

ORDINANCE NO. 3496
File No. 2002-1

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 DELETING SECTIONS 1-301E.3 AND 3-203L.6 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 1-301E.3 AND 3-203L.6 RELATING TO DUMPSTER SCREENING REGULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 deleting Sections 1-301E.3 and 3-203L.6 in their entirety and adding new Sections 1-301E.3 and 3-203L.6 to read as follows, said ordinance in all other respects to remain in full force and effect.

APPENDIX C

ZONING

- (1) *Section 1-301E.3.* Amend by deleting the section in its entirety and adding a new Section 1-301E.3 to read as follows:

1-300 NONCONFORMING SITUATIONS

1-301 General provisions.

1-301E.3: All refuse containers that are nonconforming with the standards set out in 3-203L due to the lack of required screening or improper location shall provide required screening and a complying location at such time as a new

Certificate of Occupancy is required to be issued. Containers which had been legally screened by a solid wood fence shall not require installation of a masonry fence.

- (2) *Section 3-203L.6.* Amend by deleting the section in its entirety and adding a new Section 3-203L.6 to read as follows:

3-200 USE REGULATIONS

3-203 Schedule of permitted uses – Contents to SIC codes.


3-203L.6: Prohibits location in a required front or exterior side yard; requires screening from adjacent streets and residential districts on three sides by construction of a solid masonry fence at least six feet in height, provided that no fence shall be required on any sides which are screened by the location of a building or other screening fence. Masonry materials shall be similar to masonry on the main structure. An opening, a minimum 12 feet in width, shall be provided on the fourth side for access by refuse collectors. Such opening shall be situated so that the container is not visible at an angle of greater than 45 degrees from adjacent streets. The Development Review Committee may approve a container location in a required front or exterior side yard or at a greater angle when no other reasonable location is available and may stipulate additional screening requirements in such circumstances.

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.

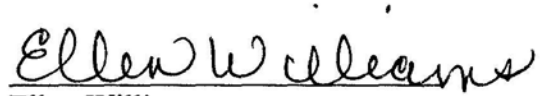
SECTION 4. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance 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 April 2002.




Mike Anderson
Mayor

ATTEST:



Ellen Williams
City Secretary

APPROVED:



B. J. Smith
City Attorney