

ORDINANCE NO. \_\_\_\_\_  
File No. Z0318-0025

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 LIGHT COMMERCIAL TO PLANNED DEVELOPMENT – LIGHT COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 16200 IH-635; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OUTDOOR DISPLAY OF NEW AND USED VEHICLES SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING 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 Light Commercial to Planned Development – Light Commercial with a Conditional Use Permit (“CUP”) on property located at 16200 IH-635 to allow the outdoor display of new and used vehicles subject to the following stipulations:

1. The uses permitted shall be limited to those uses permitted by right in the Light Commercial zoning district provided that a CUP may be granted to allow a motor vehicle dealership with used car sales only.
2. A CUP for the sale of new and used cars is hereby approved with the following conditions:
  - a. Ninety percent of the inventory displayed may be used cars.
  - b. Display of vehicles shall be limited to the number of display spaces and display areas as noted on the Concept Plan attached hereto as Exhibit “A.” Display spaces and customer parking shall comply with the parking and access standards in Section 3-400 of the Mesquite Zoning Ordinance.

- c. Any vehicle for sale shall be operable and maintained in good condition.
- d. No vehicle for sale shall have body damage greater than four inches in diameter.
- e. Painted repairs shall match the paint on the rest of the vehicle.
- f. Any vehicle for sale shall not have broken or cracked windows.
- g. All parking and display surfaces shall be paved except for display surfaces in showroom areas.
- h. Any vehicle not ready for sale and in need of repair or detailing shall be kept in the rear of the property on a paved surface or inside of a structure.
- i. At a minimum, 80 percent of the used car inventory displayed for sale shall be less than eight years old.
- j. This CUP shall be limited to Fenton Motors, Inc., and is not assignable or transferrable.

That the subject property is approximately three acres and is described as being Lot 2B, Block A in the Oates Corner Retail Addition, located at 16200 IH-635.

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 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 and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of June, 2018.

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Stan Pickett  
Mayor

ATTEST:

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Sonja Land  
City Secretary

APPROVED:

  

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Paula Anderson  
Interim City Attorney