

ORDINANCE NO. 4987
File No. Z0722-0249

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO GENERAL RETAIL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 1601 WEST BRUTON ROAD TO ALLOW 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. The subject property is approximately 0.3427 acres and located at 1601 West Bruton Road, 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 General Retail to General Retail with a Conditional Use Permit (“**CUP**”) to allow the reinstatement of a self-service carwash subject to the following stipulations:

1. Replatting of the entirety of Property is required, including the undeveloped portion of the Property to the north, upon sale of the Property.
2. Ten percent landscape area is required in accordance with current landscape requirements of the MZO. However, no irrigation system will be required to be installed.
3. An outdoor seating area with trash receptacle is required as depicted in the approved site plan upon opening of any food or beverage sales on site.
4. Prior to the issuance of a building permit or a Certificate of Occupancy, an approved site plan is required to show that the Property complies with current requirements of the MZO and the Engineering Design Manual.
5. The CUP is approved solely for the business owned by the applicant John LeFevers. It shall not be transferred or assignable to a different owner or business.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed; otherwise, they shall remain in full force and effect.

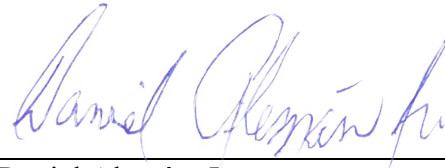
SECTION 4. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

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) 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 19th day of September 2022.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney