

ORDINANCE NO. 2420
File No. 1462-198

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 A-1 MULTIFAMILY TO PLANNED DEVELOPMENT SINGLE FAMILY WITH CERTAIN STIPULATIONS; THE SUBJECT 37.78765 ACRE TRACT IS LOCATED SOUTH AND EAST OF THE MILITARY PARKWAY AND TOWN EAST BOULEVARD 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 A-1 Multifamily to Planned Development Single Family with the following stipulations: 1) A 5,000 square foot minimum lot size, with a minimum 50 foot width; 2) 1,100 square foot minimum unit size, with no more than 35% of the units at 1,100 square feet; 3) A 20 foot front yard setback, 10 foot rear yard setback, and a minimum 10 foot separation between structures;

4) 2-car front entry garages, and 5) All streets to provide 37 foot pavement. The subject 37.78765 acre tract is located south and east of the Military Parkway and Town East Boulevard 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 20th day of April, A.D., 1987.

George A. Venner, Sr.
George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elizabeth A. Lunday
Elizabeth A. Lunday
Assistant City Attorney

ZONING FIELD NOTES
IDLEWYLE PLACE
CITY OF MESQUITE, TEXAS

BEING a tract of land situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at the Northwest corner of Rollingwood Hills, an addition to the City of Mesquite, Texas, as recorded in Volume 21 at page 263 of the Deed Records of Dallas County, Texas, said point being on the South line of Military Parkway, a 200 foot right of way, an iron stake for corner;

THENCE, S 45 deg 23 min 27 sec W, along the Northwest line of said Rollingwood Hills most of the way, a distance of 2254.90 feet to a point on the Northeast line of Sam Houston Road, a 71 foot right of way at this point, an iron stake for corner;

THENCE, N 44 deg 30 min 32 sec W, along said Sam Houston Road Northeast line, parallel to and 50 feet Northeast of the centerline of said Road and said Daniel Tanner Survey Southwest line as shown in Volume 71059 at page 725 of the Dallas County Deed Records, a distance of 760.00 feet to an iron stake for corner;

THENCE, N 45 deg 29 min 28 sec E, a distance of 200.96 feet to an iron stake for corner;

THENCE, N 28 deg 24 min 30 sec E, a distance of 659.86 feet to an iron stake for corner;

THENCE, N 00 deg 16 min 31 sec E, a distance of 328.35 feet to a point on the said Military Parkway South line, an iron stake for corner;

THENCE, S 89 deg 43 min 29 sec E, along said Military Parkway South line, a distance of 1679.27 feet to the Place of Beginning and containing 37.78765 Acres of Land.

