

## ORDINANCE NO. 2106

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 EFFECTING CERTAIN  
 CHANGES IN ARTICLES 63, 40, 43, 43A, 44, 45,  
 41, 61 EFFECTIVE APRIL 1, 1985, BY PROVIDING  
 A SEVERABILITY CLAUSE; BY PROVIDING FOR A  
 PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS  
 (\$200.00) FOR EACH OFFENSE; AND DECLARING  
 AN EMERGENCY:

WHEREAS, the City Planning 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 granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the following amendments and revisions should be made to the City of Mesquite Comprehensive Zoning Ordinance:

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

SECTION 1. That the Comprehensive Zoning Ordinance duly passed by the City Council on the 4th day of September, 1973 is hereby amended as follows, in all other respects to remain in full force and effect; the effective date of such amendment to be April 1, 1985.

- A. Article 63.061 is hereby deleted.
- B. Article 40.09 (b) is hereby amended to read as follows:

Mortuary or funeral homes shall provide off-street parking spaces at a ratio of one space for each 300 square feet of floor area other than the chapel, plus one space for each four seats in the chapel.

- C. The Schedule of Required Parking contained in Article 61.07 is hereby amended by deleting the language opposite "Funeral homes, mortuaries" and inserting the following:

Funeral homes, mortuaries	1 for each 300 square feet of floor area other than chapel; 1 for each 4 seats in chapel
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- D. Article 43.05 is hereby amended to read as follows:

Height Regulations; No building shall exceed six (6) standard stories in height, unless all stories above six standard stories are set back from all street lines one (1) foot for each two (2) feet in height above six (6) stories.

- E. Articles 40.064, 41.054, 43.065, 43A.054, 44.053 and 45.064 are hereby amended to read as follows:

Side yard; No side yard is required for an interior side lot. If the lot in this district is an exterior lot or adjoins a multifamily residential district, then the minimum side yard shall be fifteen (15) feet.

If the lot in this district adjoins a single-family attached or detached district, then the side yard shall be twenty-five (25) feet or no less than two (2) times the height of the building above the grade of the nearest single family residential district line, whichever is greater.

- F. Articles 40.065, 41.055, 43.066, 43A.055, 44.054 and 45.065 are hereby amended to read as follows:

Rear yard; No rear yard is required except if a lot in this district adjoins a residential district. If the lot in this district adjoins a multifamily residential district, then the minimum rear yard shall be fifteen (15) feet.

If the lot in this district adjoins a single-family attached or detached district, then the rear yard shall be twenty-five (25) feet or two (2) times the height of the building above the grade of the nearest single family residential district, whichever is greater.

SECTION 2. That the operation of tables for the game of "Pool" or "Billiards" as defined in Article 13.10.1 of the City Code constitutes Indoor Commercial Recreation as permitted in the Zoning Ordinance. Article 13.10.02 prohibiting same in all districts is contrary to those sections of the Zoning Ordinance allowing Indoor Commercial Recreation and to such extent is repealed.

SECTION 3. 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.

SECTION 4. 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 5. 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 6. 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 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 as a whole.

SECTION 7. 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 (\$200.00) Dollars for each offense.


SECTION 8. 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.

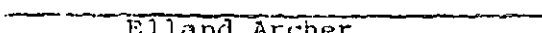
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of November, A.D., 1984.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

  
Elland Archer  
City Attorney

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