

ORDINANCE NO. 5153  
Zoning Text Amendment No. 2025 – 01

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REVISING THE MESQUITE CITY CODE BY MAKING A MESQUITE ZONING ORDINANCE TEXT AMENDMENT, ZTA NO. 2025-01, THEREBY REVISING APPENDIX C – ZONING ORDINANCE, PART 4 (PD AND OVERLAY DISTRICTS); PART 5 (ADMINISTRATION), REPEALING AND REPLACING 5-300 TO BE TITLED (AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING TEXT, AND ZONING MAPS; AND PROCEDURES FOR CUP, PD, OVERLAY, AND OTHER DISTRICTS); PART 5, 5-400, SECTION 5-401 “SUMMARY OF APPLICATION ACTIONS”; AND PART 6 (DEFINITIONS), 6-100 (DEFINITIONS AND INTERPRETATION OF TERMS), SECTION 6-102 “DEFINITIONS” FOR THE PURPOSE OF UPDATING THE PROCESS AND PROCEDURES FOR AMENDMENTS TO THE COMPREHENSIVE PLAN AND ZONING TEXT AND ZONING MAP AMENDMENTS, AND TO PROVIDE FOR UPDATED NOTICE REQUIREMENTS TO ALIGN WITH CHANGES IN STATE LAW, AND OTHER GENERAL UPDATES RELATED THERETO; PROVIDING CONFLICTS RESOLUTION, SAVINGS, AND SEVERABILITY CLAUSES; 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**, 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,** the City derives its municipal zoning authority for zoning regulations and districts from Texas Local Government Code, Title 7, Subtitle A, [Chapter 211](#), (Municipal Zoning Authority); and

**WHEREAS,** zoning regulations must be adopted in accordance with a comprehensive plan pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, [Section 211.004](#) (Compliance with Comprehensive Plan); and

**WHEREAS,** on **January 13, 2024**, the City of Mesquite **PLANNING & 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 **EXHIBITS A, B, C and D**; 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 4, 5, and 6.**

The Mesquite Zoning Ordinance is hereby amended by making certain additions and deletions as identified in **EXHIBITS A, B, C, and D** and said Exhibits are 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.

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**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 21st DAY OF JANUARY 2025.**

Signed by:

*Daniel Aleman*

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**Daniel Alemán, Jr.**  
**Mayor**

**ATTEST:**

DocuSigned by:

*Sonja Land*

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**Sonja Land**  
**City Secretary**

**APPROVED AS TO LEGAL FORM:**

Signed by:

*David L. Paschall*

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**David L. Paschall**  
**City Attorney**



**EXHIBIT A TO ORDINANCE NO. 5153 ; ZTA NO. 2025-01.**  
**Mesquite Zoning Ordinance, Part 5, Sec. 5-401 (Summary of Application Actions).**  
 P&Z Meeting Date: January 13, 2025 | City Council Meeting Date: January 21, 2025

### 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
<b>* City Council (CC)</b>									
Zoning Ordinance Text Amendment (ZTA)			RR		PH & RR		PH & D	A	<a href="#">5-302</a> <a href="#">5-308</a>
Zoning Map Amendment (Zoning Change)			RR		PH & RR		PH & D	A	<a href="#">5-302</a> <a href="#">5-309</a>
Planned Developments (PD)			RR		PH & RR		PH & D	A	<a href="#">4-200</a>
Conditional Use Permits (CUP)			RR		PH & RR		PH & D	A	<a href="#">5-102</a> ; <a href="#">5-302</a> <a href="#">5-303</a> <a href="#">5-310</a>
Site Plan Requiring CC Action			RR				R & D	A	<a href="#">3-503</a> ; <a href="#">4-603</a> ; <a href="#">5-107</a>
Designation of Mesquite Landmark or H-POD		R	R	PH & RR			PH & D	A	<a href="#">4-400</a>
<b>* Board of Adjustment (BOA)</b>									
Termination of Nonconforming Use						PH & D		A	<a href="#">1-304</a>
Variance to Zoning			RR			PH & D		A	<a href="#">5-200</a>
Special Exceptions			RR			PH & D		A	<a href="#">5-102</a> <a href="#">5-200</a>
Appeal of Certain Administrative Decisions						R & D		A	<a href="#">5-102</a> <a href="#">5-200</a>
<b>* Planning &amp; Zoning Commission (P&amp;Z)</b>									
Site Plan (PD) Requiring P&Z Action			RR		R & D		A		<a href="#">4-202</a> ; <a href="#">5-102</a> & <a href="#">5-107</a>
<b>* Mesquite Landmark Commission (MLC)</b>									
Certificate of Appropriateness		R		R & D		A			<a href="#">4-409</a>
Certificate of Demolition, Removal or Relocation		R		R & D		A			<a href="#">4-410</a>
<b>Director of Planning &amp; Development Services</b>									
Site Plan Review; and Site Plan (PD) Review-Administrative			R & D				A		<a href="#">4-202</a> ; <a href="#">4-904</a> ; <a href="#">4-934</a> <a href="#">5-107</a>
Zoning Interpretation			R & D			A			<a href="#">5-102</a>
<b>Historic Preservation Officer (HPO)</b>									
Determination of No Material Effect		R & D		A					<a href="#">4-409</a>
<b>Building Official / Fire Code Official</b>									
Certificate of Occupancy	R & D					A			<a href="#">5-106</a>
<b>KEY</b>									
R = Review      RR = Review & Recommendation      PH – Public Hearing      D = Decision      A = Appeal									
* = A governmental body subject to the Open Meetings Act									

## MESQUITE CITY CODE

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### APPENDIX C – MESQUITE ZONING ORDINANCE (MZO)

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## PART 4. PD AND OVERLAY DISTRICTS

### 4-100. DISTRICTS ESTABLISHED

For the purpose of this ordinance, the following Planned Development District, Overlay Districts and Form-Based Districts are established.

#### 4-101 PD - Planned Development District.

~~The PD District is designed to provide flexibility in development planning and the opportunity for the application of planning concepts. PD zoning shall require the submission and approval of a development site plan.~~

- A. **In general.** A Planned Development (PD) District is essentially a customized zoning district that provides some flexibility to traditional zoning requirements. The purpose of a PD District is to encourage the unified design of residential, commercial, industrial, and institutional uses, including combinations of uses that are not otherwise attainable under conventional base zoning districts. PDs are also intended to encourage flexible and creative planning, to ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. PDs may include uses, regulations, and other requirements that vary from the base zoning districts contained within the Mesquite Zoning Ordinance (MZO), or from other ordinances, rules, or regulations of the City.
- B. **Process and procedures.** Planned Development (PD) Districts are approved and amended in accordance with Part 5, 5-300, Sec. 5-311 (Planned Development (PD) Districts).
- C. **PD ordinances not codified.** Planned Development (PD) Districts are approved, and may also be amended, by the City Council in uncoded ordinances. Said ordinances shall remain on-file with the City Secretary's Office and shall be made available on the City's Internet web-site.
- D. **Official zoning map.** The location and boundaries of any PD Districts, established by this Zoning Ordinance, are set forth in the official Zoning Map of the City of Mesquite, Texas, as periodically amended.

(Ord. No. 3911, § 1(1), 11-5-07)

#### **4-102 Overlay zoning districts.**

An overlay zoning district is zoning, applied over one or more other districts, creating an additional, mapped zone that is superimposed over the conventional zoning districts. The regulations for properties included in the overlay district are in addition to those of the underlying base zoning district or any other applicable underlying districts. Development within any overlay zoning district must conform to the requirements of all zones, or the more restrictive of the zones, unless otherwise provided.

The following overlay zoning districts typically provide for a higher level of regulation but may also provide for exemptions or less restrictive standards.

Overlay zoning districts are approved and amended in accordance with Part 5, 5-300, Sec. 5-312 (Overlay Districts and Other Types of Districts).

The location and boundaries of the following overlay districts, established by this Zoning Ordinance, are set forth in the official Zoning Map of the City of Mesquite, Texas, as periodically amended.

A. Reserved.

\* \* \*

#### **4-103 Form-based districts.**

Form-based zoning districts are approved and amended in accordance with Part 5, 5-300, Sec. 5-312 (Overlay Districts and Other Types of Districts).

A. *Truman Heights Neighborhood*. . . .

\* \* \*

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

### **4-201 - ReservedApplication 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.

(Ord. No. 3458, § 1, 10-15-01; Ord. No. 3874, § 1, 7-16-07)

### **4-202 - ReservedPlanned development site plan.**

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:



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Appendix C – Mesquite Zoning Ordinance (“MZO”); Part 4. PD and Overlay Districts  
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- 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).

**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).

**D. ~~Application fee.~~** 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 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 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 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 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.~~** See Part 5, 5-100, Section 5-107 (Site Plan).

(Ord. No. 3031, § 1, 5-1-95; Ord. No. 3458, § 1, 10-15-01; Ord. No. 3874, § 1, 7-16-07; Ord. No. 5083, § 2(Exh. A), 11-20-23)

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EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.  
Appendix C – Mesquite Zoning Ordinance (“MZO”)  
NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
and Procedures for CUP, PD, Overlay, and Other Districts.  
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MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE (MZO)

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5-300. AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING TEXT, AND  
ZONING MAPS; AND PROCEDURES FOR CUP, PD, OVERLAY, AND OTHER  
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Appendix C – Mesquite Zoning Ordinance (“MZO”)

*NEW* 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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*[Editor’s Note: Repeal and replace 5-300 with the following new text.]*

## **Part 5. – ADMINISTRATION**

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### **5-300. AMENDMENTS TO THE COMPREHENSIVE PLAN, ZONING TEXT, AND ZONING MAPS; AND PROCEDURES FOR CUP, PD, OVERLAY, AND OTHER DISTRICTS**

#### **5-301 – In General.**

After receiving a recommendation and final report from the Planning and Zoning Commission, or the Mesquite Landmark Commission, the City Council may from time to time, amend, supplement, or change the regulations herein provided (“Zoning Text Amendments”), or change the boundaries or classification of the zoning districts (“Zoning Map Amendments”), including granting Conditional Use Permits (“CUPs”), creating or amending Planned Development (“PD”) Districts, Overlay Districts, and other types of districts subject to compliance with sections in 5-300 and applicable State or other applicable law.

