

ORDINANCE NO. 4151  
File No. 1397-28-2011

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 ZONING FROM OFFICE TO PLANNED DEVELOPMENT - GENERAL RETAIL SUBJECT TO CERTAIN STIPULATIONS THEREBY ALLOWING RETAIL AND OFFICE USES; 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 Office to Planned Development - General Retail subject to the following stipulations:

1. Uses of the site shall be limited to those permitted by right in the Office Zoning District as provided in the City of Mesquite Zoning Ordinance as well as the following use categories:

SIC 5499	Health / Vitamin Food Stores
SIC 56	Apparel, Accessory Stores
SIC 57	Furniture, Home Furnishings
SIC 58	Eating, Drinking Places
SIC 591	Drug Stores
SIC 594	Miscellaneous Shopping Goods Stores, Except SIC 5947 Gift, Novelty, Souvenir Shops
SIC 5992	Florists
SIC 5995	Optical Goods Stores
SIC 5999	Hearing Aids — Retail / Repair

SIC 60-67 Finance, Insurance, Real Estate, Depository Institutions, Security and Commodity Services, Insurance Carriers, Agents and Brokers, Real Estate, Holding Companies, Except SIC 61 Nondepository Institutions

SERVICES:

SIC 722 Photographic, Portrait Studios  
SIC 7291 Tax Preparation Services  
SIC 7299 Tanning Salon Only  
SIC 7334 Photocopying, Duplicating Services  
SIC 80 Health Services  
SIC 81 Legal Services  
SIC 82 Educational Services  
SIC 83 Social Services  
SIC 87 Engineering, Accounting, Research, Management Services

That the subject property is a 1.4127-acre tract located at 1320 and 1324 North Galloway Avenue, and is more fully described as Mimosa Lane Baptist Church 2, Block C and Lot 1.

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.

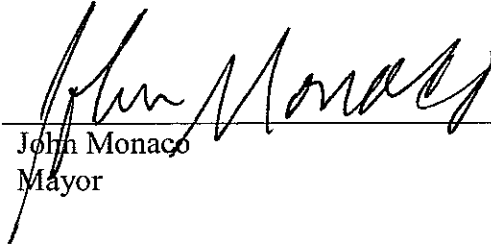
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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.

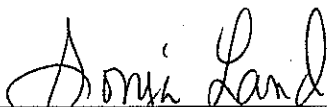
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 2nd day of May, 2011.

  
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John Monaco  
Mayor

ATTEST:

  
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Sonja Land  
City Secretary

APPROVED:

  
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B. J. Smith  
City Attorney