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ORDINANCE NO. 1100

CASE 261-14

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 "SP" SPECIAL PERMIT TO ALLOW THE INDUSTRIAL USE OF STORING AND DISPENSING OF BUTANE AND PROPANE GAS, (WITH A MAXIMUM STORAGE CAPACITY OF 3,000 GALLONS) ONLY, WITH THE STIPULATION THAT THE DISPENSING OF GAS SHALL BE TO THE ULTIMATE USER, ONLY; SAID PROPERTY BEING ON TRACT 5 AND 6, SHEET 2, ABSTRACT 261, COLE SURVEY, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING 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 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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EXHIBIT "A"
SPECIAL PERMIT

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BEING out of the W.A. Cole Survey, Abstract No. 261 and being part of a 4.127 acre tract conveyed to O.L. Nelms, June 12, 1953 and being more particularly described as follows:

BEGINNING at a point in the West Right-of-way of Big Town Blvd. said beginning point being the Southeast corner of said Nelms 4.127 acre tract and the Northeast corner of a 2 acre tract owned by R.S. and S.E. Berry;

THENCE North 88 deg. 56 min. West, with the South line of Nelms tract and the North line of Berry 2 acre tract, 391.71 feet to iron stake for corner, said point being the Southwest corner of said Nelms tract and the Southeast corner of A.A. Smith 1.46 acre tract;

THENCE North 0 deg. 14 min. East with the West line of Nelms tract and the East line of Smith tract, 456.04 feet to an iron stake for corner set in the South Right-of-way of U.S. Highway 67;

THENCE South 89 deg. 46 min. East with the South Right-of-way of U.S. Highway 67, 321.60 feet to an iron stake for corner;

THENCE South 17 deg. 25 min. East with Right-of-way of U.S. Highway 67, 230.9 feet to an iron stake for corner set in ditch;

THENCE South 0 deg. 14 min. West with the West Right-of-way of Big Town Blvd. (Shiloh Road), 241.74 feet to place of beginning and containing 3.949 acres of land.

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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 "SP" Special Permit to allow the Industrial use of storing and dispensing of butane and propane gas, (with a maximum storage capacity of 3,000 gallons) only, with the stipulation that the dispensing of gas shall be to the ultimate user, only; said property being on Tract 5 and 6, Sheet 2, Abstract 261, Cole Survey, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this ordinance.

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" 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" 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 AND APPROVED by the City Council of the City of Mesquite, Texas, on the 5 day of March, A. D., 1973.


George Boyce
Mayor

ATTEST:


Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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