

## ORDINANCE NO. 1510

Appl. No. OT-36

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 CONDITIONAL CHANGE OF ZONING FROM SERVICE STATION TO CENTRAL BUSINESS DISTRICT, LIMITED HOWEVER, TO THE OPERATION OF A RETAIL TIRE STORE WITH THE FOLLOWING STIPULATIONS: (1) THAT THIS ZONING SHALL BE FOR THAT PERIOD AND ONLY THAT PERIOD, IN WHICH JAMES SEALE IS PERSONALLY INVOLVED IN THE OPERATION OF A TIRE STORE AT SAID LOCATION; (2) THAT THE EXISTING GASOLINE PUMP BE USED ONLY FOR PRIVATE USE; (3) THAT NO OUTSIDE STORAGE BE PERMITTED AND THAT OUTSIDE DISPLAY BE LIMITED TO TWO METAL TIRE RACKS; (4) THAT ALL SIGNS CONFORM TO THE EXISTING SIGN ORDINANCE OF THE CITY AND; (5) THAT ANY COSMETIC TREATMENT TO THE BUILDING IS TO BE COMPATIBLE WITH THE RENOVATED DOWNTOWN SQUARE; (6) THAT A NEW CERTIFICATE OF OCCUPANCY BE ISSUED FOR A TIRE STORE WITH SPECIFIC REQUIREMENTS NOTED THEREIN TO CONFORM WITH THE INTENT OF THE COUNCIL; SAID TRACT LOCATED ON THE SOUTHWEST CORNER OF DAVIS AND GALLOWAY AND IS KNOWN AS TRACT 1, BLOCK 24 OF THE ORIGINAL TOWN ADDITION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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 (\$200.00) DOLLARS 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:

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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 conditional change of zoning from Service Station to Central Business District, limited however, to the operation of a Retail Tire Store with the following stipulations: (1) That this zoning shall be for that period and only that period, in which James Seale is personally involved in the operation of a tire store at said location; (2) That the existing gasoline pump be used only for private use; (3) That no outside storage be permitted and that outside display be limited to two metal tire racks; (4) That all signs conform to the existing sign ordinance of the City and; (5) That any cosmetic treatment to the building is to be compatible with the renovated downtown square; (6) That a new certificate of occupancy be issued for a tire store with specific requirements noted therein to conform with the intent of the Council; said tract located on the southwest corner of Davis and Galloway and is known as Tract 1, Block 24 of the Original Town Addition, City of Mesquite, Dallas County, Texas.

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 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

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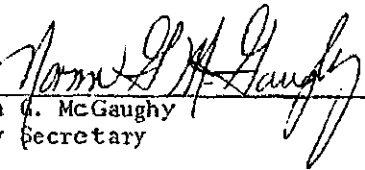
effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of June, A.D., 1979.

  
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B. J. SMITH  
MAYOR

ATTEST:

APPROVED AS TO FORM:

  
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Norma G. McGaughey  
City Secretary

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Elland Archer  
City Attorney

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