

ORDINANCE NO. _____

File No. Z0318-0029

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 AGRICULTURE TO PLANNED DEVELOPMENT - GENERAL RETAIL ON PROPERTY DESCRIBED AS BEING LOTS 22 – 30, BLOCK E; LOTS 16 – 25, BLOCK F; LOTS 20 – 21, BLOCK G, IN THE WOODLAND PARK ADDITION AND LOCATED AT 3401 McKENZIE ROAD THEREBY ALLOWING USES ALLOWED BY RIGHT IN THE GENERAL RETAIL ZONING DISTRICT WITH CERTAIN LIMITATIONS; 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 Agriculture to Planned Development - General Retail with the following stipulations:

1. All uses permitted by right in the General Retail zoning district are allowed on the Property except the prohibited uses listed in Subsections a, b and c of this paragraph. Uses listed in the Mesquite Zoning Ordinance as permitted by Conditional Use Permit in the General Retail zoning district are prohibited on the Property.
 - a. The following Retail Trade uses are prohibited on the Property:

554	Limited Fuel Sales
5947	Gift, Novelty, Souvenir Shops
5993	Tobacco Stores

- b. The following Finance, Insurance, Real Estate uses are prohibited on the Property:
 - 61 Nondepository Institutions, including Alternative Financial Institutions

- c. The following Services uses are prohibited on the Property:
 - 75 Automotive Repair, Services – all, including:
 - 7514 Passenger Car Rental
 - 7515 Passenger Car Leasing
 - 752 Automobile Parking (Lots and Structures)
 - 753 Automobile Repair Shops
 - 7542 Car Washes, including Detail Shops
 - 7549 Other Automotive Services

That the subject property is approximately three acres and consists of multiple undeveloped platted lots including Lots 22 – 30, Block E; Lots 16 – 25, Block F; Lots 20 – 21, Block G in the Woodland Park Addition and located at 3401 McKenzie Road and is more fully described in Exhibit A.

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 7th day of May, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



Paula Anderson
Interim City Attorney