**Charter reference** – Zoning, Article III, [Sec. 27](#).

#### **5-302 – Abbreviations, Acronyms, and Definitions.**

##### **A. *Abbreviations and Acronyms.***

1. BOA: Board of Adjustment
2. CO: Certificate of Occupancy
3. CUP: Conditional Use Permit
4. HOA: Home Owners Association
5. H-POD: Historic Preservation Overlay District
6. ML: Mesquite Landmark
7. MLC: Mesquite Landmark Commission
8. MZO: Mesquite Zoning Ordinance
9. PAM: Pre-Application Meeting
10. PD: Planned Development
11. P&Z: Planning and Zoning
12. TLGC: Texas Local Government Code
13. ZTA: Zoning Text Amendment

##### **B. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-303 – Application Procedures.**

- A. *Applicability.*** This section applies to applications for Comprehensive Plan amendments, Zoning Text Amendments (ZTAs), Zoning Map Amendments (change of zoning classification), Conditional Use Permits (CUPs), Planned Development (PD) Districts, overlay districts, and other types of districts.
- B. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- C. *Initiation.*** An application may be initiated by any one or more of the following:
  - 1. *City.*
    - a. The City Council, the Planning and Zoning Commission, or Director.
    - b. The Landmark Commission may recommend the City Council initiate an application with regard to Mesquite Landmark (ML) individual designations, and Historic Preservation Overlay District (H-POD) designations in accordance with 4-400 (Mesquite Landmarks and Historic Preservation Overlay Districts Designations and Regulations).
  - 2. *Property owner or authorized agent.*
    - a. An owner of property located in the City of Mesquite, or its extra-territorial jurisdiction (ETJ) when applicable, or a person expressly authorized in writing by the property owner.
    - b. For Mesquite Landmark (ML) individual designations, and Historic Preservation Overlay District (H-POD) designations see 4-400 (Mesquite Landmarks and Historic Preservation Overlay Districts Designations and Regulations).
  - 3. *Others.* Persons having no ownership interest in the land and not having the owner's consent shall not be permitted to initiate an application. Such parties may petition the Planning & Zoning Commission, in writing or by spokesperson, requesting that the Planning & Zoning Commission initiate an application in accordance with this sub-section.
    - a. *Non-owner request to initiate an application.* If the Planning & Zoning Commission determines that the potential for adverse impacts on surrounding property and for incompatibility of development due to changed conditions is greater than at other locations where similar uses abut or are in close proximity to each other, it may initiate an application in order to afford a full hearing on the matter.
    - b. *Additional factors to consider.* The Planning & Zoning Commission, in making its decision, may consider among other things the following additional factors. These additional factors may be considered by the Commission in making its decision to initiate a non-owner application, but these additional factors are not requirements for initiation of an application:
      - (1) The time elapsed since the last zoning action on the property;
      - (2) Any substantial changes in conditions in the area since the last zoning action;

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- (3) The relationship of current zoning and the requested action to the City’s comprehensive plan/development policies; and
- (4) Other facts and reasons presented.

c. *Consideration of Subsequent Non-owner Applications.* If the Planning & Zoning Commission declines to initiate an application, no similar non-owner petition shall be considered on the subject property for a period of one (1) year in accordance with Section 5-303 (Application Procedures).

**Cross references –**

Sub-section (L) - Consideration of Subsequent Applications prohibited for one (1) year, Section 5-303 (Application procedures).

Sub-section (M) – Exception to the one (1) year wait requirement for Subsequent Applications, Section 5-303 (Application procedures).

**D. *Pre-Application Meeting (PAM).***

1. *Pre-application meeting optional.* Prior to the submission of an application, applicants are encouraged to schedule and attend an optional pre-application meeting with the City staff.
2. *Purpose of pre-application meeting.* Pre-application meetings with City staff may be used to discuss, in general, procedures, standards, or regulations relating to the proposed application.
3. *Pre-application meeting request.* If a pre-preapplication meeting is requested, the City staff may require the applicant to submit information in the form of a Pre-Application Meeting Request Form prior to the pre-application meeting to allow City staff time to review the proposal.
4. *A pre-application meeting request form is not an application.* Any Pre-Application Meeting Request Form materials submitted or discussed as a part of a pre-application meeting shall not be considered an application for development or permit of any kind, but will be considered an informal request for information prior to the actual application submittal by an applicant.
5. *Scheduling the pre-application meeting.* After receipt of a Pre-Application Meeting Request Form, the City staff will schedule the pre-application meeting and inform the applicant in writing of the meeting date, time, and location.
6. *Record of pre-application meeting.* The City is not responsible for making or keeping a summary of the topics discussed at the pre-application meeting.

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Appendix C – Mesquite Zoning Ordinance (“MZO”)  
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**E. *Application Contents.***

1. *Application form(s).* All applications must be on forms provided by the Director. The Director is authorized to request all information necessary to evaluate the request in the application.
2. *Application contents.* A submitted application must include all information, plans, and data as specified in the application requirements. The application must include the information listed on the relevant application checklist, as it exists or may be amended, which shall be established and maintained by the Director and published on the City's Internet website.
3. *Map/drawing.* When requested, the applicant shall include with the application a planimetric map, boundary survey, or other map adequate to accurately identify and locate the subject property.
4. *Submittal waivers.* If any application submittal requirement is not applicable or is inappropriate to determine the nature of the request, a submittal waiver may be requested with justification for such a waiver. The Director may waive the submittal requirements, except for fees, where the Director finds it is clearly justifiable to make such a waiver.

**F. *Fees.***

1. *Fee required.* Unless otherwise herein authorized, each application must be accompanied by the required fee(s) as set forth in the City of Mesquite Comprehensive Fee Schedule.
2. *No fees required for City-initiated applications.* There are no fee requirements if an application is submitted by any officer, department, board, or commission of the City. However, a non-owner request to the Commission to initiate an application will require a fee.
3. *Fee is required before an application is determined complete.* An application shall not be considered complete unless it is accompanied by the required fee.
4. *Fee for new notification.* If an applicant causes his/her application to be continued or tabled, and requires new notification, the applicant shall be charged an additional fee of 30 percent (30%) of the original application fee.
5. *Refunds.* If an application is withdrawn, no fee, or portion thereof, shall be refundable after notices regarding the application have been issued or processed for issuance in accordance with Section 5-305 (Notice); however, a refund shall be issued when the applicant requests to withdraw the application due to a City staff error or other error shown to be not the fault of the applicant.

**Cross reference –** [Sec. 12-121](#) Planning and zoning fees; Mesquite City Code, Appendix D – Comprehensive Fee Schedule.

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Appendix C – Mesquite Zoning Ordinance (“MZO”)  
 NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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**G. *Submitting the Application.***

1. *Submission.* Submission, and completeness review, are both required prior to the City's acceptance and the official filing of an application. All applications must be submitted, in such quantity as required by the application instructions, with the Department, unless otherwise specified.
2. *Zoning submittal calendar.* The Director is authorized to publish on the City's Internet website a zoning submittal calendar to be used by an applicant to facilitate compliance with the submission, review, public hearing, and approval process.
3. *Date of submission.* All applications shall be considered 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 or on Saturday, Sunday, or City holidays (or City observed holidays) shall not be considered submitted until the next business day following the date the information was entered.

**Cross reference** – City's on-line application portal - [City of Mesquite Citizen Self Service](#).

**H. *Completeness Review of Application.***

1. *Completeness review required.* Submission, and completeness review, are both required prior to the City's acceptance and the official filing of an application.
2. *Requirements of a complete application.* A complete application includes, but may not be limited to:
  - a. Required forms.
  - b. All information, plans, and data as specified in the application requirements.
  - c. The appropriate fee(s).
3. *Incomplete applications.* If the application does not include all the submittal requirements for the application, the Director will reject the application and provide the applicant with the reasons for the rejection. The Director will take no further steps to process the application until all deficiencies are remedied.
4. *Completeness determination.* The Director shall make his/her final determination regarding a complete or incomplete application in writing.

**I. *Acceptance and Official Filing of the Application.***

1. *A submitted and complete application shall be accepted and officially filed.* If it is determined that a submitted application is complete, the Director shall accept the application and date stamp the application noting the date of the acceptance and official filing of the application.
2. *City shall notify applicant of the acceptance and official filing date.* Upon acceptance and official filing of an application, the Director shall provide to the applicant notice of City's acceptance and official filing date of the application.



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- J. *Substantive Changes Made After Application is Determined Complete.*** After an application is determined complete, any substantive change made by the applicant to the application requires resubmittal of the entire application and a new completeness review. Such revisions do not require an additional payment of fees unless notices have been issued or processed for issuance. If the substantive changes made to the application were made after notices have been issued, or processed for issuance, and are due to a City staff error or other error not the fault of the applicant, additional payment of fees are not required. Once the application is under consideration by the appropriate body, additional information or revisions requested during review do not constitute a substantive change to the application.
- K. *Withdrawal of Application.*** An applicant has the right to withdraw an application at any time prior to the final decision, including the ability to withdraw the application if it has been tabled or postponed by the Commission or City Council. The applicant must submit a request for withdrawal in writing. Fees shall only be refunded in accordance with this Section 5-303 F. (Fees). The Director's receipt of a written request to withdrawal the application shall officially terminate the application.
- L. *Consideration of Subsequent Applications Prohibited for One (1) Year.***
1. *When a matter is recommended for denial (or deemed as a recommendation for denial) by the Commission a subsequent application is prohibited for one (1) year.* In the case where an application received a recommendation for denial (or was deemed as a recommendation for denial) by the Planning and Zoning Commission, and the application did not advance to the City Council for consideration, a subsequent application for substantially the same request will not be reviewed or heard prior to one (1) year from the denial unless an exception exists. See Section 5-303 M. (Exception to the one (1) year wait requirement for Subsequent Applications).
  2. *When a matter is denied by the City Council a subsequent application is prohibited for one (1) year.* Within one (1) year of the date of denial by the City Council, a subsequent application for substantially the same request will not be reviewed or heard unless an exception exists. See Section 5-303 M. (Exception to the one (1) year wait requirement for Subsequent Applications).
  3. *New application is permissible after the one (1) year wait requirement.* An application submitted after the required one (1) year wait requirement shall be processed as a new application; however, the new application shall denote the history of any prior requests and/or prior denials associated with the property.

