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ORDINANCE NO. 1243

161-3

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 "R-3" SINGLE FAMILY RESIDENTIAL TO GENERAL RETAIL WITH THE STIPULATION THAT: (1) ERECTION OF AN EIGHT FEET HIGH SOLID MASONRY SCREENING FENCE ALONG THE LOCATION REQUIRED BY THE ZONING ORDINANCE AND THAT NO DIRECT ACCESS TO THE ADJACENT RESIDENTIAL AREA OR EXISTING ALLEY BE PERMITTED; SAID PROPERTY BEING LOCATED IN THE E. BARROUX SURVEY, ABSTRACT NO. 161, 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 grant a change of zoning from "R-3" Single Family Residential to General Retail with the stipulation that: (1) Erection of an eight feet high solid masonry screening fence along the location required by the Zoning Ordinance and that no direct access to the adjacent residential area or existing alley be permitted; said property being located in the E. Barroux Survey, Abstract No. 161, 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.

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.

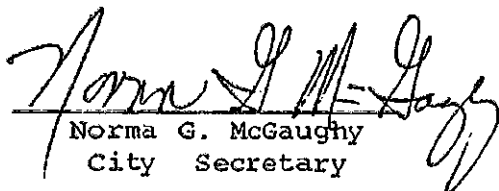
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 21st day of April, A.D., 1975.



Bob Beard
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:

Elland Archer
City Attorney

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EXHIBIT "A"

FILE #161-3

ZONING FIELD NOTES
PROPOSED RETAIL

BEING a tract of land situated in the E. Barroux Survey, Abstract No. 161, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the West line of Pioneer Road (an 80' R.O.W.) with the North line of Bruton Road (a 100' R.O.W.), a point for corner;

THENCE, N.89°41'W, along the North line of Bruton Road a distance of 169.72 feet to the beginning of a curve to the Left having a central angle of 30°00' and a radius of 609.81 feet, a point for corner;

THENCE, Southwesterly, around said curve and continuing along Bruton Road, a distance of 319.30 feet to a point for corner;

THENCE, S.60°19'W, continuing along Bruton Road a distance of 84.80 feet to a point for corner;

THENCE, N.29°41'W, leaving said Bruton Road and proceeding a distance of 77.88 feet to the beginning of a curve to the Right having a central angle of 29°41' and a radius of 325.00 feet, a point for corner;

THENCE, Northerly, around said curve, a distance of 168.37 feet to a point for corner;

THENCE, North, a distance of 286.57 feet to a point on the South line of Casa Terrace Addition, First Section, a point for corner;

THENCE, S.89°41'E, along said Casa Terrace Addition, a distance of 630.00 feet to a point on the said West line of Pioneer Road, a point for corner;

THENCE, South, along said Pioneer Road, a distance of 390.60 feet to the Place of Beginning and containing 6.1 acres of land.

BEING a tract of land situated in the E. Barroux Survey, Abstract No. 161, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the point of intersection of the West line of Pioneer Road (an 80' R.O.W.) with the North line of Bruton Road (a 100' R.O.W.), a point for corner;

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THENCE, Southwesterly, around said curve and continuing along Bruton Road, a distance of 319.30 feet to a point for corner;

THENCE, S.60°19'W, continuing along Bruton Road a distance of 84.80 feet to a point for corner;

THENCE, N.29°41'W, leaving said Bruton Road and proceeding a distance of 77.88 feet to the beginning of a curve to the Right having a central angle of 29°41' and a radius of 325.00 feet, a point for corner;

THENCE, Northerly, around said curve, a distance of 168.37 feet to a point for corner;

THENCE, North, a distance of 286.57 feet to a point on the South line of Casa Terrace Addition, First Section, a point for corner;

THENCE, S.89°41'E, along said Casa Terrace Addition, a distance of 630.00 feet to a point on the said West line of Pioneer Road, a point for corner;

THENCE, South, along said Pioneer Road, a distance of 390.60 feet to the Place of Beginning and containing 6.1 acres of land.

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