

ORDINANCE NO. 2275
File No. 1462-188

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 GENERAL RETAIL TO PLANNED DEVELOPMENT/DUPLEX WITH THE FOLLOWING MINIMUM REQUIREMENTS: (1) A MINIMUM LOT SIZE OF 6240 SQUARE FEET (3120 SQUARE FEET PER SIDE), WITH AN AVERAGE LOT SIZE OF 7000 SQUARE FEET; (2) A MINIMUM UNIT SIZE OF 2400 SQUARE FEET (1200 SQUARE FEET PER SIDE); (3) ADDITIONAL OFF-STREET PARKING SHOULD BE PROVIDED IN THE SUBDIVISION; (4) THE STREET SERVING THE ADDITION MUST BE A MINIMUM 50 FOOT RIGHT-OF-WAY; AND (5) ONE CAR, SIDE ENTRY GARAGES SHOULD BE PROVIDED AS SUGGESTED IN THE CITY COUNCIL PRESENTATION; THE SUBJECT 3.53 ACRE TRACT IS LOCATED EAST OF THE PARKSIDE DRIVE AND BAKER STREET 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 General Retail to Planned Development/Duplex with the following minimum requirements: (1) A minimum lot size of 6240 square feet (3120 square feet per side), with an average lot size of 7000 square feet; (2) A minimum unit size of 2400 square feet (1200 square feet per side); (3) Additional off-street parking should be provided in the subdivision; and (4) The street serving the addition must be a minimum 50 foot right-of-way; and (5) One car, side entry garages should be provided as suggested in the City Council presentation; the subject 3.53 acre tract is located east of the Parkside Drive and Baker Street 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

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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 February A.D., 1986.

Mrs. Brunhilde Nystrom

Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynd Prugel

Lynd Prugel
City Secretary

Elland Archer
City Attorney

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Being all that certain lot, tract or parcel of land situated in the City of Mesquite, Dallas County, Texas, out of the DANIEL TANNER SURVEY, ABSTRACT NO. 1462, and being more particularly described as follows:

BEGINNING at a 1/2" iron rod for a corner in the Northeast R.O.W. line of Baker Drive (a 60 foot R.O.W.), said corner being South 45° 00' East a distance of 1190.86 feet from the intersection of the Northeast R.O.W. line of Baker Drive and the Southeast R.O.W. line of Town East Boulevard (a 100 foot R.O.W.), said corner also being the most westerly corner of Eastridge Park No. 1, an Addition to the City of Mesquite, Texas, also being a corner in the Northwest line of a 15 foot alley in said Addition;

THENCE North 45° 00' West along the Northeast R.O.W. line of Baker Drive a distance of 484.86 feet to a 1/2" iron rod for a corner;

THENCE North 45° 00' East a distance of 300 feet to a 1/2" iron rod for a corner;

THENCE South 49° 07' 44" East, a distance of 486.12 feet to a 1/2" iron rod for a corner in the Northwest line of a 15 foot alley in Eastridge Park No. 1;

THENCE South 45° 00' West along the Northwest line of said 15 foot alley a distance of 335 feet to the place of BEGINNING and containing 153,942 square feet of land.