

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964 SO AS TO GRANT A CHANGE OF ZONING ON THE HEREINAFTER DESCRIBED PROPERTY FROM "R-3" SINGLE FAMILY DWELLING DISTRICT AND "A" MULTI-FAMILY DISTRICT TO A SPECIAL PERMIT FOR A PLANNED RESIDENTIAL DEVELOPMENT DISTRICT, SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: BEING A TRACT OF LAND SITUATED IN THE T. D. SACKETT SURVEY, ABSTRACT NO. 1362, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING A PART OF A 100-ACRE TRACT CONVEYED TO JOHN A. RAWLINS BY VIVIAN TUNNELL HALE, ET VIR, AS RECORDED IN VOL. 2571, PAGE 524, DALLAS COUNTY DEED RECORDS, AND ALSO BEING PART OF AN 80-ACRE TRACT CONVEYED TO JOHN A. RAWLINS BY LEONARD R. WINBORN, ET UX, AS RECORDED IN VOL. 3315, PAGE 122, DALLAS COUNTY DEED RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE PRESENT WEST CORNER OF SAID RAWLINS 80-ACRE TRACT, SAID POINT BEING IN THE NORTHEASTERLY LINE OF GROSS ROAD, (AN 80-FOOT R. O. W.), SAID POINT ALSO BEING THE SOUTH CORNER OF THE JOHN H. BRILEY 48.99-ACRE TRACT; AN IRON PIPE FOUND IN PLACE FOR CORNER; THENCE NORTH 44 DEGREES 30 MINUTES EAST, WITH THE NORTHWESTERLY LINE OF SAID RAWLINS TRACT, 2971.12 FEET TO THE NORTH CORNER OF SAID RAWLINS TRACT; AN IRON STAKE FOUND IN PLACE FOR CORNER; THENCE SOUTH 45 DEGREES 04 MINUTES EAST, WITH THE NORTHEASTERLY LINE OF SAID RAWLINS TRACTS, SAME BEING ALONG THE SOUTHWESTERLY LINE OF CASA RIDGE HEIGHTS NO. 1, AN ADDITION TO THE CITY OF MESQUITE, A DISTANCE OF 1543.96 FEET TO AN IRON PIPE SET FOR CORNER, SAID POINT ALSO BEING IN THE SOUTHEASTERLY LINE OF EMERALD DRIVE, (A 60-FOOT R. O. W.); THENCE SOUTH 45 DEGREES 10 MINUTES WEST, WITH THE SOUTHEASTERLY LINE OF SAID EMERALD DRIVE, 95.00 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 373.90 FEET, A CENTRAL ANGLE OF 32 DEGREES 24 MINUTES, AND A TANGENT BEARING OF SOUTH 45 DEGREES 03 MINUTES EAST, SAID POINT BEING THE MOST WESTERLY CORNER OF A 9.16-ACRE TRACT CONVEYED TO THE DALLAS AREA ASSOCIATION OF CHRISTIAN CHURCHES BY JOHN A. RAWLINS, AS RECORDED IN VOL. 317, PAGE 1078, DALLAS COUNTY DEED RECORDS; AN IRON PIPE SET FOR CORNER; THENCE IN A SOUTHERLY DIRECTION, WITH THE WESTERLY LINE OF SAID CHURCH TRACT, AND ALONG SAID CURVE, 214.26 FEET TO THE END OF SAID CURVE; AN IRON PIPE SET FOR CORNER; THENCE SOUTH 12 DEGREES 39 MINUTES EAST, AND CONTINUING ALONG THE WESTERLY LINE OF SAID CHURCH TRACT, 633.75 FEET TO THE BEGINNING OF A CURVE TO THE LEFT.

HAVING A RADIUS OF 479.80 FEET, AND A CENTRAL ANGLE OF 32 DEGREES 32 MINUTES; AN IRON PIPE SET FOR CORNER; THENCE IN A SOUTHERLY DIRECTION, WITH THE WESTERLY LINE OF SAID CHURCH TRACT, AND ALONG SAID CURVE, 272.44 FEET TO THE END OF SAID CURVE; AN IRON PIPE SET FOR CORNER; THENCE SOUTH 45 DEGREES 11 MINUTES EAST, WITH THE SOUTHWESTERLY LINE OF SAID CHURCH TRACT, 90.00 FEET TO A POINT IN THE NORTHWESTERLY LINE OF TOWN EAST BOULEVARD, (AN 80-FOOT R. O. W.), SAID POINT BEING 50 FEET FROM THE ORIGINAL CENTER LINE OF TOWN EAST BOULEVARD, MEASURED AT RIGHT ANGLES; AN IRON PIPE SET FOR CORNER; THENCE SOUTH 44 DEGREES 49 MINUTES WEST, WITH THE NORTHWESTERLY LINE OF SAID TOWN EAST BOULEVARD, 533.51 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1733.41 FEET, AND A CENTRAL ANGLE OF 10 DEGREES 25 MINUTES; AN IRON PIPE SET FOR CORNER; THENCE IN A SOUTHWESTERLY DIRECTION, WITH THE NORTHWESTERLY LINE OF TOWN EAST BOULEVARD, AND ALONG SAID CURVE, 316.05 FEET TO THE END OF SAID CURVE; AN IRON PIPE SET FOR CORNER; THENCE SOUTH 34 DEGREES 24 MINUTES WEST, WITH THE NORTHWESTERLY LINE OF TOWN EAST BOULEVARD, 136.62 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1179.07 FEET AND A CENTRAL ANGLE OF 15 DEGREES 16 MINUTES; AN IRON PIPE SET FOR CORNER; THENCE IN A SOUTHWESTERLY DIRECTION, WITH THE NORTHWESTERLY LINE OF TOWN EAST BOULEVARD, AND ALONG SAID CURVE, 314.16 FEET TO THE END OF SAID CURVE; AN IRON PIPE SET FOR CORNER; THENCE SOUTH 49 DEGREES 40 MINUTES WEST, WITH THE NORTHWESTERLY LINE OF SAID TOWN EAST BOULEVARD, 124.40 FEET TO THE EAST CORNER OF A 3.84-ACRE TRACT OF LAND CONVEYED TO SHILOH TERRACE BAPTIST CHURCH TRUSTEES BY JOHN A. RAWLINS BY DEED, AS RECORDED APRIL 18, 1961, DALLAS COUNTY DEED RECORDS; AN IRON PIPE SET FOR CORNER; THENCE NORTH 44 DEGREES 56 MINUTES WEST, WITH THE NORTHEASTERLY LINE OF SAID CHURCH TRACT, PASSING A NORTHEASTERLY CORNER OF SAID CHURCH TRACT AT 257.54 FEET, AND CONTINUING AT NORTH 44 DEGREES 56 MINUTES WEST, AN ADDITIONAL 25.00 FEET, MAKING A TOTAL OF 282.54 FEET TO AN IRON STAKE SET FOR CORNER; THENCE NORTH 27 DEGREES 52 MINUTES EAST, 210.19 FEET TO AN IRON STAKE SET FOR CORNER; THENCE NORTH 53 DEGREES 58 MINUTES WEST, 19.31 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 346.00 FEET, AND A CENTRAL ANGLE OF 13 DEGREES 58 MINUTES; AN IRON STAKE SET FOR CORNER; THENCE IN A NORTHWESTERLY DIRECTION, AND ALONG SAID CURVE, 206.32 FEET TO THE END OF SAID CURVE; AN IRON STAKE SET FOR CORNER; THENCE NORTH 40 DEGREES 00 MINUTES WEST, 301.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 481.29 FEET, AND A CENTRAL ANGLE OF 26 DEGREES 25 MINUTES; AN IRON STAKE SET FOR CORNER; THENCE IN A NORTHWESTERLY DIRECTION, AND ALONG SAID CURVE,

221.90 FEET TO THE END OF SAID CURVE; AN IRON STAKE SET FOR CORNER; THENCE NORTH 66 DEGREES 25 MINUTES WEST, 441.08 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 834.75 FEET, AND A CENTRAL ANGLE OF 21 DEGREES 07 MINUTES; AN IRON STAKE SET FOR CORNER; THENCE IN A NORTH-WESTERLY DIRECTION, AND ALONG SAID CURVE, 307.65 FEET TO THE END OF SAID CURVE; AN IRON STAKE SET FOR CORNER; THENCE NORTH 45 DEGREES 18 MINUTES WEST, 45.94 FEET TO AN IRON STAKE SET FOR CORNER; THENCE SOUTH 44 DEGREES 42 MINUTES WEST, 12.33 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 831.26 FEET, AND A CENTRAL ANGLE OF 19 DEGREES 04 MINUTES; TO AN IRON STAKE SET FOR CORNER; THENCE IN A SOUTHWESTERLY DIRECTION, AND ALONG SAID CURVE, 276.62 FEET TO THE END OF SAID CURVE; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 28 DEGREES 35 MINUTES WEST, 322.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 885.00 FEET, AND A CENTRAL ANGLE OF 19 DEGREES 35 MINUTES; AN IRON STAKE SET FOR CORNER; THENCE IN A SOUTHWESTERLY DIRECTION, AND ALONG SAID CURVE, 302.49 FEET TO THE END OF SAID CURVE; AN IRON STAKE SET FOR CORNER; THENCE SOUTH 45 DEGREES 13 MINUTES WEST, 71.38 FEET TO A POINT IN THE NORTHEASTERLY LINE OF THE AFOREMENTIONED GROSS ROAD; AN IRON STAKE SET FOR CORNER; THENCE NORTH 44 DEGREES 52 MINUTES WEST, WITH THE NORTHEASTERLY LINE OF SAID GROSS ROAD, 1027.08 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 114.67 ACRES OF LAND; BY ESTABLISHING USE REGULATIONS; BY PROVIDING FOR LIMITATIONS ON BUILDING HEIGHT; BY PROVIDING MINIMUM YARD AREA REQUIREMENTS; BY PROVIDING OFF-STREET PARKING REQUIREMENTS; BY PROVIDING CONSTRUCTION REQUIREMENTS; BY PROVIDING DENSITY REGULATIONS; BY PROVIDING THAT LOTS LOCATED ON THE PERIMETER OF SAID DEVELOPMENT SHALL CONFORM TO THE MINIMUM REQUIREMENTS AS SET FORTH IN AN "R-3" SINGLE FAMILY DWELLING DISTRICT; BY PROVIDING FOR UNDERGROUND UTILITIES; BY PROVIDING FOR THE ESTABLISHMENT OF A HOME OWNERS' ASSOCIATION AND REQUIRING MEMBERSHIP IN SUCH ASSOCIATION BY EACH INDIVIDUAL PURCHASER OF A LOT WITHIN SAID DEVELOPMENT; BY PROVIDING FOR APPROVAL BY THE HOME OWNERS' ASSOCIATION BY THE CITY MANAGER AS A CONDITION PRECEDENT TO THE ISSUANCE OF A BUILDING PERMIT; BY PROVIDING FOR THE REQUIREMENTS OF ORDINANCE NO. 420, THE SAME BEING THE SUBDIVISION ORDINANCE OF THE CITY OF MESQUITE TO BE APPLIED TO THE SAID DEVELOPMENT SAVE FOR SUCH EXCEPTIONS AS ARE SPECIFICALLY EXPRESSED; BY PROVIDING THE ESTABLISHMENT OF A GREEN BELT OR COMMON AREA WITHIN THE DEVELOPMENT AND REQUIRING AN ACCORD BETWEEN THE DEVELOPER AND THE CITY OF MESQUITE REGARDING THE LOCATION OF RECREATIONAL AND

OTHER FACILITIES AND ATTRACTION WITHIN THE GREEN AREA AS A PREREQUISITE TO THE ISSUANCE OF A BUILDING PERMIT; BY PROVIDING FOR THE DEVELOPMENT OF THE PLANNED RESIDENTIAL DEVELOPMENT HEREIN CONTEMPLATED IN ACCORDANCE WITH THE PLAT ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE FOR ALL INTENTS AND PURPOSES; BY PROVIDING THAT SUCH PLAT SHALL ALSO BE CONSTRUED AS THE PRELIMINARY PLAT FOR PURPOSES OF THE SUBDIVISION ORDINANCE; AND WAIVING THE REQUIREMENT OF THE SUBMISSION OF ANY FINAL PLAT FOR ANY PART OF THIS DEVELOPMENT FOR APPROVAL BY THE CITY COUNCIL WHERE SUCH FINAL PLAT DOES NOT MATERIALLY DIFFER FROM THE PLAT HERETO ATTACHED; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning 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 said change of zoning should be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, 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 on the hereinafter described property from "R-3" Single Family Dwelling District to a Special Permit for a Planned Residential Development District, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

BEING a tract of land situated in the T. D. Sackett Survey, Abstract No. 1362, City of Mesquite, Dallas County, Texas, and being a part of a 100-acre tract conveyed to John A. Rawlins by Vivian Tunnell Hale, et vir, as recorded in Vol. 2571, Page 524, Dallas County Deed Records, and also being part of an 80-acre tract conveyed to John A. Rawlins by Leonard R. Winborn, et ux, as recorded in Vol. 3315, Page 122, Dallas County Deed Records, and being more particularly described as follows:

