

ORDINANCE NO. _____
File No. Z0119-0083

AN ORDINANCE AMENDING THE MESQUITE ZONING ORDINANCE BY DELETING THE EXISTING STIPULATION NO. 2 APPROVED IN ORDINANCE NO. 3967 IN ITS ENTIRETY AND ADDING A NEW STIPULATION NO. 2 TO ORDINANCE NO. 3967 ON PROPERTY LOCATED AT 21100 IH-635 AND CURRENTLY ZONED PLANNED DEVELOPMENT – MIXED USE TO ALLOW CHANGES TO THE USES PERMITTED; 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 Mesquite Zoning Ordinance is amended by deleting the existing Stipulation No. 2 of Section 1 approved in Ordinance No. 3967 in its entirety and adding a new Stipulation No. 2 to Section 1 of Ordinance No. 3967 to allow changes to the uses permitted on property currently zoned Planned Development – Mixed Use. The new Stipulation No. 2 is attached hereto as Exhibit “A,” incorporated herein by reference and made a part thereof.

SECTION 2. That the subject property is described as being approximately 60.31 acres of land situated in the Daniel Tanner Survey, Abstract No. 1426, City of Mesquite, Dallas County, Texas, and located at 21100 IH-635 as more particularly described in the field notes attached as Exhibit “B” to Ordinance No. 3967 and incorporated herein by reference.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed; otherwise, they shall remain in full force and effect.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 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 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 15th day of July 2019.

Stan Pickett
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED:



David L. Paschall
City Attorney

- I.** *Ordinance No. 3967.* Amend Planned Development – Mixed Use Ordinance No. 3967 by deleting Stipulation No. 2 of Section 1 in its entirety and adding a new Stipulation No. 2 to Section 1 to read as follows:

2. Permitted Uses:

- a. Residential. All uses listed in Section 2-203.A of the Mesquite Zoning Ordinance with the exception of Mobile Home Parks and Multifamily Dwellings.
- b. Residential dwellings incorporated within structures housing other permitted uses with the exception of Multifamily.
- c. Conference Facilities.
- d. Uses permitted in the Mixed Use District as shown in Section 3-203 of the Mesquite Zoning Ordinance with the following exceptions:

- i. **AGRICULTURE, MINING, CONSTRUCTION AND MANUFACTURING**

SIC Codes 01-3199: All Uses

- ii. **RETAIL TRADE**

SIC Code 521:	Lumber and Other Building Materials
SIC Code 526:	Retail Nurseries, Garden Supply
SIC Group 55:	Automobile Dealers, Service Stations
SIC Code 593:	Used Merchandise Stores
SIC Group 596:	Non-Store Retailers
SIC Code 5999:	Miscellaneous Retail NEC

- iii. **FINANCE, INSURANCE, REAL ESTATE**

SIC Code 60a:	Alternative Financial Establishments
SIC Code 61:	Nondepository Institutions
SIC Code 6553:	Cemetery Development/Operation

- iv. **SERVICES**

SIC Code 701b:	Limited Service Hotel/Motel
SIC Group 721:	Laundry, Cleaning, Garment Services, except Dry Cleaners shall be permitted
SIC Code 726:	Funeral Service, Crematories

SIC Code 7299:	Miscellaneous Personal Services NEC
SIC Group 73:	Business Services except Photocopying, Duplicating Services shall be permitted
SIC Group 75:	Automotive Repair, Services
SIC Group 76:	Miscellaneous Repair Services except incidental repair services associated with a permitted retail use shall be permitted
SIC Code 781:	Motion Picture Production
SIC Code 782:	Motion Picture Distribution
SIC Code 7993:	Coin-Operated Amusement Game Room
SIC Code 824:	Vocational Schools
SIC Group 83:	Social Services

v. **PUBLIC ADMINISTRATION**

SIC Code 9223: Correctional Institutions

vi. **RESIDENTIAL USES**

Multifamily Dwellings

vii. **ACCESSORY USES AND STRUCTURES**

Outdoor Display and Storage
Coin-Operated Amusement Devices
Drive-Through Facilities