

ORDINANCE NO. 4714
File No. Z0619-0099

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW SUBJECT PROPERTIES TO BE USED AS A PRIMARY OUTDOOR STORAGE YARD PER SECTION 3-603.A.2 OF THE MESQUITE ZONING ORDINANCE ON PROPERTY LOCATED AT 2533 WESTWOOD AVENUE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

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

SECTION 1. That the Mesquite Zoning Ordinance (“MZO”) is amended by approving a change of zoning from Commercial to Commercial with a Conditional Use Permit (“CUP”) to be used as a primary outdoor storage yard per Section 3-603.A.2 of the MZO with the following stipulations:

1. Install T-post and wire fencing spanning the southwestern edge of pavement.
2. Two approved trees from Section 1A-500 shall be planted within the front setback along Westwood Avenue.
3. A wrought-iron gate with mesh privacy screening at a height no shorter than six feet and no greater than eight feet shall be installed at the point of access on Westwood Avenue.
4. All outdoor storage shall be screened by a permanently maintained solid masonry wall at least six feet in height along the front property line, the construction of which is deferred for a period of nine months from the date of this ordinance.

SECTION 2. That the subject property is described as being Lots 12 and 15, Block 5, Hilhome Garden Addition, City of Mesquite, Dallas County, Texas, and located at 2533 Westwood Avenue.

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

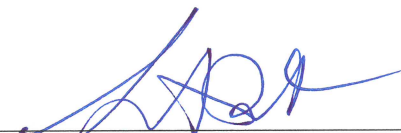
SECTION 4. That the property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

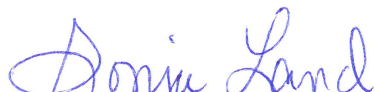
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of September 2019.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney