

ORDINANCE NO. 3932  
Zoning Text Amendment No. 2008-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTIONS 3-200, 3-500 AND 6-100 THEREBY CREATING REGULATIONS ON THE LOCATION, SPACING, APPEARANCE AND SITE DESIGN OF CHECK CASHING, PAYDAY LOAN AND SIMILAR ESTABLISHMENTS; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold a public hearing regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Mesquite Zoning ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by providing certain additions and deletions under Sections 3-200, 3-500 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Subsection 3-203(SIC Codes 60 and 61).* Amend by deleting the permitted uses under SIC Codes 60 and 61 in Subsection 3-203 in their entirety and adding new permitted uses under SIC Codes 60 and 61 in Subsection 3-203 to read as follows:

<i>SIC CODE</i>	<i>USE DESCRIPTION</i>	<i>O</i>	<i>GR</i>	<i>LC</i>	<i>THN</i>	<i>MU</i>	<i>CB</i>	<i>SS</i>	<i>C</i>	<i>I</i>	<i>PK ST D</i>	<i>SPECIAL CONDITIONS</i>
<b>60</b>	<b>DEPOSITORY INSTITUTIONS</b> (Banks, Savings, Credit Unions, except)	P	P	P		P	P		P	P	3	
	a. Alternative financial establishments		C	C					C	C		Requires compliance with 3-505
<b>61</b>	<b>NONDEPOSITORY INSTITUTIONS</b>	P	P	P		P	P		P	P	3	
	a. Alternative financial establishments		C	C					C	C	1	Requires compliance with 3-505

- (2) *Subsection 3-505.* Amend by adding a new Subsection 3-505 to read as follows:

### **3-505 ALTERNATIVE FINANCIAL ESTABLISHMENTS**

In addition to requiring a Conditional Use Permit, an Alternative Financial Establishment, as defined in Section 6-102, shall comply with the following regulations:

- A. A lot containing an alternative financial establishment shall be located at least 1,000 feet from any lot containing another alternative financial establishment, as measured in a straight line between the nearest points of one lot to the other lot.
  - B. A lot containing an alternative financial establishment shall be located at least 200 feet from any lot zoned or used for residential purposes, as measured in a straight line between the nearest points of one lot to the other lot.
  - C. No lot containing an alternative financial establishment shall be located within 500 feet of the rights-of-way of U.S. Highway 80, I-30, I-20 or I-635.
  - D. No alternative financial establishment shall be permitted within the Town East Retail and Restaurant Overlay District (TERRA), the Mesquite Arena/Rodeo Entertainment District, the Military Parkway–Scyene Corridor Overlay District or the Sherwood Forest Overlay District.
  - E. Alternative financial establishments shall be situated only within a freestanding building and shall not be co-located in the same structure as other uses.
- (3) *Subsection 6-102.* Amend by adding new definitions to Subsection 6-102 to read as follows:

#### **ALTERNATIVE FINANCIAL ESTABLISHMENT**

A check cashing business, payday advance or loan business, money transfer business or car title loan business.

#### **BANK OR FINANCIAL INSTITUTION**

An establishment, open to the public, for the deposit, custody, loan, exchange or issue of money, the extension of credit and/or facilitating the transmission of funds and that is licensed by the appropriate state or federal agency as a bank, savings and loan association, or credit union. This includes business activities listed under SIC Codes 60 and 61 but excludes pawnshops, check cashing businesses, payday advance/loan businesses, money transfer businesses and car title loan businesses.

#### **CAR TITLE LOAN BUSINESS**

An establishment that makes small, short-term consumer loans that leverage the equity value of a car or other vehicle as collateral where the title to such vehicle is owned free and clear by the loan applicant and any existing liens on the car or vehicle cancel the application, and where failure to repay the loan or make interest payments to extend the loan allows the lender to take possession of the car or vehicle. This excludes state or

federally-chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer term loans and which make loans that leverage the total equity value of a car or vehicle as collateral.

#### CHECK CASHING BUSINESS

An establishment that provides to the customer an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electronic transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time, the business of cashing checks, warrants, drafts, money orders or other commercial paper serving the same purpose for compensation by any person or entity other than a retail seller engaged primarily in the business of selling consumer goods, including consumables to retail buyers, that cashes checks or money orders or issues money orders or money transfers for a minimum flat fee as a service that is incidental to its main purpose or business. This definition excludes a state or federally-chartered bank, savings and loan association, credit union, pawnshop, grocery store or gas station so long as the gas station does not conduct more than 100 such transactions within any calendar month.

#### MONEY TRANSFER BUSINESS

An establishment, other than a bank or financial institution, that engages in or facilitates the transmission of funds to or from a location outside the United States and its territories for a fee.

#### PAYDAY ADVANCE OR LOAN BUSINESS

An establishment that makes small consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

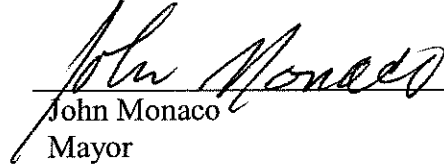
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 5. That this ordinance shall be effective immediately from and after its passage.


DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th of February, 2008.

  
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John Monaco  
Mayor

ATTEST:

APPROVED:

  
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Judy Womack  
City Secretary

  
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B. J. Smith  
City Attorney