

ORDINANCE NO. 3752
File No. 34-38

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 ON PROPERTY ZONED COMMERCIAL THEREBY ALLOWING OUTDOOR SALES AND DISPLAY OF NEW AND USED RECREATIONAL VEHICLES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR 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 on property zoned Commercial thereby allowing outdoor sales and display of new and used recreational vehicles subject to the following stipulations:

1. The Conditional Use Permit (CUP) shall allow only the display and sale of new and used recreational vehicles (RVs). Used vehicles shall be limited to 20 percent of the units on the lot. This specifically excludes the display or sale of new or used manufactured homes, model homes, mobile homes, trucks, tractors and farm equipment, motorcycles, automobiles and any other use not specifically approved by this ordinance or allowed by right under Commercial zoning.
2. Site shall meet all provisions of Section 15-150 of the City Code. Traffic Engineering Division shall review for compliance prior to issuance of a building permit.
3. Wrought iron fencing (four feet tall) shall be installed and maintained along the front (north) side of the property and Action Drive up to the median opening into the parking lot. The remainder of the property shall be screened by a six-foot chain link fence.

4. No maintenance, storage of parts or disassembled RVs may be stored outdoors.
5. All repair, service and assembly of RVs shall be conducted in an enclosed structure.
6. A preliminary replat shall be approved prior to obtaining a building permit. A final plat shall be approved and recorded with Dallas County prior to obtaining a Certificate of Occupancy.
7. No caretakers, customers or other personnel may live on site at any time. This includes a prohibition on overnight camping in RVs on site.
8. Landscaping:
 - a. Site must meet all provisions of the City's Landscape Ordinance in addition to other provisions set forth in this CUP.
 - b. A 20-foot-wide landscape easement shall be established along the north property line except where driveway opening(s) and/or visibility triangles are required. The landscape easement shall include no fewer than 16 shade trees of at least two different varieties selected from the City's Approved Tree Schedule (Zoning Ordinance Section 1A-500).
 - c. A 25-foot-wide landscape easement shall be established along the west and southwest property line except where driveway opening(s) and/or visibility triangles are required. The landscape easement shall include no fewer than 18 shade trees of at least two different varieties selected from the City's Approved Tree Schedule (Zoning Ordinance Section 1A-500) and at least four ornamental trees.
 - d. A minimum 1800-square-foot landscape courtyard shall be provided and maintained in front of the primary building. This courtyard shall consist of seasonal color plantings, shrubs and other color-bearing flora.
 - e. A detailed landscape plan shall be submitted with building plans and approved prior to obtaining a building permit.

That the subject property is located at the southeast corner of IH-30 and Action Drive, further described as East Meadows Addition, Block A, Lots 8, 10, 11 and 12.

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.

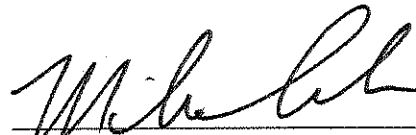
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the 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. 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 1st day of August, 2005.



Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B. J. Smith
City Attorney