

ORDINANCE NO. 3264

File ZO 98-3

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 2-304E ARCHITECTURAL FEATURE HEIGHT; BY ADOPTING A NEW SECTION 2-304E MAXIMUM HEIGHT; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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

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 as follows, said ordinance in all other respects to remain in full force and effect:

A. **Delete** Section 2-304E Architectural feature height in its entirety and **adopt** a new Section 2-304E Maximum height, to read as follows:

E. Maximum height.

1. *Architectural features:* Spires, domes, cupolas, turrets and similar architectural features may exceed the maximum permitted height by 10 feet, provided they are an integral part of the design of the permitted structure and they are limited in size to no more than 10% of the area of the structure.
2. *Churches:* The maximum height of a church may exceed 35 feet, provided that the following conditions are satisfied: 1) The setback of the structure from the nearest property line in an AG, D, or R district is increased to at least three feet for each foot in height above grade at that property line; 2) The height is measured to the peak of the roof or spire/steeple; and 3) The structure, excluding the spire/steeple, does not exceed three stories in height.

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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 4. Whereas the need to regulate proper development of the City of Mesquite, and the need 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 19th day of October, 1998.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B.J. Smith
City Attorney