

ORDINANCE NO. 4254
File No. 1461-147-2013

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 ON PROPERTY LOCATED AT 16160 LBJ FREEWAY FROM LIGHT COMMERCIAL TO LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING THE SALE OF USED CARS 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 from Light Commercial to Light Commercial with a Conditional Use Permit to allow the sale of used cars subject to the following stipulations:

1. No banners, bay banners, vertical banners, pennants or inflatable signs of any kind may be placed on the property. No prices or messages may be written or displayed on windshields.
2. Each car on display must be parked/displayed fully within a striped parking space or inside of a building.
3. All cars onsite for sale shall be operable and maintained in good condition, which shall include:
 - a. No body damage greater than four inches in diameter;

- b. Painted repairs shall match the original equipment manufacturer's paint specifications, or if the vehicle color has been altered, the same color as the vehicle, except for detailing; and
 - c. No broken or cracked windshields.
4. Vehicles not ready for sale shall be kept in the rear of the property.
 5. All parking and display surfaces shall be concrete.
 6. Prior to issuance of the certificate-of-occupancy, the parking lot shall be re-stripped and the roof shall be replaced with architectural standing seam metal panels.
 7. At a minimum, 80 percent of the inventory displayed for sale shall be less than eight years old. All vehicles displayed for sale and located within 60 feet of the Interstate 635 right-of-way shall be less than eight years old.
 8. This Conditional Use Permit shall be limited to No Limit Motors, Inc. and is not assignable or transferrable.

That the subject property consists of two parcels totaling 8.663 acres of land, located at 16160 LBJ Freeway and platted as Oates Corner Retail Addition, Block A, Lots 4R and 5R-2.

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.

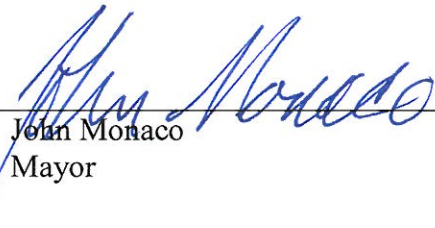
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 Two Thousand (\$2,000.00) Dollars 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.

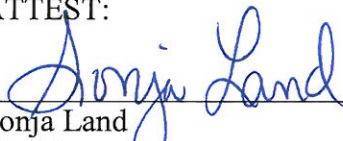
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 18th day of February, 2013.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney