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ORDINANCE NO. 1649

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING SECTIONS 21.041 and 22.041 BY PROVIDING FOR A FRONT YARD SETBACK OF TWENTY-FIVE (25) FEET IN CERTAIN INSTANCES AND UNDER CERTAIN CONDITIONS; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) AND DECLARING AN EMERGENCY.

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

SECTION 1. That Articles 21.041 and 22.041 of the Zoning Ordinance of the City of Mesquite are hereby amended as follows, in all other respects to remain in full force and effect:

Each article shall read as follows:

There shall be a front yard setback having a minimum depth of not less than thirty (30) feet on land

- (1) for which a preliminary or final plat has been approved prior to the effective date of this ordinance;
- (2) within 200 feet of an existing recorded subdivision having a setback greater than 25 feet; and
- (3) within a block of existing housing for which a setback greater than 25 feet has been established by usage.

Land not coming within (1), (2) or (3) above and designed for single-family use shall have a minimum front yard of twenty-five (25) feet.

Other permitted uses shall require a front yard setback of thirty-five (35) feet.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

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SECTION 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

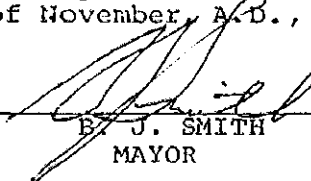
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section 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 of 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 as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

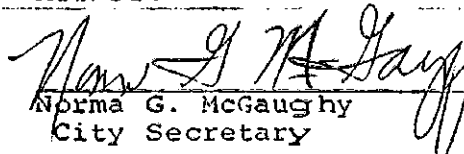
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED BY THE City Council of the City of Mesquite, Texas, on the 3rd day of November, A.D., 1980.

  
B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
Norma G. McGaughy  
City Secretary

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Elland Archer  
City Attorney