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ORDINANCE NO. 985

CASE 1462-75

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 FROM "A" MULTIPLE FAMILY DWELLING DISTRICT AND "D" DUPLEX DISTRICT TO "SP" SPECIAL PERMIT FOR TOWNHOUSES, SUBJECT TO: (1) PRIOR APPROVAL BY THE CITY STAFF OF THE BY-LAWS OF THE HOMEOWNERS ASSOCIATION; (2) ALL INTERIOR PAVING BEING CONSTRUCTED IN ACCORDANCE WITH THE EXISTING CITY OF MESQUITE PAVING SPECIFICATIONS FOR STREETS AND ALLEYS AT THE TIME OF CONSTRUCTION; (3) ONE-STORY DEVELOPMENT OF LOTS BACKING UP TO LEE STREET; (4) TWO-CAR GARAGES WITH DOORS BEING PROVIDED; AND (5) SQUARE FOOTAGES OF THE UNITS NOT BEING LESS THAN 1,000 SQUARE FEET FOR ONE BEDROOM UNITS, 1,100 SQUARE FEET FOR TWO BEDROOM UNITS, 1,200 SQUARE FEET FOR THREE BEDROOM UNITS, AND 1,325 SQUARE FEET FOR FOUR BEDROOM UNITS; SAID PROPERTY BEING A PORTION OF TRACT 15, D. TANNER SURVEY, ABSTRACT 1462, SHEET 12-F OF THE CITY OF MESQUITE TAX RECORDS, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN SECTION 1 OF THIS ORDINANCE; 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 THAT THE FOREGOING ZONING IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR 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:

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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 following described property from "A" Multiple Family Dwelling District and "D" Duplex District to "SP" Special Permit for Townhouses, subject to:

- (1) Prior approval by the City Staff of the by-laws of the Homeowners Association;
- (2) All interior paving being constructed in accordance with the existing City of Mesquite paving specifications for streets and alleys at the time of construction;
- (3) One-story development of lots backing up to Lee Street;
- (4) Two-car garages with doors being provided; and
- (5) Square footages of the units not being less than 1,000 square feet for one bedroom units, 1,100 square feet for two bedroom units, 1,200 square feet for three bedroom units, and 1,325 square feet for four bedroom units.

Said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

A tract of land situated in the Daniel Tanner Survey, Abstract 1462, in the City of Mesquite, Texas, being more fully described as follows:

BEGINNING at a point in the Northwest line of Hillcrest Street, 1009.82 feet Northeast of the Northeast line of Gross Road;

THENCE North 45° 39' West a distance of 440 feet to a point for corner;

THENCE North 44° 26' East a distance of 784.13 feet to a point for corner, same being in the rear lot line of lots platted to front on Lee Street in Northridge Estates Addition;

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THENCE South 45° 28' East a distance of 346.83 feet along the rear lot line of Northridge Estates Addition to a point for corner in the Northwest line of Hillcrest Street;

THENCE along the Northwest line of Hillcrest Street with a curve to the left, having a central angle of 32° 53' a distance of 111.95 feet to a point for corner;

THENCE South 11° 38' West continuing along the Northwest line of Hillcrest Street a distance of 62 feet to a point for corner;

THENCE along the Northwest line of Hillcrest Street with a curve to the right having a central angle of 32° 48' a distance of 102.39 feet to a point for corner;

THENCE South 44° 26' West continuing along the Northwest line of Hillcrest Street a distance of 528.26 feet to the place of beginning, containing 7.63 acres of land.

SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed, and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the above-described tract of land shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That the foregoing zoning 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. 858 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 Comprehensive Zoning Ordinance as a whole.

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SECTION 6. 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.

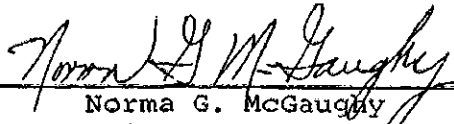
SECTION 7. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 1 day of November, A.D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughey
City Secretary

Elland Archer
City Attorney