

ORDINANCE NO. 2255
File No. 2085-10

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 04, 20 AND 41; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS 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 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:

- A. That Articles 04.34, 20.025 and 41.012 are hereby deleted.
- B. The following Articles are amended as follows:
 - 1. Article 04.34 is amended as follows:

04.34. DAY NURSERY/CHILD CARE FACILITY.

A place other than the child's or children's own home or homes in which care, supervision and guidance of a child or children unaccompanied by parents, guardian, or custodian is provided on a regular basis for a period of less than twenty-four (24) hours per day. Categories of Child Care Facilities are as follows:

04.0341. DAY CARE CENTER.

A commercial establishment which may be a day nursery school, kindergarten, child play school, child development center, early childhood center, and similar facilities and which is licensed by the State. Any facility not qualifying as a Registered Family Home shall be deemed to be a Day Care Center.

04.0342. REGISTERED FAMILY HOME:

A private residence registered with the State as an operation that regularly provides care for children in the private residence and operated in accordance with State rules and regulations.

2. Article 20.025 is amended to read as follows:

20.025. REGISTERED FAMILY HOME FOR CHILD CARE:

A child care facility registered with the State as a Family Home for Child Care. The number of children kept shall not exceed the number allowed under State regulations for Registered Family Homes. No signs or play apparatus shall be allowed in the front yard. Child care in an unregistered home shall not be permitted.

3. Article 41.012 is amended to read as follows:

41.012. DAY CARE CENTER (no text)

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 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 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 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 (\$200.00) Dollars for each offense.

SECTION 7. The fact that the present ordinances of the City of Mesquite are inadequate to protect the health and welfare the inhabitants 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 2nd day of December, A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

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