

ORDINANCE NO. 5006  
File No. Z0123-0282

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 19153 IH-635 TO ALLOW A VARIETY STORE SIC CODE 533 WITH MODIFICATIONS UNDER SECTION 3-510 OF THE MESQUITE ZONING ORDINANCE; 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 platted as Mesquite Commons Block A Lot 1A, in the City of Mesquite, Dallas County, Texas, and is located at 19153 IH-635.

SECTION 2. That the Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from Commercial to Commercial with a Conditional Use Permit (“**CUP**”) to allow a Variety Store SIC Code 533 with the following modifications under Section 3-510 of the MZO:

1. Section 3-510.A.: Waiving the requirement that prohibits a variety store within 5,000 feet of another variety store.
2. Section 3-510.D.: Waiving the requirement that a minimum of 10 percent of the floor area of the variety store must be dedicated to fresh produce, meat and dairy products.
3. The CUP is approved solely for a Pop Shelf store operated under the Dollar General Corporation umbrella of entities and the CUP may not be reassigned or transferred. A different business applicant desiring to continue this use must submit a new application requesting to continue the CUP and any such application shall require the procedures outlined in the MZO for initial approval of a CUP.

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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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 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 6th day of February 2023.

DocuSigned by:  
*Daniel Aleman Jr.*  
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Daniel Alemán, Jr .  
Mayor

ATTEST:

DocuSigned by:  
*Sonja Land*  
C2518095973F46A...

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Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:

DocuSigned by:  
*David L. Paschall*  
666E18891208434...

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David L. Paschall  
City Attorney