

ORDINANCE NO. 4399
Subdivision Ordinance Amendment No. 2015-01

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE SUBDIVISION ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, BY DELETING ARTICLE V, SECTION M IN ITS ENTIRETY AND ADDING A NEW ARTICLE V, SECTION M THEREBY AMENDING THE REQUIREMENTS FOR SCREENING WALLS; PROVIDING FOR 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 EMERGENCY.

WHEREAS, in order that the intended purposes of the Mesquite Subdivision Ordinance are best served, it has been determined necessary to amend certain language of said 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 Subdivision Ordinance adopted on September 4, 1973, be and the same is hereby amended by deleting Article V, Section M in its entirety and adding a new Article V, Section M to read as follows, said Ordinance in all other respects to remain in full force and effect:

M. Residential development adjacent to arterial streets.

Where a subdivision is platted so that the rear yards of residential lots are separated by an alley from an arterial street, as defined herein and shown on the Mesquite Thoroughfare Plan, a long-span precast concrete decorative screening wall, six (6) to eight (8) feet in height, in earthtone color, shall be erected on the street right-of-way line with a five (5) foot wide sidewalk adjacent to the wall on the arterial side. Such wall shall be designed and constructed in accordance with the City's General Design Standards, dated February 5, 2015, as amended. No wall shall be placed so as to obstruct traffic visibility. As an alternative, where properties are zoned Agriculture or lots have a minimum area of one-half acre or more, a wrought iron fence, six (6) to eight (8) feet in height with evergreen trees selected from Table 1A-500-1 of the Mesquite Zoning Ordinance shall be installed at intervals to effectively create a visual screen. At the time of planting, the trees must, at minimum, be the height of the wrought iron fence. The City Council may modify or waive this requirement or approve alternate screening methods based on site and/or design considerations. Installation of the screening wall or approved alternative is required prior to issuance of permits on any adjacent lots.

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.

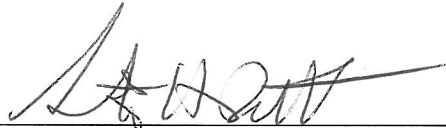
To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

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.

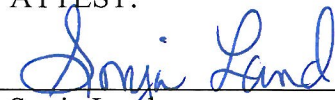
SECTION 5. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance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



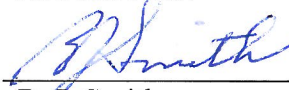
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney