

ORDINANCE NO. 3032

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE DULY ADOPTED ON SEPTEMBER 4, 1973 AND RECODIFIED ON NOVEMBER 21, 1988 SO AS TO ADOPT REVISED SECTION 5-303 CONDITIONAL USE PERMITS, REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY AND DECLARING AN EMERGENCY.

WHEREAS, through administration and experience, the Planning and Zoning Commission has determined that it is necessary to revise certain regulations so that the intended purposes of the Zoning Ordinance are best served; and

WHEREAS, the Planning & Zoning Commission did give public notice and did hold public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendments;

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

SECTION 1. That the Mesquite Zoning Ordinance, duly adopted on September 4, 1973, and recodified on November 21, 1988, be amended as set out below.

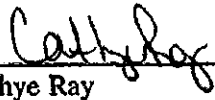
*Delete Section 5-303 CRITERIA FOR CONDITIONAL USE PERMITS in its entirety; and adopt a revised Section 5-303 CONDITIONAL USE PERMITS to read as set out in Exhibit A.*

SECTION 2. 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 of the provisions hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Zoning Ordinance as a whole.

SECTION 3. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed (\$2,000.00) Dollars for each offense.


**SECTION 4.** The fact that the present ordinances of the City of Mesquite are inadequate 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 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 1st day of May, 1995.

  
\_\_\_\_\_  
Cathye Ray  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Lynn Prigel  
City Secretary


  
\_\_\_\_\_  
B.J. Smith  
City Attorney

EXHIBIT A:

PART 5: ADMINISTRATION  
5-300 AMENDMENT AND CONDITIONAL USE  
PERMIT PROCEDURE

5-303 CONDITIONAL USE PERMITS

A. PURPOSE AND SCOPE

The purpose of the Conditional Use Permit process is to identify those uses which might be appropriate within a zoning district, but due to either their locational, functional, or operational nature, could have a potentially negative impact upon surrounding properties or upon the City as a whole; and to provide a procedure whereby such uses might be permitted, where appropriate, by further restricting or conditioning them so as to eliminate the probable and potential negative impacts.

B. REVIEW CRITERIA

In reviewing a request for Conditional Use Permit approval, the City Council shall consider:

1. Existing Uses: That the Conditional Use will not be injurious to the use and enjoyment of other property in the immediate area for purposes already permitted, nor substantially diminish and impair property values within the immediate vicinity.

2. Vacant Properties

That the Conditional Use will not impede the normal and orderly development and improvement of surrounding vacant property for uses predominant in area.

3. Services

That adequate utilities, access roads, drainage, and other necessary facilities have been or are being provided. Conditional uses in residential districts shall generally require direct access to an arterial street.

4. Parking

That adequate measures have been or will be

taken to provide sufficient off-street parking and loading spaces to serve the proposed uses.

5. Performance Standards

That adequate measures have been or will be taken to prevent or control offensive odor, fumes, dust, noise, and vibration, so that none of these will constitute a nuisance and to control lighted signs and other lights in such a manner that no disturbance to neighboring properties will result.

C. TERMINATION

All Conditional Use Permits approved prior to the date of passage of this section and all Conditional Use Permits approved after the date of passage shall automatically terminate if the conditions set out below occur. Extension of the approval period may be requested at any time prior to termination or within 60 days after termination. When it is determined that no significant changes affecting the Conditional Use Permit have occurred, the City Council may, after recommendation by the Planning & Zoning Commission, extend the approval. All approvals and extensions shall be valid for one year from the date of action, unless the City Council specifies a greater or lesser period.

1. Failure to Implement: Approval of the Conditional Use Permit shall automatically terminate one year after the date of the ordinance granting the Conditional Use Permit, unless a building permit or a Certificate of Occupancy has been issued for the use.

2. Discontinuance: Approval of the Conditional Use Permit shall automatically terminate if the use is abandoned or is discontinued for a period of six months or more.

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