

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING SECTION 5-303 BY ADDING A NEW SECTION 5-303D; PROVIDING A REPEALER CLAUSE; 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, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and 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 a public hearing regarding the proposed amendment.

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 adding a new Section 5-303D to read as follows, said ordinance in all other respects to remain in full force and effect.

5-303 Conditional use permits.

- D. The City Council may stipulate conditions and limitations on the approval of the Conditional Use Permit in the interest of public welfare and to assure that the intent of this ordinance is carried out.
1. *Conditions.* The approval of a Conditional Use Permit may place stipulations or conditions on the operation, location, arrangement or construction of a Conditional Use Permit in order to assure the protection of adjacent properties and uses in the vicinity and to safeguard the welfare of the citizenry as a whole as it may be affected by the use.
 2. *Time Limits.* A time limit may be imposed as a condition of the approval of a Conditional Use Permit when the City Council determines that one of the following circumstances exists:
 - a. The use is presented by the applicant as a temporary or interim use or the use, due to its nature and operation, may be considered temporary or interim, so that removal of the use is reasonably to be

expected after a period of time. Temporary or interim use may be indicated by leasing of land or building space, by minimal construction of property improvements or by the lack of construction customized for the specific use.

- b. The use is consistent with current uses in the area and on adjoining property; however, anticipated future changes in the area would cause the requested use to become incompatible after a period of time.

When no time limit is proposed by the applicant, but the Council finds that the use is not appropriate without such condition, then the Council shall inquire of the applicant if a time limit is an acceptable condition. If such condition is unacceptable to the applicant, the Council shall deny the application.

When a Conditional Use Permit is to expire due to an imposed time limit and the property owner wishes to continue the use, a new application shall be submitted requesting to continue the Conditional Use Permit. Such applications shall require the same procedures outlined herein for initial approval of a Conditional Use Permit.

3. *Transferability.* A Conditional Use Permit shall be transferable between owners and businesses except as follows: Where the City Council finds that a use or uses defined and permitted under a Conditional Use Permit are sufficiently unusual in character or operation as to create the potential for variations in function or operation with possible negative impacts upon adjacent properties or on the citizenry as a whole, the City Council may specify in its approval that the Conditional Use Permit is approved solely for the business represented by the applicant and that the Conditional Use Permit shall not be transferable to a different person or business.

A different business applicant desiring to continue a non-transferable Conditional Use Permit shall submit a new application requesting to continue the Conditional Use Permit. Such applications shall require the same procedures outlined herein for initial approval of a Conditional Use Permit.

SECTION 2. 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 3. 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.

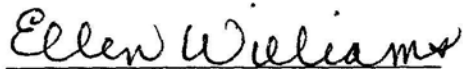
SECTION 4. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance 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 15th day of October, 2001.



Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney