

ORDINANCE NO. 4217
Zoning Text Amendment No. 2012-05

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 DELETIONS AND ADDITIONS UNDER SECTION 1-600 THEREBY REGULATING THE USE AND LOCATION OF TEMPORARY STRUCTURES FOR LIMITED PURPOSES; 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 protection of the public health is an essential function of local government, and the temporary use of mobile units would allow governmental agencies to fulfill that responsibility; and

WHEREAS, the City Council finds that operating a health facility for its employees and their families helps to maintain a state of readiness among employees who provide unique, essential services to the public at large, and that while the facility is undergoing expansion the limited use of a temporary building is an efficient and effective way to continue such operations without interruption; 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 deleting Section 1-602(F) in its entirety and adding a new Section 1-602(F) to read as follows, said Ordinance in all other respects to remain in full force and effect:

F. MOBILE MEDICAL AND PUBLIC HEALTH SERVICES

Mobile medical and public health services may be permitted when conducted from a self-contained unit, whether a vehicle or trailer, or from a temporary building, if the following criteria are met:

1. *Definitions* For the purposes of this Section, the term *mobile medical*

services shall mean blood banks, screening for early detection of cancers, or care to the elderly or poor, conducted on a non-profit basis only, but not including veterinary services. The term *public health services* shall mean the provision of out-patient preventive care, diagnosis or treatment of minor medical conditions and auxiliary functions conducted by governmental agencies, but not including hospital trusts or hospital districts, to protect the general health and welfare, or to promote and maintain wellness and readiness of governmental employees and their families.

2. *Permits*

- a. Mobile medical services conducted from a self-contained unit for a period of one week or less at a site shall not require a permit. Permits may be approved for periods exceeding one week, but not exceeding 30 days, at locations within a nonresidential district or at a public facility, such as a school, library, fire station or church in a residential district. Mobile medical services shall not be conducted from a temporary building.
- b. Public health services conducted from a self-contained unit shall not require a permit. Except in the event of public emergencies, a unit shall not remain at a location for a period exceeding one week. A permit and temporary certificate-of-occupancy may be approved for conducting public health services from a temporary building for up to three years and is subject to renewal upon expiration as provided in this Section.

3. *Site Requirements for Temporary Buildings*

Temporary buildings for conducting public health services shall be located on public property occupied by a permanent structure with a valid certificate-of-occupancy exclusively for medical purposes. The temporary building and disposition on the site shall comply with applicable codes for setbacks, parking, circulation, electrical and utility connections, accessibility, drainage and fire protection.

4. *Exterior Appearance*

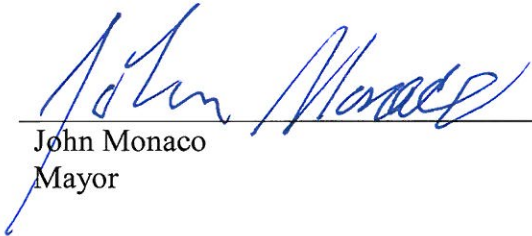
Metal exterior siding shall be prohibited on all facades of a temporary building. A permit and temporary certificate-of-occupancy shall not be renewed after the initial three-year period without complying with ordinances for exterior masonry. In lieu of complying with such ordinances, trees and foundation landscaping shall be installed to break the view of the temporary building from public streets and substantially conceal any skirting at the base of the temporary building.

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.

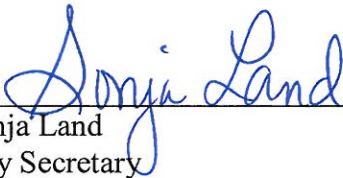
SECTION 4. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed 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 2nd of July, 2012.



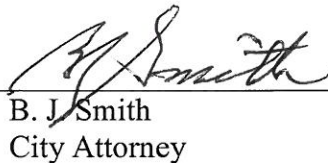
John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney