

ORDINANCE NO. \_\_\_\_\_  
File No. Z0820-0145

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW PRIMARY OUTDOOR STORAGE ON PROPERTY LOCATED AT 2526 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 subject property is platted as Hilhome Gardens 2 Replat, Block 4, Lot 16R, in the City of Mesquite, Dallas County, Texas, and located at 2526 Westwood Avenue.

SECTION 2. That the Mesquite Zoning Ordinance 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 with the following stipulations:

1. The outdoor storage area shall be screened with a board on board, stained cedar privacy fence a minimum of six feet in height. The fence shall be constructed and maintained in good working condition, including the replacement of any missing boards and/or damaged portions immediately, with re-staining occurring at least every three years and as needed. The fence shall be constructed along the entirety of the south property line, along Westwood Avenue, to provide screening from public view, except in visibility triangle areas and the entry gate.
2. The outdoor storage area and driving area shall have an approved asphalt or concrete surface where the storage of vehicles, trailers, and equipment occurs.
3. A Site Plan must be approved and indicate full compliance with the Mesquite Zoning Ordinance prior to the issuance of a Certificate of Occupancy.
4. The CUP shall apply to Molina Construction and cannot be reassigned or transferred.

5. This CUP shall expire after six months from the issuance of the certificate of occupancy.
6. Should Molina Construction wish to continue the use after the six-month period, Molina Construction may submit a new CUP application requesting to continue the CUP. Such application shall require the same procedures outlined in the Mesquite Zoning Ordinance for initial approval of a CUP, and City Staff shall present a report on property conditions during the six-month period. In this event, the application fee shall be 30 percent of the CUP application fee at the time of renewal.

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 6th day of December 2021.

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Daniel Alemán, Jr .  
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

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Sonja Land  
City Secretary

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David L. Paschall  
City Attorney