

ORDINANCE NO. 2825

File No. 1630-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO GRANT A CHANGE OF ZONING FROM INDUSTRIAL TO PLANNED DEVELOPMENT - RESIDENTIAL AIRPORT ESTATES, WITH CERTAIN CONDITIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, 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 Industrial to Planned Development - Residential Airport Estates subject to the following conditions:

1. Uses shall be permitted as regulated in the AG-Agricultural District.
2. Development standards shall be required as follows:
 - a. Minimum Lot Size: 3 1/2 acres (152,460 square feet)
 - b. Minimum Front and Exterior Side Yards: 5 feet for all structures.
 - c. Minimum Interior Side Yards: 15 feet for all structures.
 - d. Minimum Rear Yards: 20% of the lot depth for principal structures and 15 feet for accessory structures.

- e. All other development: Standards as regulated in the AG-Agricultural District.
3. Expansion, reconstruction, and renovation shall be permitted on existing residential tracts where the premises are nonconforming due to size; i.e., tracts which are less than 3 1/2 acres in size.
 4. Planned Development site plan review is delegated to the Development Review Committee.
 5. The land included within the boundaries of this PD - Residential Estate District is within an acknowledged Hudson Municipal Airport overfly area and will continue to be such. As the airport grows, it is expected that there will be an increased number of aircraft overflights, including an increased number of jet aircraft overflights. Because of this disclosure, airport/aircraft noise complaints from current or future residents will not be accepted nor investigated. It must be understood that there are no alternatives to the current airport traffic pattern and that it is expected that the area will ultimately, as set forth in the Mesquite Development Guide, be rezoned industrial, as the surrounding industrial zoned area and the airport develop and grow.

The subject tracts are defined as Abstract 1630, Sheet 165, City of Mesquite, Dallas County, Texas, and being more fully described in Exhibit "A" attached hereto.

Tracts 6 & 16 (145 Lawson), Tract 17 (205 Lawson), Tract 18 (5070 East Scyene), Tract 8 (5040 East Scyene), Tract 15 (5020 East Scyene), Tract 4 (5000 East Scyene), Tract 14 (4950 East Scyene), Tract 9 (4880 East Scyene), Tract 10 (4820 East Scyene), Tract 13 (4780 East Scyene).

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 Mesquite Zoning Ordinance.

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

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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 Mesquite 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 Mesquite Zoning Ordinance as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) 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 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.

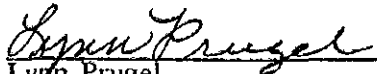
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1992.



Cathye Ray
Mayor

ATTEST:

APPROVED:


Lynn Prugel
City Secretary
B.J. Smith
City Attorney

CHANGE OF ZONING: City Of Mesquite
FROM: Industrial TO: Planned Development/Residential Estate
District: Located on East Soyene Road and Lawson Road, east of
Hudson Airport.

File No. 1630-1

Residential:
 R-1, R-2, R-3-Single Family; O-Duplex
 A-1, A-2, A-3-Apartments; PD Planned
 Development
 Business:
 B-Office; BR-General Retail; BU-Mixed
 SS-Service Station; LC-Light
 Commercial; C-Central
 Business District; I-Industrial