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**M. *Exception to the one (1) year wait requirement for subsequent applications.***

1. *Exception.* A subsequent application for a previously denied request may be reviewed or heard, prior to the expiration of the one (1) year wait requirement, if the Director determines extenuating circumstances exist such that changed conditions or facts will substantially alter the review of the application.
2. *Submitting the subsequent application prior to the expiration of the one (1) year wait requirement.*
  - a. Any subsequent application submitted prior to the expiration of the one (1) year wait requirement shall be processed in the same manner as all other original applications, including the requirement to pay all applicable fees associated with a new application.
  - b. Any subsequent application submitted prior to the expiration of the one (1) year wait requirement shall include a detailed statement of the grounds justifying its reconsideration.
3. *Completeness review of a subsequent application prior to the expiration of the one (1) year wait requirement.* Submission, and completeness review, are both required prior to the City’s acceptance and the official filing of any subsequent application prior to the expiration of the one (1) year wait requirement.

**Cross reference** – Sub-Section (H) Completeness Review of Application, Section 5-303 (Application Procedures).
4. *Acceptance and official filing of the subsequent application prior to the expiration of the one (1) year wait requirement.* If it is determined that a submitted subsequent application is complete, the Director shall accept the application and date stamp the application noting the date of the acceptance and official filing of the application. Upon acceptance and official filing of any subsequent application, the Director shall provide to the applicant notice of City’s acceptance and official filing date of the application.

**Cross reference** – Sub-Section (I) Acceptance and Official Filing of the Application, Section 5-303 (Application Procedures).
5. *Decision regarding resubmittal of a subsequent application for consideration prior to the expiration of the one (1) year wait requirement.*
  - a. The Director shall make a determination as to whether the subsequent application is appropriate for resubmittal to the Planning and Zoning Commission prior to the expiration of the one (1) year wait requirement.
  - b. If the Director finds that there are no new grounds for consideration of the subsequent application prior to the expiration of the one (1) year wait requirement, he/she will summarily, and without hearing, deny the request for consideration of the subsequent application.

**N. *Appeal of administrative decisions to Board of Adjustment.*** Persons aggrieved by an administrative order, requirement, decision, or determination made by a City administrative official, in the enforcement or interpretation of this Zoning Ordinance may appeal to the Board of Adjustment in accordance with Part 5, 5-200, Section 5-210 (Appeals of administrative decisions to Board of Adjustment).

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## **5-304 – Action by the Director.**

- A. *Applicability.*** This section applies to applications for Comprehensive Plan amendments, Zoning Text Amendments (ZTAs), Zoning Map Amendments (change of zoning classification), Conditional Use Permits (CUPs), Planned Development (PD) Districts, overlay districts, and other types of districts.
- B. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- C. *Action by Director.*** All applications, along with the associated fees, must be submitted to the Department in accordance with Section 5-303 (Application Procedures). The Director, or his/her designee, shall take the following actions upon the City's acceptance and the official filing of the application:
1. Upon receipt of an accepted and officially filed application the Director, or his/her designee, shall review and produce a Staff Report for presentation to the Commission and later the City Council. The Staff Report shall provide a summary of the issue(s) to be addressed, shall include staff comments, and may provide a recommendation regarding the application.
  2. The Director shall assign a case number and prepare a draft of the proposed Zoning Text Amendment (ZTA), Zoning Map Amendment (change of zoning classification), or Conditional Use Permit (CUP).
  3. The Director shall schedule the application for a public hearing, to be conducted in accordance with Section 5-306 (Public Hearing), for consideration by the Planning and Zoning Commission and later the City Council when applicable.
  4. The Director shall provide notice in accordance with Section 5-305 (Notice).
- D. *Appeals of administrative decisions to Board of Adjustment.*** Persons aggrieved by an administrative order, requirement, decision, or determination made by a City administrative official, in the enforcement or interpretation of this Zoning Ordinance, may appeal to the Board of Adjustment in accordance with Part 5, 5-200, Section 5-210 (Appeals of administrative decisions to Board of Adjustment).

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## **5-305 – Notice.**

Notice provided by the Planning and Zoning Commission, Mesquite Landmark Commission, (collectively herein referred to as “Commission”) and City Council shall be conducted in accordance with this Zoning Ordinance, State law, and any other applicable Commission, and City Council rules and regulations.

### **A. *Applicability.***

1. This section applies to applications for Comprehensive Plan amendments, Zoning Text Amendments (ZTAs), Zoning Map Amendments (change of zoning classification), Conditional Use Permits (CUPs), Planned Development (PD) Districts, overlay districts, and other types of districts.
2. This section 5-305 (Notice) also applies to Mesquite Landmark (ML) Individual Designations, and Historic Preservation Overlay District (H-POD) Designations in accordance with 4-400 (Mesquite Landmarks and Historic Preservation Overlay Districts Designations and Regulations).

### **B. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.

### **C. *Required Notice.***

1. *Public notice pursuant to the Open Meetings Act.* All public hearings, pursuant to any matter in 4-400 and 5-300 sections shall be held at public meetings of the Commission, and the City Council. The public notice for meetings shall comply with the Texas Open Meetings Act.

#### **Cross references –**

MZO, Part 5, 5-400, [Sec. 5-402](#) – General Regulations of Boards and Commissions.  
Mesquite City Code, Chapter 20, General Regulations, [Article III](#).

#### **State Law references –**

V.T.C.A., Local Government Code, Chapter 211, Compliance with Open Meetings Law, [§ 211.0075](#).  
V.T.C.A., Government Code, Open Meetings Act, Notice of Meeting Required, [§ 551.041](#).  
V.T.C.A., Government Code, Open Meetings Act, Time and Accessibility of Notice; General Rule, [§ 551.043](#).

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2. *Other required notice.* The following table summarizes the City’s required notice for matters contained in 5-300 sections.

Table 5-305.01					
APPLICATION	NOTICE TYPE				TIMING
	Mailed to Occupants/Tenants	Mailed to Property-Owners	Published	Sign Posted on Property	(in days before the Public Hearing date)
<b>Zoning Text Amendment (ZTA)</b>					
<b>PLANNING &amp; ZONING (P&amp;Z) COMMISSION:</b>					
Zoning Text Amendments (ZTAs)			X		Before the <b>15th Day</b> before the P&Z Commission Public Hearing date.
Additional Notice: When the ZTA creates a nonconforming use of property. [See TLGC § 211.006 (a-1).]	X	X			Not later than the <b>10th DAY</b> before the P&Z Commission Public Hearing date.
<b>CITY COUNCIL:</b>					
Zoning Text Amendments (ZTAs) [See TLGC § 211.006 (a).]			X		Before the <b>15th Day</b> before the City Council Public Hearing date.
Additional Notice: When the ZTA creates a nonconforming use of property. [See TLGC § 211.006 (a-1).]	X	X			Not later than the <b>10th DAY</b> before the P&Z Commission Public Hearing date.
<b>Zoning Map Amendment (Change of Zoning Classification)</b>					
<b>PLANNING &amp; ZONING COMMISSION:</b>					
Zoning Map Amendments (Change of Zoning Classification) [See TLGC § 211.007 (c).]		X		X	Before the <b>10th Day</b> before the P&Z Commission Public Hearing date.
Additional Notice: When the Zoning Map Amendment creates a nonconforming use of property. [See TLGC § 211.006 (a-1).]	X	X			Not later than the <b>10th DAY</b> before the P&Z Commission Public Hearing date.
<b>CITY COUNCIL:</b>					
Zoning Map Amendments (Change of Zoning Classification) [See TLGC § 211.006 (a).]			X	X	Before the <b>15th Day</b> before the City Council Public Hearing date.
Additional Notice: When the Zoning Map Amendment creates a nonconforming use of property. [See TLGC § 211.006 (a-1).]	X	X			Not later than the <b>10th DAY</b> before the P&Z Commission Public Hearing date.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, § 211.006.  
Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

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3. *Alternate notice procedures.* In accordance with State law, the City Council may, by a two-thirds (2/3) vote, prescribe the type of notice to be given of the time and place of a public hearing. See TLGC § 211.006 (c); and TLGC §211.007 (d), successor and as amended.

**D. Mailed Notice.**

1. *Purpose of mailing notice.* The mailing of notice of a public hearing informs potentially interested parties within the proximity of the property of the date, time, and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.
2. *Requirement and deadline for mailing notice.* When mailed notice is required under State law, the Director shall give notice of a public hearing by mailing notice not later than the days as indicated above (in Table 5-305.01) prior to the public hearing, unless otherwise provided. For calculation purposes, the date of the public hearing shall be considered Day Zero (0).
3. *Exceptions to the requirement for new mailed notice.*
  - a. *Postponed public hearing.* In the event a public hearing is postponed at the noticed hearing (prior to opening the hearing), no new mailed notice is required to conduct the hearing at a later date, provided the hearing is postponed to a date specific and a public announcement of the future date, time, and place of the postponed hearing is made during the noticed meeting and recorded in the minutes.
  - b. *Continued public hearing.* In the event a public hearing is opened and continued to a date specific, no new mailed notice is required to continue and conduct the hearing at a later date, provided the hearing is continued to a date specific and a public announcement of the future date, time, and place of the continued hearing is made during the noticed hearing and recorded in the minutes.
4. *Format, method of mailing notice, parties, and courtesy notice.*
  - a. *Format of mailed notice.* Mailed notice may be in any format that meets the requirements of TLGC §211.007, including postcards and use of bulk rate postage provided it meets the time frames required.
  - b. *Method of mailing notice and parties.* A mailed notice of public hearing is properly served by its deposit, properly addressed with postage paid, in the U.S. mail to the:
    - (1) **applicant;**
    - (2) **owners of record of real property**, as indicated by the most recently approved municipal tax roll, located within 200-feet of the subject property; and
    - (3) **owners of record of real property and business personal property** where the proposed nonconforming use is located, as indicated by the most recently approved municipal tax roll, and **each occupant/tenant of the property**, *when* a current conforming use of property becomes a nonconforming use if the amendment is adopted; and
    - (4) **each school district** in which the property for which the change in a Zoning Map Amendment (“change in zoning classification”) is proposed is located, *when* the change affects residential or multifamily zoning; and
    - (5) **parties to an appeal** (*when* applicable).

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- c. *Courtesy mailed notice.* A courtesy mailed notice of public hearing may be provided as follows; however, failure to issue this courtesy mailed notice shall not invalidate the notice or any action taken by the Planning and Zoning Commission, and/or the City Council:
  - (1) to the owners of record of real property, as indicated by the most recently approved municipal tax roll, located within 400-feet of the subject property; and
  - (2) to the Home Owners Association (HOA) related to the subject property, if applicable.

5. *Content of mailed notice.*

- a. A mailed notice of public hearing shall provide at least the following specific information:
  - (1) generally describe the subject matter of the public hearing;
  - (2) identify the location of the subject property;
  - (3) identify the applicant;
  - (4) identify the body holding the public hearing;
  - (5) identify the date, time, and place of the public hearing;
  - (6) reference the written protest procedures (if applicable); and
  - (7) include the address, website, and telephone number of the office from which additional information may be obtained.
- b. When a current conforming use of property becomes a nonconforming use if the amendment is adopted include the following text in ALL CAPS, **bold**, 14-point type or larger in accordance with TLGC § 211.006 (a-1):

**“THE CITY OF MESQUITE, TEXAS, IS HOLDING A  
HEARING THAT WILL DETERMINE WHETHER YOU  
MAY LOSE THE RIGHT TO CONTINUE USING YOUR  
PROPERTY FOR ITS CURRENT USE.  
PLEASE READ THIS NOTICE CAREFULLY.”**

6. *Sufficiency of mailed notice.* The notice shall contain the correct date, time, and location of the public hearing, and a reasonable person should be able to determine the location of the property and subject matter of the application or item being taken up by the Commission and City Council. The following errors or omissions shall not invalidate the notice or public hearing:
  - a. Minor typographical and grammatical errors contained in the notice; and
  - b. Failure to issue a “courtesy notice” to persons located outside of the 200-foot area from the subject property.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, § 211.006.  
Zoning Commission, V.T.C.A. Local Government Code, § 211.007.  
Nonconforming Land Use, V.T.C.A. Local Government Code, § 211.019.

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**E. *Published Notice.***

1. *Purpose of published notice.* The publication of the written notice of a public hearing informs potentially interested parties of the date, time, and place of the public hearing and the substance of the public hearing agenda items that may be considered or reviewed.
2. *Requirement and deadline for publishing notice.* The Director shall give notice of a public hearing by publishing written notice not later than the days as indicated above (in Table 5-305.01) prior to the public hearing, unless otherwise provided. For calculation purposes, the date of the public hearing shall be considered Day Zero (0).
3. *Method of publication.* A written notice of public hearing is properly published in the official newspaper of the City or a newspaper of general circulation in the City.
4. *Exceptions to the requirement for new published notice.*
  - a. *Postponed public hearing.* In the event a public hearing is postponed at the noticed hearing (prior to opening the hearing), no new published notice is required to conduct the hearing at a later date, provided the hearing is postponed to a date specific and a public announcement of the future date, time, and place of the postponed hearing is made during the current meeting and recorded in the minutes.
  - b. *Continued public hearing.* In the event a public hearing is opened and continued to a date specific, no new published notice is required to continue and conduct the hearing at a later date, provided the hearing is continued to a date specific and a public announcement of the future date, time, and place of the continued hearing is made during the current hearing and recorded in the minutes.
5. *Content of publication of notice.* A published notice of public hearing shall provide at least the following specific information:
  - a. generally describe the subject matter of the public hearing;
  - b. identify the applicant;
  - c. identify the location of the subject property (if applicable);
  - d. identify the body holding the public hearing;
  - e. identify the date, time, and place of the public hearing; and
  - f. include the telephone number of the office from which additional information may be obtained.
6. *Sufficiency of published notice.* The notice shall contain the correct date, time, and location of the public hearing, and a reasonable person should be able to determine the location of the property and subject matter of the application or item being taken up by the Commission and City Council. Minor typographical and grammatical errors contained in the notice shall not invalidate the notice or public hearing.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).  
 Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).



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**F. *Courtesy Sign Posted on the Property.***

1. *Purpose of courtesy sign posted on the property.* A sign posted on the property providing notice of a public hearing informs potentially interested parties of the date, time, and place of the public hearing and the substance of the public hearing agenda items that may be considered or reviewed.
2. *Procedures for the sign posted on the property.* The Director, or his/her designee, may give notice of a public hearing by posting a sign on the property and should generally adhere to post the sign prior to the public hearing as indicated above (in Table 5-305.01), unless otherwise provided. For calculation purposes, the date of the public hearing shall be considered Day Zero (0).
3. *Method of posting the sign.*
  - a. A sign may be placed by the City on the property, which is the subject of the proposed amendment, or said sign may be placed in the right-of-way. The sign shall be visible to the public.
  - b. The sign placed on the property pursuant to this paragraph may remain on the property until the day following the close of the public hearing conducted by the City Council on the proposed zoning amendment or the date the application is otherwise terminated, whichever is earlier.
  - c. The submission of an application by the owner or person authorized by the owner of the property constitutes consent by the owner of said property for City employees to enter the property to place and remove the sign on the property.
  - d. If the change of zoning is initiated by the City, the sign may be placed on the closest public right-of-way to the boundary of the property that is the subject of the application if the owner of the property does not otherwise consent to the placement of the sign on the property.
4. *Content of the sign posted on the property.*
  - a. The sign should include the following specific information:
    - (1) City of Mesquite logo or other identifier;
    - (2) state in **bold letters** that a “**Proposed Zoning Change**” has been requested;
    - (3) include the specific Zoning Case Number;
    - (4) web-page address and/or QR Code linked to a web-page; and
    - (5) phone number to the Commission’s office.
  - b. The web-page shall include all content found in any mailed notice (Sec. 5-305.C.5.).
5. *Sufficiency of notice.* The following errors or omissions shall not invalidate the notice or public hearing:
  - a. Minor typographical and grammatical errors contained in the notice; and
  - b. Failure to post the sign on the subject property or in the right-of-way and/or failure to post a sign by the days indicated above (in Table 5-305.01) prior to the public hearing shall not invalidate the notice or public hearing and does not require a delay of action by the Commission and/or the City Council.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).  
Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).

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**5-306 – Public Hearing.**

Public hearings conducted by the Planning and Zoning Commission, Mesquite Landmark Commission, (collectively herein referred to as “Commission”) and City Council shall be conducted in accordance with this Zoning Ordinance, State law, and any other applicable Commission and City Council rules and regulations.

- A. *Pre-Hearing Examination.*** Once required notice is given, any person may examine the application and material submitted in support of or in opposition to the application during normal business hours, subject to the exceptions set forth in the Texas Public Information Act. Upon reasonable request, any person is entitled to copies of the application and related documents. A fee may be charged for such copies in accordance with the schedule of charges for producing records pursuant to the Public Information Act.

**State law reference** – Public Information Act, V.T.C.A. Government Code, [§ 552.001](#), et seq.

**Cross references** –

Records – Request for copies of City records, Mesquite City Code, [Sec. 1-15](#).

Appendix D—Comprehensive Fee Schedule, [Section 1-102](#)—Records—Fees for copies of city records containing public information.

**B. *Conduct of Public Hearing.***

1. *Appearances at a public hearing.* A party may appear at the public hearing in person, by agent, or attorney. Applicants and/or their representatives are not required to attend the public hearing, but are encouraged to do so.
2. *Speakers.* A person shall be called to speak at a public hearing in the manner provided by the chairperson, or at the appropriate time provided in the Agenda.
3. *Preliminary issues prior to opening a public hearing.* Before opening a hearing, the Commission and/or City Council may decide preliminary issues raised by the parties or City staff, including, but not limited to, requests to postpone the public hearing.
4. *Process of public hearing.* A public hearing on an individual application, or on a grouping of applications, should generally proceed as follows:
  - a. Presentation of a report by City staff.
  - b. Opportunity for comments and/or presentation by the applicant (if present).
  - c. The Chair will open the public hearing.
  - d. Opportunity for comments by persons supporting the application.
  - e. Opportunity for comments by persons opposing the application.
  - f. Opportunity for rebuttal by the applicant.
  - g. The Chair may close the public hearing.
5. *Questions.* A member of the Commission and City Council may ask questions of any person at any time during the hearing. With the approval of the Chair, a speaker addressing the Commission and/or City Council may ask a question of another person in attendance; however, the person shall be acknowledged by the Chair and must be at the podium prior to answering any such questions.
6. *Time limits.* The Chair may limit both the applicants’ and speakers’ time to address the body.

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
and Procedures for CUP, PD, Overlay, and Other Districts.

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7. *Postpone holding a public hearing.* The Commission and/or City Council may postpone holding a public hearing prior to the opening of the public hearing. No new mailed or published notice is required to conduct the hearing at a later date, provided the hearing is postponed to a date specific and a public announcement of the future date, time, and place of the postponed hearing is made during the current meeting and recorded in the minutes.
8. *Continuing an opened public hearing.* The Commission and/or City Council may continue an opened public hearing to a later date. No new mailed or published notice is required to continue and conduct the hearing at a later date, provided the hearing is continued to a date specific and a public announcement of the future date, time, and place of the continued hearing is made during the current hearing and recorded in the minutes.
9. *Closing and re-opening a public hearing.* If a public hearing is opened and later in the same meeting closed and adjourned, rather than “continued” to a later date, in order to re-open the public hearing on another day, all mailed notice (including courtesy notices) must be given that would have been required for the initial public hearing.

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**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

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## **5-307 – Comprehensive Plan.**

- A. *In General.*** The City Council has adopted a comprehensive plan for the long-range development of the City. The Comprehensive Plan establishes the future vision, strategies, goals, and policies for the City and serves as a guide for future development and redevelopment in Mesquite. The Comprehensive Plan is maintained by the Director and published on the City’s Internet website. The Comprehensive Plan may be amended from time to time in accordance with this section and applicable State law.
- B. *Purpose.***
1. *Amendments to the Comprehensive Plan.* The Comprehensive Plan is intended to be a living document that allows for flexibility as the priorities of the community change. Over time there are changes in political, economic, physical, technological, and social conditions that influence the development of the City, and the Comprehensive Plan should be reviewed and regularly updated. If the plan is to reflect the goals of the community and remain relevant, it must be reviewed periodically to ensure the plan elements, policies, and recommendations are still applicable. There are two types of amendments to the plan: major amendments and minor amendments.
    - a. *Major amendments.* More significant plan revisions and updates should occur no more than every five to ten years. Major updates involve reviewing the current conditions and projected growth trends, re-evaluating the policies and recommendations of the plan (and formulating new ones as necessary), and adding to, modifying, or removing recommendations in the plan based on their implementation progress. Major amendments are usually adopted by the City Council after extensive public input and community engagement. However, major amendments may be approved by the City Council at any time in accordance with this Section 5-307 (Comprehensive Plan) when the proposed amendment is found to be in the best interest of the City.
    - b. *Minor amendments.* Minor amendments may be proposed at any time, such as specific changes to the Future Land Use Plan related to particular development applications or public improvement projects. Minor amendments are often times made in connection with a Zoning Map Amendment (“change of zoning classification”).
  2. *Adoption of a new Comprehensive Plan.* This Section 5-307 (Comprehensive Plan) is not applicable to the adoption of a new Comprehensive Plan by the City Council.
- C. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- D. *Authority.*** The City Council, after receiving a recommendation from the Planning and Zoning Commission, shall take formal action on a request for a Comprehensive Plan amendment, and a concurrent Zoning Map Amendment (“change of zoning classification”) or Zoning Text Amendment (ZTA) if applicable.
- E. *Effect.*** Approval by the City Council of an application for a Comprehensive Plan amendment will amend the official Mesquite Comprehensive Plan.

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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- F. *Application Procedures.*** Applicants shall submit an application for a Comprehensive Plan amendment in accordance with Section 5-303 (Application Procedures).
- G. *Fees.*** If a Comprehensive Plan amendment is concurrently requested with any Zoning Map Amendment (“change of zoning classification”) or Zoning Text Amendment (ZTA) then a separate fee is required for a Comprehensive Plan amendment.
- H. *Notice.*** Notice shall be provided to the public regarding a request for a Comprehensive Plan amendment in accordance with the Texas Open Meetings Act.
- I. *Public Hearings.***
  - 1. *Planning and Zoning Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Planning and Zoning Commission to determine a recommendation for the City Council regarding the application for a Comprehensive Plan amendment. TLGC § 213.003.
  - 2. *City Council.* The City Council shall conduct a public hearing in accordance with Section 5-306 (Public Hearing), to determine whether the request for a Comprehensive Plan amendment should be granted. TLGC § 213.003.
- J. *Action by the Director.*** The Director, or his/her designee, shall act in accordance with Section 5-304 (Action by the Director).
- K. *Action by the Planning and Zoning Commission.*** The Planning and Zoning Commission shall act in accordance with Section 5-314 (Planning and Zoning Commission Action).
- L. *Action by the City Council.*** The City Council shall act in accordance with Section 5-316 (City Council Action).
- M. *Approval Standards.*** In making their recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following approval standards when reviewing major and minor Comprehensive Plan amendments. Comprehensive Plan amendments may be approved by the City Council only following a determination that:
  - 1. The proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan; and
  - 2. That any one of the following criteria has been met:
    - a. There was an error in the original Comprehensive Plan adoption; or
    - b. The City Council failed to consider then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future; or
    - c. Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; or
    - d. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary; or
    - e. Any other legally sufficient standard under Texas law.

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

*NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
and Procedures for CUP, PD, Overlay, and Other Districts.*

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**State law references –**

Compliance with Comprehensive Plan; V.T.C.A. Local Government Code, Title 7, Subtitle A, Chapter 211. Municipal Zoning Authority; Section 211.004.

V.T.C.A. Local Government Code, Title 7, Subtitle A, Chapter 213. Municipal Comprehensive Plans.

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**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-308 – Zoning Text Amendment (ZTA).**

- A. *In General.*** The zoning regulations, and administrative processes and procedures imposed by this Code (“Mesquite Zoning Ordinance” or “MZO”) may be amended from time to time in accordance with this section and applicable State law.
- B. *Purpose.*** The process, for amending the Mesquite Zoning Ordinance, is intended to allow modifications in response to omissions or errors, general updates to text, changed conditions, changes in land use policy, or changes in zoning regulations. Zoning Text Amendments (ZTAs) are not intended to relieve particular hardships or confer special privileges or rights upon any person or party. Zoning text amendments are intended to implement the goals and objectives of the City’s Comprehensive Plan, but may be accompanied by specific amendments to the provisions of the Comprehensive Plan.
- C. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- D. *Authority.*** The City Council, after receiving a recommendation and final report from the Planning and Zoning Commission, shall take formal action on requests for Zoning Text Amendments, and a concurrent Comprehensive Plan amendment if applicable.
- E. *Effect.*** Approval, by the City Council, of an application for a Zoning Text Amendment will amend the text of the Mesquite City Code, Appendix C – Mesquite Zoning Ordinance.
- F. *Application Procedures.*** Applicants shall submit an application for a Zoning Text Amendment in accordance with Section 5-303 (Application Procedures).
- G. *Notice.*** Notice shall be provided to the public regarding a request for a Zoning Text Amendment in accordance with Section 5-305 (Notice). TLGC [§ 211.006](#) and [§ 211.007](#).
- H. *Public Hearings.***
  - 1. *Planning and Zoning Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Planning and Zoning Commission to determine a recommendation for the City Council regarding the application for a Zoning Text Amendment. TLGC [§ 211.007](#).
  - 2. *Landmark Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Landmark Commission to determine a recommendation for the City Council regarding the application for a Zoning Text Amendment regarding Mesquite Landmark (ML) individual designations, and Historic Preservation Overlay District (H-POD) designations.  
  
**Cross reference –** MZO, Part 4, 4-400 (Mesquite Landmarks and Historic Preservation Overlay Districts Designations and Regulations).
  - 3. *City Council.* The City Council shall conduct a public hearing in accordance with Section 5-306 (Public Hearing), to determine whether the request for a Zoning Text Amendment should be granted. TLGC [§ 211.006](#).
- I. *Action by the Director.*** The Director, or his/her designee, shall act in accordance with Section 5-304 (Action by the Director).

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
and Procedures for CUP, PD, Overlay, and Other Districts.

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- J. Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall act in accordance with Section 5-314 (Planning and Zoning Commission Action).
- K. Action by the Landmark Commission.** See Section 5-315 (Landmark Commission Action).
- L. Action by the City Council.** The City Council shall act in accordance with Section 5-316 (City Council Action).
- M. Approval Standards for Zoning Text Amendments.** In making their recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following standards. The approval of Zoning Text Amendments should be based on a balancing of these standards.
1. The extent to which the proposed amendment promotes the public health, safety, and welfare.
  2. The consistency of the proposed amendment with the Comprehensive Plan.
  3. The consistency of the proposed amendment with any adopted land use policies.
  4. The consistency of the proposed amendment with the intent of this Code.
  5. Whether the proposed amendment corrects an error or omission, updates administrative processes and procedures, adds clarification to existing requirements, or reflects a change in policy.
  6. The extent to which the proposed amendment creates nonconformities.
  7. Any other legally sufficient standard under Texas law.

**Charter reference –** Zoning, Article III, Sec. 27.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).  
Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).

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**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)  
 NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-309 – Zoning Map Amendment.**

- A. *In General.*** The official “Zoning Map of the City of Mesquite, Texas” (“official Zoning Map” or “Zoning Map”) may be amended from time to time in accordance with this section and applicable State law. The City’s official Zoning Map is in electronic format and may be found on the City’s Internet web-site.

**Cross references –**

MZO, Part 1, 1-200, 1-202 Districts established.

MZO, Part 1, 1-200, 1-203 Boundaries of districts.

- B. *Purpose.*** The process, for amending the official Zoning Map, is intended to allow zoning map amendments (“change of zoning classification”), including changes made to zoning districts, boundaries for zoning districts, re-zoning, and zoning classifications for any property. Zoning map amendments are intended to implement the goals and objectives of the City’s Comprehensive Plan, but may be accompanied by specific amendments to the provisions of the Comprehensive Plan.

- C. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.

- D. *Authority.*** Changes in zoning classifications (zoning map amendments) must be adopted in accordance with the Comprehensive Plan. The City Council, after receiving a recommendation and final report from the Planning and Zoning Commission, shall take formal action on a request for a Zoning Map Amendment (“change of zoning classification”), and a concurrent Comprehensive Plan amendment if applicable.

**Cross reference –** MZO, Part 5, 5-300, 5-307 Comprehensive Plan.

- E. *Effect.*** Approval, by the City Council, of an application for a Zoning Map Amendment (“change of zoning classification”) will amend the official Zoning Map.

- F. *Application Procedures.*** Applicants shall submit an application for a Zoning Map Amendment (“change of zoning classification”) in accordance with Section 5-303 (Application Procedures).

- G. *Notice.*** Notice shall be provided to the public regarding a request for a Zoning Map Amendment (“change of zoning classification”) in accordance with Section 5-305 (Notice). TLGC [§ 211.006](#) and [§ 211.007](#).

