

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 GENERAL RETAIL TO PLANNED DEVELOPMENT-GENERAL RETAIL 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 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 change of zoning from General Retail to Planned Development-General Retail subject to the following stipulations:

- A. Permitted Uses. Uses permitted in the Planned Development-General Retail District shall be as follows:
1. Retail plant nurseries/garden supply stores.
 2. All uses permitted in the General Retail District with the exception of the following which shall not be permitted:
 - a. Restaurants or eating facilities of any kind;
 - b. Grocery stores, meat and fish markets;
 - c. Auto supply stores;
 - d. Gasoline pumps and tanks;
 - e. Pet shops;
 - f. Pawn shops;

- g. Coin laundries;
- h. Equipment or truck rentals;
- i. Auto repair/repainting of all types;
- j. Auto sales;
- k. Car wash or related uses;
- l. Coin-operated amusement gameroom/video arcades; or
- m. Halfway houses.

B. Restrictions on Use. The following restrictions on use shall be applicable to the Planned Development-General Retail District:

- 1. The use of loudspeakers, pagers and/or outside public address systems shall not be permitted on the property.
- 2. Unless a continuous loading or unloading process is in progress, the parking of commercial trucks, truck tractors, semi-trailers or trailers shall be prohibited on the subject property for continuous periods of greater than two hours with the exception of no more than two trucks and two trailers may be parked on a paved surface in the display area designated on the approved site plan.
- 3. Deliveries made by commercial vehicles to businesses on the subject property shall be limited to the hours between 8:00 a.m. and 6:00 p.m.

C. Development Standards.

- 1. Except as modified herein, all standards prescribed for General Retail Districts shall be applicable to the subject property.
- 2. The display/storage of bedding plants, shrubs and trees shall be permitted at a location designated for such use on the approved Planned Development Site Plan. Paving within a plant display area shall be required only for pedestrian walkways. Such display shall be prohibited in any part of a required front or exterior side yard and no such display shall obstruct or eliminate any designated parking or loading space, access drive or fire lane. The display of supplies, grass pallets and other bulk items shall be permitted in conjunction with the primary display of bedding plants and shrubs but shall otherwise constitute outdoor storage requiring compliance with Section 3-603 of the Mesquite Zoning Ordinance.
- 3. Displays of stacked materials shall not exceed five feet in height. Individual items of greater height may be displayed but shall not exceed one-half the height of the principal building.

4. The development shall meet all other applicable City codes and ordinances.

That the subject property is a 2.2-acre tract located at the southern corner of Northwest Drive and La Prada Drive, being Tract 32, Page 272, of Abstract 1461, 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 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.

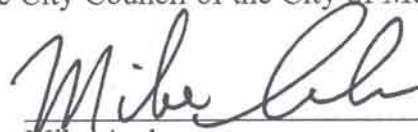
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

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.

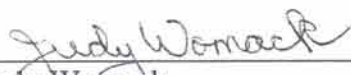
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 4th day of October, 2004.



Mike Anderson

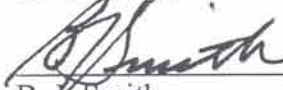
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney

LEGAL DESCRIPTION

STATE OF TEXAS:
COUNTY OF DALLAS:

BEING A TRACT OF LAND SITUATED IN THE THEOPHALUS THOMAS SURVEY, ABSTRACT NO. 1461, CITY OF MESQUITE, DALLAS COUNTY, TEXAS AND ALSO BEING PART OF THE 12.551 ACRE TRACT OF LAND CONVEYED TO RALDON LAND CORPORATION AS FILED ON 12-28-73 IN VOLUME 74001, PAGE 2389 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND FOR CORNER AT THE INTERSECTION OF THE SOUTH-WEST LINE OF NORTHWEST HIGHWAY AND THE SOUTHEAST LINE OF LA PRADA DRIVE:

THENCE SOUTH 44 DEGREES 44 MINUTES 23 SECONDS EAST WITH THE SOUTHWEST LINE OF NORTHWEST HIGHWAY, A DISTANCE OF 135.74 FEET TO A 5/8 INCH IRON ROD FOUND AT THE BEGINNING OF A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 0 DEGREES 46 MINUTES 08 SECONDS AND A RADIUS OF 1386.62 FEET AND A CHORD WHICH BEARS SOUTH 43 DEGREES 4 MINUTES 52 SECONDS EAST - 18.61 FEET:

THENCE ALONG SAID CURVE TO THE RIGHT AND WITH SAID SOUTHWEST LINE, AN ARC DISTANCE OF 18.61 FEET TO A 5/8 INCH IRON ROD FOUND FOR CORNER:

THENCE SOUTH 45 DEGREES 21 MINUTES 31 SECONDS WEST WITH SAID CONCRETE ALLEY, A DISTANCE OF 619.85 FEET TO A 3/8 INCH IRON ROD FOUND FOR CORNER:

THENCE NORTH 44 DEGREES 36 MINUTES 29 SECONDS WEST, A DISTANCE OF 154.91 FEET TO A 1/2 INCH IRON ROD FOUND FOR CORNER IN THE SOUTHEAST LINE OF LA PRADA DRIVE:

THENCE NORTH 45 DEGREES 24 MINUTES 39 SECONDS EAST WITH SAID SOUTHEAST LINE, A DISTANCE OF 619.81 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.201 ACRES OF LAND.



