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ORDINANCE NO. 1284

#1462-100

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT CHANGE OF ZONING FROM "R-2" SINGLE FAMILY RESIDENTIAL TO INDUSTRIAL WITH THE STIPULATIONS THAT:

(1) SITE PLAN APPROVAL BE REQUIRED FOR THAT PORTION WITHIN 100 FEET OF THE EASTERN BOUNDARY LINE OF THE SUBJECT TRACT; (THE HEIGHT OF THE FENCE WILL BE CONSIDERED AT THE TIME OF SITE PLAN APPROVAL.) (2) THAT THERE SHALL BE NO ACCESS BETWEEN THE RESIDENTIAL PROPERTY AND THE SUBJECT PROPERTY; AND (3) THAT THE CITY COUNCIL AFFIRMS ITS INTENT THAT THE REMAINING "R-2" ZONED PROPERTY SHALL REMAIN RESIDENTIAL "R-2"; SAID PROPERTY BEING LOCATED IN THE DANIEL TANNER SURVEY, ABSTRACT 1462, SHEET 15, ADJACENT AND SOUTH OF SOUTH PARKWAY AND WEST OF HERMITAGE DRIVE, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY 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 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE 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 FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

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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:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, 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 from "R-2" Single Family Residential to Industrial with the stipulations that:

- (1) Site plan approval be required for that portion within 100 feet of the eastern boundary line of the subject tract; (The height of the fence will be considered at the time of site plan approval.)
- (2) That there shall be no access between the residential property and the subject property.
- (3) That the City Council affirms its intent that the remaining "R-2" zoned property shall remain Residential "R-2".

Said property being located in the Daniel Tanner Survey, Abstract 1462, Sheet 15, adjacent and south of South Parkway and west of Hermitage Drive, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" as attached hereto and made a part of this ordinance.

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 Comprehensive Zoning Ordinance of 1973.

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. 1249 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 deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

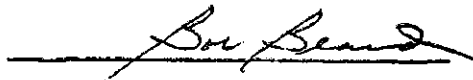
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort,

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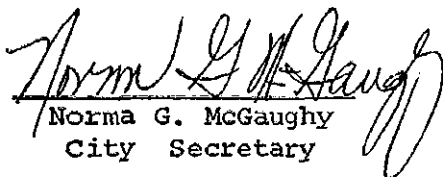
and general welfare of the City of Mesquite, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of October, A.D., 1975.



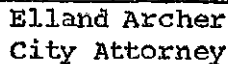
Mayor

ATTEST:



Norma G. McGaughy
City Secretary

APPROVED AS TO FORM:



Elland Archer
City Attorney

Exhibit A

BEING a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, and being part of the Daniel Tanner Survey, Abstract 1462, and being part of the tract of land conveyed to CAROLINE HUNT TRUST ESTATE by instrument recorded January 15, 1963, in the Deed Records of Dallas County, Texas, and also being part of the tract of land conveyed to said CAROLINE HUNT TRUST ESTATE by instrument recorded June 3, 1959, in the Deed Records of Dallas County, Texas; and being more particularly described as follows:

COMMENCING at a point for corner, said point being the intersection of the westerly Right-of-Way of Hermitage Drive, a 50 foot Right-of-Way, and the southerly Right-of-Way of South Parkway, a 50 foot Right-of-Way;

THENCE South $89^{\circ} 37'$ W, 251.13 feet along the south line of South Parkway to a P.O.C., with curve bearing right;

THENCE continuing along the southerly line of South Parkway with the curve having a radius of 396.48 feet, and a central angle of $30^{\circ} 08'$, a distance of 208.52 feet to the POINT OF BEGINNING;

THENCE South $22^{\circ} 10' 48.5''$ W, 1472.630 feet;

THENCE North $44^{\circ} 48' 15''$ W, 1222.270 feet to a point;

THENCE North $44^{\circ} 56' 45''$ E, 1147.640 feet to a point for corner;

THENCE South $43^{\circ} 59' 40''$ E, 163.220 feet to a P.O.C. with the curve bearing left;

THENCE along the curve having a radius of 229.52 feet, and a central angle of $32^{\circ} 42'$, and a distance of 130.99 feet to a P.O.T.;

THENCE South $76^{\circ} 44' 0''$ E, 158.050 feet to a P.O.C. with the curve bearing right;

THENCE along the curve having a radius of 665.39 feet, and a central angle of $16^{\circ} 49'$, and a distance of 191.42 feet to a P.O.T.;

THENCE South $60^{\circ} 15' 0''$ E, 57.060 feet to the POINT OF BEGINNING and containing 27.26808 acres, more or less.

