

ORDINANCE NO. _____
Zoning Text Amendment No. 2021-06

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY DELETING SECTIONS 5-402, 5-406, 5-407, AND 5-408 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 5-402, 5-406, 5-407, AND 5-408 REGARDING THE GENERAL REGULATIONS FOR BOARDS, COMMISSIONS, AND COMMITTEES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas (the “**City**”), is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code, Chapter 9; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, it is the intent of the City Council of the City (the “**City Council**”) to protect the public health, safety, and welfare; and

WHEREAS, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

WHEREAS, on September 27, 2021, the City’s Planning and Zoning Commission considered text amendments to the Mesquite Zoning Ordinance and after having given proper public notice and holding a public hearing, the Planning and Zoning Commission recommended the City Council adopt the text amendments to the Mesquite Zoning Ordinance as was first presented to the City Council on October 18, 2021; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendments on October 18, 2021; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

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

SECTION 1. The statements, facts, findings, and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. That the MZO, as amended, be and the same is hereby amended by deleting Sections 5-402, 5-406, 5-407, and 5-408 in their entirety and inserting new Sections 5-402, 5-406, 5-407, and 5-408 as identified in Exhibit A. The amended sections of the MZO shall now read as shown in Exhibit B. Said exhibits are attached hereto and made a part hereof, and in all other respects said MZO, parts, and sections shall remain in full force and effect.

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

SECTION 4. 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 5. 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 \$2,000.00 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 6. 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 18th day of October 2021.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary


David L. Paschall
City Attorney

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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PART 5. – ADMINISTRATION

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5-400 – ADMINISTRATORS AND REVIEW BODIES

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[Editor's Note: Repeal 5-402 and replace with the following text.]

5-402 – General Regulations of Boards and Commissions.

The following articles and divisions, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE I – IN GENERAL

ARTICLE II – ELIGIBILITY AND APPOINTMENT PROCESS

ARTICLE III – GENERAL REGULATIONS

Division 1. – Regulations applicable to all Boards, Commissions, and Committees

Division 2. – Regulations applicable only to Quasi-Judicial Bodies

Division 3. – Meetings

Division 4. – Attendance Requirements

[Editor's Note: Repeal 5-406 and replace with the following text.]

5-406 – Landmark Commission.

The following division in Article IV, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE IV – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Division 8. – Landmark Commission

[Editor's Note: Repeal 5-407 and replace with the following text.]

5-407 – Planning & Zoning Commission.

The following division in Article IV, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE IV – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Division 9. – Planning and Zoning Commission

[Editor's Note: Repeal 5-408 and replace with the following text.]

5-408 – Board of Adjustment.

The following division in Article IV, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE IV – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Division 3. – Board of Adjustment.

MESQUITE CITY CODE

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APPENDIX C – MESQUITE ZONING ORDINANCE

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PART 5. – ADMINISTRATION

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5-400 – ADMINISTRATORS AND REVIEW BODIES

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5-402 – General Regulations of Boards and Commissions.

The following articles and divisions, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE I – IN GENERAL

ARTICLE II – ELIGIBILITY AND APPOINTMENT PROCESS

ARTICLE III – GENERAL REGULATIONS

Division 1. – Regulations applicable to all Boards, Commissions, and Committees

Division 2. – Regulations applicable only to Quasi-Judicial Bodies

Division 3. – Meetings

Division 4. – Attendance Requirements

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5-406 – Landmark Commission.

The following division in Article IV, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE IV – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Division 8. – Landmark Commission

5-407 – Planning & Zoning Commission.

The following division in Article IV, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE IV – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Division 9. – Planning and Zoning Commission

5-408 – Board of Adjustment.

The following division in Article IV, or successor and as amended, in Mesquite City Code, Chapter 20 – Boards, Commissions, and Committees, is hereby adopted by reference as if set out word for word:

ARTICLE IV – QUASI-JUDICIAL BOARDS, COMMISSIONS, AND COMMITTEES

Division 3. – Board of Adjustment.