

ORDINANCE NO. 4715
File No. Z0719-0101

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF USED APPLIANCES ON PROPERTY LOCATED AT 1830 RANGE DRIVE, SUITE 115, SUBJECT TO CERTAIN STIPULATIONS; 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 the property use identified herein is consistent with current uses in the area and on adjoining property but anticipated future changes in the area would cause the requested use to become incompatible after a period of time and, accordingly, the use granted herein should be limited in time; and

WHEREAS, the City Council finds that the property use identified herein is sufficiently unusual in character or operation as to create the potential for variations in function or operation with possible negative impacts upon adjacent properties or on the citizenry as a whole; 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 Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial to Commercial with a Conditional Use Permit ("CUP") to allow the sale of used appliances with the following stipulations:

1. There shall be no outdoor display or storage permitted on the premises.
2. Deliveries of merchandise, inventory or appliances shall not be delivered or dropped off to the store outside of regular business hours.
3. Deliveries or drop off of merchandise, inventory or appliances must be located in the rear of the business.
4. Delivery or drop off merchandise, inventory or appliances shall be prohibited unless an employee is present to receive delivery.

5. Disposal of merchandise at the rear of the property or in the Range Plaza refuse containers is prohibited.
6. This CUP will expire three years from the date of issuance of the certificate of occupancy. The user may apply for a new CUP upon expiration, subject to the procedural requirements of a zoning change.
7. The area where merchandise, inventory or appliances are repaired shall be separated by a wall from the area where merchandise, inventory or appliances are sold.
8. This CUP is approved solely for the used appliance business to be operated by Christopher Salazar at the property and the CUP shall not be transferable to a different person or business. A different business applicant desiring to continue this non-transferable CUP shall submit a new application requesting to continue the CUP. Such application shall require the same procedures outlined in the Mesquite Zoning Ordinance for initial approval of a CUP.

SECTION 2. That the subject property is described as being an approximately 928-square-foot lease space located at 1830 Range Drive, Suite 115, and platted as Belt Line Range, Block B, Lot 3, City of Mesquite, Dallas County, Texas.

SECTION 3. 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; otherwise, they shall remain in full force and effect.

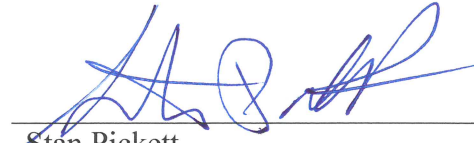
SECTION 4. That the property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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.

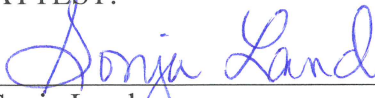
SECTION 7. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 16th day of September 2019.



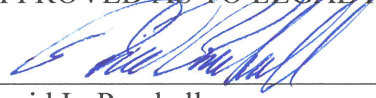
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney