

ORDINANCE NO. 3199
File No. 170-24

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 CHANGE OF ZONING FROM R-3 SINGLE FAMILY RESIDENTIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR AN OUTDOOR DISPLAY OF FARM AND LANDSCAPE EQUIPMENT AND SUPPLIES WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 change of zoning from R-3 Single Family Residential to Commercial with a Conditional Use Permit for an Outdoor display of farm and landscape equipment and supplies with the following stipulations:

1. that the outdoor display shall be limited to an area fenced with chain link fencing;
2. that the outdoor display shall consist of new merchandise only;
3. that the outdoor display shall be connected to the main building; and
4. that the outdoor display shall not extend beyond the front building line of the main building.

The subject property is a 3.70 acre tract located approximately 450 feet south of the Belt Line Road and U.S. Hwy. 80 East Frontage Road intersection, fronting the east 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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. 3042 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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

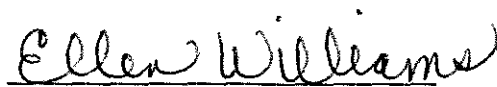
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite creates an urgency and emergency for 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 5th day of January, 1998.


Mike Anderson
Mayor

ATTEST:

APPROVED:


Ellen Williams
City Secretary


B.J. Smith
City Attorney

STATE OF TEXAS
COUNTY OF DALLAS

WHEREAS GREENWAY ENTERPRISES, INC. is the owner of a tract of land situated in the R. Bethurum Survey, Abstract No. 170, Dallas County, Texas, and being a part of that tract of land conveyed from Annie Hanby to George Venner and wife, Patricia Paschall Venner, by deed recorded in Volume 4740, Page 150, Deed Records, Dallas County, Texas, and being all of that tract of land conveyed from Hubert Dale Hefflin and wife Eula Jean to Jack Motley and wife Alice N. Motley by Deed recorded in Volume 5727, Page 41, Deed Records, Dallas County, Texas, said tract being more particularly described as follows:

BEGINNING at a 1/2" iron rod set for the Southeast corner of said Venner tract and at an inside ell corner of that tract of land owned by the City of Dallas;
 THENCE: North 87° 53' 52" West, along the South line of said Venner tract, passing at 330.64 feet the Southeast corner of said Motley tract and continuing a total distance of 530.64 feet to a 1/2" iron rod set on the East ROW line of Belt Line Road;
 THENCE: North 02° 08' 49" East, along said East ROW line a distance of 302.69 feet to a 1/2" iron rod found at the Northwest corner of said Motley tract;
 THENCE: South 87° 27' 35" East, along the North line of the Motley tract, a distance of 200.12 feet to a 1/2" iron rod found at the Northeast corner of the said Motley tract;
 THENCE: South 87° 53' 52" East, a distance of 338.13 feet to a 1/2" iron rod set in the East line of the said Venner tract;
 THENCE: South 03° 35' 36" West, along said East line a distance of 301.27 feet to the Point of Beginning and containing 161.108 square feet or 3.70 acres of land.