

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 COMMERCIAL THEREBY ALLOWING THE SALE OF USED RESTAURANT EQUIPMENT 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 Conditional Use Permit on property zoned Commercial for the sale of used restaurant equipment subject to the following stipulations:

1. The Conditional Use Permit (CUP) is limited to AAA Restaurant Equipment at 2433 Edinburgh Street.
2. Used merchandise shall be limited to used restaurant equipment. It shall not include the sale of any other used merchandise.
3. Outside storage shall be prohibited.
4. No signage advertising the buying and selling of used merchandise shall be visible from the outside of the establishment.
5. A drop off point on site for used merchandise shall be prohibited.
6. No display of any merchandise shall be permitted outside the establishment.
7. All display merchandise shall be clean and operational.
8. The display of severely damaged items is prohibited.

9. The CUP cannot be subject to assignment, transfer or alienation.

That the subject property is a 5,000-square-foot building on a 22,000-square-foot lot located at 2433 Edinburgh Street, 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.

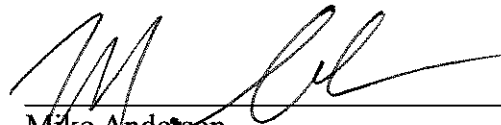
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

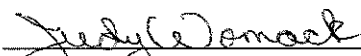
SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the 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 21st day of May, 2007.

  
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Mike Anderson  
Mayor

ATTEST:

APPROVED:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

  
\_\_\_\_\_  
B. J. Smith  
City Attorney

**Field Notes**  
File No. HG-27

Being Lot 4, Block 4 of Hilhome Gardens Addition #2, an addition to the City of Mesquite, Dallas County, Texas, according to the map thereof recorded in Volume 7, Page 291 of the Map Records of Dallas County, Texas, being that same tract of land conveyed to Ottwell Co., Inc. by deed recorded in Volume 98213, Page 1891 of the Deed Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

Beginning at a ½ inch iron rod found for corner in the Southwest right-of-way line of Edinburgh Street (50 foot R.O.W.), said point being the East corner of Lot 5, Block 4 of said addition, same being the North corner of said Lot 4 and the North corner of herein described tract;

Thence South 45 Degrees 00 Minutes 00 Seconds East, along the Southwest right-of-way line of said Edinburgh Street, a distance of 100.00 feet to a ½ inch iron rod found for corner, said point being the North corner of Lott 3, Block 4 of said addition, same being the East corner of said Lot 4 and the East corner of herein described tract;

Thence South 44 Degrees 51 Minutes 25 Seconds West, along the Northwest line of said Lot 3, a distance of 200.00 feet the point for corner, said point being the North corner of Lot 24, Block 4 of said addition, same being the West corner of said Lot 3, said point being the East corner of Lot 23, Block 4 of said addition, same being the South corner of said Lot 4 and the South corner of herein described tract;

Thence North 45 Degrees 00 Minutes 00 Seconds West, along the Northeast line of said Lot 23, a distance of 100.00 feet to a ½ inch iron rod found for corner, said point being the North corner of said Lot 23, same being the East corner of Lot 22, Block 4 of said addition, said point being the South corner of said Lot 5, same being the West corner of said Lot 4 and the West corner of herein described tract;

Thence North 44 Degrees 51 Minutes 25 Seconds East, along the Southeast line of said Lot 5, a distance of 200.00 feet to the Point of Beginning and containing 19,999.94 square feet or 0.4591 acres of land.