

ORDINANCE NO. 4787

File No. Z0420-0138

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING THE STIPULATIONS FOR A CONDITIONAL USE PERMIT APPROVED BY ORDINANCE NO. 4714 ON PROPERTY CURRENTLY ZONED COMMERCIAL WITH A CONDITIONAL USE PERMIT LOCATED AT 2533 WESTWOOD AVENUE REGARDING A SCREENING WALL FOR A PRIMARY OUTDOOR STORAGE YARD; 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 is amended by amending the stipulations for a Conditional Use Permit (“CUP”) approved in Ordinance No. 4714 for the Property zoned Commercial with a CUP regarding a screening wall for a primary outdoor storage yard by deleting Stipulation No. 4 in its entirety and adding new Stipulation Nos. 4 and 5 to read as follows:

4. An eight-foot, board-on-board, stained cedar privacy fence with a top rail shall be constructed along the front building line.
5. All fencing shall be maintained in a like-new manner, meaning any portion of fencing showing signs of deterioration, broken or missing panels, or that creates a safety hazard, shall be replaced.

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 (the “Property”).

SECTION 3. Except as amended herein, Ordinance No. 4714 shall remain in full force and effect.

SECTION 4. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 5. 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 6. 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 7. 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.

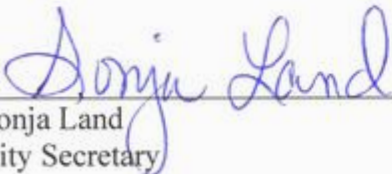
SECTION 8. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of June 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney