

## ORDINANCE NO. 1379

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 FOR A CONDITIONAL USE IN A COMMERCIAL ZONING DISTRICT FOR THE CONSTRUCTION OF A METAL BUILDING WITH MASONRY FRONT WITH THE STIPULATIONS THAT: (1) THE REQUIRED MASONRY SCREENING FENCE ON THE NORTHERN BOUNDARY BE DELAYED UNTIL RESIDENTIAL DEVELOPMENT BEGINS NORTH OF HANBY DRIVE, (2) A MASONRY FRONT BE REQUIRED ON THE PART OF THE BUILDING WITH THE EXPOSURE TO BELT LINE ROAD, WITH FUTURE BUILDINGS CONSTRUCTED FRONTING ON U.S. HIGHWAY 80 TO HAVE MASONRY FRONTS, (3) THAT THE REQUIREMENT FOR SCREENING OF THE POTTERY YARD, LOCATED ON THE SOUTH SIDE OF THE PROPERTY BE WAIVED; SAID PROPERTY BEING LOCATED NEAR THE NORTHWEST CORNER OF THE BELT LINE ROAD AND U.S. HWY 80 INTERSECTION IN THE EAST DALLAS ESTATES ADDITION, LOTS 8, 9, & 10, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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 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 change of zoning may 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 for a conditional use in a commercial zoning district for the construction of a metal building with masonry front with the stipulations that: (1) the required masonry screening

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fence on the northern boundary be delayed until residential development begins North of Hanby Drive, (2) a masonry front be required on the part of the building with the exposure to Belt Line Road, with future buildings constructed fronting on U.S. Highway 80 to have masonry fronts, (3) that the requirement for screening of the pottery yard, located on the south side of the property be waived; said property being located near the Northwest corner of the Belt Line Road and U.S. Hwy 80 Intersection in the East Dallas Estates Addition, Lots 8, 9, & 10, City of Mesquite, Dallas County, Texas; and being more fully described in Exhibit "A" attached hereto and made a part of this ordinance.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same 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. 1249 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.

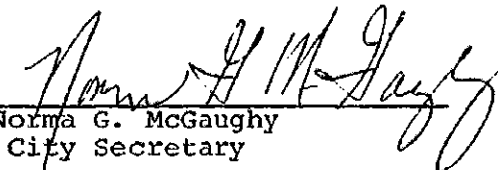
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 15th day of August, A.D., 1977.

  
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B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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

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Elland Archer  
City Attorney

EXHIBIT "A"

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TRACT TWO

BEING all that certain lot, tract, or parcel of land situated in Dallas County, Texas, out of the S.W. CALDWELL SURVEY, Abstract No. 337, and being parts of Lots 8, 9, and 10, of EAST DALLAS ESTATES ADDITION, an addition to Dallas County, Texas, according to the map thereof recorded in Volume 6 at page 62 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the North right of way line of U.S. Highway No. 80, said point being South 77° 23' 30" East, a distance of 79.03 feet from the Southwest corner of Lot 8;

THENCE North 1° 22' East parallel with the West line of Lot 8 and 10, a distance of 673 feet crossing the North line of Lot 8 and the South line of Lot 10, in all a distance of 973 feet to a point in the North line of Lot 10, said point being in the South line of Hanby Street;

THENCE South 88° 20' East with the North line of Lot 10 and the South line of Hanby Street, a distance of 409 feet, a point in the West line of Belt Line Road, a 100-foot right of way, as determined by deed to County of Dallas, dated February 23, 1952 and recorded in Volume 3665 at page 252 of the Deed Records of Dallas County, Texas;

THENCE South 1° 13' 10" West with the West line of Belt Line Road, a distance of 647.96 feet to a point of intersection with the North line of a tract of land conveyed to W.F. Motley by deed dated November 19, 1964 and recorded in Volume 446 at page 0547 of the Deed Records of Dallas County, Texas;

THENCE North 88° 39' 10" West with the North line of said Motley tract, a distance of 119 feet to its Northwest corner;

THENCE South 2° 23' 16" East with the West line of said Motley tract, a distance of 2.52 feet, said point being the Northeast corner of a tract of land conveyed to Humble Oil and Refining Company by deed dated November 5, 1970 and recorded in Volume 70217 at page 0110 of the Deed Records of Dallas County, Texas;

THENCE North 88° 57' 40" West with the North line of said Humble Oil and Refining Company tract, a distance of 120 feet to its Northwest corner;

THENCE South 3° 54' 30" West with the West line of said Humble Oil and Refining Company tract, a distance of 351.36 feet to a point in the North line of U.S. Highway No. 80;

THENCE North 77° 23' 30" West with the North line of U.S. Highway No. 80, a distance of 159.27 feet to the place of BEGINNING and containing 7.392 acres of land.