

ORDINANCE NO. _____
File No. Z1222-0280

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY APPROVING A CHANGE OF ZONING FROM GENERAL RETAIL TO PLANNED DEVELOPMENT – GENERAL RETAIL ON PROPERTY LOCATED AT 1601 WEST BRUTON ROAD TO ALLOW FOR AN AUTO BODY REPAIR BUSINESS 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. That the subject property is described as being approximately 0.3427 acres, platted as Hickory Heights, Block A PT Lot 25 and 23, and located at 1601 West Bruton Road, Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. That the Mesquite Zoning Ordinance (“**MZO**”) is amended by approving a change of zoning from General Retail (“**GR**”) to Planned Development – General Retail (“**PD-GR**”) to allow for an auto body repair business subject to the following stipulations:

1. **Permitted Land Uses.** The permitted uses on the Property include the permitted uses in the General Retail District classification (“**GR**”) 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 allowed on the Property in addition to those permitted in the MZO along with the requirement to adhere to any special conditions listed:
 - i. SIC Code 753b: Major Auto Repair
 - ii. SIC Code 753c: Automobile Collision Services

2. **Development Standards.** In addition to the requirements of the GR base zoning district, the Planned Development is subject to the following:
- a. Replatting of the entirety of Property is required before issuance of Certificate of Occupancy, including the undeveloped portion of the Property to the north.
 - b. All services and storage of vehicles shall occur within an enclosed building.
 - c. A ten (10) foot wide landscape strip and buffer tree line along the property line parallel to Almond Drive shall be provided.
 - d. Any fencing erected shall be six (6) to eight (8) feet in height and shall be constructed of wrought iron with a maximum picket spacing of six (6) inches, a long-span precast concrete decorative screening wall, brick, stone, or vinyl. Fencing in the front and exterior side yards shall comply with the Fence Ordinance (City Code, Chapter 5, Article V), provided that, a wrought iron fence up to six (6) feet in height may be constructed within the exterior side setback.

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

SECTION 5. 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. 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 7. This Ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. 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 6th day of March 2023.

Daniel Alemán, Jr.
Mayor

ATTEST:

APPROVED AS TO LEGAL FORM:

Sonja Land
City Secretary

David L. Paschall
City Attorney