

ORDINANCE NO. 4770

File No. Z0120-0128

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM LIGHT COMMERCIAL TO LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 16230 INTERSTATE HIGHWAY 635 TO ALLOW THE SALE AND OUTDOOR DISPLAY OF NEW AND USED VEHICLES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state law and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Light Commercial to Light Commercial with a Conditional Use Permit (“CUP”) to allow the sale and outdoor display of new and used vehicles subject to the following stipulations:

1. Up to 35 percent parking / display spaces may consist of used vehicles.
2. Each car on display must be parked / displayed fully within a striped parking space or inside of a building.
3. Cars for sale may be displayed on ramps.
4. No expansion of the outdoor display area is allowed.
5. A minimum of six shade or evergreen trees or 18 ornamental trees must be added to the subject property from Section 1A-500-1 Tree Schedule.
6. A minimum of five percent open space shall be provided on the site.
7. Refuse container shall be screened as required by the Engineering Design Manual.
8. Conditions 5-7 of this ordinance shall have begun or be completed by no later than 12 months from the date of approval of this CUP.

SECTION 2. That the subject property is located at 16230 Interstate Highway 635 (the "Property").

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise the same shall remain in full force and effect.

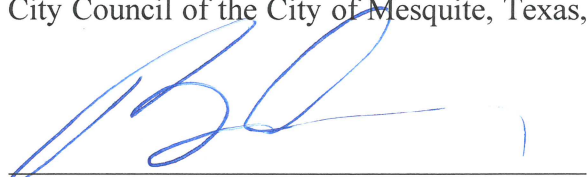
SECTION 4. That the Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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 this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of March 2020.



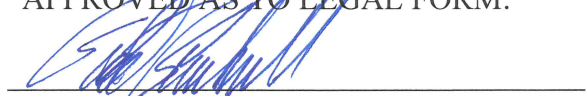
Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney