

ORDINANCE NO. 5083
Zoning Text Amendment No. 2023 – 04

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2023-04, THEREBY REVISING APPENDIX C – ZONING ORDINANCE; PART 1 (GENERAL PROVISIONS); PART 2 (RESIDENTIAL DISTRICTS); PART 3 (NONRESIDENTIAL DISTRICTS); PART 4 (PD AND OVERLAY DISTRICTS); PART 5 (ADMINISTRATION); AND PART 6 (DEFINITIONS); FOR THE PURPOSE OF UPDATING THE CITY’S ORDINANCES REGARDING REVIEW, APPROVAL, AND APPEAL PROCEDURES FOR SITE PLANS DUE TO THE TEXAS LEGISLATURE’S PASSAGE OF HOUSE BILL 14 (“H.B. 14”) DURING ITS 88TH REGULAR SESSION; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE WITH A FINE NOT TO EXCEED \$2,000; PROVIDING FOR PUBLICATION OF THE CAPTION HEREOF; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, provisions in the Mesquite Zoning Ordinance are in need of revisions with regard to Appendix C - Zoning Ordinance for the purpose of updating the review, approval, and appeal procedures for *site plans* due to the Texas Legislature’s passage of House Bill 14 (“[H.B. 14](#)”) during its 88th Regular Session; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas (“**City Council**”), to protect the public health, safety, and welfare; and

WHEREAS, the City of Mesquite, Texas (“**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to Article 11, [Section 5](#) of the Texas Constitution and [Chapter 9](#) of the Texas Local Government Code; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, [Section 51.072\(a\)](#); and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life, and property, and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, [Section 2](#); and

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WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property, and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter A, [§ 54.004](#), as amended; and

WHEREAS, pursuant to Mesquite City Charter, Article III, [Section 28](#), the City Council shall have the power to provide for the enforcement of all ordinances enacted by the City by a fine not to exceed the maximum amount authorized by State law; provided, that no ordinance shall prescribe a greater or less penalty than is prescribed for a like offense by the laws of this State; and

WHEREAS, the City's health and safety ordinances are subject to quasi-judicial enforcement pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Subchapter C, [§ 54.032](#); and

WHEREAS, the revision of the Mesquite Zoning Ordinance is drafted in accordance with Texas Local Government Code, Title 7, Subtitle A, [Chapter 211](#) (Municipal Zoning Authority); and

WHEREAS, on **NOVEMBER 13, 2023**, the City of Mesquite **PLANNING AND ZONING COMMISSION** considered the herein described text amendments to the *Mesquite Zoning Ordinance* and after having given proper public notice and holding a public hearing for the receipt of public comments, the Planning and Zoning Commission *recommended* by majority vote the City Council adopt the text amendments to the Mesquite Zoning Ordinance, attached as **EXHIBIT A**; and

WHEREAS, after having given proper public notice and holding a public hearing, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

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

SECTION 1. Recitals Incorporated.

The City Council hereby finds and determines the recitals made in the preamble of this Ordinance are true and correct, and hereby incorporates such recitals here in the body of this Ordinance as if copied in their entirety.

SECTION 2. Mesquite Zoning Ordinance Text Amendment.

Amending Parts 1, 2, 3, 4, 5, and 6.

The Mesquite Zoning Ordinance (“MZO”) is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**, and said Exhibit is attached hereto and made a part hereof, and in all other respects said Zoning Ordinance, and its parts, and sections shall remain in full force and effect.

SECTION 3. Conflicts Resolution Clause.

In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 4. Severability Clause.

Should any word, sentence, paragraph, subdivision, clause, phrase, or section of this Ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said Ordinance and the Mesquite City Code, as hereby or previously amended, which shall remain in full force and effect.

SECTION 5. Savings Clause.

An offense committed before the effective date of this Ordinance is governed by prior law and the provisions of the Mesquite City Code, as amended, in effect when the offense was committed, and the former law is continued in effect for this purpose.

SECTION 6. Penalty Clause.

Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. Publication.

This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. Effective Date.

This Ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

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DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, ON THE 20th DAY OF NOVEMBER 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

DocuSigned by:

David Paschall

666E18891208434...

David L. Paschall
City Attorney

EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
Part 1 (General Provisions); Part 2 (Residential Districts); Part 3 (Nonresidential Districts);
Part 4 (PD and Overlay Districts); Part 5 (Administration); and Part 6 (Definitions).

MESQUITE CITY CODE

* * *

Appendix C – Mesquite Zoning Ordinance

[Editor’s Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

PART 1. – GENERAL PROVISIONS

* * *

Section 1-100. GENERAL REGULATIONS

* * *

1-103 – Application of regulations.

* * *

- D. *Required reviews and approvals.* Site plan approval, issuance of building permits, and certificates of occupancy shall be required for all uses and construction to determine that the proposed uses and structures comply with the requirements and provisions of this ordinance and to require compliance therewith. Appeals, special exceptions, variances, and conditional use permits require additional approvals in accordance with specified hearing and notification procedures. See Part 5 for Administration for specific processing requirements which apply to particular types of uses, applications, and approvals by the Director, Development Review Committee, Board, Commission and/or City Council.

* * *

SECTION 1-200. DISTRICTS AND BOUNDARIES

* * *

1-204 – Newly annexed territory.

All territory hereafter annexed to the City of Mesquite shall be classified as AG-Agricultural until other zoning, where appropriate, is approved in accordance with required procedures. No permit for use of property or erection of structures shall be issued unless such use and structure is permitted in the AG district. Furthermore, erection of any structure other than a single family dwelling or an accessory structure related thereto, shall require approval of a site plan ~~by the city council, with recommendation from the planning and zoning commission, in compliance with 2-202A~~ pursuant to Part 5, 5-100, Section 5-107 (Site Plan).

* * *

EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

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PART 2. – RESIDENTIAL DISTRICTS

* * *

Section 2-200. USE REGULATIONS

* * *

2-202 – General conditions.

~~A. Site plan. A site plan, showing the proposed development including all easements, property lines, physical features, fire lanes and hydrants, buildings, utilities, parking and drives, and locations of refuse collection, and landscaping shall be required for all uses and construction except single family residences, duplexes, and accessory buildings related thereto.~~

~~1. AG district Permitted non-residential uses: A site plan for permitted non-residential uses in the AG district shall be processed in the same manner as specified for a development site plan in a PD district, requiring courtesy notice to adjacent property owners, review and recommendation by the planning and zoning commission and approval by the city council. (See 4-202)~~

~~2. R and D districts Permitted non-residential uses: A site plan for permitted non-residential uses in R and D districts shall be processed in the same manner as a site plan in a non-residential district, requiring approval of the development review committee. (See 3-202A)~~

~~3. A district: A site plan for multifamily or permitted non-residential uses in the A district shall be processed in accordance with 2-501A.~~

A. Site plan.

1. In general. A site plan is required for all developments in residential zoning districts pursuant to Part 5, 5-100, Section 5-107 (Site Plan).

2. Exceptions. A site plan is not required in residential districts for the following:

a. Single family / duplex home that does not involve the creation of a new subdivision.

b. Accessory structures related to single family residences and duplexes.

B. Families per unit. . . .

* * *

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PART 3. – NON-RESIDENTIAL DISTRICTS

* * *

Section 3-200. USE REGULATIONS

* * *

3-202 – General conditions.

~~A. Site plan. A site plan, including all easements, property lines, physical features, fire lanes and hydrants, buildings, utilities, parking and drives, adjacent streets with medians, and locations of refuse collection shall be attached to all applications for building permits and may be required with applications for certificates of occupancy if necessary to determine compliance with requirements. The development review committee shall review and approve site plans which are in compliance with all regulations of this ordinance, the subdivision ordinance, and all other requirements of the city Code.~~

A. Site plan. A site plan is required for all developments in non-residential zoning districts pursuant to Part 5, 5-100, Section 5-107 (Site Plan) except for the following:

a. Accessory structures / temporary structures.

B. *Office uses. . . .*

* * *

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Section 3-500. SUPPLEMENTARY USE REGULATIONS

* * *

3 – 503 – Commercial occupancy of frame buildings – CB district.

The conversion of existing frame residences for occupancy by office and retail uses shall be permitted in the Commercial Business district (“CB district”), subject to compliance with the following conditions.

* * *

~~C. *Site plan approval.*— A detailed site plan showing all existing and proposed features and improvements must be reviewed and approved by the city council prior to the issuance of a certificate of occupancy. The council shall consider compliance with the general requirements of the CB district and the criteria contained herein, as well as the use to which the property is to be subjected; the location, proximity, and nature of adjoining and surrounding property; and the enhancement or detriment to the revitalization of the downtown area. In considering the site plan, the council may add or waive restrictions and such variation, when embodied in the minutes and attached to the approved site plan, shall have the force of ordinance as same shall relate to the commercial occupancy of the frame residence on the subject property.~~

C. *Site Plan.* Site plans shall be required and enforced in accordance with Part 5, 5-100, Section 5-107 (Site Plan), or successor and as amended.

