

ORDINANCE NO. 4239  
File No. 1607-6-2012

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 MIXED USE TO MIXED USE WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 536 S. BRYAN-BELTLINE ROAD THEREBY ALLOWING THE SALE OF USED FURNITURE AND FIXTURES 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 \$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 from Mixed Use to Mixed Use with a Conditional Use Permit to allow the sale of used furniture and fixtures with the following stipulations:

1. Used merchandise shall be limited to authenticated antiques or vintage high-end furniture, glassware, china, dinnerware, tableware, fine art and statues, clocks, collectables and similar household furnishings and décor in Very Good to Excellent condition. "Excellent" condition means mint or perfect, with no significant flaws. "Very Good" condition means age-appropriate, better than average, without damage, and with restorations, if any, that are of high quality, expertly done and not obvious.
2. Merchandise display shall be orderly and resemble a home environment, e.g., walking room between furniture, place settings on dining tables, china and stemware in buffets and hutches, pictures hung on walls, and lamps, glassware and knick-knacks arranged neatly on coffee/end tables. Merchandise shall not be displayed or stacked on the floor, except for furniture and items designed to rest

on the floor. Glassware may be displayed in the clean, intact original packaging only.

3. No more than 30 percent of displayed items shall be obtained by consignment.
4. Trees located on site as of October 1, 2012, shall not be removed unless recommended by the Municipal Arborist and approved by the Director of Community Development.
5. Parking shall be located to the east of the primary structure.
6. The accessory building shall be demolished and removed from the property.
7. Outdoor storage and display are prohibited.
8. The Conditional Use Permit is approved exclusively to the applicant, Dawn Stubbs, and may not be transferred or assigned without the consent of the City.
9. The Conditional Use Permit is granted for a period of three years from the date of the issuance of a Certificate of Occupancy and shall be subject to renewal upon review by the City Council for compliance with these stipulations.

That the subject property is located at 536 S. Bryan-Beltline Road and platted in the Original Town, Block 18, Lot 4.

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.

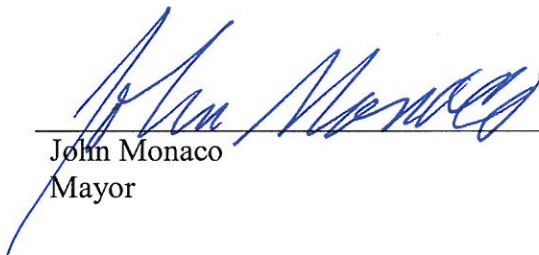
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2,000.00 for each offense, provided, however, if the

maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate 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.

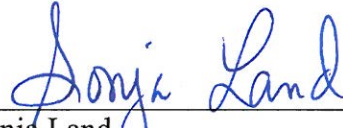
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of October, 2012.



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John Monaco  
Mayor

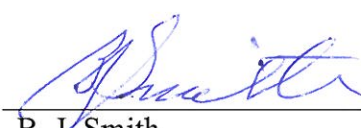
ATTEST:



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Sonja Land  
City Secretary

APPROVED:



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B. J. Smith  
City Attorney