

ORDINANCE NO. 2318
File No. 656-6

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 DEVELOPED SINGLE FAMILY WITH A MINIMUM LOT SIZE OF 8000 SQUARE FEET AND A MINIMUM UNIT SIZE AS FOLLOWS: MINIMUM 1500 SQUARE FEET - 10%; MINIMUM 1600 SQUARE FEET - 45%; MINIMUM 1800 SQUARE FEET - 45%; AND WITH THE STIPULATION THAT AS MANY OF THE EXISTING TREES SHOULD BE MAINTAINED ON THE LOTS AS POSSIBLE, WITH THE LOCATION OF THE TREES IDENTIFIED ON THE SITE PLAN; THE SUBJECT 24.80 ACRE TRACT IS LOCATED SOUTH OF THE CITY OF DALLAS SAMUELL PARK; WEST OF THE SAMUELL PARK FARMS 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 (\$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

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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 Single Family with a minimum lot size of 8000 square feet and a minimum unit size as follows: Minimum 1500 square feet - 10%; Minimum 1600 square feet - 45%; Minimum 1800 square feet 45%; and with the stipulation that as many of the existing trees should be maintained on the lots as possible, with the location of the trees identified on the site plan; the subject 24.80 acre tract is located south of the City of Dallas Samuell Park; west of the Samuell Park Farms 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 21st day of July A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

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FIELD NOTES
P.D.S.F. ZONING
24.80 ACRES

BEING a tract of land situated in the Sam Houston Survey, Abstract No. 656, in the City of Mesquite, Dallas County, Texas and being part of a tract of land conveyed to Plano Savings and Loan Association by Deed dated February 17, 1984, recorded in Volume 84038, Pages 0128-0133, in the Deed Records of Dallas County, Texas, said tract being more particularly described as follows:

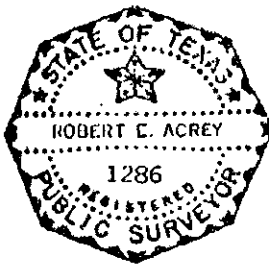
BEGINNING at a fence post at the most Northerly Northwest corner of the Sam Houston, Survey, Abstract 656 and the Southwest corner of the A. McGahey Survey, Abstract No. 960; said point also being the Northwest corner of the Plano Savings & Loan Association tract dated February 17, 1984;

THENCE: North 89° 44' 39" East with a fence and survey line a distance of 1107.72 feet to an iron rod found for a corner at the Northeast corner of the here-in above mentioned tract;

THENCE: South 0° 09' 38" West with a fence a distance of 982.58 feet to a point for a corner;

THENCE: South 89° 44' 39" West a distance of 1091.56 feet to a point for a corner;

THENCE: North 0° 46' 53" West with a fence and survey line a distance of 982.59 feet to the POINT OF BEGINNING and containing 24.80 acres of land.



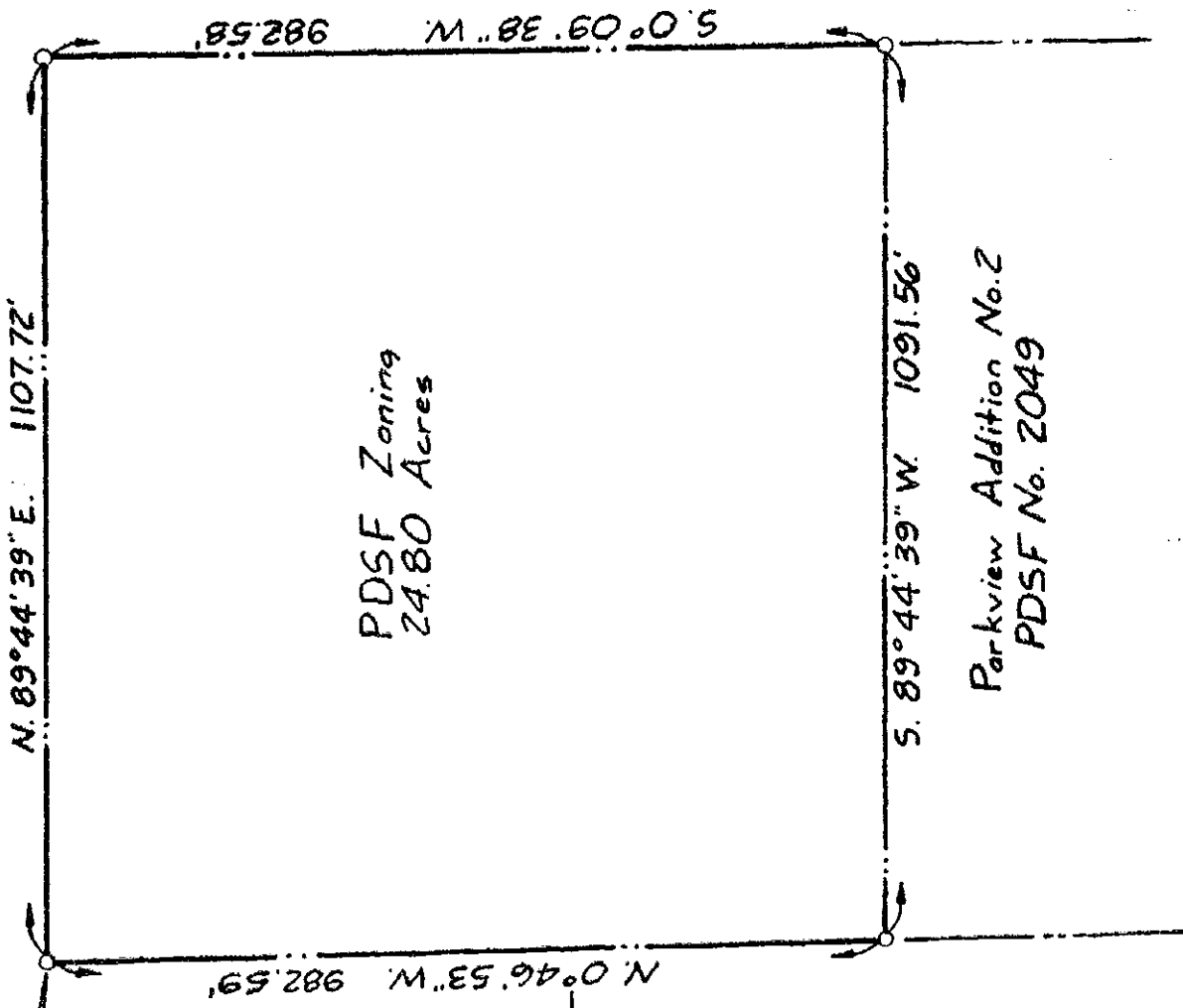
Robert E. Acrey
Robert E. Acrey
Registered Public Surveyor No. 1286

H. 656. 6

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Acrey, Roberts & Pierson Inc

86-3P-051



N. 89°44'39" E. 1107.72'

982.58' N. 09°38' W. 50.00'

PDSF Zoning
24.80 Acres

S. 89°44'39" W. 1091.56'

Parkview Addition No. 2
PDSF No. 2049

N. 0°46'53" W. 982.59'

Point of Beginning

Samuell Farms Park
City of Dallas

Parkview Addition No. 1
PDSF No. 2049

4656.6

Scale ~ 1"=200'

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