

ORDINANCE NO. 2357
File No. 1095-25

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 APPROVE OUTSIDE STORAGE IN THE GENERAL RETAIL DISTRICT, SPECIFICALLY FOR A PLANT NURSERY SUBJECT TO CERTAIN STIPULATIONS; THE 2.627 ACRE TRACT IS LOCATED SOUTH OF THE BARNES BRIDGE ROAD AND NORTH GALLOWAY AVENUE INTERSECTION; 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 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 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 change 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 approve outside storage in the General Retail District, specifically for a plant nursery subject to the following stipulations: (1) That there will be no outside storage from the back of the building line to the front of the building; and (2) Allowing a chain link fence with exterior plants four (4) feet tall on three (3) foot centers, for screening on the northeast portion from the rear of the building to the north corner. The 2.627 acre tract is located south of the Barnes Bridge Road and North Galloway Avenue intersection; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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.

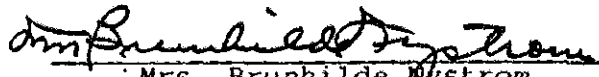
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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 (\$200.00) Dollars 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 17th day of November A.D., 1986.



 Mrs. Brunhilde Nystrom
 Mayor

ATTEST:

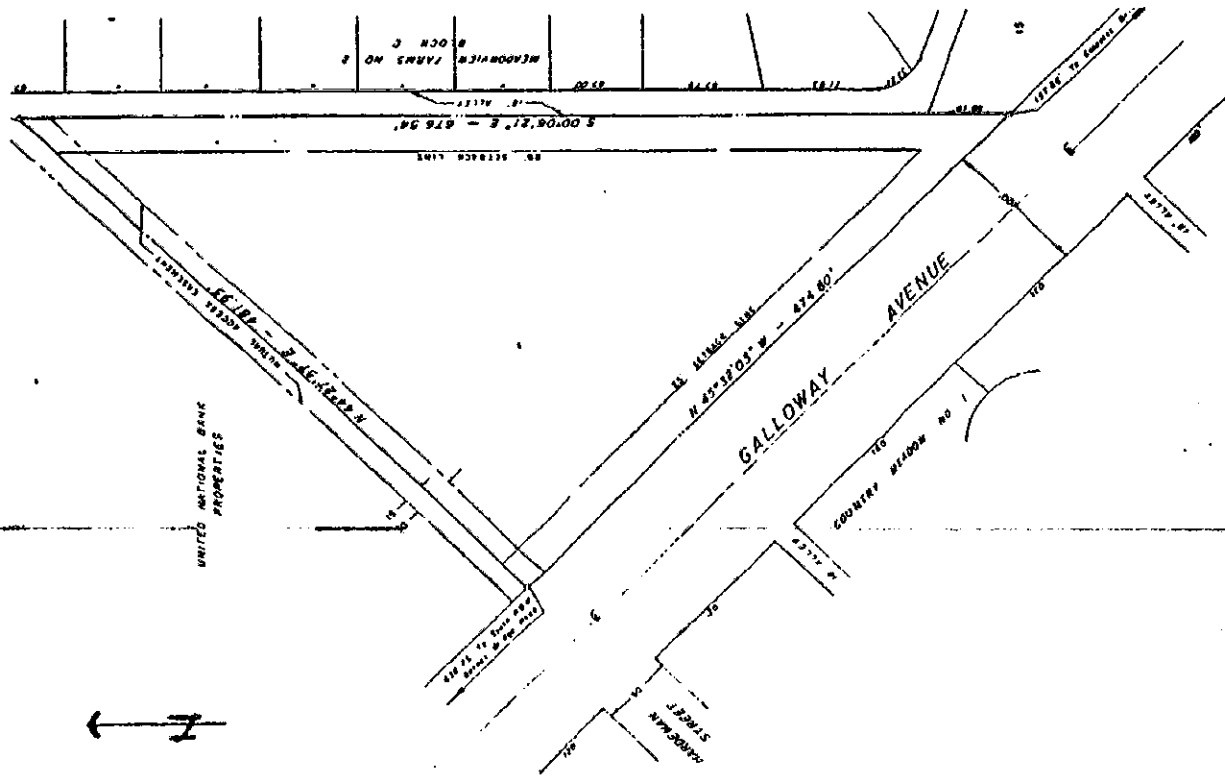
APPROVED AS TO FORM:



 Lynn Prugel
 City Secretary

 Elland Archer
 City Attorney

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LEGAL DESCRIPTION

Being a tract of land situated in the State of Texas, County of Dallas, and City of Mesquite, being part of the J.T. Neims Survey, Abstract No. 1095, part of a 9.657 acre tract as described and recorded in Volume 84003, Page 2879 of the Dallas County Deed Records, and being more particularly described as follows:

COMMENCING FOR REFERENCE at an iron rod found marking the intersection of the southeast right-of-way line of Barnes Bridge Road (a 100' R.O.W.) with the northeast right-of-way line of Galloway Road (a 100' R.O.W.), said commencing point being the most westerly corner of the aforementioned 9.6576 acre tract;