* * *

Cross references –

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-106.

Site Plan, Mesquite Zoning Ordinance, Part 5, 5-100, Section 5-107.

Appeals of Administrative Decisions to the Board of Adjustment, Mesquite Zoning Ordinance, Part 5, 5-200, Section 5-210.

Certificate of Occupancy fees; Appendix D – Comprehensive Fee Schedule, Article XII, Section 12-110.

Site Plan fees; Appendix D – Comprehensive Fee Schedule, Article XII, Section 12-121 (Planning and zoning fees).

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Section 3-600. OUTDOOR SALES, DISPLAY AND STORAGE REGULATIONS

* * *

3-602 – Outdoor display lot.

* * *

- B. ~~Site plan~~ *Concept Plan*. A ~~site plan~~ *concept plan* showing the proposed display and storage area, including parking, dumpster location, existing and proposed buildings, ingress and egress points, landscape areas, and fence and barrier locations. ~~[,]~~ shall be filed with the application for a conditional use permit.

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PART 4. – PD AND OVERLAY DISTRICTS

* * *

Section 4-200. PLANNED DEVELOPMENT DISTRICT REGULATIONS

* * *

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.~~ Approval of a Planned Development site plan (“PD site plan”) pursuant to Part 5, 5-100, Section 5-107 (Site Plan) shall be a prerequisite to the issuance of building permits for any property in a PD district. The PD site plan shall be in compliance with and reflect 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. Non-residential uses shall utilize the Light Commercial district.

B. Review process. The PD site plan review and approval procedures shall follow the site plan review process pursuant to Part 5, 5-100, Section 5-107 (Site Plan). ~~be as follows:~~

- ~~1. Development review committee. The development review committee shall review and make recommendations on all PD site plans. The development~~

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~~review committee. Director shall have final approval authority to approve PD site plans for projects of ten (10) acres or less.~~

~~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.~~

~~3. 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 ten (10) days following the commission's action.~~

C. *Requirements for PD site plan submittal.* The requirements for a PD site plan submittal shall follow the requirements for site plans pursuant to Part 5, 5-100, Section 5-107 (Site Plan).

~~1. General information. Twenty (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 one (1) inch equal one hundred (100) 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,~~

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~~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 one hundred 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. See Appendix D – Comprehensive Fee Schedule; Article XII; Section 12-121 (Planning and zoning fees).~~

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

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- 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 twenty (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 ten (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,~~ Director 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 (2) 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 sixty (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. See Part 5, 5-100, Section 5-107 (Site Plan).~~

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Section 4-600. HOTEL-PRIVATE CLUB OVERLAY DISTRICT REGULATIONS

* * *

4 – 603 – Required conditions.

No land in this district shall be used for hotel-private club use unless such land shall meet all of the following conditions:

A. *Location.* The premises shall not be located less than three hundred (300) feet from any public school and not less than five hundred (500) feet from any established detached single-family residential subdivision on the same side of a freeway right-of-way. Other separation requirements of City Code [Section 8-840](#) shall not apply.

~~B. *Site plan.* A site plan of any proposed establishment shall be submitted and approved by the city council prior to the issuance of a building permit or certificate of occupancy.~~

B. The facility housing a private club

[Editor's note: Remove existing Subsection B and re-letter the remaining subsections accordingly.]

* * *

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Section 4-900. MILITARY PARKWAY-SCYENE CORRIDOR OVERLAY DISTRICT

* * *

4 – 904 – Required conditions.

All establishments in the MP-SC overlay district shall meet the following conditions, in addition to any stipulations or conditions of approval under the conditional use permit provisions of this ordinance.

~~A. *Site/Floor Plan.* A site/floor plan of any proposed establishment shall be submitted and approved by the Director prior to the issuance of a building permit or certificate of occupancy. The site plan approval shall identify (a) the specific activities approved and (b) any added stipulations or conditions for development or operation.~~

A. *Private clubs (in conjunction with full service hotel only).*

[Editor's note: Remove existing Subsection A and re-letter the remaining subsections accordingly.]

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Section 4-930. SKYLINE LOGISTICS HUB OVERLAY DISTRICT

* * *

4-934 - Required conditions.

All establishments in the SLH Overlay District shall meet the following conditions, in addition to any stipulations or conditions of approval under the Conditional Use Permit (“CUP”) provisions of this ordinance.

