

ORDINANCE NO. 3340

File No. 1-29

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 AGRICULTURAL 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 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 all 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 Agricultural to Planned Development Single Family Residential, subject to the following stipulations:

1. Standards of the R-1A district shall apply except as modified below.
2. The required minimum dwelling unit size shall be:

10%	1,800 square feet
10%	1,900 square feet
80%	2,000 square feet
3. Alleys shall not be required for lots along the creek (open space) or where the placement of an alley would cause the removal of a significant number of caliper inches of protected trees provided that on front entry lots, the garages shall either not open toward the street or shall include single car doors separated by a masonry column.

4. Arterial screening shall be required along Clay-Mathis Road in accordance with the requirements of the Mesquite Zoning Ordinance. Walls shall include stone columns at all entrances, and entrance features and walls shall comply with the artist's rendering as shown in the attached Exhibit "A".
5. A Homeowner's Association shall be created with mandatory membership for all property owners. Maintenance of common open space, entry features, walls, and landscaping shall be the responsibility of the Homeowner's Association.
6. Each dwelling in the planned development shall include:
 - a) A brick mailbox;
 - b) A minimum 6 x 12 roof pitch; and
 - c) A security system.
7. The issue of street openings into adjacent properties shall be addressed on the planned development site plan/preliminary plat.

The subject property is a 56.51-acre tract located approximately 600 feet southeast of the Clay-Mathis Road and Edwards Church Road intersection, fronting the southeast side of Clay-Mathis Road, as described in an Affidavit of Heirship by Meurdith Howard Parish and recorded in Volume 94113, Page 5036, Deed Records of Dallas County, Texas, as shown in the attached Exhibit "B".

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 word, sentence, clause, paragraph, phrase, or section of this ordinance be 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.

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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 become effective immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of October, 1999.



Mike Anderson
Mayor

ATTEST:

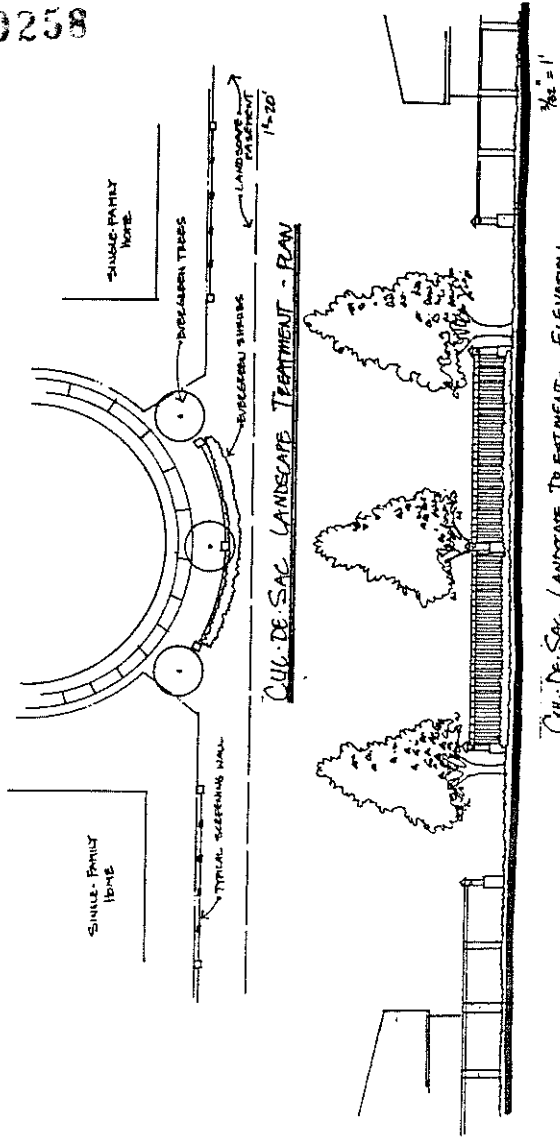
APPROVED:



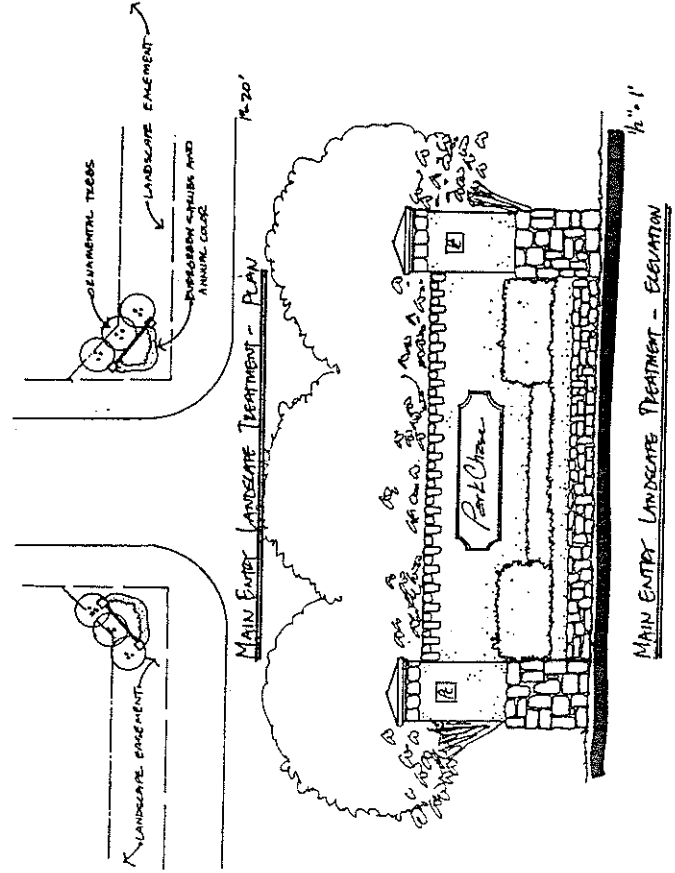
Ellen Williams
City Secretary



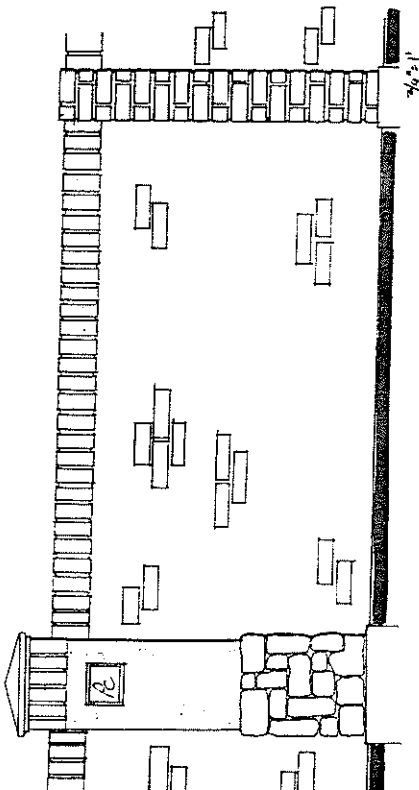
B.J. Smith
City Attorney



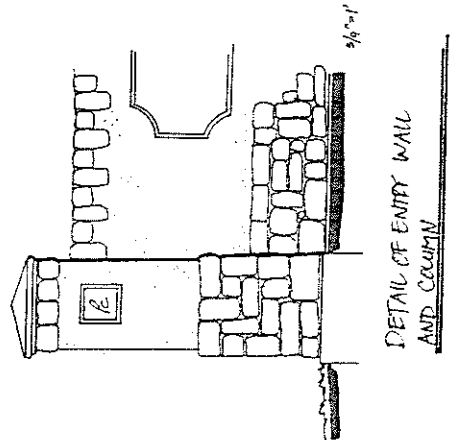
CUG. DE SAC LANDSCAPE TREATMENT - ELEVATION



MAIN ENTRY LANDSCAPE TREATMENT - ELEVATION



TYPICAL SCREEN WALL AND ENHANCED COLUMN



DETAIL OF ENTRY WALL AND COLUMN

00259

BEING a tract of land situated in the John P. Anderson Survey, Abstract No. 1 in the City of Mesquite, Dallas County, Texas and also being part of a called 59.36 acre tract as described in an Affidavit of Heirship by Meurdith Howard Parish and recorded in Volume 94113, Page 5036 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at the east corner of the Tom Edwards 228 acre tract out of the said John P. Anderson Survey; Thence S. 45°00'00" W., 129.00 feet to the POINT OF BEGINNING;
THENCE S. 45°00'00" E., 1180.00 feet to an iron rod for corner;
THENCE S. 45°00'00" W., 1577.00 feet to an iron rod for corner;
THENCE N. 47°30'00" W., 441.00 feet to an iron rod for corner;
THENCE S. 86°00'00" W., 301.66 feet to an iron rod for corner;
THENCE N. 60°00'00" W., 560.62 feet to an iron rod for corner;
THENCE N. 45°00'00" E., 642.00 feet to an iron rod for corner;
THENCE N. 44°36'39" W., 277.88 feet to an iron rod for corner;
THENCE N. 45°23'21" E., 1454.15 feet to an iron rod for corner;
THENCE S. 45°00'00" E., 268.00 feet to an iron rod for corner;
THENCE S. 45°00'00" W., 129.00 feet to the Point of Beginning and containing 56.510 acres of land, more or less.