THENCE with the southwest line of said 9.6576 acre tract and the northeast right-of-way line of Galloway Road, South 45 degrees 32 minutes 03 seconds East, a distance of 638.75 feet to an iron rod set marking the PRINCIPAL POINT OF BEGINNING for the herein described tract;

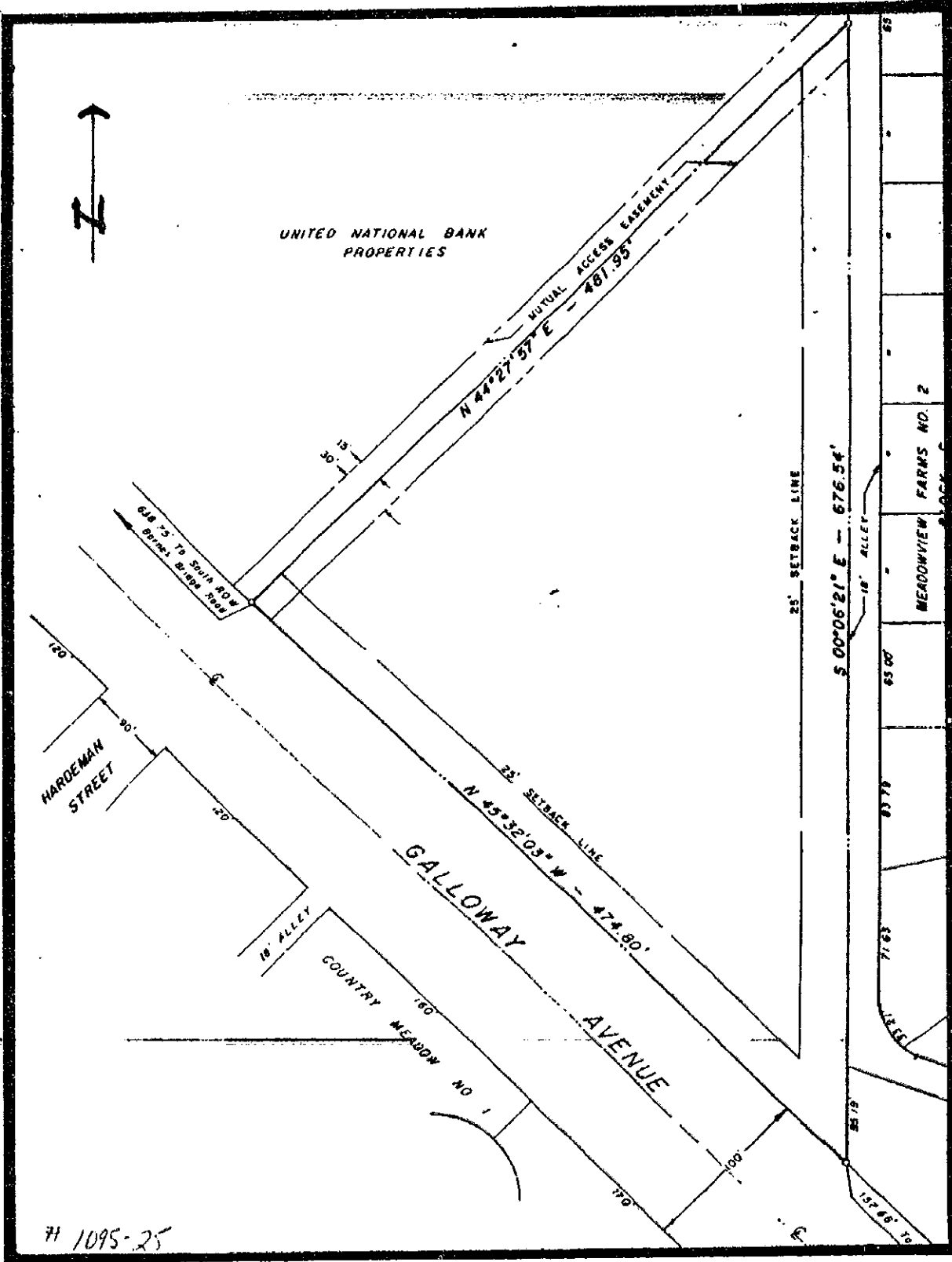
THENCE North 44 degrees 27 minutes 57 seconds East, a distance of 481.95 feet to a point in the east line of said 9.6576 acre tract and the west line of Meadowview Farms No. 2, an addition to the City of Mesquite as recorded in Volume 84136, Page 4074 of the Dallas County Map Records;

THENCE with the east line of said 9.6576 acre tract and the west line of said Addition, South 00 degrees 06 minutes 21 seconds East, a distance of 676.54 feet to an iron rod found in the northeast right-of-way line of Galloway Road marking the southeast corner of said 9.6576 acre tract and the southwest corner of Meadowview Farms No. 2;

THENCE with the southwest line of said 9.6576 acre tract and the northeast right-of-way line of Galloway Road, North 45 degrees 32 minutes 03 seconds West, a distance of 474.80 feet to the Principal Point of Beginning and containing 114.415 square feet of 2.627 acres of land.

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