

ORDINANCE NO. 1232

CASE NO. 1462-96

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 PERMIT CONDITIONAL USE FOR A BOARDING STABLE, WITH THE STIPULATIONS THAT (1) NUMBER OF ANIMALS NOT TO EXCEED TWENTY-TWO (22), AND (2) APPROVAL ONLY FOR ONE YEAR WITH REVIEW OF APPROVAL AT THAT TIME; SAID PROPERTY BEING ON TRACTS 27 AND 28, DANIEL TANNER SURVEY, ABSTRACT 1462, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY 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 REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING 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 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:

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 permit Conditional Use for a Boarding Stable, with the stipulations that:

1. Number of animals not to exceed 22, and
2. Approval only for one year with review of approval at that time

Said property being on Tracts 27 and 28, Daniel Tanner Survey, Abstract 1462, City of Mesquite, Dallas County, Texas, and being more fully 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 Section 1 of this Ordinance, 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 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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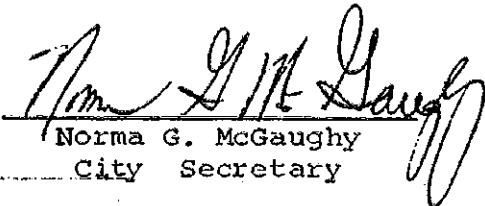
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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 Section 1 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 6th day of January, A.D., 1975.

  
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Bob Beard  
Mayor

ATTEST:

  
\_\_\_\_\_  
Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Elland Archer  
City Attorney

EXHIBIT "A"

All that certain tract or parcel of land situated in the Daniel Tanner League, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being the same land conveyed in two deeds to H. M. Davis, 10.87 acres by deed dated May 25, 1950, recorded in Volume 3315, Page 110, Deed Records of Dallas County, Texas, and 6.9 acres by deed dated May 24, 1950 and recorded in Volume 3321, Page 102, Deed Records of Dallas County, Texas, and being the same property conveyed by Callicoatte, et al, to Murr, et al, by Deed recorded in Volume 73028, Page 0350, Deed Records of Dallas County, Texas, and being more fully described as follows:

BEGINNING on the southerly line of Forney Road, 60' wide, also being the northeast corner of said 6.9 acre tract;

THENCE South 44° 43' East 989.1' along the easterly line of said 6.9 acre tract to the southeast corner of same, also being a fence corner;

THENCE South 45° 30' West 917.0' with fence and southerly line of said two tracts to the southwest corner of said 10.87 acre tract and on the easterly line of Chase Road, 50' wide;

THENCE North 44° 35' West 563' along the easterly line of Chase Road to the southwest corner of the Percy S. Morrow tract;

THENCE North 45° 40' East 208.7' to Morrow's southeast corner;

THENCE North 44° 35' West 220' to the common corner of Davis, Morrow, Francis McDermott and Fred Geb;

THENCE North 45° 40' East 208.7' to Geb's southeast corner;

THENCE North 44° 35' West 208.7' to Geb's northeast corner and on the southerly line of Forney Road;

THENCE North 45° 40' East 497.5' along the southerly line of Forney Road to the place of beginning and containing 17.769 acres of land, more or less,