~~A. *Site/floor plan.* A site/floor plan of any proposed establishment shall be submitted and approved by the Director prior to the issuance of a building permit or certificate of occupancy. The site plan approval shall identify (a) the specific activities approved and (b) any added stipulations or conditions for development or operation. The premises shall be operated and maintained in compliance with the approved site plan and certificate of occupancy in perpetuity, until replaced by a new site plan or certificate of occupancy, and further, shall be maintained in compliance with applicable provisions of the International Property Maintenance Code, as amended, during and after the use and occupancy of the premises or any structure thereon.~~

A. *Site design and maintenance. . . .*

[Editor’s note: Remove existing Subsection A and re-letter the remaining subsections accordingly.]

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PART 5. – ADMINISTRATION

Section 5-100. REVIEW AND ENFORCEMENT PROCEDURES

* * *

5-101 – General review requirements.

The following review and approval shall be required for all uses and construction to determine that the proposed uses and structures comply with the requirements and provisions of this ordinance and to require compliance therewith.

- ~~A. *Site plan.* A site plan, drawn to scale and showing the proposed development including all easements, property and setback lines, physical features, fire lanes and hydrants, buildings, utilities, parking and drives, adjacent streets with medians and drives, locations of refuse collection, and landscaping shall be attached to all applications for building permits and may be required with applications for certificates of occupancy if necessary to determine compliance with requirements. The development review committee shall review site plans and approve those which are in compliance with all regulations of this ordinance and other applicable building laws. Site plans on land classified PD also require commission and council review and approval. See 4-200.~~
- A. *Site Plan.* Site plans shall be required and enforced in accordance with Part 5, 5-100, Section 5-107 (Site Plan), or successor and as amended.
- B. *Building permits.* All construction, erection, expansion, and alteration of primary or accessory structures shall require application for a building permit, review of building plans, and issuance of a building permit in accordance with the Mesquite Building Code.
- C. *Certificates of occupancy.* Certificates of Occupancy (CO) shall be required and enforced in accordance with Section 5-106 (Certificate of Occupancy), or successor and as amended.

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5-107 – Site Plan.

- A. Purpose. The purpose of the site plan review process is to ensure compliance with the development and design standards and provisions of this Ordinance. It is designed to encourage quality development reflective of the goals, policies, and objectives of the Mesquite Comprehensive Plan and adopted planning and policy documents.
- B. Applicability. An approved site plan is required prior to the filing and approval of any construction plan and permit for and development of the following:
1. Non-residential developments.
 2. Single-family/duplex developments that involve the creation of a new subdivision, townhome developments, multifamily developments, or manufactured home park.
 3. Parking lot development, and reconstruction or reconfiguration of a parking lot by more than ten (10) percent.
 4. Accessory and temporary structures may be exempted from the site plan requirements by the Director.

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EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
Part 1 (General Provisions); Part 2 (Residential Districts); Part 3 (Nonresidential Districts);
Part 4 (PD and Overlay Districts); Part 5 (Administration); and Part 6 (Definitions).
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C. Application contents and fees.

1. Application contents generally. The applicant shall complete an application for the approval of a Site Plan. The application must include the information listed on the Site Plan Checklist, as it exists or may be amended, which shall be established and maintained by the Director and published on the City’s website.
2. Submittal waivers pursuant to pre-application meetings. At or following a pre-application meeting, the Director may waive certain submittal requirements, except for fees, in order to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements where the Director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development or subdivision clearly justify the waiver.
3. Authorization and payment required.
 - a. The City Council shall adopt, and amend from time-to-time, a fee schedule setting forth an assessment of fees to defray the cost of processing site plan applications. The fee schedule for plat applications, as amended, is provided in Appendix D of the Mesquite City Code; Article XII, Section 12-121 (Planning and zoning fees).
 - b. If review of the application requires use of outside consultants, the City may require, in addition to the fees above, that the applicant pay all or a portion of the reasonable fees charged by private consultants retained by the City for the purposes of reviewing the application and advising City officials and agencies with respect thereto. The Director will notify the applicant prior to retaining a consultant.
 - c. At the time of submittal, all applications shall include payment of the processing fee, as well as any review fees charged by agencies for which the City has agreed to collect.
4. No required fees for City-initiated applications. No fee shall be required for applications initiated by the City.

Cross reference –

Application fee; Appendix D – Comprehensive Fee Schedule, Article XII, Section 12-121 (Planning and zoning fees).

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D. Application submission.

