

ORDINANCE NO. 3378  
File No. 1462-231

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING TO AMEND THE CURRENT PLANNED DEVELOPMENT LIGHT COMMERCIAL DISTRICT TO ALLOW A FENCE CONTRACTOR WITH ACCESSORY OUTDOOR STORAGE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 changes 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 and to all persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a change of zoning to amend the current Planned Development Light Commercial Zoning subject to the following stipulations, said ordinance in all other respects to remain in full force and effect.

1. Uses permitted shall be as follows:
  - a. All uses permitted in the Light Commercial District;
  - b. A fence contractor with accessory outdoor storage yard.
2. Submission of the Planned Development Site Plan shall detail the screening of the outdoor storage area to be provided. At a minimum, the screening shall include the following:
  - a. Wrought iron fencing along Windbell Circle with Austin stone columns every 15 feet. Gate shall be wrought iron. Spacing, installation size and irrigation for the landscape hedge shall be in accordance with Part 1A of

the Mesquite Zoning Ordinance. All landscape areas shall be fully irrigated by automatic underground system.

- b. Screening fence along the rear and side of the property shall be solid wood fencing. Submission of the Site Plan shall include submission of a letter of approval from TXU for installation of landscaping in the TXU easement. If installation in the easement is not permitted, said fencing and landscaping must be provided on the Windbell Circle side of the easement.

The subject tract is a 1.8 acre tract located approximately 300 feet southwest of the Windbell Circle and Gross Road intersection. The property is platted as Lot 3, Block B, Skyline Village No. 37, Phase III Addition.

SECTION 2. 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 Mesquite Zoning Ordinance.


SECTION 3. That the foregoing change shall be, and 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. 3042 of the Mesquite City Code.

SECTION 4. 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 5. 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 Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense.


SECTION 6. That 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 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 7th day of August, 2000.

  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Ellen Williams  
City Secretary

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