

0075

ORDINANCE NO. 2164
File No. ZO 85-4

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
AMENDING THE COMPREHENSIVE ZONING ORDINANCE
OF 1973 DULY PASSED BY THE CITY COUNCIL ON
SEPTEMBER 4, 1973, BY EFFECTING CERTAIN
CHANGES IN ARTICLE 45; BY PROVIDING A SEVER-
ABILITY CLAUSE; BY PROVIDING FOR A PENALTY
NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS
FOR EACH OFFENSE; AND DECLARING AN EMER-
GENCY:

WHEREAS, the City Planning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State Laws with reference to granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, the City of Mesquite is of the opinion that the following amendments and revisions should be made to the City of Mesquite Comprehensive Zoning Ordinance:

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

SECTION 1. That the Comprehensive Zoning Ordinance duly passed by the City Council on the 4th day of September, 1973 is hereby amended as follows, in all other respects to remain in full force and effect:

- A. Article 45.001 is hereby amended by deleting the language "Petroleum Products Storage" and inserting the following:
"Wholesale Sand and Gravel Sales and Storage".
- B. New Article 45.0195 is hereby adopted to read as follows:

HIGH RISK USES: Any use determined by the Health, Fire or Building Officials to be of special health or safety hazard due to excessive and/or toxic fumes, smoke, gas, or dust; odors; noise; vibration; or danger from fire, explosion or radiation, but which may be located and operated without hazard under specific standards. Specifically included as high risk uses are the manufacture of acid, ammonia, carbon black, cement, lime, gypsum, plaster of paris, chlorine, glue or fertilizer; storage or manufacture of explosives; storage refining or

00076

ORDINANCE/PAGE 2

manufacture of petroleum and petroleum products; storage of hazardous or noxious chemicals or materials, including storage incidental to a primary use, including, but not limited to those listed in National Fire Protection Association Pamphlets 49 and 491M; storage, use or processing of radioactive materials; petro-chemical plants; rendering plants; or tanning, curing, treating or storage of skins or hides.

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 the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or 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 Comprehensive Zoning Ordinance as a whole.

SECTION 6. 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 Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this

00077

ORDINANCE/PAGE 3

ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 15th day of April, A.D., 1985.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

000078

