

ORDINANCE NO. 5050
Zoning Text Amendment No. 2023-02

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS CONTAINED IN SECTION 3-200 “USE REGULATIONS” AND SECTION 3-500 “SUPPLEMENTARY USE REGULATIONS” THEREBY AMENDING REGULATIONS FOR THE LOCATION OF CHECK CASHING AND MONEY TRANSFER ESTABLISHMENTS; REPEALING ALL OTHER 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 City of Mesquite, Texas, (“City”) is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5, and the Texas Local Government Code Chapter 9; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

WHEREAS, on July 24, 2023, the City of Mesquite Planning and Zoning Commission considered text amendments to the Mesquite Zoning Ordinance and after having given proper public notice and holding a public hearing, the Planning and Zoning Commission recommended the City Council adopt the text amendments to the Mesquite Zoning Ordinance as was first presented to the Mesquite City Council on August 21, 2023; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendments on August 21, 2023; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. The statements, facts, findings, and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. That the Mesquite Zoning Ordinance, as amended, be and the same is hereby amended by making certain additions and deletions to sections contained in Section 3-200 “Use Regulations” and Section 3-500 “Supplementary Use Regulations” to amend the

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regulations for the location of check cashing and money transfer establishments to read as stated in Exhibit A, attached hereto and made a part thereof, said Ordinance in all other respects to remain in full force and effect.

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

SECTION 7. 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 21st day of August 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

EXHIBIT A TO ORDINANCE NO. _____
Amendments to Appendix C –MZO; Part 3 (Nonresidential Districts)
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MESQUITE CITY CODE

Appendix C – Mesquite Zoning Ordinance

[Editor’s Note: Make the following revisions with additions identified in green font and underlined and deletions identified in ~~red font with strikethrough~~.]

PART 3. – NONRESIDENTIAL DISTRICTS

Section 3-200. USE REGULATIONS.

Section 3-203. Schedule of permitted uses – Contents to SIC codes.

SIC CODE USE DESCRIPTION	O	GR	LC	THN	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS

60 DEPOSITORY INSTITUTIONS (Banks, Savings, Credit Unions, except)	P	P	P			P	P		P	P	3	
a. <u>Alternative financial establishments</u>		<u>C</u>	<u>C</u>						<u>C</u>	<u>C</u>	<u>1</u>	Requires compliance with 3-505; <u>Check Cashing and Money Transfer businesses permitted without Conditional Use Permit if the business is co-located within a free-standing building and/or suite where the primary use is a pawnshop, grocery store, or convenience store.</u>

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Amendments to Appendix C –MZO; Part 3 (Nonresidential Districts)**

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61	NONDEPOSITORY INSTITUTIONS	P	P	P			P	P		P	P	3	
	a. <u>Alternative financial establishments</u>		<u>C</u>	<u>C</u>						<u>C</u>	<u>C</u>	<u>1</u>	Requires compliance with 3-505; <u>Check Cashing and Money Transfer businesses permitted without Conditional Use Permit if the business is co-located within a free-standing building and/or suite where the primary use is a pawnshop, grocery store, or convenience store.</u>

Section 3-500. SUPPLEMENTARY USE REGULATIONS.

Section 3-505. Alternative financial establishments.

E. Alternative financial establishments shall be situated only within a free-standing building and shall not be co-located in the same structure as other uses, except check cashing and money transfer businesses that are co-located within a free-standing structure and/or suite where the primary use is a pawnshop, grocery store, or convenience store, the use is permitted by right.
