

ORDINANCE NO. 4270  
File No. 1462-274-2013

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 1711 W. SCYENE ROAD FROM SERVICE STATION WITH A CONDITIONAL USE PERMIT FOR TRUCK RENTALS TO PLANNED DEVELOPMENT – GENERAL RETAIL WITH A CONDITIONAL USE PERMIT THEREBY ALLOWING THE SALE OF USED TIRES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND SPECIFICALLY REPEALING ORDINANCE NO. 3413; 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 Service Station with a Conditional Use Permit for truck rentals to Planned Development – General Retail with a Conditional Use Permit to allow the sale of used tires subject to the following stipulations:

1. Uses permitted-by-right in the following SIC classifications:

Retail:	549a	Convenience Store with or without Fuel Sales and Incidental Check Cashing
	553	Auto Supply Stores
	56	Apparel, Accessory Stores
	57	Furniture, Home Furnishings
	58	Eating, Drinking Places
	594	Miscellaneous Shopping Goods Stores
	5992	Florists
	5995	Optical Goods Stores

Finance, Insurance, Real Estate:	60 – 67	Depository Institutions, Security & Commodity Services, Insurance Carriers, Agents & Brokers, Real Estate, Holding Companies	Except 61, Nondepository Institutions
Services:	722	Photographic, Portrait Studios	
	7291	Tax Preparation Services	
	7299	Tanning Salon Only	
	7334	Photocopying, Duplicating Services	
	753a	Minor Auto Repair	
	80	Health Services	
	81	Legal Services	
	82	Educational Services	
	83	Social Services	
	87	Engineering, Accounting, Research, Management Services	

2. A Conditional Use Permit is hereby granted for the sale of used tires.
3. Outdoor storage and display, including incidental outdoor display, shall be prohibited.
4. All work and business activity shall be conducted inside of an enclosed building. The sales and service of used tires shall take place inside the former carwash structure.

That the subject property is located at 1711 W. Scyene Road and is platted as Tetco Addition, Block 1, Lot 1.

SECTION 2. That Ordinance No. 3413 approved by the City Council on February 5, 2001, which grants a Conditional Use Permit for truck rental on the premises, is hereby repealed.

SECTION 3. 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 4. 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 5. 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 6. 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.

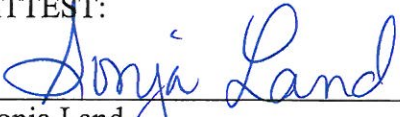
SECTION 7. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed 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 8. 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 July, 2013.

  
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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