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BEGINNING at the present west corner of said Rawlins 30-acre tract, said point being in the northeasterly line of Gross Road, (an 30-foot R. O. W.), said point also being the south corner of the John H. Briley 48.99-acre tract; an iron pipe found in place for corner;

THENCE North 44 degrees 30 minutes East, with the northwesterly line of said Rawlins tract, 2971.12 feet to the north corner of said Rawlins tract; an iron stake found in place for corner;

THENCE South 45 degrees 04 minutes East, with the northeasterly line of said Rawlins tracts, same being along the southwesterly line of Casa Ridge Heights No. 1, an addition to the City of Mesquite, a distance of 1543.96 to an iron pipe set for corner, said point also being in the southeasterly line of Emerald Drive, (a 60-foot R. O. W.);

THENCE South 45 degrees 10 minutes West, with the southeasterly line of said Emerald Drive, 95.00 feet to the beginning of a curve to the right, having a radius of 378.90 feet, a central angle of 32 degrees 24 minutes, and a tangent bearing of South 45 degrees 03 minutes East, said point being the most westerly corner of a 9.16-acre tract conveyed to the Dallas Area Association of Christian Churches by John A. Rawlins, as recorded in Vol. 317, Page 1078, Dallas County Deed Records; an iron pipe set for corner;

THENCE in a southerly direction, with the westerly line of said church tract, and along said curve, 214.26 feet to the end of said curve; an iron pipe set for corner;

THENCE South 12 degrees 39 minutes East, and continuing along the westerly line of said church tract, 633.75 feet to the beginning of a curve to the left, having a radius of 479.80 feet, and a central angle of 32 degrees 32 minutes; an iron pipe set for corner;

THENCE in a southerly direction, with the westerly line of said church tract, and along said curve, 272.44 feet to the end of said curve; an iron pipe set for corner;

THENCE South 45 degrees 11 minutes East, with the southwesterly line of said church tract, 90.00 feet to a point in the northwesterly line of Town East Boulevard, (an 80-foot R. O. W.), said point being 50 feet from the original center line of Town East Boulevard, measured at right angles; an iron pipe set for corner;

THENCE South 44 degrees 49 minutes West, with the northwesterly line of said Town East Boulevard, 533.51 feet to the beginning of a curve to the left, having a radius of 1738.41 feet, and a central angle of 10 degrees 25 minutes; an iron pipe set for corner;

THENCE in a southwesterly direction, with the northwesterly line of Town East Boulevard, and along said curve, 316.05 feet to the end of said curve; an iron pipe set for corner;

THENCE South 34 degrees 24 minutes West, with the northwesterly line of Town East Boulevard, 136.62 feet to the beginning of a curve to the right, having a radius of 1179.07 feet, and a central angle of 15 degrees 16 minutes; an iron pipe set for corner;

THENCE in a southwesterly direction, with the northwesterly line of Town East Boulevard, and along said curve, 314.16 feet to the end of said curve; an iron pipe set for corner;

THENCE South 49 degrees 40 minutes West, with the northwesterly line of said Town East Boulevard, 124.40 feet to the east corner of a 3.84-acre tract of land conveyed to Shiloh Terrace Baptist Church Trustees by John A. Rawlins by deed, as recorded April 18, 1961, Dallas County Deed Records; an iron pipe set for corner;

THENCE North 44 degrees 56 minutes West, with the northeasterly line of said church tract, passing a northeasterly corner of said church tract at 257.54 feet, and continuing at North 44 degrees 56 minutes West, an additional 25.00 feet, making a total of 282.54 feet to an iron stake set for corner;

THENCE North 27 degrees 52 minutes East, 210.19 feet to an iron stake set for corner;

THENCE North 53 degrees 58 minutes West, 19.31 feet to the beginning of a curve to the right, having a radius of 846.00 feet, and a central angle of 13 degrees 58 minutes; an iron stake set for corner;

THENCE in a northwesterly direction, and along said curve, 206.32 feet to the end of said curve; an iron stake set for corner;

THENCE North 40 degrees 00 minutes West, 301.71 ft. to the beginning of a curve to the left, having a radius of 481.29 feet, and a central angle of 26 degrees 25 minutes; an iron stake set for corner;

THENCE in a northwesterly direction, and along said curve, 221.90 feet to the end of said curve; an iron stake set for corner;

