

ORDINANCE NO. 4612

File No. Z0618-0049

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 COMMERCIAL TO PLANNED DEVELOPMENT – COMMERCIAL ON PROPERTY LOCATED AT 3711 GUS THOMASSON ROAD THEREBY MAKING AN EXISTING PAWNSHOP A CONFORMING USE AND ALLOWING IT TO EXPAND; PROVIDING FOR 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 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 the 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 Commercial to Planned Development – Commercial subject to the following stipulations:

1. Uses permitted shall include those uses permitted by right in the Commercial Zoning District and the following pawn shop use: Uncle Dan's Pawn Shop with a maximum of 5,500-square feet. Uncle Dan's Pawn Shop must comply with the submitted elevations and conceptual plan.
2. All bollards on the property shall be painted a uniform color and paint shall be maintained in good condition at all times.
3. All parking spaces shall be striped prior to any new certificate of occupancy being issued.
4. Wheel stops or raised curbs shall be provided for all parking spaces.
5. The awning shall be painted and maintained in good condition at all times.
6. The front façade shall be improved consistent with the façade exhibit attached hereto as Exhibit "A." Ledge stone shall be used.

7. All wall signage shall be backlit channel signs.
8. Window signage shall be limited to a maximum of 25 percent of the area of any window or door.
9. The north and south building façades shall be painted to match either the canopy or the stone on the front of the building, including the exposed foundation.
10. Stone material on the front façade of the building shall continue to wrap around both side façades for a minimum distance of six feet.
11. All conditions to be met prior to the certificate of occupancy except signs which must comply by no later than six months from date of this ordinance.
12. No outdoor displays.
13. No portion of any window shall be outlined with lighting.
14. Architectural lighting on the exterior of the building or within five feet of a window on the interior of the building shall not flash or change more frequently than once every two minutes. Such lighting shall not have any motion or perceived motion. There shall be no rapid changes in color or intensity of lighting.

That the subject property is an approximately 2,750-square foot lease space located in a retail strip center at 3711 Gus Thomasson Road on property described as Casa Ridge Addition, Lot 4, Block A.

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 are 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 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 5. 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 6. 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of October, 2018.



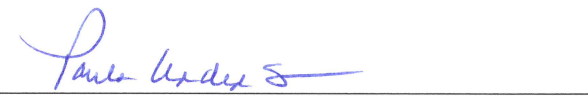
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



Paula Anderson
Interim City Attorney

EXHIBIT "A"