- H. *Public Hearings.***

1. *Planning and Zoning Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Planning and Zoning Commission to determine a recommendation for the City Council regarding the application for a Zoning Map Amendment (“change of zoning classification”). TLGC [§ 211.007](#).
2. *Landmark Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Landmark Commission to determine a recommendation for the City Council regarding the application for a Zoning Text Amendment regarding Mesquite Landmark (ML) individual designations, and Historic Preservation Overlay District (H-POD) designations.

**Cross reference –** MZO, Part 4, 4-400 (Mesquite Landmarks and Historic Preservation Overlay Districts Designations and Regulations).

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Appendix C – Mesquite Zoning Ordinance (“MZO”)

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3. *City Council.* The City Council shall conduct a public hearing in accordance with Section 5-306 (Public Hearing), to determine whether the request for a Zoning Map Amendment (“change of zoning classification”) should be granted. TLGC § 211.007.
- I. **Action by the Director.** The Director, or his/her designee, shall act in accordance with Section 5-304 (Action by the Director).
- J. **Protest procedures.** Any person protesting the Zoning Map Amendment change shall do so in accordance with Section 5-313 (Protest Procedures).
- K. **Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall act in accordance with Section 5-314 (Planning and Zoning Commission Action).
- L. **Action by the Landmark Commission.** See Section 5-315 (Landmark Commission Action).
- M. **Action by the City Council.** The City Council shall act in accordance with Section 5-316 (City Council Action).
- N. **Approval Standards for Zoning Map Amendments (“Change of Zoning Classification”).** In making their recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following standards. The approval of a Zoning Map Amendment (“change of zoning classification”) should be based on a balancing of these standards.
  1. The extent to which the proposed amendment promotes the public health, safety, and welfare and will benefit the City as a whole.
  2. The consistency of the proposed amendment with the Comprehensive Plan and any other adopted land use policies.
  3. The extent to which the proposed amendment will support and further the City Council’s strategic goals.
  4. The extent to which the proposed amendment creates nonconformities.
  5. The compatibility with the existing and conforming use and zoning of nearby property.
  6. The trend of development, if any, in the general area of the property in question.
  7. The suitability of the property for the purposes for which it is presently zoned, i.e., the feasibility of developing the property in question for one or more of the uses currently allowed under the existing zoning classification.
  8. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses which would be permitted on the subject property if the amendment were adopted.
  9. Any other legally sufficient standard under Texas law.

**Charter reference –** Zoning, Article III, Sec. 27.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, § 211.006.

Zoning Commission, V.T.C.A. Local Government Code, § 211.007.

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Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-310 – Conditional Use Permit (CUP).**

- A. *In General.*** For purposes of these 5-300 sections, approval or amendment of a Conditional Use Permit (“CUP”) constitutes a Zoning Map Amendment (“change of zoning classification”) and requires compliance with the following procedures in this section and applicable State law.
- B. *Purpose.*** The process for granting a Conditional Use Permit is intended to identify and allow those uses which might be appropriate within a zoning district, but due to either their locational, functional, or operational nature, could have a potentially negative impact upon surrounding properties or upon the City as a whole, and to provide a procedure whereby such uses might be permitted, where appropriate, by further restricting or conditioning them so as to eliminate the probable and potential negative impacts. CUPs are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to the provisions of the Comprehensive Plan.
- C. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- D. *Authority.*** The City Council, after receiving a recommendation and final report from the Planning and Zoning Commission, shall take action on a request for a Conditional Use Permit, and a concurrent Comprehensive Plan amendment if applicable.
- E. *Effect and Suffix Designation.*** Approval of an application by the City Council for a Conditional Use Permit will amend the official Zoning Map. Each Conditional Use Permit shall be designated on the City's official Zoning Map and other official documents by combining the designation of its base zoning district with the suffix “ – CUP”. For example, a Conditional Use Permit issued with a base zoning district of Agriculture would be identified as “AG – CUP” on the Zoning Map.
- F. *Variances.***
  - 1. Conditions may be imposed upon the use, but no variance shall be requested and granted to provide relief for any CUP application.
  - 2. Conditions imposed on a Conditional Use Permit by the City Council shall not be waived or varied by the Board of Adjustment, but requests to deviate from the typical development standards associated with the current zoning requirements of the base zoning district (i.e., a variance) may be allowed through a separate application.
- G. *Application procedures.*** Applicants shall submit an application for a Conditional Use Permit in accordance with Section 5-303 (Application procedures).
- H. *Notice.*** Notice shall be provided to the public regarding a request for a Conditional Use Permit in accordance with Section 5-305 (Notice) for Zoning Map Amendments. TLGC [§ 211.006](#) and [§ 211.007](#).
- I. *Public Hearings.***
  - 1. *Planning and Zoning Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Planning and Zoning Commission to determine a recommendation for the City Council regarding the application for a Conditional Use Permit. TLGC [§ 211.007](#).
  - 2. *City Council.* The City Council shall conduct a public hearing in accordance with Section 5-306 (Public Hearing), to determine whether the request for a Conditional Use Permit should be granted. TLGC [§ 211.007](#).

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- J. *Action by the Director.*** The Director or his/her designee shall act in accordance with Section 5-304 (Action by the Director).
- K. *Protest Procedures.*** Any person protesting the issuance of a Conditional Use Permit shall do so in accordance with Section 5-313 (Protest Procedures).
- L. *Action by the Planning and Zoning Commission.*** The Planning and Zoning Commission shall act in accordance with Section 5-314 (Planning and Zoning Commission Action).
- M. *Action by the City Council.*** The City Council shall act in accordance with Section 5-316 (City Council Action).
- N. *Approval Standards for Issuance of Conditional Use Permits.*** In making their recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following standards. The approval or amendment of a Conditional Use Permit (“CUP”) should be based on a balancing of these standards.
  - 1. The extent to which the proposed CUP promotes the public health, safety, and welfare and will benefit the City as a whole.
  - 2. The consistency of the proposed CUP with the Comprehensive Plan and any other adopted land use policies.
  - 3. The extent to which the proposed CUP will support and further the City Council's strategic goals.
  - 4. The extent to which the proposed CUP creates nonconformities.
  - 5. The compatibility with the existing use and zoning of nearby property such that the proposed CUP will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish property values within the immediate vicinity.
  - 6. The trend of development, if any, in the general area of the property in question.
  - 7. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses which would be permitted on the subject property if the CUP were adopted.
  - 8. The extent to which adequate measures have been or will be taken to provide sufficient off-street parking and loading spaces to serve the proposed conditional uses.
  - 9. Whether adequate measures have been or will be taken to prevent or control offensive lights, odor, fumes, dust, noise, and vibration so that none of these will constitute a nuisance and/or violate the Mesquite City Code, including the MZO.
  - 10. Any other legally sufficient standard under Texas law.

**Cross reference** – MZO, Part 1, 1-200, 1-202 Districts established.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).

Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).

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**O. *Conditions and other limitations on a CUP.*** The City Council may stipulate conditions and other limitations on the approval of the Conditional Use Permit in the interest of public welfare and to assure that the intent of this ordinance is carried out.

1. *Conditions.* The approval of a Conditional Use Permit may incorporate conditions on the operation, location, arrangement, or construction of a Conditional Use Permit in order to assure the protection of adjacent properties and uses in the vicinity and to safeguard the welfare of the citizenry as a whole as it may be affected by the use.

2. *Transferability.*

a. *General rule – CUPs run with the land and are transferable.* A Conditional Use Permit generally runs with the land and shall be transferable between owners and businesses, unless otherwise specified.

b. *Exception.*

(1) *CUP may be designated as non-transferable.* The City Council may specify in its approval that the Conditional Use Permit is approved solely for the business represented by the applicant and that the Conditional Use Permit shall not be transferable to a different person or business.

(2) *Required findings.* The City Council must find that a use or uses defined and permitted under a Conditional Use Permit are sufficiently unusual in character or operation as to create the potential for variations in function or operation with possible negative impacts upon adjacent properties or on the citizenry as a whole.

3. *Time period limits on the CUP.*

a. *General rule – CUPs have no time limits and do not expire.* A Conditional Use Permit generally has no time limits and will not expire, unless otherwise specified.

b. *Exception.*

(1) *CUP may be limited to a certain time period.* A time limit may be imposed as a condition of the approval of a Conditional Use Permit when the City Council determines that one of the following circumstances exists:

(a) The use is presented by the applicant as a temporary or interim use, or the use due to its nature and operation may be considered temporary or interim so that removal of the use is reasonably to be expected after a period of time. Temporary or interim use may be indicated by leasing of land or building space, by minimal construction of property improvements, or by the lack of construction customized for the specific use.

(b) The use is consistent with current uses in the area and on adjoining property; however, anticipated future changes in the area would cause the requested use to become incompatible after a period of time.

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**P. *Automatic Expiration and Termination of a CUP.*** All approved Conditional Use Permits, regardless of the date of issuance, shall automatically expire and all rights thereunder are terminated if one or more of the conditions set out below occur:

1. *Expiration of a non-transferable CUP.*
  - a. Approval of a non-transferable Conditional Use Permit issued solely for the business represented by the applicant shall automatically expire and be terminated on the day the applicant sells or transfers its interest in the business or property that is the subject of the CUP. The official Zoning Map will be automatically revised to reflect the expiration of the CUP.
  - b. A different business applicant desiring to continue a non-transferable Conditional Use Permit shall submit an application requesting the City Council consider issuing a new Conditional Use Permit. Such applications shall require the same procedures and fees outlined in Section 5-303 (Application Procedures) for initial approval of a new Conditional Use Permit. Unless a new CUP is issued, the official Zoning Map will be automatically revised to reflect the expiration of the CUP.
2. *Expiration of a CUP approved with time period limits.* Approval of the Conditional Use Permit with time period limitations imposed shall automatically expire and be terminated on the day the CUP was set to expire. Unless the CUP is continued, the official Zoning Map will be automatically revised to reflect the expiration of the CUP.
3. *Expiration of a CUP due to a failure to implement the use(s).* Approval of a Conditional Use Permit shall expire due to a failure to implement the use(s) in accordance with Mesquite City Code, Chapter 1, [Sec. 1-17](#) (Permit applications). The official Zoning Map will be automatically revised to reflect the expiration of the CUP.
4. *Expiration of a CUP due to discontinuance or abandonment of the use(s).* Approval of the Conditional Use Permit shall automatically expire and be terminated if the use is abandoned or is discontinued for a period of one hundred eighty (180) continuous days or more. The official Zoning Map will be automatically revised to reflect the expiration of the CUP.

