

ORDINANCE NO. 476

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120 DULY PASSED BY THE CITY COUNCIL MAY 3, 1955, AND AS HERETOFORE AMENDED, SO AS TO AMEND THE PARKING REGULATIONS AS APPLICABLE TO A-1 APARTMENT DISTRICT AND A-2 APARTMENT DISTRICT, REQUIRING ONE AND ONE-HALF PARKING SPACES FOR EACH DWELLING UNIT; REGULATING THE DENSITY OF APARTMENTS AND APARTMENT DISTRICTS SO AS TO REQUIRE A MINIMUM OF 1,200 SQUARE FEET OF LOT AREA FOR EACH APARTMENT UNIT; REQUIRING A MINIMUM FLOOR AREA OF FIVE HUNDRED SQUARE FEET FOR EACH ONE BEDROOM APARTMENT, AND SEVEN HUNDRED FIFTY SQUARE FEET FOR EACH TWO BEDROOM APARTMENT; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY FINE NOT TO EXCEED TWO HUNDRED DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, The City Plan Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the charter of the City of Mesquite and State laws with reference to amending the zoning ordinance of the City of Mesquite, have given the requisite notices by publication and otherwise, and after holding due hearings and afording a full and fair hearing to all property owners, generally, the City of Mesquite is of the opinion that said zoning ordinance should be amended as provided for herein.

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

SECTION 1: That Section 3 of Ordinance No. 120 of the Ordinances of the City of Mesquite, Texas, duly passed by the governing body of the City of Mesquite on the 3rd day of May, 1955, as heretofore amended, be, and the same is hereby amended by amending the parking regulations as applicable to an "A-1" Apartment District, so that such parking regulations as applicable to such apartment district shall hereafter provide as follows:

"PARKING REGULATIONS. Whenever a structure is erected or converted for two-family dwelling purposes, one parking space shall be provided on the lot but not in the required front yard for each dwelling unit in the structure. Whenever a structure is erected or converted for multiple family dwelling purposes, one and one-half parking spaces shall be provided on the lot but not in the required front yard for each dwelling unit in the multiple dwelling structure. No parking space shall be located in the required front yard. No parking space shall be located nearer than two feet to the side lot line. No open parking space shall be located within four feet of the apartment building."

SECTION 2: That Section 3 of Ordinance No. 120 of the ordinances of the City of Mesquite, as heretofore amended, be, and the same is hereby amended so as to amend the parking regulations as applicable to an "A-2" Apartment District, so that such parking regulations shall hereafter provide as follows, to-wit:

"PARKING REGULATIONS: Whenever a structure is erected or converted for two-family dwelling purposes, one parking space shall be provided on the lot but not in the required front yard for each dwelling unit in the structure. Whenever a structure is erected or converted for multiple family dwelling purposes, one and one-half (1 1/2) parking spaces shall be provided on the lot but not in the required front yard for each dwelling unit in the multiple dwelling structure. No parking space shall be located in the required front yard. No parking space shall be located nearer than two (2) feet to the side lot line. No open parking space shall be located within four (4) feet of the apartment building."

SECTION 3: That Ordinance No. 120 of the ordinances of the City of Mesquite, as heretofore amended, be, and the same is hereby amended by amending Section 3 of said Ordinance by adding a paragraph under "A-1" Apartment District regulations, said Paragraph to provide as follows, to-wit:

"AREA REGULATIONS. The minimum floor area for a one (1) bedroom apartment shall be not less than five hundred (500) square feet. The minimum floor area for a two bedroom apartment shall be not less than seven hundred fifty (750) square feet."

SECTION 4: That Section 3 of Ordinance No. 120 of the ordinances of the City of Mesquite, as heretofore amended, be, and the same is hereby amended by amending the regulations applicable to an "A-2" Apartment District by adding a paragraph to such A-2 Apartment District regulations to provide as follows, to-wit:

"That the minimum floor area for one bedroom apartments shall be not less than five hundred (500) square feet. That the minimum floor area for two bedroom apartments shall be not less than seven hundred fifty (750) square feet."

SECTION 5: That Paragraph (3) of Section 11 of Ordinance No. 120 of the ordinances of the City of Mesquite, as heretofore amended, be, and the same is hereby amended so as to provide as follows, to-wit:

"(3). In the "A-1", "A-2", "L-R", "L-B", "C" and "L-M" Districts the minimum area of the lots shall be five thousand (5,000) square feet for a one family dwelling; six thousand (6,000) square feet for a two family dwelling; and for apartment houses or buildings arranged or designed for more than two families, the

minimum area shall be six thousand (6,000) square feet and not less than twelve hundred (1,200) square feet of lot area for each apartment unit."

SECTION 6: That all other provisions of Ordinance No. 120 of the ordinances of the City of Mesquite, as heretofore amended, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 7: If any Section, Paragraph, Subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 8: That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the comprehensive zoning ordinance, being Ordinance No. 120 of the ordinances of the City of Mesquite, and is heretofore amended, and upon conviction shall be punished by fine not to exceed the sum of Two Hundred (\$200.00) Dollars.

SECTION 9: The fact that the present zoning ordinance of the City of Mesquite does not adequately provide for needed and necessary parking regulations and does not prescribe needed density requirements and minimum floor area requirements for apartments creates an urgency and an emergency in the preservation of the Public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage, and publication of the caption of said ordinance as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, on the 6th day of May, 1963.

APPROVED:

B. W. Crouse
Mayor

DULY ENROLLED:

Norman G. McLaughlin
City Secretary

APPROVED AS TO FORM:

H. Louis Nichols
City Attorney