessary for construction. Subsequent to such approval, minor modifications or amendments to the PD site plan may be approved as provided in this subsection.

1. The Director of Community Development may determine that a modification to a previously approved PD site plan is exempt from further review as an amendment or as a new PD zoning application, provided the following criteria are met:
  - a. The change is necessary because of natural features of the site that were not foreseen by the applicant or the City prior to approval of the PD site plan; and
  - b. The change will not have the effect of significantly reducing any area of landscaping, open space, natural area or parking; and
  - c. The change will not have the effect of increasing the residential density of the development; and
  - d. The change, including all cumulative additions or expansions, will not increase the gross floor area of any non-residential structure by more than 20 percent; and
  - e. The change will not result in any structure or circulation being moved significantly in any direction; and
  - f. The change will not reduce any approved setback or increase the height of any structure by more than 10 percent; and
  - g. The change will not have the effect of altering the type or maximum size of signage, reducing amenities or connectivity, or reducing the quality of materials to be used in construction; and
  - h. The change does not result in any significant adverse impacts beyond the site.
2. The Development Review Committee or Planning and Zoning Commission, whichever had final authority over approval of the original PD site plan, may determine that an amendment to a previously approved PD site plan is exempt from further review as a new PD zoning application, if the following criteria are met:

- a. The amendment maintains the design intent or purpose of the PD ordinance; and
- b. The amendment maintains the quality of design or product established by the PD ordinance; and
- c. The amendment is not materially detrimental to uses or property in the immediate vicinity of the proposed change.

**F. EXPIRATION OF DORMANT PROJECTS**

Approval of a PD site plan constitutes a permit for purposes of City Code Section 1-17. A dormant PD site plan, or any phase thereof, shall automatically expire two years from the date of approval unless progress has been made toward completion of the project. The Director of Community Development may grant an extension for a limited duration upon the written request of the applicant filed at any time prior to expiration or within 60 days after expiration when the Director determines that no ordinances or changes affecting the site plan or property have occurred since approval of the PD site plan. Such extension may be made conditional.

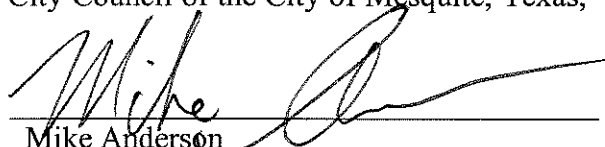
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and 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 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 (\$2,000.00) Dollars for each offense.

SECTION 5. That this ordinance shall be effective immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of July, 2007.

  
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Mike Anderson  
Mayor

ATTEST:

  
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Judy Wornack  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney