

ORDINANCE NO. 4588
File No. Z0518-0034

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING THE CURRENT PLANNED DEVELOPMENT – OFFICE STIPULATIONS APPROVED IN ORDINANCE NO. 2042 THEREBY ALLOWING ADDITIONAL USES, INCLUDING BEAUTY SALONS, COMPUTER REPAIR STORES, RETAIL (CLOTHING, CELL PHONES AND EYE GLASSES) AND ALLOWING THE OWNER/TENANT OF A SUITE TO LIVE IN A PORTION OF THE SUITE AS A LIVE/WORK UNIT ON PROPERTY LOCATED AT 5115 NORTH GALLOWAY AVENUE, SUITES 202, 204, 301, 302 AND 303; 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 amend the current stipulations in Ordinance No. 2042 on property zoned Planned Development - Office (“the Property”) by adding additional uses to read as follows:

1. In addition to uses permitted in the Office zoning district, the following uses shall be permitted.
 - a. Retail to include stores that provide clothing, cell phone and eyeglass sales only
 - b. Computer repair
 - c. Beauty salon
 - d. Live/work unit: Units shall be retrofitted to meet the requirements of a dwelling unit including living, sleeping, kitchen and bathroom facilities.
2. Site Plan review by the Development Review Committee for the parking lot expansion is required prior to the issuance of a Certificate of Occupancy (CO) for a new use, approved as part of the amendment.

3. All parking must be in place prior to the issuance of a CO for a new use approved as part of the amendment.
4. The screening wall separating the subject property from the residential uses southwest shall be maintained in an orderly and neat appearance at all times.
5. A live/work unit is defined as:
 - A single commercial unit consisting of a commercial and residential component.
 - The commercial and residential space must be occupied by the same tenant, and no portion of the live/work unit may be rented or sold separately.
 - The unit is intended to function predominately as work space with incidental residential accommodations that meet basic habitability requirements including living, kitchen and bathroom facilities.
 - The live/work unit shall be required to provide parking based on each specific use, in accordance with the Mesquite Zoning Ordinance.
 - The commercial function may be located anywhere in the unit, provided that there is internal access between the residential and commercial space.
 - A floor plan is required at the time of site plan review. The commercial and residential component as designated on the floor plan and approved as part of the site plan shall remain commercial or residential and cannot be converted unless a new site plan is approved.
 - The percentage of residential floor area versus the commercial retail floor area cannot exceed 50 percent of the floor area for the entire work/live unit.

That the subject property is approximately 1.5 acres of land, located at 5115 North Galloway Avenue, Suites 202, 204, 301, 302 and 303 and is platted as Club Estates 4, Block 15, Pt. 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 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 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 5. 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.

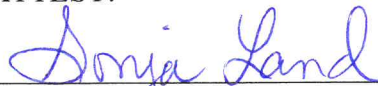
SECTION 6. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 20th day of August, 2018.



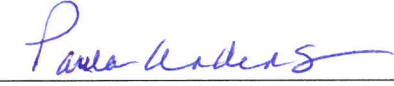
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



Paula Anderson
Interim City Attorney