

ORDINANCE NO. 4438
Zoning Text Amendment No. 2016-02

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 MAKING CERTAIN DELETIONS
AND ADDITIONS UNDER SECTION 5-100 THEREBY
AMENDING THE PROCEDURES FOR NOTICE OF
REVOCATION OF A CERTIFICATE OF OCCUPANCY, THE
HEARING AND THE APPEAL; PROVIDING A REPEALER
CLAUSE; PROVIDING A SEVERABILITY CLAUSE; 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 Section 5-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

(1) *Sec. 5-101.C.* Amend by deleting the opening paragraph in Section 5-101.C in its entirety and adding a new opening paragraph in Section 5-101.C to read as follows:

C. *Certificates of occupancy.* Except for single family residential and duplex uses, no building or land shall be used or changed in use or ownership until a certificate of occupancy shall have been issued by the Building Official stating that the building, land and authorized uses comply with the provisions of this ordinance and other applicable building laws.

(2) *Sec. 5-101.C.4.* Amend by deleting Sec. 5-101.C.4 in its entirety and adding a new Section 5-101.C.4 to read as follows:

4. *Denial/revocation:* Failure to comply initially or to continue to comply with the provisions of this ordinance, the site plan approval, or other applicable stipulations or building regulations, or the failure to conduct the authorized uses and only the authorized uses within the limits established by the certificate of occupancy, shall constitute a basis to deny or revoke approval of the certificate of occupancy, including denial or disconnection of utilities. See Sec. 5-103.C.

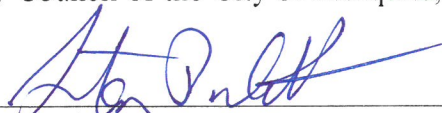
- a. *Notice of revocation:* The Director or Director's designee shall issue a written notice of intent to revoke a certificate of occupancy, which shall set forth the grounds upon which the notice is issued and inform the holder that the certificate of occupancy will be revoked at the end of 10 days after service of such notice unless a written request for hearing is filed with the Director within the 10-day period. If no request for hearing is filed within the 10-day period, the Director's decision to revoke the certificate of occupancy shall become final.
- b. *Hearing:* A hearing requested under this Subparagraph A shall be scheduled before the Director not less than 10 days nor more than 30 days after the date a timely written request for a hearing was filed. At the hearing, the certificate holder will be allowed an opportunity to respond to the allegations and present any mitigating evidence or reasons why the proposed revocation is improper.
- c. *Appeal of revocation:* If, after the hearing, the Director determines that the certificate of occupancy should be revoked, an appeal of the Director's decision may be made to the Board of Adjustment in accordance with Chapter 211 of the Texas Local Government Code.

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.

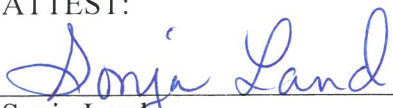
SECTION 4. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance 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 6th day of September, 2016.



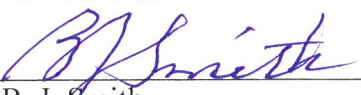
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney