

ORDINANCE NO. 3707  
File No. 1095-45

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 CHANGE OF ZONING FROM SERVICE STATION TO PLANNED DEVELOPMENT-GENERAL RETAIL 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 (\$2,000.00) DOLLARS 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 change of zoning on property zoned Service Station to Planned Development-General Retail subject to the following stipulations:

1. Only uses that are classified under the following SIC codes are permitted:

RETAIL:	56	Apparel, Accessory Stores	
	57	Furniture, Home Furnishings	
	58	Eating, Drinking Places	
	5942	Miscellaneous Retail:	Book Stores
	5943	Miscellaneous Retail:	Stationary Stores
	5944	Miscellaneous Retail:	Jewelry Stores
	5945	Miscellaneous Retail:	Hobby, Toy, Game Shops
	5946	Miscellaneous Retail:	Camera, Photo Supply Shops
	5948	Miscellaneous Retail:	Luggage, Leather Goods Stores
	5949	Miscellaneous Retail:	Sewing, Needlework, Piece Goods Stores
	5992	Miscellaneous Retail:	Florists
	5995	Miscellaneous Retail:	Optical Goods Stores

FINANCE,  
INSURANCE,  
REAL  
ESTATE:

Except SIC 61:

Nondepository Institutions

PERSONAL  
SERVICES:

722

Photographic, Portrait  
Studios

7291

Tax Preparation Services

BUSINESS  
SERVICES:

7334

Photocopying, Duplicating  
Services

2. A low-level enhanced landscape feature that does not create a traffic visibility hazard shall be placed at the corner of the IH 635 frontage road and North Town East Boulevard.
3. A minimum 20 percent of the lot area after right-of-way taking shall be landscaped with a maximum of 10 trees required on the site.
4. Building facades facing IH 635 and North Town East Boulevard shall only use stucco, stone or brick as masonry materials, and stucco shall be limited to 30 percent of the total structure.
5. The Planning and Zoning Commission shall review the site plan for compliance with these provisions.

That the subject property is located at 1921 North Town East Boulevard and further described as a 0.78-acre tract, being Tract 10, Page 95, Abstract 1095 and Tract 35, Abstract 1501.

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 are 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 Code of the City of Mesquite.

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 (\$2,000.00) Dollars for each offense.

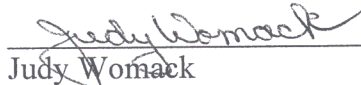
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 3rd day of January, 2005.



Mike Anderson  
Mayor

ATTEST:



Judy Womack  
City Secretary

APPROVED:



B. J. Smith  
City Attorney