

ORDINANCE NO. 3563  
File No. 261-30

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 ON PROPERTY ZONED INDUSTRIAL THEREBY ALLOWING OUTDOOR SALES AND DISPLAY FOR A MOTORCYCLE DEALERSHIP; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR 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 changes 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 on property zoned Industrial thereby allowing outdoor sales and display for a motorcycle dealership.

That the subject property is a 16,700-square foot tract located at 4720 U. S. Highway 67, being Tract 4, Page 25 of Abstract 261 and is more fully described in the approved field notes 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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 are 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, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

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 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. That 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.

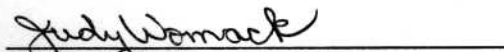
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of March, 2003.



Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
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Judy Womack  
City Secretary  
\_\_\_\_\_  
B. J. Smith  
City Attorney

# EXHIBIT "A"

of the County of Dallas, and State of Texas, in consideration of the debt and trust hereinafter mentioned, have Granted, Bargained, Sold and Conveyed, and by these presents do Grant, Bargain, Sell and Convey unto Earle E. Bailey, Trustee, and to his successor or substitute in this trust, and to his and their assigns hereunder forever, the following described property, situated, lying and being in the County of Dallas and State of Texas, to-wit:

Being a part of the W. A. COLE SURVEY, ABSTRACT NO. 261, Dallas County, Texas and being a tract out of the northwest corner of a certain 14 acre tract conveyed to O. L. Nelms by Robert S. Ray, Sr. by deed dated June 9, 1953 and filed June 12, 1953, being more particularly described as follows:

BEGINNING at a bronze disk in a concrete marker in the south line of U. S. Highway No. 67 on the dividing line between a Texas Highway Department 10 acre and said O. L. Nelms 14 acre tract;

THENCE NORTH 61° 04' EAST, along the south line of said U.S. Highway No. 67, 148.88 FEET to an iron stake for corner;

THENCE SOUTH 00° 14' WEST, 172.56 FEET to an iron stake for corner;

THENCE NORTH 89° 46' WEST, 130.00 FEET to an iron stake for corner;

THENCE NORTH 00° 14' EAST, 100.00 FEET to the PLACE OF BEGINNING and containing 17,716 SQUARE FEET of land.

TO HAVE AND TO HOLD the said described property