

ORDINANCE NO. 4036
Zoning Text Amendment No. 2009-2

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 PROVIDING CERTAIN DELETIONS UNDER SECTION 3-601(A) THEREBY REMOVING THE PUMP ISLAND AND TIRE RACK EXEMPTIONS FROM AN INCIDENTAL OUTDOOR DISPLAY IN CONJUNCTION WITH A SERVICE STATION OR AN AUTO REPAIR STORE; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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 a public hearing 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 3-601(A)(1) and 3-601(A)(2) in their entirety and the amended Section 3-601(A) to read as follows, said Ordinance in all other respects to remain in full force and effect:

A. LOCATION

Incidental display shall be permitted adjacent to the principal building and shall extend no more than five feet therefrom. Such display shall be located on a paved surface, with a walkway at least five feet in width remaining unobstructed if located on a sidewalk. No such display shall obstruct or eliminate any designated parking or loading space, access drive or fire lane, or occupy any street right-of-way.

The above criteria shall not apply to the following outdoor display which shall be permitted as follows:

Plant Nurseries The display/storage of bedding plants and shrubs shall be permitted at plant nurseries, including garden centers associated with home improvement and general merchandise stores, provided that the storage/display area is designated and approved on the site plan for

the use. Paving within a plant display area shall be required only for pedestrian walkways. Such display shall be prohibited in any part of a required front or exterior side yard and no such display shall obstruct or eliminate any designated parking or loading space, access drive or fire lane. The display of lawn and garden supplies, grass pallets and other bulk items shall be permitted in conjunction with the primary display of bedding plants and shrubs, but shall otherwise constitute outdoor storage requiring compliance with 3-603.

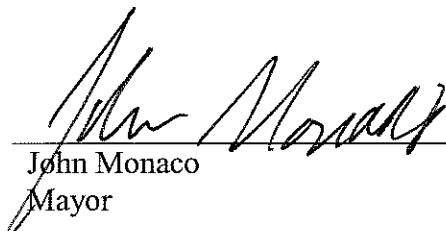
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That 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 4. 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 (\$2,000.00) Dollars for each offense.

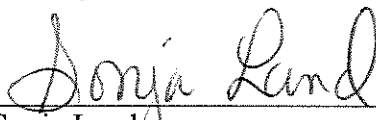
SECTION 5. That this ordinance shall be effective immediately on and after September 1, 2009.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd of March, 2009.



John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney