

Appl. No. 1461-58

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 R-1A SINGLE FAMILY WITH THE STIPULATIONS: 1. THAT RESIDENTIAL STRUCTURES SHALL HAVE NOT LESS THAN 2200 SQUARE FEET OF LIVING AREA, EXCLUSIVE OF THE AREA OF ATTACHED GARAGES, PORCHES, OR OTHER APPURTENANCES OR APPENDAGES. 2. NO PREFABRICATED NOR RELOCATED HOMES NOR STRUCTURES SHALL BE PERMITTED ON THE PROPERTY. 3. THE EXTERIOR WALL AREA OF EACH RESIDENCE SHALL HAVE NOT LESS THAN 70% MASONRY CONSTRUCTION. NO USED MATERIALS OTHER THAN ANTIQUE BRICK SHALL BE PERMITTED ON THE EXTERIOR OF THE RESIDENCES. 4. NO DETACHED GARAGES SHALL BE PERMITTED. 5. SCREENING WALLS ALONG BARNES BRIDGE ROAD SHALL NOT BE GREATER THAN 4 FEET IN HEIGHT FOR LOTS FACING BARNES BRIDGE ROAD NOR 6 FEET IN HEIGHT FOR LOTS SIDING OR BACKING TO BARNES BRIDGE ROAD. 6. SCREENING WALLS SHALL BE OF BRICK OR STONE CONSTRUCTION AND, ON LOTS FACING BARNES BRIDGE ROAD, SHALL BE OF A COMBINATION OF BRICK OR STONE WITH OPEN WROUGHT IRON OR STEEL; SCREENING WALLS SHALL BE INCORPORATED INTO AN OVERALL LANDSCAPING PLAN FOR THE PARKWAY AREA ADJOINING BARNES BRIDGE ROAD AND, 7. DEED RESTRICTIONS ARE TO BE PROVIDED TO THE STAFF. THE SUBJECT PROPERTY IS LOCATED NORTHEAST OF THE BARNES BRIDGE ROAD AND LA PRADA DRIVE INTERSECTION, CITY OF MESQUITE, TEXAS, DALLAS COUNTY, TEXAS, AND BEING MORE FULLY DESCRIBED IN EXHIBIT "A" 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 REGULATIONS 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 (\$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:

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-1 Single Family to Planned Development for R-1A Single Family with the stipulations: 1. That residential structures shall have not less than 2200 square feet of living area, exclusive of the area of attached garages, porches, or other appurtenances or appendages. 2. No prefabricated nor relocated homes nor structures shall be permitted on the property. 3. The exterior wall area of each residence shall have not less than 70% masonry construction. No used materials other than antique brick shall be permitted on the exterior of the residences. 4. No detached garages shall be permitted. 5. Screening walls along Barnes Bridge Road shall not be greater than 4 feet in height for lots facing Barnes Bridge Road nor 6 feet in height for lots siding or backing to Barnes Bridge Road. 6. Screening walls shall be of brick or stone construction and, on lots facing Barnes Bridge Road, shall be of a combination of brick or stone with open wrought iron or steel; screening walls shall be incorporated into an overall landscaping plan for the parkway area adjoining Barnes Bridge Road and, 7. Deed restrictions are to be provided to the staff. The subject property is located northeast of the Barnes Bridge Road and La Prada Intersection, City of Mesquite, Texas, Dallas County, Texas.

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 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.

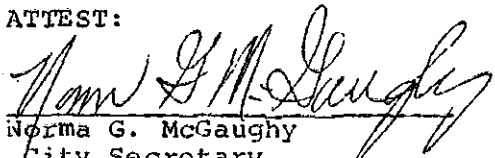
SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction 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, 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 18th day of May, A.D., 1981.

  
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B. J. SMITH  
MAYOR

ATTEST:

  
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Norma G. McGaughy  
City Secretary

APPROVED AS TO FORM:

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Elland Archer  
City Attorney

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FIELD NOTES

BEGINNING at the point of intersection of the Northeast R.O.W. line of Barnes Bridge Road with the Northwest R.O.W. line of La Prada Drive;

THENCE in a Northwesterly direction, along the Northeast R.O.W. line of Barnes Bridge Road with a curve to the right, said curve having a chord bearing of N  $56^{\circ} 28' 34''$  W, a central angle of  $23^{\circ} 07' 08''$  and a radius of 140 ft., a distance of 56.49 ft.;

THENCE N  $44^{\circ} 55'$  W, 617.30 ft.;

THENCE N  $45^{\circ} 05'$  E, 203.33 ft.;

THENCE S  $44^{\circ} 53'$  E, 43.84 ft.;

THENCE S  $44^{\circ} 33' 56''$  E, 534.70 ft.;

THENCE in a Northeasterly direction with a curve to the right, said curve having a chord bearing of N  $64^{\circ} 40' 50''$  E, a central angle of  $4^{\circ} 48' 25''$  and a radius of 896.20 ft., a distance of 75.19 ft.;

THENCE in a Northeasterly direction with a curve to the left, said curve having a chord bearing of N  $58^{\circ} 0' 39''$  E, a central angle of  $111^{\circ} 33' 13''$  and a radius of 50 ft., a distance of 97.35 ft.;

THENCE S  $87^{\circ} 45' 57''$  E, 118.89 ft.;

THENCE S  $21^{\circ} 10'$  E, 115.42 ft.;

THENCE in a Southwesterly direction, along the Northwest R.O.W. line of La Prada Drive, with a curve to the left, said curve having a chord bearing of S  $65^{\circ} 56' 59''$  W, a central angle of  $30^{\circ} 19' 41''$  and a radius of 766.20 ft., a distance of 405.57 ft. to the Point of Beginning and containing 3.8768 acres of land.