

ORDINANCE NO. 4427
File No. 1462-283-2016

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CHANGE OF ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL TO PLANNED DEVELOPMENT – COMMERCIAL AND REMOVE THE SHERWOOD FOREST OVERLAY ON PROPERTY LOCATED AT 2429 WEST SCYENE ROAD AND 712 SOUTH SAM HOUSTON ROAD; THEREBY ALLOWING THE EXPANSION OF A BODY SHOP SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

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 amending the Zoning Map of the City of Mesquite so as to approve a change of zoning from R-3 Single Family Residential to Planned Development – Commercial and removing the Sherwood Forest Overlay subject to the following stipulations:

1. The following uses shall be permitted:

Retail Trade

- | | | |
|-----|----------|--|
| (a) | SIC 525 | Hardware Stores |
| (b) | SIC 53 | General Merchandise Stores |
| (c) | SIC 54 | Food Stores, except SIC 549 Miscellaneous Food Stores |
| (d) | SIC 56 | Apparel, Accessory Stores |
| (e) | SIC 57 | Furniture, Homes Furnishings |
| (f) | SIC 5812 | Eating Places, including Drive-In Restaurants and accessory Drive-Through Facilities |
| (g) | SIC 591 | Drug, Proprietary Stores |
| (h) | SIC 594 | Miscellaneous Shopping Goods Stores |

(i) SIC 599 Retail Stores NEC, except SIC 5999 Miscellaneous Retail NEC

Services

(j) SIC 701a General Service Hotel/Motel
(k) SIC 7011 Bed and Breakfast Inns
(l) SIC 7219 Laundry, Garment Services NEC
(m) SIC 723 Beauty Shops
(n) SIC 724 Barber Shops
(o) SIC 725 Shoe Shine and Repair
(p) SIC 753 Automobile Repair Shops, except repair of any vehicle over two tons carrying capacity is prohibited
(q) SIC 7991 Physical Fitness Facilities
(r) SIC 801-804 Offices for Doctors, Dentists and other Practitioners
(s) SIC 835 Child Day Care Services
(t) SIC 866 Churches

2. Primary Outdoor Storage Yards and Outdoor Display Lots shall be prohibited.
3. No incidental storage or incidental outdoor display shall be permitted within 50 feet of the Scyene Road right-of-way.

That the subject property is located at 2429 West Scyene Road and 712 South Sam Houston Road.

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 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.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

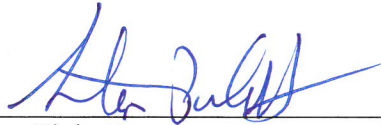
SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That 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 Two Thousand (\$2,000.00) Dollars 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. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of May, 2016.



Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B.J. Smith
City Attorney