1. Complete application required before submission and filing. All application submissions must be complete prior to official filing and any processing by the City of Mesquite. A complete application includes all documents and other information identified on the Site Plan Checklist and is accompanied by the applicable fee. The City's acceptance of an application submission for completeness review does not bind the City to accept an incomplete application for filing or processing.
2. Authority to submit applications. Only the person having legal authority to take action according to the approval sought may submit a site plan application. The person is presumed to be the record owner or the duly authorized agent of the record owner. Agents may only submit applications where the owner provides written consent.
3. Contact person designation.
 - a. The applicant shall designate one person on the application as the primary contact person who will be responsible for all notifications, including meeting dates, deadlines, and requirements. The City will communicate with the contact person about the application and review procedures. It is the contact person's responsibility to inform the owners or applicant of such information.
 - b. The applicant shall notify the Director in writing if there is to be a change in the contact person. The Director will continue to communicate with the designated contact person until the notice of change has been received.
4. Submit applications to the Planning Division. All applications required by this section shall be submitted to the Planning Division, unless otherwise specified.
5. Official submission. All applications for site plans shall be considered officially submitted when entered on the City's Online Application Portal before 3 p.m. on a business day during normal office hours. Applications entered on or after 3 p.m. on a business day, weekends, holidays, or other non-business days shall not be considered officially submitted until the next business day following the date the information was initially entered. The date of official submission is considered Day Zero (0).

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E. Completeness review of the submitted application.

1. In general. All application submissions must be deemed complete prior to officially being filed. A complete application includes all of the submittal information identified on the Site Plan Checklist published on the City of Mesquite internet website and any items or exhibits requested by the Director that are consistent with the standards and requirements of this ordinance, Mesquite Subdivision Ordinance as provided in Appendix B of the Mesquite City Code, and the Mesquite Engineering Design Manual. A complete application is also accompanied by the applicable fee.
2. Deadline for completeness determination. Staff shall determine whether an application is complete no later than ten (10) calendar days after the official submission of the application. The date of official submission is considered Day Zero (0).
3. Notice of complete or incomplete application. Staff shall make their determination of a complete or incomplete application in writing. An e-mail to the applicant or comment in the City's online project tracking system shall be considered a determination in writing. Notice occurs upon dispatch or publication, not upon the applicant's receipt.
 - a. Complete application. If it is determined that a submission is complete, the Director shall provide notice of acceptance and the date of official filing for scheduling and review purposes.
 - b. Incomplete application. A determination that a submission is incomplete shall identify the documents, studies, or other information needed to make the application complete. The determination shall also specify the date on which the application will expire, as calculated below, if the applicant does not supply the identified information to make the application complete.
4. Expiration of application. An incomplete application that has not been revised to meet the completeness requirements shall be considered expired on the 45th day after the original submission of the application. The City may retain the application fee paid. Following an expired application, any additional or further requests by the applicant must be accompanied by a new application and fee. No vested rights accrue from the submission of an application that has expired pursuant to this section.
5. Application deemed complete. An application shall be "deemed complete" on the 11th calendar day after the official submission if the applicant has not been notified of an incomplete application on or before that date. If the Director fails to identify an application as deemed complete where these regulations require that determination, the applicant may appeal to the Commission with a request to deem the application complete for the purposes of filing, review, and scheduling.

EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
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- F. Officially filed application. A site plan application is considered officially filed on the date the staff makes a determination that the application is complete, or on the date the application is “deemed complete” due to inaction by the staff.
- G. Withdrawal of application by applicant. An applicant shall have the right to withdraw an application, without prejudice, at any time prior to action on the application.
1. The applicant shall submit a written withdrawal request to the Director, and after withdrawal, the City will not take further action on the application.
 2. The application shall be considered terminated and no rights shall vest based on the application.
 3. To re-initiate review, the applicant may resubmit the application which shall in all respects be treated as a new application for purposes of review, scheduling, and payment of application fees.
- H. Review process.
1. Development Review Committee. The Development Review Committee shall review and make recommendations on all site plans to the Director.
 2. Review by other departments and divisions.
 - a. In addition to internal review, staff may distribute the officially filed application to other City departments and divisions and to any other appropriate governmental or quasi-governmental agencies and bodies to solicit comments and ensure that the proposal complies with all applicable standards, requirements, and review criteria. The applicant shall be responsible for submitting any additional information or revised plans required by staff or the referral agencies in a timely manner if required for compliance review. As applicable, the review and decision-making authority shall consider the services and facilities provided by the referral agencies as a factor in approval of the application.
 - b. Referral agencies shall comment in writing after receiving an officially filed application. The failure of any agency to respond shall be considered "no comment" on the application by that agency. As applicable, referring agencies will provide the Director with a summary of any capacity evaluation study that assesses the availability of City-provided facilities or services to the proposed development. The summary will include an explanation of the agency's assumptions regarding available capacity.
 3. Subsequent requests for information. Staff and referral agencies shall use best efforts to identify all major issues and to request additional information, data, or reports from the applicant, during the review period described above. This provision shall not be interpreted to preclude staff or referral agencies from requesting revisions or corrections to previously submitted materials if such materials are subsequently found to be inaccurate, incomplete, or if subsequent plan revisions do not comply with applicable requirements.

EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
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I. Review Criteria. Recommendations and decisions on site plan approval shall be based on consideration of the following criteria:

1. Evidence of substantial compliance with the purpose and intent provisions of this Code;
2. Consistency with applicable plan documents;
3. Consistency with any previously approved subdivision plat, planned development, or any other precedent plan or land use approval as applicable;
4. Compliance with all applicable development and design standards set forth in the Mesquite Zoning Ordinance, Mesquite Subdivision Ordinance, Mesquite Engineering Design Manual, and City adopted Building and Fire Codes with amendments;
5. That the development can be adequately served by City services, including but not limited to roads, water, storm sewer and sanitary sewer.

J. Action by the Director.

1. Action on the application. The Director shall take any of the following actions regarding a site plan application:
 - a. Approve; or
 - b. Approve with conditions; or
 - c. Disapprove.
2. Approval with conditions (conditional approval). If an application is approved with conditions (also referred to as a conditional approval), the Director shall include in his/her decision a reference to the specific conditions of approval.
3. Disapproval.
 - a. If an application is disapproved, the Director shall include in his/her decision a reference to the specific reasons for disapproval.
 - b. The applicant shall be provided with a written statement of the reasons for disapproval that clearly articulates each specific reason for disapproval. Each reason specified in the written statement may not be arbitrary and must:
 1. Be directly related to the requirements under this Article; and
 2. Include a citation to the law, including a statute or municipal ordinance, that is the basis for the conditional approval or disapproval, if applicable.

EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
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- c. Upon disapproval, no later than the end of the next business day after the date of the decision, staff shall provide the reasons for disapproval to the applicant in a written statement by email or on the City’s Online Application Portal.

K. Response Review Application – Response by applicant to Approval with Conditions or Disapproval – Response Review Application.

1. The applicant may apply to the City with a response to the approval with conditions or disapproval by filing a Response Review Application on the City’s Online Application Portal that satisfies each condition of approval or remedies each reason for disapproval.
2. The application shall include the response letter, the revised site plan, the response review fee, and any additional submittal requirements applicable.
3. The applicant’s disapproval of any condition to approval constitutes the City’s continuing disapproval of the site plan application.
4. The applicant’s disapproval to a reason for disapproval constitutes the City’s continuing disapproval of the site plan application.

L. Action on Response Review Application.

1. Review. The Response Review Application shall be scheduled for the Director’s consideration.
2. Deadline. The Director shall approve or disapprove a response to approval with conditions or disapproval not later than the 15th day after the date the Response Review Application (including fee) was officially filed.
3. Procedures. If a Response Review Application is approved, approved with conditions, or disapproved, the Director or Commission shall follow the same procedure for action on an initial application.
4. Final action. A site plan previously approved with conditions or disapproved shall be approved if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
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M. Waivers. The City may not request or require an applicant to waive a deadline or other approval procedure.

State Law reference – Waivers; V.T.C.A. Local Government Code, Chapter 247, Section 247.005, as amended.

N. Expiration of dormant projects. Approval of a site plan constitutes a permit for purposes of City Code Section 1-17. A dormant site plan, or any phase thereof, shall automatically expire two (2) years from the date of approval unless progress has been made toward completion of the project. The Director 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 site plan. Such extension may be made conditional.

O. Third-Party Review.

1. If a regulatory authority does not approve, conditionally approve, or disapprove a development document by the 15th day after the date prescribed by a provision of this Article for the approval, conditional approval, or disapproval of the document, any required review of the document may be performed by a person (third-party) in accordance with V.T.C.A. Local Government Code, Chapter 247 (Third-Party Review of Development Documents and Inspection of Improvements).
2. If a regulatory authority does not conduct a required development inspection by the 15th day after the date prescribed by a provision of this Article for conducting the inspection, the inspection may be conducted by a person (third-party) in accordance with V.T.C.A. Local Government Code, Chapter 247 (Third-Party Review of Development Documents and Inspection of Improvements).

State law reference –

Third-Party Review of Development Documents and Inspection of Improvements; V.T.C.A. Local Government Code, Chapter 247.

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EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
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P. Appeals to City Council.

1. In accordance with Texas Local Government Code, Chapter 247, Section 247.006 (Appeal) as amended, a person may appeal to the City Council:
 - a. A decision to conditionally approve or disapprove a development document made by the regulatory authority for the City, or a person authorized by Texas Local Government Code, Section 247.002(a) as amended, to perform the review of the document; or
 - b. A decision regarding a development inspection conducted by the regulatory authority, or a person authorized by Texas Local Government Code, Section 247.002(b) to perform the inspection.
2. A person must file an appeal under this section not later than the 15th day after the date the decision being appealed is made. The date of decision is considered Day Zero (0).
3. If the City Council hearing the appeal does not affirm the decision being appealed by a majority vote on or before the 60th day after the date the appeal is filed:
 - a. The development document (e.g. site plan) that is the subject of the appeal is considered deemed approved; or
 - b. The development inspection that is the subject of the appeal is deemed waived.

State law references –

Appeal; V.T.C.A. Local Government Code, Chapter 247, Section 247.006.

Definitions; V.T.C.A. Local Government Code, Chapter 212, Section 212.001.

Cross references –

Definitions; Part 6, 6-100, Section 6-102.

Appeal fee; Appendix D – Comprehensive Fee Schedule, Article XII, Section 12-121 (Planning and zoning fees).

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EXHIBIT A-1 TO ORDINANCE NO. 5083: ZTA 2023-04.

Amendments to Appendix C – Mesquite Zoning Ordinance (MZO) regarding Site Plans.
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* * *

Section 5-400. ADMINISTRATORS AND REVIEW BODIES

* * *

5-401. Summary of Application Actions.

[EXHIBIT A-2 – Identifies the Mark-Up to the Chart.]

[EXHIBIT A-3 – Clean and Final Version of the Chart.]

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EXHIBIT A-2 TO ORDINANCE NO. 5083; ZTA NO. 2023-04.
Mesquite Zoning Ordinance, Part 5, Sec. 5-401.
 P&Z Meeting Date: November 13, 2023 | City Council Meeting Date: November 20, 2023

MESQUITE ZONING ORDINANCE – SUMMARY OF APPLICATION ACTIONS									
APPLICATIONS	ADMINISTRATORS AND REVIEW BODIES								
	Building Official / Fire Code Official	Historic Preservation Officer (HPO)	Director of Planning & Development Services	Landmark Commission (MLC)	Planning & Zoning Commission (P&Z)	Board of Adjustment (BOA)	City Council (CC)	District Court	Zoning Ordinance Source Cited
* City Council (CC)									
Zoning Ordinance Text Amendment			RR		PH & RR		PH & D	A	5-302
Zoning Map Amendment (Zoning Change)			RR		PH & RR		PH & D	A	5-302
Planned Developments (PD)			RR		PH & RR		PH & D	A	4-200
Conditional Use Permits			RR		PH & RR		PH & D	A	5-102 ; 5-302 5-303
Site Plan Requiring CC Action			RR				R & D	A	3-503 ; 4-603 5-107
Designation of Mesquite Landmark or H-POD		R	R	PH & RR			PH & D	A	4-400
* Board of Adjustment (BOA)									
Termination of Nonconforming Use						PH & D		A	1-304
Variance to Zoning			RR			PH & D		A	5-200
Special Exceptions			RR			PH & D		A	5-102 5-200
Appeal of Certain Administrative Decisions						R & D		A	5-102 5-200
* Planning & Zoning Commission (P&Z)									
Site Plan (PD) Requiring P&Z Action			RR		R & D		A		4-202 5-102 & 5-107 5-101 & 5-102
* Mesquite Landmark Commission (MLC)									
Certificate of Appropriateness		R		R & D		A			4-409
Certificate of Demolition, Removal or Relocation		R		R & D		A			4-410
Director of Planning & Development Services									
Site Plan Review; and Site Plan (PD) Review-Administrative			R & D			A	A		4-202 4-904 ; 4-934 ; 5-107
Zoning Interpretation			R & D			A			5-102
Historic Preservation Officer (HPO)									
Determination of No Material Effect		R & D		A					4-409
Building Official / Fire Code Official									
Certificate of Occupancy	R & D					A			5-106
KEY									
R = Review RR = Review & Recommendation PH – Public Hearing D = Decision A = Appeal									
* = A governmental body subject to the Open Meetings Act									



