

ORDINANCE NO. 2103  
File No. 814-4

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-3 TO PLANNED DEVELOPMENT/ DUPLX WITH THE FOLLOWING STIPULATIONS:

- (1) A MAXIMUM OF 28 LOTS (56 DUPLEX UNITS);
- (2) A DENSITY NOT TO EXCEED 5.46 UNITS PER ACRE;
- (3) A MINIMUM LOT SIZE OF 7500 SQUARE FEET (3750 SQ. FT. PER SIDE);
- (4) A MINIMUM UNIT SIZE OF 1000 SQ. FT. FOR TWO BEDROOM UNITS, AND A MINIMUM 1200 SQ. FT. FOR 3 BEDROOM UNITS;
- (5) UNDERGROUND UTILITIES;
- (6) ALL REAR ENTRY UNITS WITH EITHER GARAGES OR CARPORTS WITH STORAGE FOR EVERY UNIT;
- (7) A MAXIMUM HEIGHT OF ONE STORY;
- (8) A HOMEOWNER'S ASSOCIATION SHOULD BE PROVIDED TO MAINTAIN THE PROPOSED OPEN SPACE OR PARK; AND
- (9) PARK IMPROVEMENTS SHOULD BE COMPLETED PRIOR TO RELEASE OF STREETS ON THE SITE; THE SUBJECT TRACT IS LOCATED BETWEEN PAZA DRIVE, AGNEW DRIVE, RUPARD STREET AND WILKINSON DRIVE; 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:

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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 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-3 to Planned Development/Duplex with the following stipulations: (1) A maximum of 28 lots (56 duplex units); (2) A density not to exceed 5.46 units per acre; (3) A minimum lot size of 7500 square feet (3750 sq. ft. per side); (4) A minimum unit size of 1000 sq. ft. for two bedroom units, and a minimum 1200 sq. ft. for 3 bedroom units; (5) Underground utilities; (6) All rear entry units with either garages or carports with storage for every unit; (7) A maximum height of one story; (8) A homeowner's association should be provided to maintain the proposed open space or park; and (9) Park improvements should be completed prior to release of streets on the site; the subject tract is located between Paza Drive, Agnew Drive, Rupard Street and Wilkinson Drive; 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

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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 19th day of November, A.D., 1984.

  
Mrs. Brunhilde Nystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney

BEING a tract of land situated in the City of Mesquite, Dallas County, Texas, in the W.J. Lewis Survey, Abstract No. 814 and being part of the 28.41 acre tract of land conveyed to Lillie F. Rupard and Hazel Rupard by deed from C.D. Kimbell, et ux, dated January 6, 1930, recorded in Volume 1603, Page 367 of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the southeast corner of <sup>South Side</sup> ~~the~~ Baptist Church of Mesquite's property as described in the deed filed June 16, 1958 in the Deed Records of Dallas County, Texas;

THENCE North 15°46' East along the easterly line of said Church property a distance of 176.53 feet to a point for the corner, said corner is in the south right-of-way line of Agnew Street (60 foot right-of-way);

THENCE South 89°52' East along said south line a distance of 205.00 feet to a point for the corner, said corner is at the intersection of said street and the west line of Wilkinson Drive (60 foot right-of-way);

THENCE South 0°17' East along said west line a distance of 834.30 feet to a point for the corner, said corner is at the intersection of said street and the north line of Plaza Drive (60 foot right-of-way);

THENCE North 85°05' West along said north line a distance of 650.91 feet to a point for the corner, said corner is at the intersection of said street and the east line of Rupard Street (60 feet right-of-way);

THENCE North 0°08' East along said east line a distance of 610.00 feet to a point for the corner, said corner is on the south line of said Church Property;

THENCE South 89°52' East along said south line a distance of 390.00 feet to the POINT OF BEGINNING AND CONTAINING 450,670 square feet or 10.346 acres of land more or less.

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AGNEW STREET (60' R.O.W.)

SOUTH SIDE  
BAPTIST CHURCH of MESQUITE

POINT OF  
BEGINNING

S89°52'E  
205.00'

176.53'  
N15°46'E

S89°52'E

390.00'

RUPARD STREET (60' R.O.W.)

610.0'

834.30'

450,670 Sq. ft.  
10.346 Acres

W.J. LEWIS SURVEY  
ABST. NO. 814

WILKINSON DRIVE (60' R.O.W.)

80°17'E

610.0'

N85°05'W

650.91'

PAZA DRIVE (60' R.O.W.)

BOUNDARY SURVEY

SCALE: 1" = 100'

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