

ORDINANCE NO. 2098  
File No. 1-5

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 AGRICULTURE TO PLANNED DEVELOPMENT SINGLE FAMILY WITH THE FOLLOWING STIPULATIONS: (1) A MAXIMUM OF 407 LOTS AT A DENSITY NO GREATER THAN 3.6 UNITS PER ACRE OVER THE ENTIRE 112 ACRES TO BE DEVELOPED AS RESIDENTIAL; (2) A MINIMUM UNIT SIZE OF 1300 SQUARE FEET WITH A MINIMUM UNIT SIZE FOR ALL LOTS ADJACENT TO THE SOUTHEAST AND SOUTHWEST PROPERTY LINES OF 1500 SQUARE FEET; (3) CONSIDER PROVIDING ALLEYS FOR ALL UNITS; (4) PROVIDE EITHER A HOMEOWNERS'S ASSOCIATION FOR THE MAINTENANCE OF THE DRAINAGE WAY OR THE DEDICATION OF THE DRAINAGE WAY AS GREENBELT TO THE PARK DEPARTMENT; THE SUBJECT TRACT IS LOCATED SOUTHEAST OF PIONEER ROAD AND THE WINDSOR MANOR ADDITION; CITY OF MESQUITE, 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 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 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 Agriculture to Planned Development Single Family with the following stipulations:

(1) A maximum of 407 lots at a density no greater than 3.6 units per acre over the entire 112 acres to be developed as residential; (2) A minimum unit size of 1300 square feet with a minimum unit size for all lots adjacent to the south-east and southwest property lines of 1500 square feet; (3) Consider providing alleys for all units; (4) Provide either a Homeowner's Association for the maintenance of the drainage way or the dedication of the drainage way as greenbelt to the Park Department; the subject tract is located southeast of Pioneer Road and the Windsor Manor Addition; City of Mesquite, Dallas County, Texas, and being more fully described in exhibit "A" attached hereto.

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 (\$200.00) Dollars 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 5th day of November, A.D., 1984.

  
Jimmy L. Culver  
Mayor Pro Tem

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

\_\_\_\_\_  
Elland Archer  
City Attorney

c0030

PROPERTY DESCRIPTION

BEING all of that certain lot, tract or parcel of land situated in the JOHN P. ANDERSON SURVEY, A-1, city of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a 3/4" iron pipe at west corner of Windsor Manor Addition No. 2, an addition to the city of Mesquite, Texas, recorded in Volume 81125, Page 893 of the Deed Records of Dallas County, Texas, and in the southeast ROW line of Pioneer Road ( a 50' ROW as monumented on ground);

THENCE S 44°56'36" E, 1361.24' with the southwest line of the abovementioned addition to a 1/2" iron rod at the west corner of the Ryan Mtg. Investors 39,074 acre tract of land;

THENCE S 44°54'35" E, 489.44' with the southwest line of the Ryan tract to a 5/8" iron rod for corner in a northwest line of the Lucas Properties, Inc. property;

THENCE S 45°23'15" W, 4194.79' with said northwest line to a 5/8" iron rod for corner in a common property line;

THENCE N 67°24'23" W, 2017.85' with said common line to a 5/8" iron rod for corner in the southeast line of Pioneer Road;

THENCE N 45°29'54" E, 4966.15' with the southeast line of Pioneer Road to the place of beginning and containing 8,497,161.37 square feet or 195.0680 acres of land.