

ORDINANCE NO. 3656
File No. 2004-3

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 AMENDING SECTIONS 2-303 AND 3-302 THEREBY REMOVING THE LIST OF FIRE RESISTANT CONSTRUCTION MATERIALS AND AMENDING SECTION 6-102 BY ADDING A DEFINITION FOR MASONRY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; 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 a public hearing 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 by amending Sections 2-303 and 3-302 and adding a definition to Section 6-102 as follows, said Sections and Ordinance in all other respects to remain in full force and effect:

- A. Amend by deleting Section 2-303 in its entirety and adding a new Section 2-303 to read as follows:

2-303 EXTERIOR FIRE RESISTANT CONSTRUCTION REQUIREMENTS (Residential)

All main buildings in the AG, R and D districts shall be of fire resistant construction having at least 90% of the total exterior walls, excluding doors and windows constructed of masonry for all dwellings on lots in subdivisions for which a final plat was approved on or after July 1, 2004.

The non-masonry areas of the main building shall be cementitious fiberboard, natural wood or vinyl siding.

- B. Amend by deleting the first three paragraphs of Section 3-302 in their entirety and adding new paragraphs to Section 3-302 to read as follows:

**3-302 EXTERIOR FIRE RESISTANT CONSTRUCTION
REQUIREMENTS (Non-residential)**

All main building shall be 100% exterior fire resistant construction, except as otherwise permitted below for the districts and uses indicated. Exterior fire resistant construction shall mean exterior walls constructed of masonry, for all main building on lots in subdivisions for which a final plat was approved on or after July 1, 2004.

Exterior non-masonry materials shall be permitted for purposes of décor. The maximum surface where non-masonry décor is permissible shall not exceed 25% of any one wall and shall be limited to 35 feet in height.

Where buildings with metal exterior siding are permitted, the siding shall be of 26 gauge and shall have a permanent baked-on finish or an alternative finish or comparable durability, which is defined as that finish which has a low incidence of chipping, peeling, blistering, chalking or fading.

- C. Amend Section 6-102 by adding a definition for masonry to read as follows:

6-102 DEFINITIONS

MASONRY

Unless otherwise provided for in this ordinance, residential exterior fire resistant construction shall mean brick, stone (natural and/or manufactured), architectural concrete block, glass block and stucco. Other exterior construction materials for non-residential structures are tilt wall concrete panels, concrete masonry units, architectural concrete block and exterior finish and insulation system (EFIS).

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 word, sentence, clause, paragraph, phrase or section of this ordinance be 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 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 Mesquite Zoning Ordinance, as amended, 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.

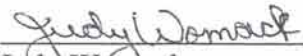
SECTION 5. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance 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 7th day of June, 2004.




Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney