

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 APPROVE A CONDITIONAL USE PERMIT FOR AN OUTDOOR DISPLAY YARD SUBJECT TO CERTAIN CONDITIONS; 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 approve a Conditional Use Permit for an outdoor display yard subject to the following conditions:

1. That the display yard be in conjunction with a swimming pool/spa business, allowing the display of a maximum of ten (10) units with all units "operational".
2. That the proposed display yard and the existing tract be replatted as a single lot.
3. That the display yard be landscaped, irrigated and constructed to appear as a typical residential installation.

The subject property is a 12,429 square foot tract located approximately 260 feet south of the Range Drive and Belt Line Road intersection, fronting the west side of Belt Line Road; City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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.

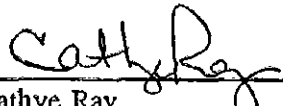
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

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.

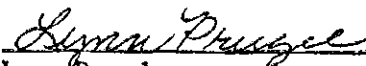
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of September, 1995.



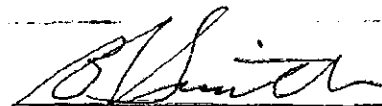
Cathye Ray
Mayor

ATTEST:

APPROVED:



Lynn Prugel
City Secretary



B.J. Smith
City Attorney

00205

TRACT II

Being a lot, tract or parcel of land, situated in the ROBERT BETHRUM SURVEY, ABSTRACT NO. 170, City of Mesquite, Dallas County, Texas, and being more particularly described as follows.

Commencing at an iron rod found for corner in the South R.O.W. line of Range Drive (a 60' R.O.W.) and the West R.O.W. line of North Bellline Road; Thence: South 00 degrees 17 minutes 29 seconds East, 260.00 feet to the Point of Beginning;

THENCE: South 00 degrees 17 minutes 29 seconds East along the West R.O.W. line of North Bellline Road, a distance of 72.00 feet to a 1/2 inch iron rod found for corner.

THENCE: South 79 degrees 30 minutes 31 seconds West, a distance of 148.34 feet to a 1/2 inch iron rod found for corner;

THENCE: North 00 degrees 17 minutes 29 seconds West, a distance of 98.27 feet to a 1/2 inch iron rod found for corner in the South line of Lot 2, Block B of said addition;

THENCE: North 89 degrees 42 minutes 31 seconds East along said South line of Lot 2, Block B, a distance of 146.00 feet to the Point of Beginning and containing 12,429.6789 square feet or 0.2853 acres of land.

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