

ORDINANCE NO. 5219
File No. Z1025-0424

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM PLANNED DEVELOPMENT – AGRICULTURAL ORDINANCE NO. 4791 TO PLANNED DEVELOPMENT - AGRICULTURAL ORDINANCE NO. 4791 WITH A CONDITIONAL USE PERMIT TO ALLOW AN ACCESSORY DWELLING UNIT (“ADU”) WITH MODIFICATIONS TO ALLOW THE ADU WITH A MAXIMUM FLOOR AREA OF 1,200 SQUARE FEET AND A MAXIMUM HEIGHT OF 17.5 FEET ON PROPERTY LOCATED AT 6713 EMERSON DRIVE; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The subject property is platted as Berkshire Estates Phase 1, Block D, Lot 10, and is located at 6713 Emerson Drive in the City of Mesquite, Kaufman County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from Planned Development - Agricultural Ordinance No. 4791 to Planned Development - Agricultural Ordinance No. 4791 with a Conditional Use Permit (“**CUP**”) to allow an Accessory Dwelling Unit (“**ADU**”) with modifications to allow the ADU with a maximum floor area of 1,200 square feet and a maximum height of 17.5 feet.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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Adding CUP to Planned Development – Agricultural Ordinance No. 4791 (ADU)

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SECTION 5. Should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. This Ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of December 2025.

Signed by:

Daniel Alemán, Jr.

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Daniel Alemán, Jr .
Mayor

ATTEST:

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Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

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David L. Paschall
City Attorney