

ORDINANCE NO. 4128
File No. 1461-145A-2011

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 THE STIPULATIONS ON PROPERTY ZONED LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT BY DELETING ALL PREVIOUS STIPULATIONS AND ADDING NEW STIPULATIONS TO ALLOW FOR THE SALE OF NEW AND USED AUTOMOBILES; 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 the stipulations on property currently zoned Light Commercial with a Conditional Use Permit by deleting all previous stipulations and adding the following stipulations to allow for the sale of new and used automobiles:

1. Landscaping shall be providing in compliance with Exhibit "A."
2. No signs, banners or balloons of any kind may be placed on the property with the following exceptions:
 - a. One monument sign per street frontage.
 - b. Wall signs.
 - c. Three flag poles that must be located within 75 feet of the primary structure.
 - d. Directional/instructional signage as needed. Such signage shall not include advertising.
 - e. Signs must comply with the Mesquite Sign Ordinance.

3. Each car on display must be parked/displayed fully within a striped parking space or inside of a building.
4. All cars onsite for sale shall be no older than four years old and shall be maintained in good condition.

That the subject property is a 7.95-acre lot located at 1919 Oates Drive and platted as Long Branch Addition, Block B, Lot 2A-R.

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.

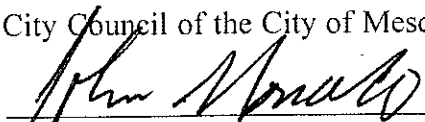
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

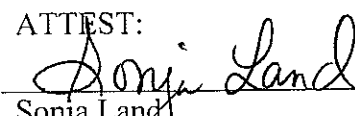
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

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 7th day of February, 2011.



John Monaco
Mayor

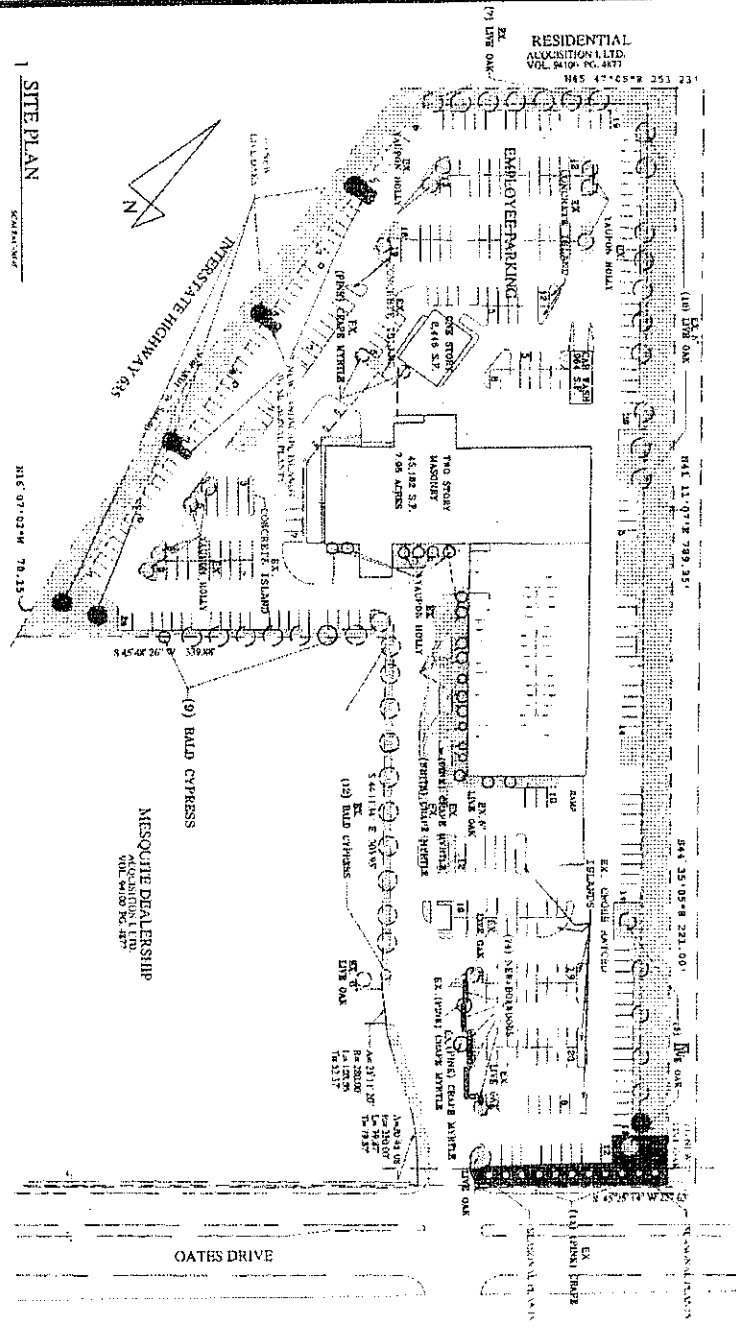
ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

EXHIBIT "A"



SITE PLAN

SITE DESCRIPTION:

Site Description: This site is located on the east side of Interstate 635, north of Oates Drive. The site is bounded by Interstate 635 to the north and east, and Oates Drive to the south. The site is currently vacant and is being developed for residential use. The site is approximately 100 feet wide and 200 feet long. The site is zoned for residential use and is subject to the following conditions:

- 1. The site shall be developed for residential use.
- 2. The site shall be developed in accordance with the applicable zoning ordinance.
- 3. The site shall be developed in accordance with the applicable subdivision ordinance.
- 4. The site shall be developed in accordance with the applicable environmental ordinance.
- 5. The site shall be developed in accordance with the applicable fire ordinance.
- 6. The site shall be developed in accordance with the applicable health ordinance.
- 7. The site shall be developed in accordance with the applicable safety ordinance.
- 8. The site shall be developed in accordance with the applicable utility ordinance.
- 9. The site shall be developed in accordance with the applicable other ordinance.

LANDSCAPE TABLE

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RANDELL REED PLANET
1919 OATES DRIVE

CUP

calvert & co./architects, inc.
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(972)446-0493

