

## ORDINANCE NO. 1774

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING THE CODE OF THE CITY OF MESQUITE BY DELETING THE PRESENT ARTICLE 71 AND ADDING A NEW ARTICLE 71; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Article 71 of the Code of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect:

1. Deletions:

The following provisions of the code of the City of Mesquite are hereby deleted:

Section 71.00  
 Section 71.001  
 Section 71.002  
 Section 71.003  
 Section 71.01

2. Additions:

ARTICLE 71  
HEIGHT MODIFICATIONS

71.00 HEIGHT LIMITATIONS: The height limitations stipulated elsewhere in this ordinance shall not apply to the following:

71.001 ACCESSORY STRUCTURES: Farm buildings such as barns, silos, or other farm buildings or structures on farms; architectural features such as church spires, belfries, cupolas, domes; monuments, telescoping towers and television or radio towers, masts and aerials; parapet walls, the wall not extending more than four (4) feet above the limiting height of the building.

71.01 MINIMUM REQUIREMENTS:

71.011 HEIGHT RESTRICTIONS: All freestanding accessory structures or accessory structures supported by the main structure (towers, telescoping towers, aerials, masts, etc.) shall not exceed sixty (60) feet in height measured from the ground.

00092


- 71.012 SETBACKS: All freestanding accessory structures or accessory structures supported by the main structure above the height of thirty (30) feet shall be set back from the property line one (1) foot for every one (1) foot in height above thirty (30) feet.
- 71.013 YARD RESTRICTIONS: No portion of a structure or portion of the supporting structure (guys, anchor points, supports, etc.) shall be placed in the front, side or rear yard setbacks allowed in that district.
- 71.014 ENCROACHMENT: No portion of any accessory structure or auxiliary structure attached or constructed on the top of the main building or tower or supporting structure (such as aerials, masts or antennae) shall encroach into the required front, side or rear yard setbacks or across any property lines.
- 71.02 AUXILIARY STRUCTURES: An auxiliary structure is defined as a structure attached to or on top of the main building or any freestanding accessory structure (such as an aerial, mast, antenna, smokestack or flagpole, excluding architectural features) which shall not:
- a) Exceed fifteen (15) feet above the height of the main structure permitted in that district and
  - b) Exceed fifteen (15) feet above the height of the accessory structure and an auxiliary structure.
- This will allow a maximum height of combined structures, accessory structure and an auxiliary structure to be seventy-five (75) feet in height.
- 71.021 SPECIAL PROVISIONS: Permits will be required for any auxiliary structures supported by a freestanding accessory structure, such as radio towers with aerials, masts or antennae attached or constructed on top of the freestanding accessory structure.

SECTION 2. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3. Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

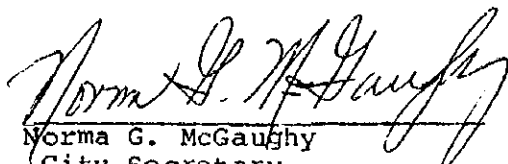
SECTION 4. The fact that the Code of the City of Mesquite, Texas, is inadequate for the necessary protection of the public comfort and general welfare creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provide.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of April, A.D., 1982.

  
\_\_\_\_\_  
Len Gibbens  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

00094