

ORDINANCE NO. 4372  
Zoning Text Amendment No. 2015-02

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 PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 2-300, 4-950 AND 6-100 THEREBY REGULATING AND DEFINING REQUIREMENTS FOR THE AMOUNT OF MASONRY REQUIRED ON THE EXTERIOR OF OLDER DWELLINGS; PROVIDING 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 EFFECTIVE DATE THEREOF.

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 a public hearing 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 providing additions and deletions under Sections 2-300, 4-950 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 2-303.* Amend by deleting the first paragraph under Section 2-303 in its entirety and adding a new first paragraph under Section 2-303 to read as follows:

All main buildings in the AG, R and D districts shall be of fire resistant construction having at least 90 percent 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. For all dwellings on lots in subdivisions for which a final plat was approved before July 1, 2004, the minimum ratio of required masonry material for the total exterior walls, excluding windows and doors, shall fall within range.

- (2) *Section 4-954(B)(7).* Amend by deleting Section 4-954(B)(7) in its entirety and adding a new Section 4-954(B)(7) to read as follows:

Within the District north of S. Sam Houston Road, cementitious-fiberboard may be considered as masonry for purposes of §2-303.

- (3) *Section 4-955.* Amend by deleting the definition of *Range* in its entirety.
- (4) *Section 6-102.* Amend by adding a definition of *Range* to read as follows:

*Range:* The variation, if any, in the actual referenced dimension, ratio of material, size or specification of existing primary buildings on the two most adjacent developed lots with the same primary street frontage.

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.

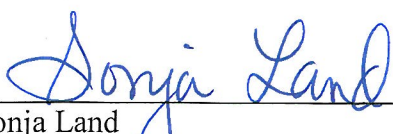
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

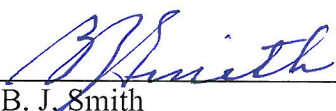
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th of July, 2015.

  
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Stan Pickett  
Mayor

ATTEST:

  
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Sonja Land  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney