ordinance no. 1651

Appl. No. 337-6

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 A CHANGE OF ZONING FROM R-1 SINGLE FAMILY TO PLANNED DEVELOPMENT FOR SINGLE FAMILY WITH THE FOLLOWING STIPULATIONS: (1) THAT APPROXI-MATELY 22% OF THE HOMES, THOSE BEING CLOSEST TO TRIPP ROAD, HAVE A 1700 SQUARE FOOT MINI-MUM HOUSE SIZE; THAT APPROXIMATELY 28% OF THE HOMES HAVE A 1400 SQUARE FOOT MINIMUM HOUSE SIZE AND THAT THE REMAINING HOMES HAVE A 1300 SQUARE FOOT MINIMUM HOUSE SIZE, (2) THAT NO LOTS BACK UP TO TRIPP ROAD, (3) THAT A MINIMUM 25 FOOT FRONT BUILDING LINE IS PRO-VIDED, (4) THAT NO ALLEYS ARE REQUIRED ON LOTS BACKING ONTO THE CREEK AND OPEN SPACE AREA TO THE EAST, PROVIDED THAT NO GARAGE OPENINGS FACE THE FRONT STREET AND, (5) THAT ALL WALLS ADJOINING AND FACING TRIPP ROAD ARE CONSTRUCTED OF 100% MASONRY; SAID PROPERTY BEING LOCATED SOUTHWEST OF THE BELT LINE ROAD/TRIPP ROAD INTERSECTION, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHI-BIT "A" ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CON-FLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULA-TIONS 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 DRAIN-AGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS 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 change 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:

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36**37** - 71 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That the Comprehensive Zoning Ordinance of 197 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 a to grant a change of zoning from R-1 Single Family to Planned Development for Single Family with the following stipulations: (1) That approximately 22% of the homes, those being closest to Tripp Road, have a 1700 square foot minimum house size; that approximately 28% of the homes have a 1400 square foot minimum house size and that the remaining homes have a 1300 square foot minimum house size, (2) That no lots back up to Tripp Road, (3) That a minimum 25 foot front building line is provided, (4) Than no alleys are required on lots backing onto the creek and open space area to the east, provided that no garage openings face the front street and, (5) That all walls adjoining and facing Tripp Road are constructed of 100% masonry; said property being locate southwest of the Belt Line Road/Tripp Road intersection, City of Mesquite, Dallas County, Texas, and being more fully described: Exhibit "A" 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 thi 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 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, subdivisio 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 Munici pal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

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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, 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 17th day of November, A.D., 1980.

MAYOR

ATTEST:

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APPROVED AS TO FORM:

Norma McGaughy

City Secretary

Elland Archer City Attorney ***

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FIELD HOTES - TRACT A

Being a tract or parcel of land situated in the City of Mesquite, Dallas County, Texas and being part of the S. W. taldwell Survey. Abstract No. 337, and being part of the 54.3 acre tract of land conveyed to O. C. Hanby, Jr., by deed recorded in Volume 5250. Page 481, of the Deed Records of Dallas County, Texas; and being part of the 4.9 acre tract of land conveyed to O. C. Hanby, Jr., by deed recorded in Volume 5262, Page 363, of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

REGINITING at a point for corner in the north Tine of said 54.3 acre tract, said print also being in the south line of Tripp Road (60 feet wide) South 89°18'00" West a distance of 616.93 feet from the intersection of the south line of said Tripp Road with the west line of Belt Line Road (100 feet wide):

THENCE South 0*59'00" East a distance of 350.41 feet to an angle point;

THENCE South 38°59'00" East a distance of 204.00 feet to an angle point;

THENCE North 89°01'00" East a distance of 190,00 feet to an angle point;

THENCE South 41°59'00" East a distance of 299.35 feet to an angle point;

THENCE South 0°59'00" East a distance of 195.98 feet to an angle point;

THERCE South 33*01'00" West a distance of 150.00 feet to an angle point;

THENCE South 51°01'00" West a distance of 333.24 feet to an angle point in the north line of Hanby Drive (50 feet wide);

THEMSE South 89°01'00" West along the north line of said Hanby Drive a distance of 1538.01 feet to a point for corner in the west line of said 4.9 acre tract;

THENCE North $0^{\circ}41'20"$ West along the west line of said 4.9 acre tract a distance of 1265, feet to a point for corner in the north line of said 4.9 acre tract, said point also being in the south line of said Tripp Road;

THENCE North 89°05'00" East along the north lines of said 4.9 acre and 54.3 acre tracts and along the south line of said Tripp Road a distance of 927.00 feet to an angle point;

THENCE North 89°18'00" East continuing along the north line of said 54.3 acre tract and continuing along the south line of said Tripp Road a distance of 439.01 feet to the POINT OF BEGINNING and containing 471778 acres of land, nore or less.

SURVEYOR'S DECLARATION

thereby declare that this true and accurate survey made on the ground under my supervisir on August 7, 1980 correctly shows the relation of the fulldings and other structures to the property lines of land indicated hereon, and that there are no encroachments, or over: anto adjoining property of property covered by this survey or of adjoining buildings of the survey. This survey is subject to any easements not visible on the ground.

Find & Chamber

SURVEYOR

XEIBIT A