

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT FOR THE SALE OF USED MERCHANDISE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

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 amending the Zoning Map of the City of Mesquite so as to approve a conditional use permit for the sale of used merchandise subject to the following stipulations, provisions and regulations:

1. Seventy percent (70%) of all inventory cost shall be new merchandise.
2. Used merchandise shall be limited to children's clothing and accessories.
3. No outdoor display shall be permitted.
4. Merchandise displays shall be orderly and similar in style and organization to typical displays at general merchandise and department stores.
5. No repair or rehabilitation of used items shall be permitted on the premises.
6. All display merchandise shall be clean, untorn and/or operational. The display of severely damaged items is prohibited.
7. Window signs shall be limited to no more than twenty percent (20%) of the total window area.
8. All equipment and accessories will be kept in good working order.
9. The conditional use permit is granted specifically to Jennifer and Kenneth Fifield.
10. The conditional use permit is for a period of five (5) years with an opportunity to renew after the five- (5) year period at City Council's discretion.
11. There can be no assignment, transfer or alienation of the Conditional Use Permit.
12. There shall be no consignment of goods permitted. All goods, equipment and accessories shall be owned by the Fifields and/or business entity that operates the Mesquite Once Upon a Child franchise.
13. Should the Once Upon a Child franchise be revoked or terminated for any reason, the conditional use permit will likewise be terminated.

The subject property is a 4,100-square foot lease space located at 3501 Towne Crossing Boulevard, Suite 205 and is part of Lot 6, Block 1, Town East Crossing Addition.

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 the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

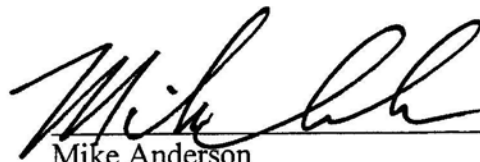
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

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, 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 upon conviction in the Municipal Court shall be punished by a fine not to exceed two thousand dollars (\$2,000.00) for each offense.

SECTION 7. Whereas the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

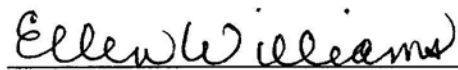
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5th day of November, 2001.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Ellen Williams
City Secretary



B. J. Smith
City Attorney