

ORDINANCE NO. 2232
File No. 2085-8

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 ARTICLE 06.06; 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 change of zoning 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 of the City of Mesquite, Texas, on the 4th day of September, 1973, be and the same is hereby amended as follows, in all other respects to remain in full force and effect:

A. The following article is hereby amended as follows:

1. That the following article is hereby deleted:

Article 06.06 (in its entirety)

B. A new Article 06.06 is hereby adopted, to read as follows:

06.06. ACCESSORY BUILDING IN RESIDENTIAL DISTRICTS.

06.061. GENERAL. An accessory building in any Residential District may be erected detached from the principal building, subject to the following requirements. Accessory structures which are an integral part of the principal building or connected by a breezeway or similar structure to the principal building shall meet all requirements set forth for the principal building.

06.062. SETBACKS. Accessory structures may be constructed in the rear and side yard according to the following requirements:

1. No accessory structure, if separate from the principal structures, may be constructed nearer to a front property line than forty (40) feet.
2. When an accessory structure is constructed separate from the principal structure, a distance of fifteen (15) feet must be maintained between the structures.
3. In no event may any accessory structure be constructed in front of a front building line or side building line on a corner lot.
4. In no event may an accessory building be constructed any closer than five (5) feet of any property line.

06.063. HEIGHT. The maximum height of an accessory building is twenty (20) feet; however, in no event shall an accessory building be constructed higher than the principal structure to which it is accessory.

06.064. MAXIMUM SIZE AND LOT COVERAGE. The maximum size of an accessory building shall not exceed 500 square feet; however, in no event may all accessory buildings cover over 35% of the rear yard, (the rear yard is that portion of the yard behind the principal structure and the rear property line).

06.065. WITHOUT MAIN BUILDINGS. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building.


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.

SECTION 3. 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 4. 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 5. The fact that the present ordinances of the City of Mesquite are inadequate to permit 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 and necessitates that this ordinance become effective immediately from and after its date of passage and the publication of its caption as the law in such cases provides.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 16th day of September A.D., 1985.



Terry Brimer
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

00326

0-0-2-4-3