

## ORDINANCE NO. 735

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING APPENDIX III OF THE CITY CODE OF THE CITY OF MESQUITE, THE SAME BEING THE 1964 ZONING ORDINANCE OF THE CITY OF MESQUITE, BY REPEALING THE FIRST PARAGRAPH OF ARTICLE XV-A, "PLANNED RESIDENTIAL DEVELOPMENT DISTRICT"; THE SAME READING AS FOLLOWS: A PLANNED RESIDENTIAL DEVELOPMENT AREA (DENSITY CONTROL DISTRICT) SHALL BE DEFINED AS CONSISTING OF A MIXTURE OF HOUSING TYPES WHOSE OVERALL DENSITY (TOTAL NUMBER OF DWELLING UNITS DIVIDED BY THE GROSS LAND, LESS RIGHTS OF WAY FOR STREETS, ALLEYS, AND RAILROADS) SHALL NOT EXCEED THE MAXIMUM DENSITY PRESCRIBED BY THE RESIDENTIAL ZONING DISTRICT IN WHICH THE PLANNED RESIDENTIAL AREA IS LOCATED; BY REPEALING SUBPARAGRAPH (b) OF PARAGRAPH 4 OF SAID ARTICLE XV-A, THE SAME READING AS FOLLOWS: LOT AREA REDUCTION FROM MINIMUM LOT SIZES REQUIRED BY THE ZONING DISTRICT IN WHICH THE PLANNED RESIDENTIAL DEVELOPMENT IS LOCATED SHALL NOT EXCEED FORTY PERCENT IN "R-1" AREAS, THIRTY PERCENT IN "R-2" AREAS, OR TWENTY PERCENT IN "R-3" AREAS; BY SUBSTITUTING FOR SAID PROVISION SO REPEALED THE FOLLOWING: LOT AREA REDUCTIONS FROM MINIMUM LOT SIZES REQUIRED BY THE ZONING DISTRICT IN WHICH THE PLANNED RESIDENTIAL DEVELOPMENT AREA IS LOCATED SHALL BE DETERMINED BY THE CITY COUNCIL UPON THE RECOMMENDATION OF THE CITY PLAN COMMISSION BASED UPON THE CRITERIA THEREINAFTER PROVIDED IN ARTICLE XV-A; EXCEPT THAT IN NO EVENT SHALL THE AVERAGE DENSITY OF ANY LAND ZONED HEREUNDER EXCEED FIVE UNITS PER ACRE; BY PROVIDING THAT ALL OTHER PROVISIONS OF APPENDIX III, OF THE CITY CODE OF THE CITY OF MESQUITE, THE SAME BEING THE 1964 ZONING ORDINANCE OF THE CITY OF MESQUITE, SHALL REMAIN IN FULL FORCE AND EFFECT; BY PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

**SECTION 1.** That the first paragraph of Article XV-A of Appendix III of the City Code of Mesquite, the same being the 1964 Zoning Ordinance of the City of Mesquite, said provision reading as follows:

"A planned residential development area (density control district) shall be defined as consisting of a mixture of housing types whose overall density (total number of dwelling units divided by the gross land, less rights of way for streets, alleys, and railroads) shall not exceed the maximum density prescribed by the residential zoning district in which the planned residential development area is located."

shall be, and the same is, hereby repealed.

**SECTION 2.** That Subparagraph (b) of Paragraph 4 of Article XV-A of Appendix III of the City Code of Mesquite, the same being the 1964 Zoning Ordinance of the City of Mesquite, said provision reading as follows:

"Lot area reductions from minimum lot sizes required by the zoning district in which the planned residential development area is located shall not exceed forty percent in "R-1" areas, thirty percent in "R-2" areas, or twenty percent in "R-3" areas."

shall be, and the same is, hereby repealed.

That hereinafter the said Subparagraph (b) as repealed above, shall read as follows:

"Lot area reductions from minimum lot sizes required by the zoning district in which the planned residential development area is located shall be determined by the City Council upon the recommendation of the City Plan Commission based upon the criteria as provided thereinafter in Article XV-A; except that in no event shall the average density of any land zoned hereunder exceed five units per acre."

**SECTION 3.** That all other provisions of Appendix III of the City Code of the City of Mesquite, the same being the 1964 Zoning Ordinance of the City of Mesquite, shall remain in full force and effect.

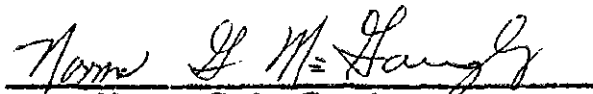
**SECTION 4.** That the provisions of this ordinance are hereby declared to be severable and in the event any provision hereof shall be declared unconstitutional or invalid such unconstitutionality or invalidity shall not affect the validity of those provisions of this ordinance left remaining.

**SECTION 5.** That the present ordinances of the City of Mesquite are inadequate to provide for, regulate, and control, the orderly development of planned residential subdivisions creates an urgency and emergency in the interest of the public health, safety, and welfare, and necessitates that this ordinance take effect immediately from and after its date of passage.

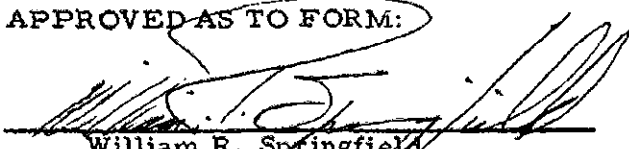
PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the 6, day of May, 1968.

  
George Boyce  
Mayor

ATTEST:

  
Norma G. McCaughy  
City Secretary

APPROVED AS TO FORM:

  
William R. Springfield  
City Attorney

