

ORDINANCE NO. 4989
File No. Z0822-0251

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN TOWN EAST RETAIL AND RESTAURANT AREA (“TERRA”) OVERLAY TO COMMERCIAL WITHIN TERRA OVERLAY WITH A CONDITIONAL USE PERMIT (“CUP”) ON PROPERTIES LOCATED AT 3677 AND 3733 EMPORIUM CIRCLE TO ALLOW A CHARTER HIGH SCHOOL SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL OTHER 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 properties are two tracts totaling approximately 5.5 acres, platted as Emporium 1, Block A, Lots 10R and 11R, and located at 3677 and 3733 Emporium Circle (collectively the “**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial within Town East Retail and Restaurant Area (“**TERRA**”) overlay to Commercial within TERRA overlay with a Conditional Use Permit (“**CUP**”) for the Property to allow a charter high school subject to the following stipulations:

1. The Traffic Impact Analysis shall be reviewed and verified prior to final approval of the site plan.
2. Traffic Management Plan to be evaluated after implementation to determine if additional measures are necessary and which may be imposed.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.

October 3, 2022

Page 2 of 2

SECTION 4. The Property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

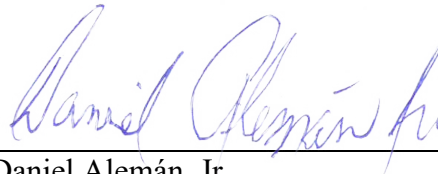
SECTION 5. Should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. Any violation of the provisions or terms of this Ordinance by any “person,” as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

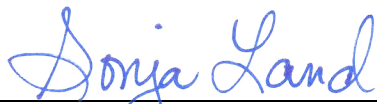
SECTION 8. This Ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 3rd day of October 2022.



Daniel Alemán, Jr.
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney