

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, BY AMENDING ARTICLE 05 AND ADDING ARTICLE 47 TO ESTABLISH A HISTORIC LANDMARK SUBDISTRICT; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 the exercise of zoning powers under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise and, after holding due hearings and affording full and fair hearing to all property owners generally and to all persons interested, the City of Mesquite is of the opinion that the change of zoning regulations may be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1973 duly passed by the City Council on September 4, 1973, is hereby amended as follows, in all other respects to remain in full force and effect:

A. Article 05 "Districts and Boundaries" is hereby amended by adding a new subsection entitled,

05.08 - Historic Landmark Designation Overlay: There shall be a district known as an "H - Historic Landmark" subdistrict which may be co-extensive with or overlay any or all of the foregoing districts or portions thereof and any tract of land or portion thereof may, at the same time, be zoned for the uses in one of the foregoing districts and be zoned "H - Historic Landmark". The "H" designation shall apply to those premises, lots, or tracts designated through the procedures set forth in the HISTORIC PRESERVATION ORDINANCE of the City of Mesquite. Such designation shall not affect the legal use of the property except as provided in the ordinance establishing the subdistrict, in which case the restrictions of the designating ordinances shall take precedence over the other zoning districts.

B. Article 47 "H - Historic Landmark" is hereby established and will contain the following subsections:

47.00 HISTORIC LANDMARK PREFIX TO DISTRICT DESIGNATION.

The "H" prefix designation constitutes a zoning overlay district and is applied co-extensively and in addition to any other zoning district for the purposes of the preservation, protection and enhancement of buildings, areas, lands or districts of historical, architectural, archaeological or cultural importance or value in the interest of the culture, prosperity, education and welfare of the people. Such premises, lots or tracts may be designated with a Historic Landmark prefix "H" according to the procedures set forth in the HISTORIC PRESERVATION ORDINANCE of the City of Mesquite and shall be subject to the following provisions.

47.01 Permitted Uses: The "H" designation shall not affect the permitted use of the land under the other zoning district, except as provided in the ordinance designating the historic subdistrict.

47.02 Conditions for Adding or Removing an "H -Historic Landmark" Prefix: The designating ordinance, which adds or removes an "H" prefix, constitutes a zoning action which shall comply with due process as provided under state law and the procedures set forth in the HISTORIC PRESERVATION ORDINANCE. The City Council after complying with all procedures may amend the zoning classification of any property or group of properties by adding or removing the "H" prefix designation and shall provide for such designation to be added or removed from the zoning district map.

47.03 Special Provisions: Restrictions pertaining to Historic Landmarks shall be set out in the specific ordinance which designates a premise, lot or tract with the Historic Landmark "H" prefix. Except in the case of such special restrictions all provisions of the other zoning district shall apply. Where there are conditions under which the required preservation of a Historic Landmark would cause undue hardship to the owner or owners, the owner (s) may request and the City Council, after compliance with the zoning change procedures of the state law and the procedures of the HISTORIC PRESERVATION ORDINANCE, may approve or disapprove a change. Such change shall be in keeping with the spirit and intent of the ordinance designating the Historic Landmark and the HISTORIC PRESERVATION ORDINANCE of the City of Mesquite.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance,

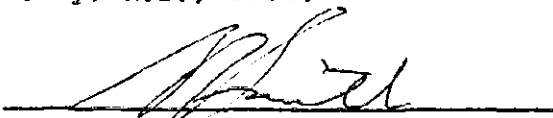
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to the extent of such conflict, are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any paragraph, sentence, subdivision, clause, phrase, section or provision of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance of 1973 as a whole.

SECTION 4. That the present ordinances of the City of Mesquite fail to adequately provide for the preservation of historic and cultural landmarks within the City of Mesquite and thereby create an urgency and an emergency which requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law and charter in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 21st day of July, A.D., 1980.




B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
Acting City Secretary

Elland Archer
City Attorney

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