

ORDINANCE NO. 5039
File No. Z0523-0304

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 1313 OATES DRIVE TO ALLOW FOR RETAIL TRADE AND SERVICE USE CLASSIFICATIONS IN ADDITION TO THE OTHER USES ALLOWED IN THE GENERAL RETAIL ZONING DISTRICT 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 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. The subject property is described as being approximately 1.98 acres, platted as Northwest Park, Block 5, Lot 2, and located at 1313 Oates Drive, City of Mesquite, Dallas County, Texas (“**Property**”).

SECTION 2. The Mesquite Zoning Ordinance is amended by approving a change of zoning for the Property from General Retail to Planned Development – General Retail to allow, subject to conditions, retail trade and service use classifications in addition to the other uses allowed in the General Retail Zoning District with the permitted uses and conditions being identified in Exhibit A hereto, incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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

Zoning / File No. Z0523-0304 / GR to PD-GR / July 17, 2023

Page 2 of 2

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 17th day of July 2023.

DocuSigned by:
Daniel Aleman Jr.
D999585317D142B...

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

DocuSigned by:
Sonja Land
C2518095973F46A...

Sonja Land
City Secretary

DocuSigned by:
David Paschall
666E18891208434...

David L. Paschall
City Attorney

PLANNED DEVELOPMENT STANDARDS

This Planned Development General Retail ("PD-GR") district must adhere to all conditions of the Mesquite Code of Ordinances, including but not limited to the Mesquite Zoning Ordinance, as amended, and adopts General Retail base district standards and the standards identified below, which apply to this PD-GR district. Where these regulations conflict with or overlap another ordinance, the more stringent restriction will control.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the General Retail District classification ("GR") as set out in the Mesquite Zoning Ordinance ("MZO"), and those permitted uses on the Property are subject to the same requirements as set out in the MZO.
 - a. The permitted uses requiring a conditional use permit ("CUP"), as set out in the MZO, also require a CUP for the use to be permitted on the Property.
 - b. The following additional uses are permitted on the Property only upon approval by CUP:
 - i. SIC Code 078: Landscape/Horticulture Services
 - ii. SIC Code 171: Plumbing, Heating, Air Conditioning
 - iii. SIC Code 172: Painting, Paper Hanging, Decorating
 - iv. SIC Code 173: Electrical
 - v. SIC Code 174: Masonry, Tile Setting, Plastering
 - vi. SIC Code 175: Carpentering, Flooring
 - vii. SIC Code 27: Printing, Publishing & Allied Industries
 - viii. SIC Code 497: Irrigation Systems
 - ix. SIC Code 521: Lumber, Other Building Materials
 - x. SIC Code 526: Retail Nurseries, Garden Supply
 - xi. SIC Code 5961: Catalog, Mail Order Houses
 - xii. SIC Code 5962: Automatic Machine Operators
 - xiii. SIC Code 5963: Direct Selling Establishments
 - xiv. SIC Code 7335: Commercial Photography
 - xv. SIC Code 7342: Commercial Art, Graphics Design
 - xvi. SIC Code 7349: Building Maintenance Services, NEC
 - xvii. SIC Code 7352: Medical Equipment Rental
 - xviii. SIC Code 7381: Detective, Guard, Armored Car Services
 - xix. SIC Code 7382: Security Systems Services
 - xx. SIC Code 7383: News Syndicates
 - xxi. SIC Code 7384: Photofinishing Laboratories
 - xxii. SIC Code 7623: Refrigeration, Air Conditioning Repair
 - xxiii. SIC Code 7629: Electrical, Electronic Repair, NEC
 - xxiv. SIC Code 833: Job Training, Vocational Rehabilitation
 - xxv. SIC Code 549a: Convenience Stores
 - xxvi. SIC Code 5947: Gift Novelty, Souvenir Shops
 - xxvii. SIC Code 5993: Tobacco Stores
 - xxviii. SIC Code 7215: Coin-Operated Laundries