**Q. *Extension of CUP time period limits.***

1. *Request for extension of CUP approved time period.* A person may apply in writing to the Director to request an extension of the CUP approved time period at any time prior to expiration date of the CUP.
2. *Application to continue approved CUP with time limits.* Such applications shall require the same procedures and fees outlined in Section 5-303 (Application Procedures) for initial approval of a new Conditional Use Permit.

**Cross references—**

Certificate of Occupancy, Mesquite Zoning Ordinance, Part 5, 5-100, Sec. [5-106](#).  
[Sec. 12-121](#) Planning and zoning fees; Mesquite City Code, Appendix D – Comprehensive Fee Schedule.



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## **5-311 – Planned Development (PD) Districts.**

- A. *In General.*** Approval or amendment of a Planned Development (“PD”) District constitutes a Zoning Map Amendment (“change of zoning classification”) and requires compliance with the following procedures in this section and applicable State law.
- B. *Purpose.*** The process for approving or amending a Planned Development (PD) District is intended to provide flexibility to traditional zoning requirements. Approval of a PD District may include a combination of uses that are not otherwise attainable under conventional base zoning districts. PDs are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to the provisions of the Comprehensive Plan. PDs may include uses, regulations, and other requirements that vary from the base zoning districts contained within the Mesquite Zoning Ordinance (MZO), or from other ordinances, rules, or regulations of the City.
- C. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- D. *Authority.*** The City Council, after receiving a recommendation and final report from the Planning and Zoning Commission, shall take formal action on a request for a Planned Development (PD) District, and a concurrent Comprehensive Plan amendment if applicable.
- E. *Effect and Prefix Designation.*** Approval of an application by the City Council for a Planned Development District will amend the official Zoning Map. Each Planned Development District shall be designated on the City's official Zoning Map and other official documents by combining the designation of its base zoning district with the prefix “PD –”. For example, a Planned Development issued with a base zoning district of Light Commercial would be identified as “PD – LC” on the Zoning Map.
- F. *Application Procedures.*** Applicants shall submit an application for a PD District in accordance with Section 5-303 (Application procedures).
- G. *Additional Application Requirements for PD Districts.***
  - 1. *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.
  - 2. *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.

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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3. *Concept plan.* An application for a PD District may 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.
- H. Notice.** Notice shall be provided to the public regarding a request for a PD District in accordance with Section 5-305 (Notice) for Zoning Map Amendments. TLGC § 211.006 and § 211.007.
- I. Public Hearings.**
1. *Planning and Zoning Commission.* A public hearing, in accordance with Section 5-306 (Public Hearing), shall be conducted by the Planning and Zoning Commission to determine a recommendation for the City Council regarding the application for a PD District. TLGC § 211.007.
  2. *City Council.* The City Council shall conduct a public hearing in accordance with Section 5-306 (Public Hearing), to determine whether the request for a PD District should be granted. TLGC § 211.007.
- J. Action by the Director.** The Director, or his/her designee, shall act in accordance with Section 5-304 (Action by the Director).
- K. Protest Procedures.** Any person protesting the creation, or amendment, of a PD District shall do so in accordance with Section 5-313 (Protest Procedures).
- L. Action by the Planning and Zoning Commission.** The Planning and Zoning Commission shall act in accordance with Section 5-314 (Planning and Zoning Commission Action).
- M. Action by the City Council.** The City Council shall act in accordance with Section 5-316 (City Council Action).
- N. Approval Standards for creation or amendment of a PD District.** In making their recommendation and decision, the Planning and Zoning Commission and City Council shall consider the following standards. The approval or amendment of a Planned Development (PD) District should be based on a balancing of these standards.
1. The extent to which the proposed amendment promotes the public health, safety, and welfare and will benefit the City as a whole.
  2. The consistency of the proposed amendment with the Comprehensive Plan and any other adopted land use policies.
  3. The extent to which the proposed PD District will support and further the City Council's strategic goals.
  4. The extent to which the proposed amendment creates nonconformities.
  5. The compatibility with the existing use and zoning of nearby property.
  6. The trend of development, if any, in the general area of the property in question.



**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

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7. The suitability of the property for the purposes for which it is presently zoned, i.e., the feasibility of developing the property in question for one or more of the uses currently allowed under the existing zoning classification.
  8. Whether adequate public facilities are available including, but not limited to, schools, parks, police and fire protection, roads, sanitary sewers, storm sewers, and water lines, or are reasonably capable of being provided prior to the development of the uses which would be permitted on the subject property if the amendment were adopted.
  9. Whether the proposed PD District provides a greater level of public benefits than would otherwise be achieved if the property were developed under a standard zoning district.
  10. The degree to which the proposed PD District incorporates a creative site design to achieve the purposes of this Code, and represents an improvement in quality over what is possible through a strict application of the otherwise applicable zoning district or development standards.
  11. Any other legally sufficient standard under Texas law.
- O. *Conditions and Other Limitations on a PD District.*** The City Council may stipulate conditions and other limitations on the approval or amendment of a PD District in the interest of public welfare and to assure that the intent of this ordinance is carried out.
- P. *PD Site Plan.*** 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.
- Q. *PD Site Plan – 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.
- R. *PD Site Plan – 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).
- S. *PD Site Plan – Requirements for 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).

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

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**T. PD Site Plan – Application Fee.** See Appendix D - Comprehensive Fee Schedule; Article XII; Section 12-121 (Planning and zoning fees).

**U. PD Site Plan – Administrative Action.** Upon final approval of a PD site plan 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 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 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 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.

**V. PD Site Plan – Expiration of Dormant Projects.** See Part 5, 5-100, [Section 5-107](#) (Site Plan).

(Ord. No. 3031, § 1, 5-1-95; Ord. No. 3458, § 1, 10-15-01; Ord. No. 3874, § 1, 7-16-07; Ord. No. 5083, § 2(Exh. A), 11-20-23)

**Charter reference –** Zoning, Article III, Sec. 27.

**Cross references –**

MZO, Part 1, 1-200, 1-202 Districts established.

MZO, Part 5, 5-300, 5-309 Zoning Map Amendment.

MZO, Part 4 – PD and Overlay Districts.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).

Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).

EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.

Appendix C – Mesquite Zoning Ordinance (“MZO”)

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## 5-312 – Overlay Districts and Other Types of Districts.

### A. *In General.*

1. Approval or amendment of an Overlay District, Neighborhood Conservation District, Urban Design District, Form-based District, or any other type of zoning district (collectively referred to as “Overlay Districts and other districts”) constitutes a Zoning Map Amendment (“change of zoning classification”) and requires compliance with said procedures in Section 5-309 (Zoning Map Amendment) unless otherwise provided.
2. Approval or amendment of a Historic Preservation Overlay District, or Mesquite Landmark constitutes a Zoning Map Amendment (“change of zoning classification”) and requires compliance with MZO, Part 4, 4-400 - Mesquite Landmarks (MI) and Historic Preservation Overlay Districts (H-Pod) Designations and Regulations.

**B. *Purpose.*** Zoning map amendments are intended to implement the goals and objectives of the City's Comprehensive Plan, but may be accompanied by specific amendments to the provisions of the Comprehensive Plan. Approval or amendment of an overlay district or other district may include uses, regulations, and other requirements that vary from the base zoning districts contained within the Mesquite Zoning Ordinance (MZO), or from other ordinances, rules, or regulations of the City.

**Charter reference –** Zoning, Article III, Sec. 27.

**Cross references –**

MZO, Part 1, 1-200, 1-202 Districts established.

MZO, Part 5, 5-300, 5-309 Zoning Map Amendment.

MZO, Part 4 – PD and Overlay Districts.

MZO, Part 4, 4-400 - Mesquite Landmarks (MI) and Historic Preservation Overlay Districts (H-Pod) Designations and Regulations.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).

Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).

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**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)  
 NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-313 – Protest Procedures.**

- A. *In General.*** Persons may protest any zoning map amendment (“change in zoning classification”), zoning text amendment, or Conditional Use Permit (CUP) in accordance with this section.
- B. *Definitions.*** See Part 6 (Definitions and Interpretation of Terms), [Section 6-102](#) - Definitions.
- C. *Protests.***
1. *Written submissions.* Written protests must be submitted to the Commission’s office in accordance with the instructions provided in any mailed notice (Sec. 5-305.D.5).
  2. *Supermajority vote required by the City Council in certain cases.* If sufficient protest as calculated below is submitted, the proposed change must receive the affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the City Council to be approved.
  3. *Calculation of protests.*
    - a. The protest must be signed by the owners of at least:
      - (1) twenty percent (20%) of the area of the lots or land covered by the proposed change; or
      - (2) twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed change (i.e. the subject area) and extending two hundred (200) feet from that subject area.
    - b. The area of streets and alleys shall be included in this calculation, and unincorporated areas are excluded from this calculation.
  4. *Protests should be by owners of property.* A protest of a proposed zoning change must be in writing and must be signed by the owner of the property in question or by a person authorized by power of attorney to act on behalf of the owner. For specific ownership types, the following shall apply:
    - a. *Corporations.* The protest must be signed by the president, vice president, or by an attorney in-fact authorized to sign on behalf of the corporation.
    - b. *General or Limited Partnerships.* The protest must be signed by a general partner or by an attorney-in-fact authorized to sign on behalf of the general or limited partnership.
    - c. *Community Property.* The City shall presume the written protest of one spouse to be the protest of both, unless otherwise specified.
    - d. *Condominiums.* Lots or land subject to a condominium declaration are presumed to be commonly owned in undivided interests by the owners of all condominium units and under the control of the governing body of the condominium. For such lots or land to be included in calculating the lots or land area protesting a proposed rezoning, the written protest must state that the governing body of the condominium has authorized a written protest in accordance with its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium.
  5. *Presumption of Validity.* In all cases where a protest is properly signed pursuant to this section, the City shall presume that the persons whose signatures appear on the protest are valid.
  6. *Withdrawal of Protest.* A withdrawal of a protest must be in writing. In the event that multiple protests and withdrawals are filed on behalf of the same owner, the instrument with the latest date and time of execution controls.

**State law reference –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

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## **5-314 – Planning and Zoning Commission Action.**

- A. *Applicability.*** This section applies to applications for Comprehensive Plan amendments, Zoning Text Amendments (ZTAs), Zoning Map Amendments (change of zoning classification), Conditional Use Permits (CUPs), Planned Development (PD) Districts, overlay districts, and other types of districts.
- B. *Public Hearing and Consideration of the Application.*** After receipt of an accepted and official filed application and Staff Report from the Director, the Commission shall hold a public hearing, at a public meeting, in accordance with Section 5-306 (Public Hearing) and consider the application.
- C. *Actions.*** The Commission must evaluate the application based upon the written materials and any information presented at the public hearing, and pursuant to the approval standards shall recommend any of the following actions:
  1. recommendation of approval;
  2. recommendation of approval with modifications;
  3. recommendation of denial of the application; or
  4. The Commission may also, including but not limited to:
    - a. Postpone holding the public hearing and consideration of the application to a later date; or
    - b. Continue an opened public hearing and consideration of the application to a later date.
- D. *Votes Required to Act.***
  1. *General rule – Simple majority.* The affirmative vote of a simple majority of the Commission present and voting shall be required to make a recommendation, or to approve any item when applicable.
  2. *Tie votes.* In the event of a tie vote the matter is deemed as a recommendation for denial, or deemed denied when applicable.
- E. *Recommendation and Final Report.*** The Commission shall submit its recommendation and final report to the City Council prior to any action by the City Council on the application.
- F. *Application Does Not Advance to the City Council When the Commission Recommends denial Unless Requested by the Applicant.*** When the recommendation of the Commission is for denial of the application, it shall be presumed that the applicant declines a hearing before the City Council unless a written request is made to the City Secretary, requesting a Council hearing.
- G. *Resubmission of a Subsequent Application.*** A subsequent application may only be considered in accordance with Section 5-303 (Application Procedures), sub-section (L) (Consideration of Subsequent Applications prohibited for one (1) year); and sub-section (M) (Exception to the one (1) year wait requirement for Subsequent Applications).

**Cross references –**

Specific Voting requirements for Mesquite Landmarks and Historic Preservation Overlay Districts Designations; [MZO 4-400](#).  
[Sec. 12-121](#) Planning and zoning fees; Mesquite City Code, Appendix D – Comprehensive Fee Schedule.

**State law reference –** Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).

**EXHIBIT C TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-315 – Landmark Commission Action.**

The provisions for Mesquite Landmark Commission action may be found in MZO 4-400 (Mesquite Landmarks and Historic Preservation Overlay Districts Designations and Regulations) with regard to Mesquite Landmark (ML) individual designations, and Historic Preservation Overlay District (H-POD) designations.

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**EXHIBIT C TO ORDINANCE NO. 5153 ; ZTA NO. 2025 – 01.**

Appendix C – Mesquite Zoning Ordinance (“MZO”)

NEW 5-300 – Amendments To The Comprehensive Plan, Zoning Text, and Zoning Maps;  
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## **5-316 – City Council action.**

- A. *Applicability.*** This section applies to applications for Comprehensive Plan amendments, Zoning Text Amendments (ZTAs), Zoning Map Amendments (change of zoning classification), Conditional Use Permits (CUPs), Planned Development (PD) Districts, overlay districts, and other types of districts.
- B. *Public hearing and consideration of the application.*** After receipt of a recommendation and final report from the Commission the City Council shall hold a public hearing, at a public meeting, in accordance with Section 5-306 (Public Hearing) and consider the application.
- C. *Actions.*** The City Council must evaluate the application based upon the written materials and any information presented at the public hearing, and pursuant to the approval standards may take any of the following actions:
  1. Approval; or
  2. Approval with modifications; or
  3. Denial; or
  4. The City Council may also, including but not limited to:
    - a. Remand any case back to the Commission for further review; or
    - b. Postpone holding the public hearing and consideration of the application to a later date; or
    - c. Continue an opened public hearing and consideration of the application to a later date.
- D. *Votes required to act.***
  1. *General rule – Simple majority.* The affirmative vote of a simple majority of the City Council present and voting shall be required to approve any amendments.
  2. *Exception – Super Majority.* The affirmative vote of at least three-fourths ( $\frac{3}{4}$ ) of all members of the City Council shall be required to approve Zoning Map Amendments (including CUPs, PDs, overlay districts, and other types of districts) when the proposed change is protested, as provided by State law, by the owners of at least:
    - a. twenty percent (20%) of the area of the lots or land covered by the proposed change; or
    - b. twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the proposed change (i.e. the subject area) and extending two hundred (200) feet from that subject area.
  3. *Tie votes.* In the event of a tie vote the matter is deemed denied.
- E. *Resubmission of a subsequent application.*** A subsequent application may only be considered in accordance with Section 5-303 (Application Procedures), sub-section (L) (Consideration of Subsequent Applications prohibited for one (1) year); and sub-section (M) (Exception to the one (1) year wait requirement for Subsequent Applications).

**Cross reference –** [Sec. 12-121](#) Planning and zoning fees; Mesquite City Code, Appendix D – Comprehensive Fee Schedule.

**State law references –**

Procedures Governing Adoption of Zoning Regulations & District Boundaries, V.T.C.A. Local Government Code, [§ 211.006](#).  
Zoning Commission, V.T.C.A. Local Government Code, [§ 211.007](#).



EXHIBIT D TO ORDINANCE NO. 5153; ZTA NO. 2025 – 01.

Appendix C – Mesquite Zoning Ordinance (“MZO”)

Part 6. Definitions.

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## MESQUITE CITY CODE

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### APPENDIX C – MESQUITE ZONING ORDINANCE (MZO)

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## PART 6. – DEFINITIONS

### 6-100 - DEFINITIONS AND INTERPRETATION OF TERMS

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*[Editor’s Note: Insert the following NEW definitions in alphabetical order into the existing definitions section.]*

#### 6-102 - Definitions.

\* \* \*

**Board of Adjustment or BOA:** The Board of Adjustment (BOA) of the City of Mesquite, Texas, is a quasi-judicial board established to determine requests made by property owners, and other authorized persons, for special exceptions, variances, and appeals of administrative interpretations or decisions made under the Mesquite Zoning Ordinance by an administrative official as authorized by state law and local ordinance. The Board of Adjustment hears and decides other matters as may be authorized by an ordinance adopted by the City Council. See Chapter 20, Article IV, [Division 3](#) (Board of Adjustment).

**Chairperson or Chair:** The presiding officer of any Board, Commission, or City Council meeting.

**Commission’s office:** Commission’s office means the Planning & Development Services Department.

**Conditional Use or Conditional Uses:** A conditional use is a land use listed as conditional within a zoning district. Such uses are permitted on a discretionary and conditional basis due to either their locational, functional, or operational nature which could have a potentially negative impact upon surrounding properties or upon the City as a whole. Conditional uses are approved in a Conditional Use Permit.

**Conditional Use Permit (CUP):** A Conditional Use Permit (CUP) approved by the City Council amends the zoning classifications on a discretionary and conditional basis and is considered a Zoning Map Amendment. The issuance of a CUP is subject to a procedure whereby conditional uses might be permitted, where appropriate, by further restricting or conditioning them so as to eliminate the probable and potential negative impacts. The CUP generally runs with the land, but in some instances it may be tied to the applicant and/or limited in time and therefore may expire.

**Department:** Department means Planning & Development Services.



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Appendix C – Mesquite Zoning Ordinance (“MZO”)

Part 6. Definitions.

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**Director:** Director means Director of the Department, or his/her authorized designee(s).

**Landmark Commission or Mesquite Landmark Commission (MLC):** The Landmark Commission is a quasi-judicial commission established to protect, enhance, and promote landmarks and districts of historical, cultural, and architectural importance in the City. See Chapter 20, Article IV, [Division 8](#) (Landmark Commission).

**Overlay zoning district:** An overlay zoning district is zoning, applied over one or more other districts, creating an additional, mapped zone that is superimposed over the conventional zoning districts. The regulations for properties included in the overlay district are in addition to those of the underlying base zoning district or any other applicable underlying districts. Development within any overlay zoning district must conform to the requirements of all zones, or the more restrictive of the zones, unless otherwise provided. Overlay zoning districts typically provide for a higher level of regulation but may also provide for exemptions or less restrictive standards than the underlying base zoning district.

**Planned Development (PD) District or PD District or PD:** A Planned Development (PD) District is essentially a customized zoning district that provides some flexibility to traditional zoning requirements. The purpose of a PD District is to encourage the unified design of residential, commercial, industrial, and institutional uses, including combinations of uses that are not otherwise attainable under conventional base zoning districts. PDs are also intended to encourage flexible and creative planning, to ensure compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community. PDs may include uses, regulations, and other requirements that vary from the base zoning districts contained within the Mesquite Zoning Ordinance (MZO), or from other ordinances, rules, or regulations of the City.

**Planning and Zoning Commission:** The Planning and Zoning Commission (P&Z Commission) of the City of Mesquite, Texas, is a quasi-judicial commission established to hear, recommend, or determine any matter relating to land use issues, including planning, zoning, or subdivision plats, changes to this Zoning Ordinance and amendment to and update of the Comprehensive Plan, and any other items related to the physical development of the City, as may be specified or required under this Zoning Ordinance, the Charter, or the laws of the State. See Chapter 20, Article IV, [Division 9](#) (Planning and Zoning Commission).

**Zoning Map Amendment:** A change in the boundaries or a change in classification of the zoning districts. A Conditional Use Permit (CUP), Planned Development (PD) District, Overlay Districts, and other types of districts are all considered Zoning Map Amendments.

**Zoning Text Amendment (ZTA):** A change in the regulations within the Mesquite Zoning Ordinance.

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