

ORDINANCE NO. 537

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING ORDINANCE NO. 120, DULY PASSED BY THE CITY COUNCIL ON MAY 3, 1955, AND AS HERETOFORE AMENDED, SO AS TO CHANGE THE FOLLOWING DESCRIBED PROPERTY FROM "R" RESIDENTIAL CLASSIFICATION TO "C" COMMERCIAL CLASSIFICATION UNDER A SPECIAL PERMIT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND LOCATED IN ABSTRACT 34, SHEET 3, W. O. ABBOTT SURVEY, TRACT 4, CITY OF MESQUITE, COUNTY OF DALLAS, STATE OF TEXAS, AND BEING THE SOUTHWEST CORNER OF THE 56.975 ACRES DEEDED TO LOTUS ZACHA AND RECORDED DALLAS COUNTY DEED RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF SAID 56.975 ACRES OWNED BY LOTUS ZACHA, THENCE NORTH FIVE HUNDRED (500) FEET ON THE OLD SHILOH ROAD, AT PRESENT KNOWN AS BIG TOWN BOULEVARD, AND EXTENDING A UNIFORM DEPTH OF EIGHT HUNDRED SEVENTY-ONE AND 2/100 (871.2) FEET EASTWARDLY PARALLEL WITH THE ADJOINING PROPERTY LINE OF THE REALTY AT PRESENT IN THE NAME OF BEVIS F. BIGGERS, TRUSTEE; THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO PLANS AND SPECIFICATIONS SUBMITTED THEREFOR WHICH SHALL BE APPROVED BY THE PLANNING AND INSPECTION DEPARTMENT; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan 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 the granting of special permits 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 said special permit should be granted herein, subject to the conditions set out herein.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Ordinance No. 120 of the City of Mesquite, Texas, duly passed by the Governing Body of the City of Mesquite on the 3rd day of May, 1955, be, and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to give the following described property a "C" Commercial Classification under a special permit, described as follows:

Being a tract of land located in Abstract 34, Sheet 3, W. O. Abbott Survey, Tract 4, City of Mesquite, County of Dallas, State of Texas, and being the southwest corner of the 56.975 acres deeded to Lotus Zacha and recorded Dallas County Deed Records and being more particularly described as follows:

Beginning at the southwest corner of said 56.975 acres owned by Lotus Zacha,

Thence north five hundred (500) feet on the Old Shiloh Road, at present known as Big Town Boulevard, and extending a uniform depth of eight hundred seventy-one and 2/100 (871.2) feet eastwardly parallel with the adjoining property line of the realty at present in the name of Bevis F. Biggers, Trustee.

SECTION 2. That the special permit for the "C" Commercial Classification use is approved and granted on the following express conditions and in accordance with Section IV of Ordinance No. 120 of the City of Mesquite:

- (1) That prior to any issuance of any building permit, all conditions of the Minimum Development Ordinance No. 522 of the City must be complied with.
- (2) That any and all signs or billboards placed on the property shall comply with Ordinances Nos. 452 and 453 of the City of Mesquite.
- (3) A lot on which a multiple family dwelling is erected or converted shall contain not less than 1,200 square feet per family.
- (4) That whenever a structure is erected or converted for multiple dwelling use, one and one-half (1½) off-street parking spaces shall be provided on the lot, but not in the required front yard, for each dwelling unit in the structure, as indicated on the approved site plan.

SECTION 3. That the site plan for the above described tract of land, when approved by the Planning and Inspection Department, shall become a part of this ordinance for all purposes. A true copy of the site plan shall be retained in

Page 3
Ordinance #537

the office of the City Secretary and in the office of the Director of Public Works, on the above described tract of land, for observance in connection with these improvements. That all paved areas, permanent drives, streets and drainage structures, if any, shall be constructed in accordance with standard City of Mesquite specifications adopted for such purposes and shall be done to the satisfaction of the City Engineer; that the entire cost of all such paved areas, permanent drives, streets and drainage structures, if any, shall be paid by the developer.

SECTION 4. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. That the above described tract of land shall be used only in the manner and for the purposes provided for by Ordinance No. 120 of the City of Mesquite, as heretofore amended and as amended herein by the granting of this special permit.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance No. 120 of the City of Mesquite, as heretofore amended, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. Whereas, the above described property requires that it be given the above zoning 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, and creates an urgency and an 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 the caption of said ordinance as the law in such cases provides.

DULY PASSED by the City Council on the 18 day of May, 1964.

APPROVED: B. W. Quinn
MAYOR

ATTEST: Tom G. McLaughlin
CITY SECRETARY

APPROVED AS TO FORM: B. Robert Baker
ATTORNEY