

ORDINANCE NO. _____
Zoning Text Amendment No. 2019-04

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS,
AMENDING SECTION 4-1023 OF THE MESQUITE ZONING
ORDINANCE PERTAINING TO THE APPLICATION OF THE
NORTH GUS THOMASSON CORRIDOR REVITALIZATION
CODE, SECTION 3.7, BUILDING FUNCTION AND DENSITY
REGARDING OUTDOOR STORAGE; PROVIDING A
REPEALER CLAUSE; PROVIDING A SEVERABILITY
CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED
TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH
OFFENSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the Mesquite Comprehensive Plan identifies neighborhood sustainability zones as the planning framework for the revitalization of certain neighborhoods and their adjacent distressed commercial corridors; and

WHEREAS, the Comprehensive Plan establishes key policies for neighborhood sustainability zones to include pedestrian-orientation with a complete streets approach, the use of form-based regulations to promote business corridor renewal and compatibility between building functions, and recreation of the public realm through extensive use of building enclosure, landscaping, sidewalks and civic spaces; and

WHEREAS, on December 15, 2008, the City Council adopted the North Gus Thomasson Corridor Revitalization Code (the "NGTCRC"), to transform the North Gus Thomasson Corridor District and achieve the policies and strategies of the Comprehensive Plan and Project Renewal; and

WHEREAS, on November 7, 2011, the City Council adopted revisions to the NGTCRC that required the retro-fitting of existing buildings, functions and premises to conform to the standards of the NGTCRC; and

WHEREAS, the NGTCRC currently prohibits outdoor storage and display with the exception of incidental outdoor display; and

WHEREAS, this amendment will allow six properties within the NGTCRC to be eligible for outdoor storage and display with certain limitations; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding proposed revisions and has recommended the amendments; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendments.

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

SECTION 1. That Section 4-1023 of the Mesquite Zoning Ordinance pertaining to the application of the North Gus Thomasson Corridor Revitalization Code, Section 3.7, Building Function and Density, is hereby amended to allow outdoor storage with limitations. Such amendments are attached hereto as Exhibit "A," incorporated herein by reference and made a part thereof. A copy of the North Gus Thomasson Corridor Revitalization Code shall be kept on file in the office of the City Secretary.

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 (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 5. 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 3rd day of September 2019.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

- I.** Amending Section 4-1023 of the Mesquite Zoning Ordinance pertaining to the application of the North Gus Thomasson Corridor Revitalization Code, by deleting Section 3.7, Building Function and Density in its entirety and adding a new Section 3.7, Building Function and Density to read as follow:

3.7. BUILDING FUNCTION AND DENSITY

- a. Buildings in the District shall conform to the Functions on Table 3-4 and Table 3-5 and Table 3-11.
- b. A public hearing and approval by the City Council in accordance with MZO § 5-300 shall be required for a Function permitted by Conditional Use Permit (CUP).
- c. Accessory Functions shall be permitted within an Outbuilding.
- d. Incidental outdoor display is permitted pursuant to the MZO § 3-601.
- e. Accessory outdoor storage is permitted subject to the following requirements:
 - i. The parcel containing outdoor storage shall be a minimum of three acres in area.
 - ii. Outdoor storage shall not comprise more than five percent of the parcel.
 - iii. Outdoor storage shall not be located in front of the front façade of the primary structure extended to the side property lines.
 - iv. Outdoor storage shall be screened by a six to eight feet tall fence constructed of a long-span precast concrete screening wall, brick, stone or a decorative iron fence with site obscuring fabric of a color that matches the iron fence color. Iron or wood fences shall have masonry support columns.
 - v. Outdoor storage shall not be taller than or visible above the screening fence.
- f. First Story Commercial Functions shall be permitted.