

ORDINANCE NO. 4136  
Zoning Text Amendment No. 2011-01

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 5-200 AND 5-400 THEREBY GOVERNING THE OFFICIAL RECORDING OF A BOARD OF ADJUSTMENT APPROVAL AND THE TIME PERIOD IN WHICH AN APPROVAL IS VALID; 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, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding the proposed amendments to the regulations governing the official recording of a Board of Adjustment approval and the time period in which an approval is valid and has recommended amendments to the Mesquite Zoning Ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendments.

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 certain additions and deletions under Sections 5-200 and 5-400 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 5-204(D)*. Amend by deleting the section in its entirety and adding a new Section 5-204(D) to read as follows:

D. LIMITATION ON APPROVAL

The applicant shall file an application for a building permit or Certificate of Occupancy on or before the expiration of 180 days from the date of favorable Board action, unless an extended period is specifically granted by the Board. If the applicant fails to file such application within the time period, the request is automatically denied without prejudice and a new application must be made.

- (2) *Sections 5-402(C)(5-7)*. Amend by deleting the sections in their entirety and adding new Sections 5-402(C)(5-8) to read as follows:

5. *Minutes/Records* The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The minutes

of each meeting shall include an enumeration of the reasons for which any variance is granted. The Board shall keep records of its proceedings and other official actions. The minutes and records shall be filed in the Board's office and are public records.

6. *Board Office*

The Board's office shall be maintained in the Community Development Department under the direction of the Community Development Director or his designee. A decision of the Board shall be filed in the Board's office on the business day following the date the Board renders a final decision in open meeting.

7. *Disqualification from Voting*

A member shall disqualify himself from voting whenever he finds that he has a personal or a monetary interest in the property under appeal or that he will be directly affected by the decision of the Board.

A member may disqualify himself from voting whenever any applicant or his agent has sought to influence the vote of the member on the application other than in the public hearing.

8. *Training and Competency*

As a condition of membership on the Board, the members shall participate in such training and education as may be required by law or ordinance. From time to time, the Community Development Director shall provide additional training and educational opportunities for the members of the Board in order to maintain and improve their knowledge and competence in matters pertaining to the Board.

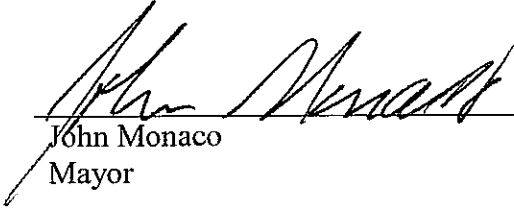
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

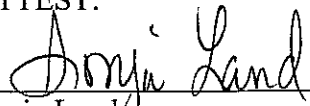
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal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

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 21st day of March, 2011.

  
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John Monaco  
Mayor

ATTEST:  
  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:  
  
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B. J. Smith  
City Attorney