

ORDINANCE NO. 2969
File No. Z094-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, ADOPTED ON SEPTEMBER 4, 1973 AND RECODIFIED ON NOVEMBER 21, 1988, BY DELETING SECTION 2-501G, SCREENING; AND ADOPTING A NEW REVISED SECTION 2-501G, SCREENING AND SECURITY; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, through administration and experience, the Planning and Zoning Commission has determined that it is necessary to revise certain regulations so that the intended purposes of the Zoning Ordinance are best served; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendment;

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

SECTION 1. That the Mesquite Zoning Ordinance, adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended to read as follows, said Code and Chapters in all other respects to remain in full force and effect:

Amended by deleting the existing Section 2-501G, in its entirety and adopting a new revised Section 2-501G, *Screening and Security*, to read as follows:

G. *Screening and Security.*

1. *Screening:* In the event that a multifamily district backs or sides upon an AG, R, or D district, a solid masonry screening wall not less than six feet in height shall be erected and maintained along the property line abutting such district. Provided however, that such wall shall not be required to extend into a required front or exterior side yard and shall not be erected so as to obstruct traffic visibility at alley, street, or drive intersections. Waiver, deferment, or substitution may be permitted in accordance with the procedures specified in 3-303.
2. *Security Fencing:* Multifamily developments shall be required to provide security fencing and gates adequate to regulate and control


access to the complex. In order to assure emergency access, all gate installations shall be in accordance with established rules and regulations of the Mesquite Fire Department. Fencing erected pursuant to this requirement shall be six to eight feet in height and shall be constructed either (1) of wrought iron with a maximum picket spacing of 6 inches, or (2) of decorative masonry. Fencing of a non-solid construction shall be permitted within the front and exterior side yard setbacks, provided that all gates must be set back from the street right-of-way a minimum of 25 feet.

SECTION 2. 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 Mesquite Zoning Ordinance as a whole.

SECTION 3. 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.


SECTION 4. 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 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 2nd day of May, 1994.


 Cathye Ray
 Mayor

ATTEST:

APPROVED:


 Lynn Prugel
 City Secretary


 B.J. Smith
 City Attorney