

ORDINANCE NO. 4400
Zoning Text Amendment No. 2015-04

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 3-400, 5-200 AND 5-300
THEREBY ADDING PARKING AND HANDICAPPED
SPECIAL EXCEPTIONS, A NEW FEE FOR ZONING
APPLICATIONS AND AMENDING BOARD OF ADJUSTMENT
PROCEDURES; 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 3-400, 5-200 and 5-300 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Sec. 3-403(C).* Amend by deleting Section 3-403(C) in its entirety and adding a new Section 3-403(C) to read as follows:

Parking reduction. The Board may approve a reduction in required parking if the use meets the criteria for a special exception in Section 5-203(A), and the Board finds that the reduction in parking will not adversely impact parking on adjacent properties, the provision of public safety or unreasonably impede use of the public right-of-way. As a guideline for evaluating a mixed-use development, the Board may consider the Shared Parking Factors in Section 4-954 and the availability of public parking within proximity of the site.

- (2) *Sec. 5-201(A)(1).* Amend by adding a new sentence at the end of the paragraph in Section 5-201(A)(1) to read as follows:

An appeal to the Board must be made within 10 days after notice of the decision of the official.

- (3) *Sec. 5-203(C)*. Amend by adding a new Section 5-203(C) to read as follows:

Special exceptions for the handicapped. It is the express intent of the City Council to comply with the Federal Fair Housing Amendments Act of 1988, as amended, and to ensure that all handicapped persons have equal opportunity to use and enjoy a dwelling. This section allows a person to seek relief from the enforcement of any regulation contained in this chapter that would result in illegal discrimination against the handicapped. This section does not authorize the Board to grant a change in the use of a building or structure.

The Board shall grant a special exception to any regulation in this chapter if, after a public hearing, the Board finds that the exception is necessary to afford a handicapped person equal opportunity to use and enjoy a dwelling. The term "handicapped person" means a person with a "handicap," as that term is defined in the Federal Fair Housing Amendments Act of 1988, as amended. The Board may impose reasonable conditions upon the granting of this special exception consistent with the purpose stated in this section.

- (4) *Sec. 5-204(B)*. Amend by deleting Section 5-204(B) in its entirety and adding a new Section 5-204(B) to read as follows:

Effect of decisions. The Board's decision is final unless appealed to the district court within 10 days in accordance with Chapter 211 of the Texas Local Government Code.

- (5) *Sec. 5-301(C)*. Amend by deleting Section 5-301(C) in its entirety and adding a new Section 5-301(C) to read as follows:

Application fee. The applicant shall submit with the application a fee in the amount set by the City Council for the purpose of defraying the administrative costs of processing. If an applicant causes his/her application to be continued or tabled, thus requiring new notification, the applicant shall be charged an additional fee of 30 percent of the original application fee. No fee or portion thereof shall be refunded after notices on the application have been issued.

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.

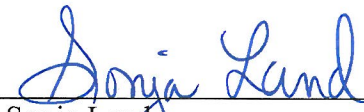
SECTION 5. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of November, 2015.



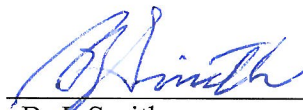
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney