

ORDINANCE NO. 4774  
FILE NO. Z0220-0130

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING BY AMENDING PLANNED DEVELOPMENT – GENERAL RETAIL ORDINANCE NO. 4270 ON PROPERTY LOCATED AT 1711 WEST SCYENE ROAD TO ALLOW ADDITIONAL USES PERMITTED IN THE PLANNED DEVELOPMENT - GENERAL RETAIL ORDINANCE NO. 4270, AND ADDING CONDITIONAL USE PERMITS TO ALLOW THE SALE OF USED CELL PHONES AT SUITE B AND A CARWASH 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; 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 laws 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 subject property is 0.759 acres located at 1711 West Scyene Road (“**Property**”) and is platted as Tetco Addition, Block 1, Lot 1.

SECTION 2. That the Mesquite Zoning Ordinance is amended by approving a change of zoning by amending Planned Development – General Retail (PD-GR) Ordinance No. 4270 to allow additional uses permitted in the PD – GR Ordinance No. 4270, and adding Conditional Use Permits to allow the sale of used cell phones at Suite B and a carwash subject to the following stipulations:

- (1) All uses permitted in the General Retail District are allowed on the Property except as modified in Subsections “a” and “b” of this paragraph. The uses permitted in the Planned Development are subject to the same requirements applicable to the uses in the General Retail District, as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the General Retail District only by Conditional Use Permit (“CUP”) is permitted in this district only by CUP.

a. The following uses are prohibited on the Property:

- |    |                         |
|----|-------------------------|
| 01 | Crop Production         |
| 02 | Livestock Production    |
| 48 | Communication (a and b) |

- 49 Electric, Gas, Sanitary Sewer (c and d)
- 60 a. Alternate Financial Establishments
- 61 a. Alternate Financial Establishments
- 7299 Miscellaneous Personal Services (NEC)
- 726 Personnel Supply Services
- 752 Automobile Parking Lots (Lots and Structures)
- 89 Miscellaneous Services, NEC

b. The following uses will require a CUP:

- 5993 Tobacco Stores
- 726 Funeral Service, Crematories
- 7514 Passenger Car Rental
- 7515 Passenger Car Leasing

- (2) Seven large shade or evergreen trees are to be installed and maintained on the property in accordance with Section 1A-100 of the Mesquite Zoning Ordinance.
- (3) All required landscaping is to be installed within six months of City Council approval.
- (4) Outdoor storage and display, including incidental outdoor display, shall be prohibited, provided that incidental outdoor display shall be permitted for a tire business, with tires to be located within five feet of the portion of the building that houses the tire business. All tires shall be inside of the building at any time the tire business is not open.
- (5) All work and business activity shall be conducted inside an enclosed building.
- (6) Conditional use permits for used phone sales and a carwash are hereby approved for a period of one year from the date of this ordinance. Application for a new CUP may be made at the end of the one-year period with an application fee of \$300.00.

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, they 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.

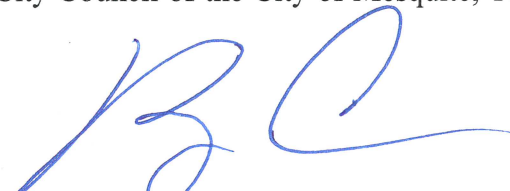
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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

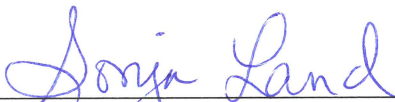
penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute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

SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

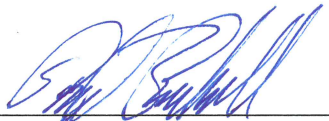
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 20th day of April 2020.

  
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Bruce Archer  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
David L. Paschall  
City Attorney