

ORDINANCE NO. 2268
File No. 263-3

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 RESIDENTIAL TO PLANNED DEVELOPMENT SINGLE FAMILY DETACHED WITH A MINIMUM LOT SIZE OF 4500 SQUARE FEET AND A MINIMUM UNIT SIZE OF 1100 SQUARE FEET; WITH THE STIPULATION THAT NO DUPLEXES BE ALLOWED AND THAT UNLESS ADDITIONAL OFF-STREET PARKING SPACES ARE PROVIDED FOR THE LOTS FRONTING ONTO BRUTON ROAD, NO LOTS SHOULD FRONT ONTO BRUTON ROAD; THE 8.77 ACRE TRACT IS LOCATED NORTHEAST OF THE BRUTON ROAD AND CHEYENNE ROAD INTERSECTION; 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 (\$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-3 to Residential to Planned Development Single Family Detached with a minimum lot size of 4500 square feet and a minimum unit size of 1100 square feet; with the stipulation that no duplexes be allowed and that unless additional off-street parking spaces are provided for the lots fronting onto Bruton Road, no lots should front onto Bruton Road; the 8.77 acre tract is located northeast of the Bruton Road and Cheyenne Road intersection; 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.

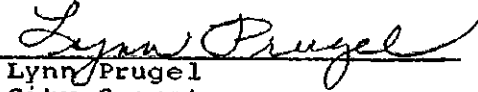
SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an emergency 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 6th day of January A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

ZONING DESCRIPTION

BEING a tract of land situated in the Abraham Carver Survey, Abstract No. 263, City of Mesquite, Dallas County, Texas, being part of a tract of land conveyed by deed to Bruton-Cheyenne Joint Venture as recorded in Volume 81187, Page 1975 of Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point on the north line of Bruton Road (80' R.O.W.), said point being the southwest corner of Oak Ridge Estates, an addition to the City of Mesquite, as recorded in Volume 24, Page 13, Deed Records of Dallas County, Texas;

THENCE North 89° 06' 23" West along said north right-of-way line a distance of 429.91 feet to a point for corner on both the city limits line of Dallas and Mesquite, Texas, and the east line of a tract of land conveyed by deed to Gladys Camp and John L. Camp as recorded in Volume 5448, Page 413, Deed Records of Dallas County, Texas;

THENCE North 00° 15' 39" East along both said city limits line and said east line a distance of 879.62 feet to a point for corner in the south line of a tract of land conveyed by deed to the City of Mesquite as recorded in Volume 79037, Page 1459, Deed Records of Dallas County, Texas;

THENCE South 89° 13' 24" East along said south line a distance of 438.86 feet to the southeast corner of said Mesquite tract, said corner being in the west line of aforementioned Oak Ridge Estates;

THENCE South 00° 50' 37" West along said west line a distance of 880.47 feet to the POINT OF BEGINNING and CONTAINING 8.7757 acres or 382,270 square feet of land.