

ORDINANCE NO. 3321

File No. 1-28

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 AGRICULTURE TO PLANNED DEVELOPMENT SINGLE FAMILY 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 changes 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 Agriculture to Planned Development Single Family, subject to the following stipulations:

1. Development of the property in accordance with the concept plan (cove design) shall be permitted utilizing R-2A district standards, subject to the following conditions:
 - a) An average lot size of 10,000 square feet;
 - b) Carports, accessory structures, or other structures or uses, which are generally prohibited in the front yard setback, shall be prohibited in front of the main structure;
 - c) Recreational vehicles and boat parking shall be prohibited in front of the main structure; and
 - d) Filing of deed restrictions prior to issuance of building permits to address restrictions noted under (b) and (c) above.

2. Development of the property under conventional platting, i.e., not utilizing the cove design, shall be permitted in accordance with R-2 district standards.
3. Mailboxes shall be constructed of masonry matching the home's exterior masonry.
4. Minimum unit sizes shall be required as follows:

10% of units	-	1850-1999 square feet
90% of units	-	2000 or more square feet

The subject property is a 66.98-acre tract located between Mesquite Valley and Cartwright Roads, City of Mesquite, Dallas County, Texas, as shown in the attached Exhibit "A".

SECTION 2. 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 3. That the foregoing change shall be, and 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 4. 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 5. 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 6. That 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.

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DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 7th day of September, 1999.


Mike Anderson
Mayor

ATTEST:


Ellen Williams
City Secretary

APPROVED:


B.J. Smith
City Attorney

Field Notes File #1 - 28

BEING, A TRACT OF LAND SITUATED IN THE JOHN P. ANDERSON SURVEY, ABSTRACT NO. 1, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 116.905 ACRE TRACT OF LAND CONVEYED TO JOSEPHINE WORSHAM MOORE AND JOSEPH IRIAN WORSHAM AS RECORDED IN VOLUME 72082, PAGE 1177, OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, AT A POINT ON THE NORTHWEST LINE OF CARTWRIGHT ROAD (A 60' R.O.W. AT THIS POINT) AND BEING THE MOST SOUTHERLY CORNER OF SAID 116.905 ACRE TRACT;

THENCE, NORTH 45°08'00" WEST, PASSING AT 25.19 FEET A 1/2" IRON ROD FOUND, IN ALL A TOTAL DISTANCE OF 2841.53 FEET TO A 5/8" IRON ROD FOUND WITH CAP ON THE SOUTHEAST LINE OF MESQUITE VALLEY ROAD (AN 80' R.O.W.) AND BEING THE MOST WESTERLY CORNER OF SAID 116.905 ACRE TRACT;

THENCE, NORTH 44°37'29" EAST, ALONG THE SOUTHEAST LINE OF MESQUITE VALLEY ROAD, A DISTANCE OF 899.54 FEET TO A 1/2" IRON ROD FOUND FOR CORNER, SAME BEING THE MOST WESTERLY CORNER OF A TRACT AS CONVEYED TO MESQUITE INDEPENDENT SCHOOL DISTRICT AS RECORDED IN VOLUME 93235, PAGE 2920, OF SAID DEED RECORDS;

THENCE, SOUTH 45°08'00" EAST, ALONG THE SOUTHWEST LINE OF SAID MESQUITE INDEPENDENT SCHOOL DISTRICT TRACT, A DISTANCE OF 809.62 FEET TO A 1/2" IRON ROD FOUND FOR CORNER;

THENCE, NORTH 44°47'28" EAST, ALONG THE SOUTHEAST LINE OF SAID MESQUITE INDEPENDENT SCHOOL DISTRICT TRACT, A DISTANCE OF 900.00 FEET TO A 1/2" IRON ROD FOUND FOR CORNER ON THE NORTHEAST LINE OF SAID 116.905 ACRE TRACT, SAME BEING THE SOUTHWEST LINE OF A TRACT AS CONVEYED TO N.E. TITTLE AS RECORDED IN VOLUME 77168, PAGE 2168, OF SAID DEED RECORDS;

THENCE, SOUTH 45°08'00" EAST, ALONG THE NORTHEAST LINE OF SAID 116.905 ACRE TRACT, A DISTANCE OF 957.36 FEET TO A 5/8" IRON ROD FOUND WITH CAP FOR CORNER, SAME BEING THE MOST NORTHERLY CORNER OF A CALLED 34.6160 ACRE TRACT AS CONVEYED TO MESQUITE INDEPENDENT SCHOOL DISTRICT AS RECORDED IN VOLUME 94101, PAGE 180, OF SAID DEED RECORDS;

THENCE, SOUTH 45°12'00" WEST, ALONG THE NORTHWEST LINE OF SAID 34.6160 ACRE TRACT, A DISTANCE OF 1319.77 FEET TO A 1/2" IRON ROD SET AT THE BEGINNING OF A CURVE TO THE LEFT HAVING A CENTRAL ANGLE OF 90°19'36" AND A RADIUS OF 40.00 FEET;

AROUND SAID CURVE, AN ARC DISTANCE OF 63.06 FEET TO A 1/2" IRON ROD FOUND AT THE END OF SAID CURVE AND BEING ON THE SOUTHWEST LINE OF SAID 34.6160 ACRE TRACT;

THENCE, SOUTH 45°08'00" EAST, ALONG THE SOUTHWEST LINE OF SAID 34.6160 ACRE TRACT, BYPASSING A 1/2" IRON ROD FOUND AT 1024.52 FEET, FOR A TOTAL DISTANCE OF 1049.77 FEET TO A POINT ON THE NORTHWEST LINE OF CARTWRIGHT ROAD FOR CORNER;

THENCE, SOUTH 45°12'00" WEST, ALONG THE NORTHWEST LINE OF CARTWRIGHT ROAD, A DISTANCE OF 439.57 FEET TO THE POINT OF BEGINNING AND CONTAINING 66.984 ACRES OF LAND.

