

ORDINANCE NO. 1030

CASE 337-2

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GRANT A CHANGE OF ZONING FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO "SP" SPECIAL PERMIT FOR BOARDING STABLES FOR HORSES ON PART OF TRACT 1, S. CALDWELL SURVEY, ABSTRACT #337, WITH THE FOLLOWING STIPULATIONS: (1) THAT THE NUMBER OF HORSES PERMITTED BE LIMITED TO NOT MORE THAN EIGHTEEN; (2) THAT THE OPERATION BE LIMITED TO USE OF THE EXISTING STRUCTURES ONLY; (3) THAT PORTION OF THE TRACT PRESENTLY ZONED LOCAL RETAIL BE EXCLUDED FROM THE SPECIAL PERMIT ZONING; AND (4) THAT THIS ZONING BE FOR ONE YEAR FROM MAY 1, 1972; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A", AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HEREWITH; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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 said change of zoning should be granted herein:

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

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SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning on the property described in Exhibit "A", as attached hereto and made a part of this ordinance, from "R-3" Single Family Dwelling District to "SP" Special Permit for Boarding Stables for Horses on part of Tract 1, S. Caldwell Survey, Abstract #337, with the following stipulations:

- (1) That the number of horses permitted be limited to not more than eighteen;
- (2) That the operation be limited to use of the existing structures only; and
- (3) That portion of the tract presently zoned Local Retail be excluded from the Special Permit zoning.
- (4) That this zoning be for one year from May 1, 1972.

SECTION 2. 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 3. That the property described in Exhibit "A" and attached hereto as a part of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That the foregoing zoning change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 858 of the Mesquite City Code.

SECTION 5. 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.

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SECTION 6. 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 of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00), for each offense.

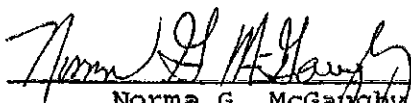
SECTION 7. Whereas, the property described in Exhibit "A", as attached hereto and made a part of this ordinance, requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of 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 said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 1 day of May, A.D., 1972.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary

Elland Archer
City Attorney

CG264

EXHIBIT "A"
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All that tract of land located in the S. W. Caldwell Survey, Abstract No. 337, City of Mesquite, Dallas County, Texas, and being more fully described as follows:

BEGINNING at the Southeast corner of Belt Line Road and Tripp Road;

THENCE East 349 feet along the South line of Tripp Road to the beginning of a curve to the right;

THENCE 241 feet around said curve whose radius is 262.8 feet, to the east line of said Caldwell Survey;

THENCE South 2428 feet, more or less, with the East line of said Caldwell Survey, to the North line of U. S. Highway 80;

THENCE North $77^{\circ} 21'$, West 83 feet to an offset in the North line of said Highway 80;

THENCE South $12^{\circ} 39'$, West 40 feet;

THENCE North $77^{\circ} 21'$, West 390 feet with said North line of Highway 80;

THENCE North 48° , West 118.6 feet to the East line of Belt Line Road;

THENCE North $1^{\circ} 22'$ East 2370 feet, more or less, along the East line of Belt Line Road to the Place of Beginning, SAVE AND EXCEPT, that part of the above described tract previously zoned "LR" Local Retail, by Ordinance 314, and containing 30.3 acres.