

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973 SO AS TO RE-DEFINE CERTAIN ZONING CHANGE APPLICATION PROCEDURES AND THE TERM OF OFFICE OF MEMBERS OF THE PLANNING AND ZONING COMMISSION; BY PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Articles 80.02, 83.043, and 83.045 of Appendix III to the Code of the City of Mesquite, 1960 as amended is hereby amended as follows, in all other respects to remain in full force and effect:

"80.02. Term of Office.

The terms of four (4) of the members shall expire on the thirtieth day of September of each odd-numbered year and the terms of three (3) of the members shall expire on the thirtieth day of September of each even-numbered year. Alternate members shall serve for a period of two (2) years from their appointment or until their successors have been appointed.

The members of the commission shall be identified by place numbers of one (1) through seven (7). The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years.

Commission members may be appointed to succeed themselves no more than two (2) times. Vacancies shall be filled by the City Council for the unexpired term, but no member shall be appointed for a term in excess of two (2) years. Newly appointed members shall be installed by the mayor, or his designated representative, at the first regular commission meeting after their appointment. Members of the commission shall receive no compensation for their services.

The term of any member, including alternate members, who has not attended more than eighty (80) percent of the regularly scheduled meetings, without prior approval of the Chairman in the event of inability to attend, in any six (6) month period shall automatically expire. Written notice of the vacancy shall be given to the City Council by the Chairman of the Planning and Zoning Commission in order that the Council may make another appointment."

"83.043. Commission Public Hearing.

The zoning change request is scheduled for a public hearing before the Commission at their next regular meeting following an eighteen (18) day administrative period. Fifteen (15) days prior to the hearing, a notice of public hearing shall be published in the official newspaper of the city and all property owners within two hundred (200) feet of the subject property shall be notified.

After a recommendation by the Commission, a hearing before the City Council shall be scheduled by the City Secretary unless the applicant declines such hearing.

When the recommendation by the Commission is for denial of the application, it shall be presumed that the Applicant declines a hearing before the City Council unless written request is made to the City Secretary for such hearing."

"83.045. Council Action

Action by the City Council is final and the same request may not be brought before the Commission again for one (1) year unless the Commission shall determine that extenuating circumstances exist. A notation by the Commission on its minutes on the prior denial of an application shall be prima facie evidence of the existence of extenuating circumstances."

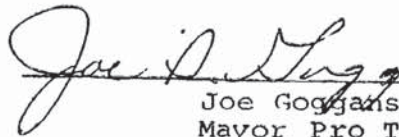
SECTION 2. That should any paragraph, sentence, subdivision, clause, phrase, section, or provision of this Ordinance be adjudged or held to be unconstitutional, unlawful, or invalid, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be unconstitutional, unlawful, or invalid and shall not affect the validity of any other provision of the Code of the City of Mesquite.

SECTION 3. The fact that the provisions of the Zoning Appendix to the Code of the City of Mesquite require clarification and re-definition for the purpose of an expedient method of processing zoning change applications and attendance of Commission members in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this Ordinance shall take effect immediately from and after its passage and

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publication of said Ordinance, as the law in such case provides.

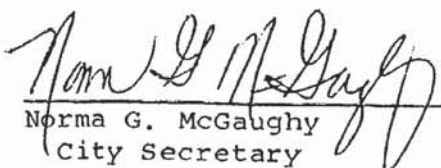
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of April, A.D., 1978.



Joe Goggans
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney