

ORDINANCE NO. 3214
File No. 445-3

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 ZONING CHANGE FOR A CONDITIONAL USE PERMIT FOR DAY CARE SERVICES SUBJECT TO THE STIPULATION THAT THERE BE NO OVERNIGHT VEHICLE PARKING IN FRONT OF THE FRONT BUILDING LINE; 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 zoning change for a Conditional Use Permit for Day Care Services, subject to the stipulation that there be no overnight vehicle parking in front of the front building line.

The subject property is a 0.86 acre tract located at the east corner of the Clay Mathis Road and Edwards Church Road intersection, 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 6th day of April, 1998.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney

STATE OF TEXAS)

COUNTY OF DALLAS)

WHEREAS, PATRICIA J. SMITH is the owner of a tract of land situated in the Isaac Edwards Survey, Abstract No. 445, in the City of Mesquite, Dallas County, Texas, as recorded in Volume 97240, Page 3045, Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 1/2 inch iron rod set in the Northeast ROW line of Clay-Mathis Road (an 80' ROW), said point being S 44° 16' 56" E, 109.23 feet from the South end of a corner clop curve which joins the Northeast ROW line of Clay-Mathis Road with the Southeast ROW line of Edwards Church Road (a 60' ROW)

THENCE: N 45° 09' 48" E, 234.00 feet to a 1/2 inch iron rod set for corner;

THENCE: S 44° 50' 12" E, 159.99 feet to a 1/2 inch iron rod set for corner in the Northwest line of an 18 foot alley, said line also being the Northwesterly line of Creek Crossing Estates No. 11, Phase 1, as recorded in Volume 86174, Page 7954, Deed Records of Dallas County, Texas;

THENCE: S 45° 09' 48" W, 235.55 feet along said Northwesterly line and the Southeasterly line of the herein described tract to a 1/2 inch iron rod set in the Northeast ROW line of Clay-Mathis Road;

THENCE: N 44° 16' 56" W, 160.00 feet along the Northeasterly ROW line of Clay-Mathis Road to the PLACE OF BEGINNING and containing 0.8623 acres of land.