

ORDINANCE NO. 1182

CASE 810-16

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM GENERAL RETAIL TO OFFICE ON PARCEL 2A, WITH THE STIPULATIONS THAT:

- (1) FIFTEEN (15%) PERCENT OF TOTAL LOT AREA MUST BE LANDSCAPED AND PERMANENTLY MAINTAINED, WHICH AREA SHALL INCLUDE THE REQUIRED FRONT AND SIDE YARDS;
- (2) THE SITE PLAN MUST BE APPROVED BY THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL AND SHALL BE ACCOMPANIED BY A BUILDING ELEVATION SHOWING AMONG OTHER THINGS, BASIC ARCHITECTURAL FEATURES AND EXTERIOR BUILDING MATERIALS; AND (3) CONTROLLED SIGNS: "SIGNS MUST BE ATTACHED TO THE BUILDING (WALL SIGN) OR A DETACHED IDENTIFICATION SIGN (300 FEET BETWEEN DETACHED SIGNS), IF ARCHITECTURALLY DESIGNED OF EQUAL COMPOSITION OR DESIGN OF MAIN BUILDING. THE FACE OF THE DETACHED SIGN SHOULD BE SIXTY (60) SQUARE FEET OR LESS, NO HIGHER THAN TWENTY-FIVE (25) FEET, AND LOCATED ONE-HALF THE DISTANCE FROM THE BUILDING LINE TO THE PROPERTY LINE."; AND TO GRANT A CHANGE OF ZONING FROM COMMERCIAL TO GENERAL RETAIL ON PARCEL 7A, AND FROM COMMERCIAL AND SERVICE STATION TO GENERAL RETAIL ON PARCEL 7B, WITH THE STIPULATION THAT THE SITE PLAN BE APPROVED BY THE PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; SAID PROPERTY BEING TRACTS 12, 13, AND 14 OF ABSTRACT 810, SHEET 16A; AND BLOCK 43A OF ORIGINAL TOWN OF THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING COMPLETELY AND INDIVIDUALLY 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 1973 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING ZONING CHANGES ARE 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

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ORDINANCE/PAGE 2
CASE 810-16

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 changes of zoning should be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, 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 from General Retail to Office on Parcel 2A, with the stipulations that:

1. Fifteen (15%) percent of total lot area must be landscaped and permanently maintained, which area shall include the required front and side yards;
2. The site plan must be approved by the Planning and Zoning Commission and the City Council and shall be accompanied by a building elevation showing among other things, basic architectural features and exterior building materials; and
3. Controlled signs:

"Signs must be attached to the building (wall sign) or a detached identification sign (300 feet between detached signs),

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ORDINANCE/PAGE 3
CASE 810-16

if architecturally designed of equal composition or design of main building. The face of the detached sign should be sixty (60) square feet or less, no higher than twenty-five (25) feet, and located one-half the distance from the building line to the property line."

and, to grant a change of zoning from Commercial to General Retail on Parcel 7A, and from Commercial and Service Station to General Retail on Parcel 7B, with the stipulation that the site plan be approved by the Planning and Zoning Commission and the City Council; said property being Tracts 12, 13, and 14 of Abstract 810, Sheet 16A; said Block 43A of Original Town of the City of Mesquite, Dallas County, Texas, and being completely and individually 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" and attached hereto shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

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

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ORDINANCE/PAGE 4
CASE 810-16

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 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court 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" of this ordinance requires that it be given the above 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, 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.

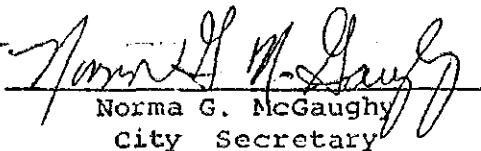
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of April, A.D., 1974.



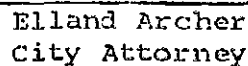
Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary



Elland Archer
City Attorney