

ORDINANCE NO. 2529

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING CHAPTER 5 OF THE CODE OF THE CITY OF MESQUITE BY ADDING A NEW SECTION 5-63, PROVIDING FOR APPROVAL BY THE BOARD OF ADJUSTMENT OF TEMPORARY CLASSROOM BUILDINGS OF NON-MASONRY CONSTRUCTION FOR USE BY A CHURCH WHEN SPECIFIC CRITERIA IS MET; PROVIDING THAT THE BOARD OF ADJUSTMENT SHALL PROVIDE NOTICE BY MAIL TO ADJACENT PROPERTY OWNERS OR NOTICE BY PUBLICATION, AND THEIR DECISION SHALL BE FINAL WITH NO RIGHT OF APPEAL; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

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

SECTION 1. That Chapter 5 of the Code of the City of Mesquite is hereby amended by adding a new Section 5-63 to read as follows, said code and chapter in all other respects to remain in full force and effect:

Notwithstanding other provisions of this code, the Board of Adjustment shall have the power to permit the use, by a church, of temporary classroom buildings of non-masonry exterior construction for a period not to exceed three (3) years; provided however, the Board may specify conditions under which approval for additional periods of time beyond their approval period can be extended either by the Developmental Review Committee or the Board.

The use of temporary classroom buildings shall be deemed appropriate and the Board shall grant permission for such buildings if the following criteria is met:

- a) The proposed buildings will be located on the site of a permanent church facility with a valid certificate of occupancy; and
- b) There is evidence of a proposed schedule for construction/expansion of permanent facilities which will eliminate the need for continued use of the requested building; and
- c) There are no reasonable available alternatives for providing needed space in a functional manner; and
- d) Parking, circulation, electrical and utility connections, drainage, fire protection and all other health and safety considerations can be accommodated and provided for with the addition of the temporary building in an orderly and safe manner; and
- e) The placement of the temporary classroom building on the site will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted; and
- f) The placement of the temporary classroom building on the site will comply with all setback requirements for the site.

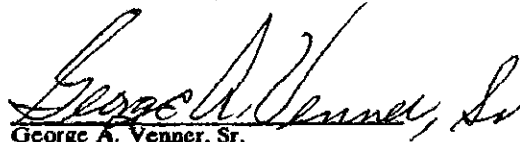
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The Board of Adjustment shall be required, when acting under this section, to provide notice by mail to adjacent property owners or notice by publication. The decisions of the Board of Adjustment relating to temporary classroom buildings of non-masonry construction shall be final with no right of appeal as provided in the zoning ordinance.

SECTION 2. That should any word, sentence, clause, paragraph, or provision 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. That the present ordinances of the City of Mesquite do not provide for the use of non-masonry temporary classroom buildings creates an urgency and 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.

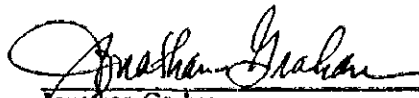
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of June, 1988.


George A. Verner, Sr.
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary


Jonathan Graham
City Attorney