

ORDINANCE NO. 4798
File No. Z0520-0140

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT (“CUP”) ON PROPERTY LOCATED AT 4340 INTERSTATE HIGHWAY 30 TO ALLOW THE SALE AND OUTDOOR DISPLAY OF USED FARM EQUIPMENT 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. The Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial to Commercial with a Conditional Use Permit (“CUP”) for the Property to allow the sale and outdoor display of used farm equipment subject to the following stipulations:

1. All customer parking spaces, as shown on the Concept Plan, attached hereto as Exhibit A and incorporated herein by reference, shall be restriped prior to the issuance of a Certificate of Occupancy.
2. The existing pole sign face, located in the northeast corner of the Property, must be replaced within sixty (60) days of approval of this CUP.
3. All screening and security fencing on the Property shall be maintained in a like-new manner, meaning any portion of fencing showing signs of deterioration, broken or missing panels, or creates a safety hazard, shall be replaced.
4. All code issues and violations must be resolved prior to the issuance of a Certificate of Occupancy, including the parking requirement.

SECTION 2. The subject property is approximately 6.55 acres, platted as Action Commercial, Block A, Lot 1 and located at 4340 Interstate Highway 30 (the “**Property**”).

SECTION 3. 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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. The Property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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. 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. 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 3rd day of August 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

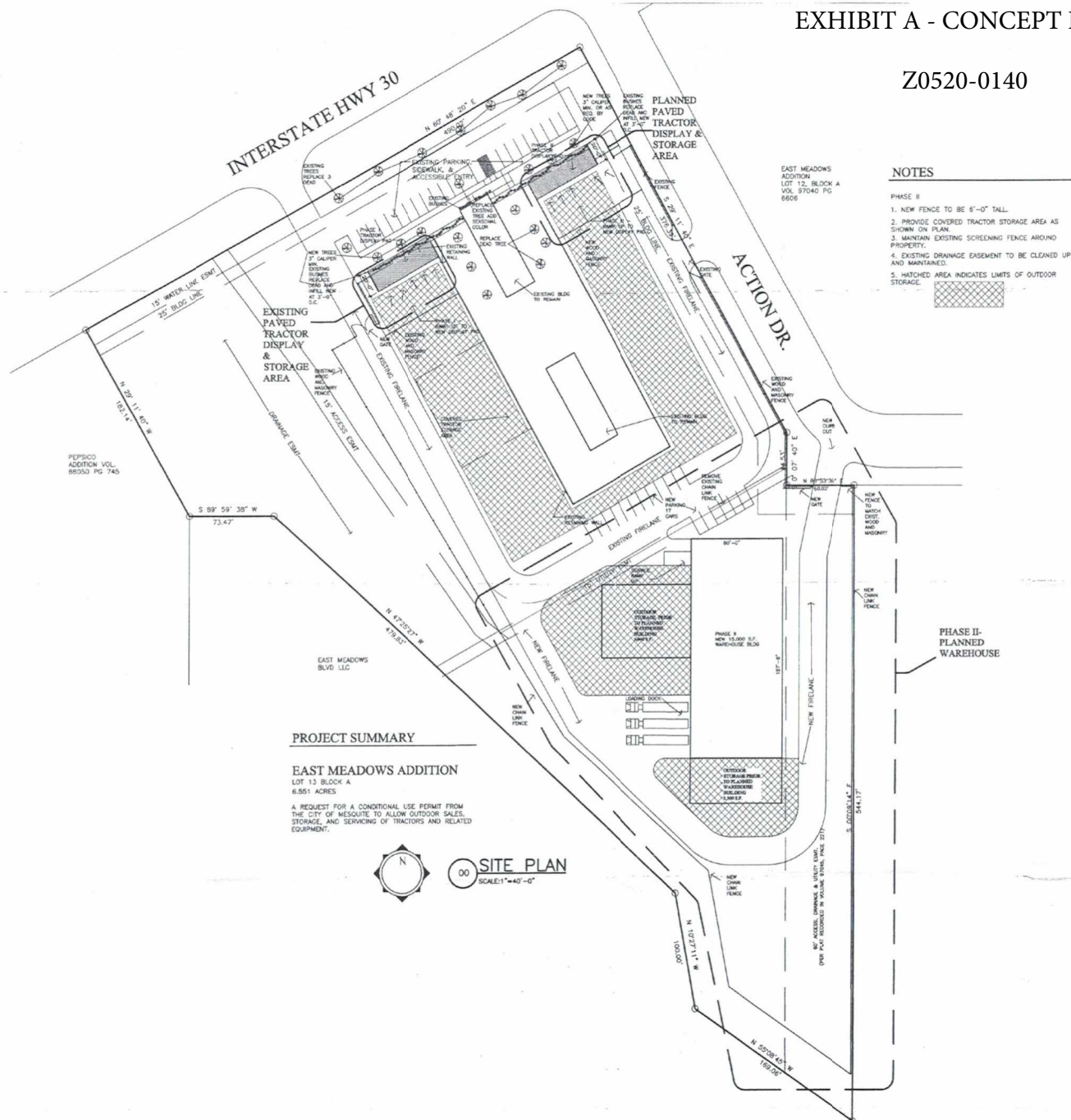
APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A - CONCEPT PLAN

Z0520-0140



- NOTES**
- PHASE II
1. NEW FENCE TO BE 6'-0" TALL.
 2. PROVIDE COVERED TRACTOR STORAGE AREA AS SHOWN ON PLAN.
 3. MAINTAIN EXISTING SCREENING FENCE AROUND PROPERTY.
 4. EXISTING DRAINAGE EASEMENT TO BE CLEANED UP AND MAINTAINED.
 5. HATCHED AREA INDICATES LIMITS OF OUTDOOR STORAGE.

PROJECT SUMMARY

EAST MEADOWS ADDITION
 LOT 13 BLOCK A
 6.551 ACRES

A REQUEST FOR A CONDITIONAL USE PERMIT FROM THE CITY OF MESQUITE TO ALLOW OUTDOOR SALES, STORAGE, AND SERVICING OF TRACTORS AND RELATED EQUIPMENT.



CONDITIONAL USE SUBMITTAL
 VINA TRACTOR COMPANY
 LH 30 / ACTION DRIVE
 MESQUITE TEXAS

JOHN E. WHEELER III
 ARCHITECT

5454 LA SIERRA DRIVE #203 DALLAS, TEXAS 75231
 (214)987-0160

JOB NO. 0313

REVISIONS

NO.	DATE	DESCRIPTION
1	10-17-03	10-17-03 CITY COMMENTS
2	10-17-03	10-17-03 CITY COMMENTS
3	10-17-03	10-17-03 CITY COMMENTS
4	10-17-03	10-17-03 CITY COMMENTS
5	10-17-03	10-17-03 CITY COMMENTS
6	10-17-03	10-17-03 CITY COMMENTS
7	10-17-03	10-17-03 CITY COMMENTS
8	10-17-03	10-17-03 CITY COMMENTS
9	10-17-03	10-17-03 CITY COMMENTS
10	10-17-03	10-17-03 CITY COMMENTS

DATE 10-17-03
 SHEET

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