

ORDINANCE NO. 3159

File No. 1353-31

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 APPROVE A CHANGE OF ZONING FROM R-1 TO PLANNED DEVELOPMENT SINGLE FAMILY RESIDENTIAL, SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; 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 approve a change of zoning from R-1 to Planned Development Single Family Residential, subject to the following stipulations:

**General Subdivision Standards:**

1. Waive the alley requirement in the area adjoining the Opal Lawrence Historical Park, provided the waiver shall be limited to the lots represented on the concept plan (approximately 22 lots).
2. Provide a masonry arterial screening wall and landscaped entryway treatment as represented on the concept plan; and provide special paving treatment at the main entry street off Kearney. Maintenance of the screening wall and entryway treatment shall be the responsibility of the Home Owner Association (HOA).
3. Submit tree survey, preservation plan, and tree replacement plans as required by Tree Preservation Regulations.

**Lot Standards:**

4. Provide lot size distribution as follows, with a maximum of 175 lots allowed:
  - 32.5% of lots 7,475 square feet
  - 22.2% of lots 7,000 - 8,000 square feet (excluding 7,475 sq. ft. lots)
  - 18.8% of lots 8,001 - 9,000 square feet
  - 6.3% of lots 9,000 - 10,000 square feet
  - 6.9% of lots 10,001 - 11,000 square feet
  - 13.1% of lots 11,000 square feet and up
5. Provide 5 foot solid wrought iron fencing (adequate to satisfy the requirements for swimming pool fencing) at the rear of the residential lots adjoining the Opal Lawrence Historical Park and along the street right-of-way adjoining the park to the east. Construction of any parallel fencing on the residential lots within 15 feet of the common property line shall be prohibited. Gates shall be prohibited in fencing on the common property line. Fencing shall be placed on City property or in easements, and maintenance shall be assumed by the City. Connection of residential side yard fences shall be permitted.

**Home Standards:**

6. Provide minimum dwelling unit sizes as follows:
  - 35% of units Minimum 2,000 square feet
  - 20% of units Minimum 2,250 square feet
  - 45% of units Minimum 2,450 square feet
7. All garage doors on non-alley lots shall be in the back of the home or in front with side entry doors.
8. Require 90% masonry (defined as brick, stucco, or stone) on all one story homes, allowing 10% nonmasonry for architectural protrusions, bay or boxed windows, or other amenities which will enhance the aesthetics of the home; require 75% masonry on all two story homes, provided that the front of the two-story homes shall be 100% masonry (architectural features excepted); provide matching masonry mailboxes.
9. Require hip roofs on 75% of the homes, provided architectural gables shall be permitted for variety and aesthetics.
10. Require all exterior chimneys on the front or side of the home to be constructed of masonry materials, or materials with the appearance of masonry.
11. Require all roofs to be constructed of asphalt shingles (composition shingles), tile, slate, or standing seam metal roof material.

12. Require installation of landscaping as follows: full front sod, a minimum of 1 three-inch caliper tree, (associated with tree preservation regulations), and shrubs and edging along the front of each home.
13. Establish architectural review procedures in the covenants and restrictions.

**Maintenance and Enforcement of Standards:**

14. Establish a Home Owner Association (HOA) with responsibilities and authority for architectural review and enforcement of deed restrictions and covenants.
15. Establish deed restrictions and covenants which set out, at a minimum, the following: prohibiting any parallel fencing within 15 feet of the common property line with the Opal Lawrence Historical Park; requiring erection of a 5 foot solid wrought iron fence (uniform design specifications to be stipulated) on all lots adjoining the Opal Lawrence Historical Park and prohibiting gates in said fencing; and setting neighborhood standards for the erection, maintenance, and/or parking of recreational vehicles, antennas, satellite dishes, fencing, and accessory buildings.
16. Prior to filing for record, the restrictions and covenants shall be reviewed and approved by the City Attorney, such review to occur prior to final platting of the subdivision and prior to issuance of building permits. Restrictions and covenants shall provide for City enforcement of the provisions regarding fencing on the common property line adjoining the Opal Lawrence Historical Park.

The subject tract is located on the north side of Kearney Street between Robinlynn Road and Buttercup Trail, Dallas County, Texas, as shown in the attached Exhibit "A".

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. 3042 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 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, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) 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 19th day of May, 1997.



Mike Anderson  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

***PROPERTY DESCRIPTION***

BEING a tract of land in the City of Mesquite, Dallas County, Texas, situated in the John McDaniel Survey, Abstract No. 967, the W. Caruth Survey, Abstract No. 362, the Sam Houston Survey, Abstract No. 856 and the Thomas Scott Survey, Abstract No. 1353, and being part of tracts of land conveyed to Onyx Lawrence Summers, by Deed recorded in Volume 3759, Page 579, to Garnet Lawrence by Deed recorded in Volume 3759, Page 583, and to Opal Lawrence by Deed recorded in Volume 3759, Page 537, as recorded in Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point in the North ROW line of Kearney Street (an 80' ROW);

THENCE: N 01° 09' 27" E, 377.87 feet to a point for corner;

THENCE: S 85° 28' 37" W, 415.76 feet to a point for a corner;

THENCE: N 00° 55' 01" E, 302.71 feet to a point for a corner;

THENCE: S 87° 25' 08" W, 424.29 feet to a point for a corner;

THENCE: N 00° 55' 30" W, 107.58 feet to a point for a corner;

THENCE: S 89° 09' 12" W, 299.27 feet to a point for a corner;

THENCE: N 00° 19' 02" E, 836.94 feet to the beginning of a curve to the right having a central angle of 90° 28' 24", a radius of 40.00 feet;

THENCE: Around said curve in a Northeasterly direction, an arc length of 63.16 feet to the end of said curve;

THENCE: S 89° 12' 32" E, 1656.47 feet to a point for a corner;

THENCE: S 00° 42' 55" W, 68.18 feet to a point for a corner;

THENCE: S 01° 03' 00" W, 1430.86 feet to a point for corner in the North ROW line of Kearney Street;

THENCE: S 89° 25' 01" W, 294.31 feet along the North ROW line of Kearney Street to the beginning of a curve to the left having a central angle of 18° 40' 05", a radius of 790.00 feet;

THENCE: Around said curve in a Southwesterly direction and along the North ROW line of Kearney Street, an arc length of 257.40 feet to the PLACE OF BEGINNING and containing 46.2173 acres of land.