

ORDINANCE NO. 1015

CASE 972-3

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GRANT A CHANGE OF ZONING FROM "R-3" SINGLE-FAMILY DWELLING DISTRICT TO "A-1" MULTI-FAMILY - TOWNHOUSES DISTRICT ON A PORTION OF TRACT 1, ABSTRACT 972, MOORE SURVEY, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, SUBJECT TO THE FOLLOWING STIPULATIONS: (1) THAT THE TOWNHOUSES BE INDIVIDUALLY SOLD AND OWNERSHIP TRANSFERRED BY FEE SIMPLE TITLE; (2) THAT THE HOMEOWNERS ASSOCIATION AGREEMENT HAVE PRIOR APPROVAL OF THE CITY STAFF; (3) THAT A SWIMMING POOL AND RECREATIONAL FACILITIES BE PROVIDED IN AND FOR THE USAGE OF THE RESIDENTS OF THE DEVELOPMENT; (4) THAT SCREENING BE AS REQUIRED BY ORDINANCES; SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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 said change of zoning should be granted herein:

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NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning on the property described in Exhibit "A", as attached hereto and made a part of this ordinance, from "R-3" Single-Family Dwelling District to "A-1" Multi-Family - Townhouse District, with the following stipulations:

- (1) That the townhouses be individually sold and ownership transferred by fee simple title;
- (2) That the Homeowners Association Agreement have prior approval of the City staff;
- (3) That a swimming pool and recreational facilities be provided in and for the usage of the residents of the development; and
- (4) That screening be as required by ordinances.

said property being in the City of Mesquite, Dallas County, Texas, and further described in Exhibit "A";

SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That the foregoing zoning 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. 858 of the Mesquite City Code.

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or 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 Comprehensive 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 subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00), for each offense.

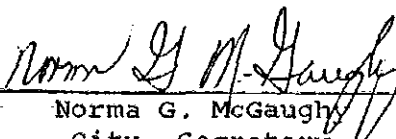
SECTION 7. Whereas, the property described in Exhibit 'A' requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for 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 by the City Council of the City of Mesquite, Texas, on the 20 day of March, A.D., 1972.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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DO NOT
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EXHIBIT "A"

All that certain tract or parcel of land located in the James Moore Survey, Abstract No. 972, City of Mesquite, Dallas County, Texas, and being a part of a 35.28 acre tract conveyed to Frank M. Wheeler and filed February 14, 1969, being more fully described as follows:

BEGINNING at the Southeast corner of said 35.28 acre tract and on the north line of Bruton Road;

THENCE with the north line of Bruton Road;

South $88^{\circ} 33'$ West 174.78 feet to the beginning of a curve to the right;

413.12 feet around said curve whose central angle is $43^{\circ} 50'$, radius is 540 feet and tangent is 217.26 feet;

North $47^{\circ} 37'$ West 420.48 feet to the beginning of a curve to the left;

74.64 feet around said curve whose central angle is $8^{\circ} 33'$, radius is 500 feet and tangent is 37.38 feet, to the Southwest corner of said 35.28 acre tract;

THENCE North $2^{\circ} 18'$ West 255.01 feet along the west line of said 35.28 acres and the east line of Robert S. Folsom 2.95 acre tract to corner;

THENCE North $88^{\circ} 10'$ East 908.34 feet to the east line of said 35.28 acre tract;

THENCE South $1^{\circ} 50'$ East 750 feet along the east line of said 35.28 acre tract to the Place of Beginning and containing 12.38 acres of land.