ORDINANCE NO. ___5042___
File No. Z0523-0304

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, REPEALING ORDINANCE NO. 5039 IN ITS ENTIRETY AND 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, AS WELL AS ALLOWING PRINTING, PUBLISHING, AND ALLIED INDUSTRIES (SIC 27) BY RIGHT, 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.   Ordinance No. 5039, approved by the City Council on July 17, 2023, is hereby repealed.

SECTION 3.   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 retail trade and service use classifications, as well as allowing printing, publishing, and allied industries (SIC 27) by right,, in addition to the other uses allowed in the General Retail Zoning District, subject to certain stipulations, all as identified in the Planned Development Standards attached hereto as Exhibit A and incorporated herein by reference.

SECTION 4.   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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed, including but not limited to Ordinance No. 5039; otherwise, they shall remain in full force and effect.

SECTION 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 6. 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 7. 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 8. This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, Section 24.

SECTION 9. 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 7th day of August 2023.

DocuSigned by:

Daniel Aleman Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

DocuSigned by:

Sonja Land

C2518095973F46A...

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

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 ("GR") base district standards and the standards identified below, which apply to this PD-GR district. Where these regulations conflict with or overlap another ordinance or other regulations or standards, the more applicable and stringent restriction will control as determined by the Director of Planning and Development Services.

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the GR District classification 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 uses are permitted on the Property by right:

        i. SIC Code 27: Printing, Publishing & Allied Industries
        ii. SIC Code 521: Lumber, Other Building Materials
        iii. SIC Code 526: Retail Nurseries, Garden Supply
        iv. SIC Code 5961: Catalog, Mail Order Houses
        v. SIC Code 5962: Automatic Machine Operators
        vi. SIC Code 5963: Direct Selling Establishments
        vii. SIC Code 7335: Commercial Photography
        viii. SIC Code 7342: Commercial Art, Graphics Design
        ix. SIC Code 7349: Building Maintenance Services, NEC
        x. SIC Code 7352: Medical Equipment Rental
        xi. SIC Code 7381: Detective, Guard, Armored Car Services
        xii. SIC Code 7382: Security Systems Services
        xiii. SIC Code 7383: News Syndicates
        xiv. SIC Code 7384: Photofinishing Laboratories
        xv. SIC Code 7623: Refrigeration, Air Conditioning Repair
        xvi. SIC Code 7629: Electrical, Electronic Repair, NEC
        xvii. SIC Code 833: Job Training, Vocational Rehabilitation

    c. The following uses are permitted on the Property only by obtaining a CUP:
        i. SIC Code 549a: Convenience Stores
        ii. SIC Code 5947: Gift Novelty, Souvenir Shops
        iii. SIC Code 5993: Tobacco Stores
        iv. SIC Code 7215: Coin-Operated Laundries