

ORDINANCE NO. 2849
File No. 342-17

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FROM CENTRAL BUSINESS DISTRICT TO PLANNED DEVELOPMENT/CENTRAL BUSINESS, ALLOWING AN OUTDOOR DISPLAY LOT (BOAT SALES) AND OUTDOOR STORAGE SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 Central Business District to Planned Development/Central Business, allowing an outdoor display lot (boat sales) and outdoor storage, subject to the following stipulations:

1. Permitted uses shall include the following:
 - a. All uses permitted in Central Business District.
 - b. An outdoor display lot for boat sales in compliance with Section 3-602 of the Zoning Ordinance shall be permitted to the east of the wood frame residence. The maximum width permitted for the outdoor display lot shall be 41 feet (no maximum depth is specified). Boats for sale shall not be parked or otherwise displayed at any other location on the property.
 - c. Outdoor storage in compliance with Section 3-603 of the Zoning Ordinance. Specifically, all boats awaiting service or pick-up shall be parked either inside the buildings or in an outdoor storage area (whether existing or new) which is approved on the site plan and which

complies with the applicable paving and screening requirements. Boats in the process of being dropped-off/picked-up may be parked outside the storage yards on a temporary basis, generally meaning no more than 2 hours.

2. All development standards set out for the Central Business District shall apply.
3. Replatting of the property as one lot shall be required.
4. Residential use of the existing wood frame residence shall be permitted, provided that no nonresidential/commercial use of the residential property shall be permitted unless the existing wood frame structures are removed and the area is developed in compliance with all regulations for nonresidential development. The residential property shall be defined as the 62 foot by 109 foot area surrounding the wood frame residence and including the residence and the wood frame garage/carport.
5. Review and approval of Planned Development Site Plan is delegated to the Development Review Committee.
6. Parking spaces for employees and customers shall be striped.
7. A maximum of two (2) personal boats may be parked on the residential tract.
8. Maintenance of the existing landscaping along the south property line shall be required.
9. Solid screening, in addition to that shown on the concept plan, shall be required along the south side of the property from Lindsey to the Building D and between the display and work areas.
10. All new/reconstruction be accomplished within a two (2) year period and that all construction be uniform in appearance.

The subject 0.8445 acre tract is located at 820 West Scyene Road at the corner of the Lindsey Street 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 Mesquite Zoning Ordinance.


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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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.

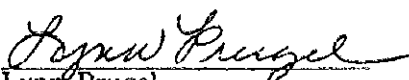
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 7th c'ay of December, 1992.



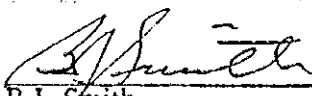
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

OWNER'S CERTIFICATION

STATE OF TEXAS)

COUNTY OF DALLAS)

WHEREAS, TEXAS LAKES MARINE, is the owner of all that certain tract or parcel of land situated in the City of Mesquite, Dallas county, Texas, out of the D. S. Carver Survey, Abstract No. 342, and being part of a certain 12.87 acre tract of land conveyed by A. W. Lindsey, et ux, to W. W. Lindsey by deed dated July 14, 1932, recorded in Volume 1813, Page 410 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found at the intersection of the South line of Scyene Road (an 80' ROW) with the East line of Lindsey Street (a 50' ROW);

THENCE: S 84° 02' 00" E, with the South line of Scyene Road, a distance of 202.46 feet to an iron rod found for corner;

THENCE: S 05° 51' 20" W, parallel with the East line of Lindsey Street, a distance of 270.99 feet to an iron rod found for corner in the North line of Military Parkway (a 200' ROW);

THENCE: N 86° 56' 00" W, with the North line of Military Parkway, a distance of 52.53 feet to an iron rod found for corner, said point being the Southwest corner of a certain tract conveyed by Jean B. Lindsey to Bessie Mae Lindsey by deed dated September 12, 1967, recorded in Volume 67183, Page 0633 of the Deed Records of Dallas County, Texas;

THENCE: N 05° 51' 20" E, parallel with the East line of Lindsey Street and along the East line of said Lindsey tract, a distance of 123.65 feet to an iron rod found in its Northeast corner;

THENCE: S 84° 02' 00" E, parallel with the South line of Scyene Road, a distance of 149.99 feet to an iron rod found for corner;

THENCE: N 05° 51' 20" E, parallel with the East line of Lindsey Street, a distance of 150.00 feet to the PLACE OF BEGINNING and containing 36,787 square feet or 0.8445 acres of land.