

ORDINANCE NO. 4925  
File No. Z1021-0225

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM TRUMAN HEIGHTS NEIGHBORHOOD DISTRICT TO PLANNED DEVELOPMENT - GENERAL RETAIL ON PROPERTY LOCATED AT 2031 NORTH GALLOWAY AVENUE TO ALLOW USES PERMITTED BY RIGHT IN THE GENERAL RETAIL DISTRICT 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 subject property is approximately 0.76 acres with a legal description as being in the Young Subdivision, Block A, Lot 1, and located at 2031 North Galloway Avenue, City of Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning for the Property from Truman Heights Neighborhood District to Planned Development - General Retail with the following stipulations:

1. PERMITTED USES. The permitted uses on the Property include the permitted uses in the General Retail District classification (“**GR**”) as set out in the MZO, and those permitted uses on the Property are subject to the same requirements as set out in the MZO. Prohibited uses on the Property are identified in subsection 2 below.
  - a. The permitted uses requiring a conditional use permit (“**CUP**”) as set out in the MZO also require a CUP for the use to be permitted on the Property.
  - b. The following are additional permitted uses allowable on the Property and are permitted only by obtaining a CUP:
    - i. SIC Code 549a: Convenience Stores
    - ii. SIC Code 5947: Gift Novelty, Souvenir Shops

- iii. SIC Code 5993: Tobacco Stores
- iv. SIC Code 7215: Coin-Operated Laundries

2. PROHIBITED USES. The following uses are prohibited on the Property:

- a. SIC Code 753: Automobile Repair Shops
- b. Drive-Through Facilities

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.

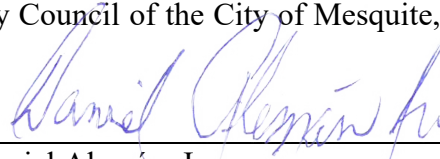
SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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 20th day of December 2021.



Daniel Alemán, Jr.  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall  
City Attorney