

ORDINANCE NO. \_\_\_\_\_  
File No. Z0818-0059

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 COMMERCIAL TO COMMERCIAL WITH A CONDITIONAL USE PERMIT ON PROPERTY LOCATED AT 305 U. S. HIGHWAY 80 EAST THEREBY ALLOWING THE OUTDOOR DISPLAY OF NO MORE THAN FIVE CONSTRUCTED STORAGE SHEDS FOR SALE ONSITE AT ANY GIVEN TIME; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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 on property zoned Commercial to Commercial with a Conditional Use Permit (“CUP”) subject to the following stipulations:

1. There shall be no more than five sheds displayed on the property at any time.
2. The sheds must be replaced every two years to keep the structures in good condition.
3. The CUP shall apply to J-N Fence Company, Inc., and cannot be assigned or transferred.

That the subject property is described as being 3.955 acres of land in the East Dallas Estates, Tract 5 and located at 305 U. S. Highway 80 East.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 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 5. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate offense.

SECTION 6. That this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 1st day of October, 2018.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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Sonja Land  
City Secretary

  
Paula Anderson  
Interim City Attorney

**NORTH AMERICAN TITLE INSURANCE COMPANY**

Commitment Number: 14701-18-02302

**LEGAL DESCRIPTION**

Legal description of the land:

**BEING** a 1.011 acre tract of land situated in the W. H. Bennett Survey, Abstract No. 190, City of Mesquite, Dallas County, and being part of a called 28.42 acre tract described in a deed to S. H. Whitehurst & S. Huey Whitehurst, Jr. recorded in [Volume 5503, Page 365](#). Deed Records, Dallas County, Texas, and being more particularly described as follows:

**BEGINNING** at a point for corner in an existing sanitary sewer manhole at the intersection of the north right-of-way line of Cartwright Road (a 100 feet right-of-way), with the west line of Lot 4, Block A, of Bruton-Beltline Retail Addition, Block A, Lot 4, an Addition in the City of Mesquite, according to the Plat thereof recorded as Inst. No. 201100210563. Map Records, Dallas County, Texas, from which a 1/2" iron rod found for reference bears South 12°31'35" West for a distance of 1.72 feet:

THENCE North 77°19'13" West along the north right of way line of said Cartwright Road, a distance of 155.29 feet to a 5/8" iron rod with a plastic cap stamped "RPLS 3963" set for corner at the southeast corner of Lot 3, Block A, Bruton-Beltline Retail Addition, Block A, Lot 3, an addition of the City of Mesquite, according to the Plat thereof recorded in Volume 88157, Page 297, Map Records, Dallas County, Texas, from which a 3/8" iron rod found for reference bears North 58°43'22" East, for a distance 4.04 feet:

THENCE North 12°34'53" East, along the east line of said Lot 3, a distance of 224.18 feet to a 3/8" iron rod found for corner at the northeast corner thereof, said point being in the north line of said Whitehurst tract common to the south line of Lot 17B, Block A, a Replat of Lot 17, Block A, Lake Park East Estates, an addition of the City of Mesquite, according to the Plat thereof recorded in Volume 81151, Page 2281, Map Records, Dallas County, Texas:

THENCE North 65°05'52" East, along the common line of last mentioned tracts, a distance of 195.28 feet to a 5/8" iron rod with a plastic cap stamped "RPLS 3963" set for corner:

THENCE South 12°31'35" West, at 142.11 feet, passing a 1/2" iron rod found for corner at the northwest corner of said Lot 4, and continuing with the west line thereof for a total distance of 343.28 feet to the **PLACE OF BEGINNING** and containing 1.011 acres of land or 44,024 square feet.

The Company is prohibited from insuring the area or quantity of the land. Any Statement in the legal description contained in Schedule A as to area or quantity of land is not a representation that such area or quantity is correct but is for informal identification purposes and does not override Item 2 of Schedule b hereof.

