

ORDINANCE NO. _____
File No. Z0821-0214

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM COMMERCIAL WITHIN THE MILITARY PARKWAY – SCYENE CORRIDOR (MP-SC) OVERLAY DISTRICT TO PLANNED DEVELOPMENT – COMMERCIAL TO REMOVE THE MP-SC OVERLAY DISTRICT ON PROPERTY LOCATED AT 1210 WEST SCYENE ROAD AND ALLOW ADDITIONAL USES 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 FOR EACH OFFENSE; 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. That the Mesquite Zoning Ordinance is amended by approving a change of zoning from Commercial within the MP-SC Overlay District to Planned Development – Commercial to remove the MP-SC Overlay District and allow additional uses subject to the following stipulations:

1. All uses permitted in the Mesquite Zoning Ordinance’s Commercial District classification (“**Commercial**”) are allowed on the property except as modified in Subsections “a” and “b” of this paragraph. The uses permitted in the Planned Development (“**PD**”) are subject to the same requirements applicable to the uses in the Commercial District as set out in the Mesquite Zoning Ordinance. For example, a use permitted in the Commercial District only by conditional use permit (“**CUP**”) is permitted in this district only by CUP.
 - a. The following uses are prohibited on the property:
 - i. SIC Code 753: Automobile Repair Shops
 - b. The following uses are permitted only by CUP:
 - i. SIC Code 549a: Convenience Stores

2. All parking spaces shall be striped before the issuance of any new certificate of occupancy.
3. The chainlink fences on the property shall be removed before the issuance of any new certificate of occupancy. Screening for outdoor storage shall comply with Section 3-600 of the Mesquite Zoning Ordinance.
4. Dumpsters shall be screened and enclosed per the requirements in the Mesquite Engineering Design Manual.
5. Eight trees shall be installed along the south right-of-way line and/or along the north right-of-way line. The trees can be placed within the property or within the right-of-way. The trees shall consist of shade or evergreen trees. Three ornamental trees may be used for each shade or evergreen tree. Tree species, size, and spacing shall be installed in compliance with Section 1A-500-1 Tree Schedule of the Mesquite Zoning Ordinance.
6. All conditions of this PD ordinance are required prior to the issuance of any new certificate of occupancy except that landscaping and dumpster screening shall be completed by no later than nine months from the date of approval of this PD ordinance.

SECTION 2. That the subject property is described as being 1.68 acres of land located within Blue Bell Heights 2, Lot 3, Block A, City of Mesquite, Dallas County, Texas, and located at 1210 West Scyene Road.

SECTION 3. 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; otherwise, they shall remain in full force and effect.

SECTION 4. That the property described in Section 2 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 5. 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 6. 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 \$2,000.00 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 7. That 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 18th day of October 2021.

Bruce Archer
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary



David L. Paschall
City Attorney