EXHIBIT A-3 TO ORDINANCE NO. 5083; ZTA NO. 2023-04.
Mesquite Zoning Ordinance, Part 5, Sec. 5-401.
 P&Z Meeting Date: November 13, 2023 | City Council Meeting Date: November 20, 2023

MESQUITE ZONING ORDINANCE – SUMMARY OF APPLICATION ACTIONS									
APPLICATIONS	ADMINISTRATORS AND REVIEW BODIES								
	Building Official / Fire Code Official	Historic Preservation Officer (HPO)	Director of Planning & Development Services	Landmark Commission (MLC)	Planning & Zoning Commission (P&Z)	Board of Adjustment (BOA)	City Council (CC)	District Court	Zoning Ordinance Source Cited
* City Council (CC)									
Zoning Ordinance Text Amendment			RR		PH & RR		PH & D	A	5-302
Zoning Map Amendment (Zoning Change)			RR		PH & RR		PH & D	A	5-302
Planned Developments (PD)			RR		PH & RR		PH & D	A	4-200
Conditional Use Permits			RR		PH & RR		PH & D	A	5-102 ; 5-302 5-303
Site Plan Requiring CC Action			RR				R & D	A	3-503 ; 4-603 5-107
Designation of Mesquite Landmark or H-POD		R	R	PH & RR			PH & D	A	4-400
* Board of Adjustment (BOA)									
Termination of Nonconforming Use						PH & D		A	1-304
Variance to Zoning			RR			PH & D		A	5-200
Special Exceptions			RR			PH & D		A	5-102 5-200
Appeal of Certain Administrative Decisions						R & D		A	5-102 5-200
* Planning & Zoning Commission (P&Z)									
Site Plan (PD) Requiring P&Z Action			RR		R & D		A		4-202 ; 5-102; 5-107
* Mesquite Landmark Commission (MLC)									
Certificate of Appropriateness		R		R & D		A			4-409
Certificate of Demolition, Removal or Relocation		R		R & D		A			4-410
Director of Planning & Development Services									
Site Plan Review; and Site Plan (PD) Review-Administrative			R & D				A		4-202 ; 4-904 ; 4-934 ; 5-107
Zoning Interpretation			R & D			A			5-102
Historic Preservation Officer (HPO)									
Determination of No Material Effect		R & D		A					4-409
Building Official / Fire Code Official									
Certificate of Occupancy	R & D					A			5-106
KEY									
R = Review RR = Review & Recommendation PH – Public Hearing D = Decision A = Appeal									
* = A governmental body subject to the Open Meetings Act									

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PART 6. – DEFINITIONS

Section 6-100. DEFINITIONS AND INTERPRETATION OF TERMS

* * *

6-102 – Definitions.

[Editor’s note: Insert the following new definitions in alphabetical order.]

* * *

Decision-making authority: Means the “regulatory authority” responsible for approving or disapproving a development document.

* * *

Development document: A document, including an application for a plat, plan, or development permit, related to the development of or improvement to land that is required by law, ordinance, rule, or other measure to be approved by a regulatory authority in order for a person to initiate, engage in, or complete the development or improvement.

State law reference – Definitions; V.T.C.A. Local Government Code, Chapter 247, [Section 247.001](#).

Development inspection: The inspection of an improvement to land required by a regulatory authority as part of a project to develop the land or construct or improve an improvement to the land.

State law reference – Definitions; V.T.C.A. Local Government Code, Chapter 247, [Section 247.001](#).

Development permit: A permit required by a regulatory authority to develop land or construct or improve an improvement to land.

State law reference – Definitions; V.T.C.A. Local Government Code, Chapter 247, [Section 247.001](#).

* * *

Plan: A subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan. V.T.C.A. Local Government Code, Chapter 212, Section 212.001. [Note: This definition has been repealed by the 88th Texas Legislature ([H.B. 3699](#)) from Section 212.001; however, the definition for “plan” is referenced in V.T.C.A. Local Government Code, Chapter 247, Section 247.001, as being defined in Section 212.001.]

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Plat: A preliminary plat, final plat, and replat. V.T.C.A. Local Government Code, Chapter 212, Section 212.001. The term also includes a “development plat” under Texas Local Government Code, Chapter 212, Subchapter B.

State law reference – Definitions; V.T.C.A. Local Government Code, Chapter 247, Section 247.001.

* * *

Regulatory authority means the governing body of a political subdivision, or a department, board, commission, or other entity of the political subdivision, responsible for processing or approving a development document or conducting a development inspection.

State law reference – Definitions; V.T.C.A. Local Government Code, Chapter 247, Section 247.001.

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