

ORDINANCE NO. 3229
File No. 261-27

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 (1) OUTDOOR STORAGE OF RECREATIONAL VEHICLES AND (2) A TRAILER PARK, SUBJECT TO 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 Conditional Use Permit for (1) Outdoor Storage of Recreational Vehicles and (2) A Trailer Park, subject to the following stipulations:

1. Revision of entryway fencing to provide a minimum 35 foot setback from Big Town Boulevard, with irrigated landscaping and trees to be placed between the road and fence.
2. Provision of solid screening on the south and east sides of the property. Chain-link fencing with slats may be used.
3. Trailer park functions (water and electric connections for overnight stay) shall be limited to eight (8) non-rentable parking spaces, and shall be permitted only in conjunction with sales and/or service of customers at the adjoining RV sales lot. Approval of the trailer park functions shall automatically terminate at the time that there is no valid Certificate of Occupancy for RV sales and service on the adjoining property to the north.

The subject property is a 1.88 acre tract located southwest of the U.S. Hwy. 67 and Big Town Boulevard 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.

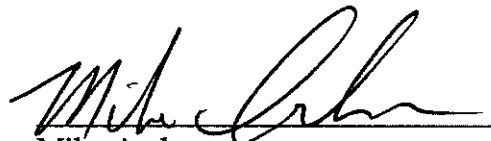
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph, phrase, or provision of this ordinance be 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.

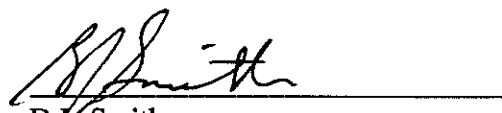
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 15th day of June, 1998.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney

FIELD NOTE DESCRIPTION

BEING all that certain lot, tract or parcel of land situated in the W. A. Cole Survey, Abstract No. 261, Dallas County, Texas and being a part of a certain called 7.598 acre tract of land conveyed from R.S. Berry, S.E. Berry, Norma B. Kokles, Karen L. Kokles and Kimble C. Kokles to Cummins Sales and Service, Inc. dated July 16, 1980 and recorded in Volume 80143, Page 1663 of the Deed Records of Dallas County, Texas and being more particularly described as follows;

BEGINNING at a 1/2 inch iron rod found on the West right-of-way of Big Town Boulevard (a 60 foot right-of-way) at the Northeast corner of said Cummins Tract and the Southeast corner of a certain tract of land described by deed from E. C. Mayo and wife, Peggy Mayo to Holiday Rambler Corporation, dated December 28, 1982 and recorded in Volume 83010, Page 3776 of the Deed Records of Dallas County, Texas;

THENCE: South 00 degrees 07 minutes 03 seconds East, along the West line of Big Town Boulevard, a distance of 145.00 feet to a 1/2 line iron rod set for corner;

THENCE: North 88 degrees 56 minutes 00 seconds West, parallel to the North line of said Cummins Tract, a distance of 567.24 feet to a 1/2 inch iron rod set for corner on the West line of same and being on the East line of a certain tract of land described by deed from Jack Ludwick and wife, Betty Jo Ludwick to the Texas Highway Department (Texas Department of Transportation) dated March 11, 1953 and recorded in Volume 3820, Page 633 of the Deed Records of Dallas County, Texas;

THENCE: North 00 degrees 07 minutes 03 seconds West, along the common line of said Texas Highway Department and said Cummins Tract, a distance of 145.00 feet to a 1 inch iron pipe found for corner at the Northwest corner of said Cummins Tract and the Southwest corner of the aforementioned Holiday Rambler Corporation Tract;

THENCE: South 88 degrees 56 minutes 00 seconds East, with the South line of said Holiday Rambler Corporation Tract and the North line of said Cummins Tract, a distance of 567.24 feet to the PLACE OF BEGINNING and containing (82.232 square feet) 1.868 acre of land, more or less.