THENCE North 66 degrees 25 minutes West, 441.08 feet to the beginning of a curve to the right, having a radius of 834.75 feet, and a central angle of 21 degrees 07 minutes; an iron stake set for corner;

THENCE in a northwesterly direction, and along said curve, 307.65 feet to the end of said curve; an iron stake set for corner;

THENCE North 45 degrees 18 minutes West, 45.94 feet to an iron stake set for corner;

THENCE South 44 degrees 42 minutes West, 12.33 feet to the beginning of a curve to the left, having a radius of 831.26 feet, and a central angle of 19 degrees 04 minutes; to an iron stake set for corner;

THENCE in a southwesterly direction, and along said curve, 276.62 feet to the end of said curve; an iron stake set for corner;

THENCE South 28 degrees 35 minutes West, 322.82 feet to the beginning of a curve to the right, having a radius of 885.00 feet, and a central angle of 19 degrees 35 minutes; an iron stake set for corner;

THENCE in a southwesterly direction, and along said curve, 302.49 feet to the end of said curve; an iron stake set for corner;

THENCE South 45 degrees 13 minutes West, 71.38 feet to a point in the northeasterly line of the aforementioned Cross Road; an iron stake for corner;

THENCE North 44 degrees 52 minutes West, with the northeasterly line of said Cross Road, 1027.03 feet to the PLACE OF BEGINNING, and containing 114.67 acres of land.

SECTION 2. Use Regulations

That no land within the boundaries set forth in Section 1 above shall be used for any purpose, nor any building erected or converted for any purpose other than single family residence. Except that within the meaning of this ordinance single family residence may be either an unattached dwelling or single family dwelling that is attached via a common wall or walls to another single family dwelling.

A. All unattached dwellings shall be built on a lot having a minimum area of 6,000 square feet.

B. Attached dwellings shall be in groups of not less than three nor more than six such dwellings in a single group. Providing for each such dwelling considered separately a minimum lot size of 3,000 square feet shall be required.

SECTION 3. Maximum Building Height

That no building shall be constructed so as to exceed two and one-half stories in height.

SECTION 4. Minimum Yard Requirements

A. Front Yard - That all unattached dwellings shall have a front yard with a minimum depth of twenty-five feet, except where a garage has an entry facing the side yard, then the garage may extend within fifteen feet of the front property line.

i. That all attached dwellings shall have a front yard with a minimum depth of twenty feet, except where a garage has an entry facing the side yard, then the garage may extend within fifteen feet of the front property line.

B. Side Yard - That all corner lots shall have a minimum width of ten feet adjacent to the right-of-way line of the adjoining street.

i. Side yards shall not be required on attached residences except each building group of attached houses must have a side yard separation of at least twelve feet from any other structure.

ii. Side yards of unattached dwellings shall be a minimum of six feet, except such dwelling may be placed on the property line when so designated to prevent drainage onto the adjacent lot, but in no case shall there be less than twelve feet separation between any dwellings; providing further that where a dwelling is built on the property line a three-foot maintenance easement shall be provided on the adjacent lot.

C. Rear Yard - Every dwelling shall have a rear yard having a minimum depth of not less than twenty feet.

D. Lot Area - That all unattached dwellings shall be constructed on a lot having a minimum area of 6,000 square feet and a minimum width of 60 feet.

i. That all attached dwellings shall be constructed on a lot having a minimum area of 3,000 square feet and a minimum width of 30 feet per each unit.

ii. That the minimum lot area and width requirements as above set forth shall not be deemed to apply to "perimeter lots" as set forth in Section 9 hereof.

SECTION 5. Parking Regulations

That parking regulations applicable to the land herein zoned shall be the same as those regulations set forth in an "R-3" Single Family Residential District.

SECTION 6. Minimum Area of Dwelling

That minimum area of all dwelling shall be twelve hundred square feet of living area, exclusive of garages, breezeways, and porches.

SECTION 7. Construction Requirements

A. That the exterior fire-resistant construction of all dwellings shall conform to the requirements of Section 3 (10) of Article VII of the City Code of Mesquite, the same being an "R-3" Single Family Dwelling District.

B. That all attached dwellings shall have a two-hour fire rated wall between each such unit; and provided further that a four-hour fire rated wall shall be required every 6,000 square feet of total building area of attached dwellings. Further, all such fire walls shall be continuous and unbroken from

foundation slab to underside of roof deck in accordance with the Building Code of the City of Mesquite.

SECTION 8. Density Requirements

That the average density of the entire development shall not exceed five dwellings per acre. For the purposes of this section, average density shall be computed as follows: The gross land area of the property hereby zoned divided by the total number of dwellings, attached and unattached, in the development.

SECTION 9. Perimeter Lot Requirements

That all lots within the development herein zoned that directly abut property not in said development or that abut an alley shall conform to the minimum area and width requirements as set forth in an "R-3" Single Family Residential District, except that the front, rear, and side yards of such lots shall be in conformity with the minimum requirements as set forth in Section 4A, 4B, and 4Bii hereof as they relate to unattached dwellings only. Provided further that side walk requirements of the aforesaid "R-3" Single Family Residential District may be waived.

SECTION 10. Utilities

That all utilities in the development herein zoned shall be placed beneath ground, except installations above ground shall be permitted when approved by the Director of Public Works of the City under the following circumstances:

- A. Above ground installation of transformers.
- B. Where utility line crosses a major drainage channel or depression of such depth as to make below ground installation impractical.
- C. At the point where the utility enters into the development.

There shall be no other exceptions than those enumerated above, save by approval of the City Council; but in no event shall individual house services be above ground.

SECTION 11. Home Owners' Association

That a Home Owners' Association be established whereby every purchaser of a lot within the development shall immediately acquire membership in such association at the same time such purchaser acquires title to a lot; such membership to entitle each purchaser to the use of the common areas and recreational facilities located therein. Further, the by-laws of such Association shall provide for the maintenance of the common areas and provide for the levy of an assessment against individual lots within the development to insure such maintenance. All provisions of the Home Owners' Association and agreements ancillary thereto shall be approved by the City Manager prior to the issuance of any building permit.

SECTION 12. Subdivision Regulations

That all requirements of Ordinance No. 420, the same being the subdivision ordinance of the City of Mesquite shall apply to the development herein zoned with the following exceptions:

- A. No alleys shall be required, save in the case of perimeter lots.
- B. No sidewalks shall be required except as shown on the plat attached hereto.
- C. That the plat attached hereto shall be considered a preliminary plat for purposes of the subdivision ordinance; and amendments thereto may be made in the form of final plats; provided that such final plats may be approved by the City Planning Commission without the necessity of subsequent approval by the City Council; when there exists no material variances between such final plats and the plat attached hereto.

SECTION 13. Common Area

That the plat attached hereto shall provide for a greenbelt or common area within the development hereby zoned. That such plat shall depict the location of recreational facilities to be located within said common area. That the City of Mesquite and the developer shall enter into an agreement concerning construction and maintenance within the common area, and such agreement shall be deemed a part of this ordinance for all intents and purposes. Such agreement shall provide for the sowing and maintenance of grass, trees, and shrubs; the installation of a sprinkler system; installation of utilities; installation of playground and recreational equipment; the location of major recreational areas, including pavilions and swimming pools. Providing further that the execution of such agreement shall be a condition precedent to the issuance of any building permits.

SECTION 14. Dedication Waived

That the provisions of Paragraph (c) 4 of Article XV-A of Appendix III of the City Code of Mesquite requiring dedication of open spaces within the development to the City shall be, and the same are, hereby waived.

SECTION 15. Plat

That the grant of zoning herein contemplated is granted in accordance with the plat attached hereto and made a part of this ordinance for all intents and purposes; that all construction within the development shall be situated in substantial conformity with said plat; provided, however, that such plat may be amended as provided in Paragraph C of Section 12 hereof; such section shall control all replats of this development.

SECTION 16. Repeal

That all ordinances in conflict with the provisions hereof are hereby repealed; that all provisions of all other ordinances of the City of Mesquite and the 1964

Zoning Ordinance not so in conflict are specifically declared to be and remain in full force and effect.

SECTION 17. Zoning Regulations

That all regulations of the 1964 Zoning Ordinance shall be applicable to the land herein zoned; to the extent not in conflict with the expressed provisions of this ordinance.

SECTION 13. Severability

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 Comprehensive Zoning Ordinance of 1964 as a whole.


SECTION 19. Penalty

That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964 of the City of Mesquite and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 20. Emergency

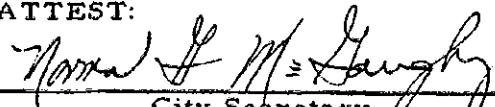
Whereas, the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption 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 this the 6 day of May, 1968.




Mayor

ATTEST:



City Secretary

APPROVED AS TO FORM:



City Attorney

