

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 PLANNED DEVELOPMENT-MULTIFAMILY TO PLANNED DEVELOPMENT-DUPLEX WITH 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 (\$2,000.00) DOLLARS 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 on property zoned Planned Development-Multifamily to Planned Development-Duplex with the following stipulations:

1. Approve the following modifications to the duplex standards: lot size reduction as shown on the site plan, 20-foot rear yard setback and a 20-foot front yard setback, provided the applicant staggers the units as shown on the site plan.
2. The establishment of a mandatory Homeowner's Association (HOA) responsible for the maintenance of the front yards of the project. The HOA documents will be submitted to the staff for review and approval and must be filed for record prior to issuance of the building permit.
3. A minimum of 40 percent of the units shall have a single-car garage/single-car carport combination, similar to the first phase, and a minimum of 10 percent of the units shall have two-car garages. (Percentages shall apply to the overall project.) All other units shall have at least a two-car carport. A minimum five-foot by eight-foot rear storage facility shall be required for all homes with carports.
4. All other duplex standards as stated in the Mesquite Zoning Ordinance shall apply to this project.

5. All carports will be attached to the homes with integrated roofs.

That the subject property is a 0.80-acre tract located north of Diane Street, southeast of the Redman Street extension, and is more fully described in the approved field notes in Exhibit "A" attached hereto.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. 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.

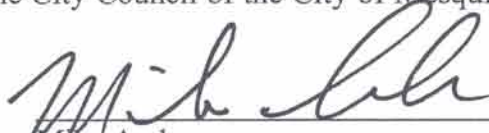
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Code of the City of Mesquite.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

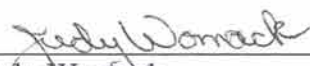
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 7. 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2nd day of August, 2004.

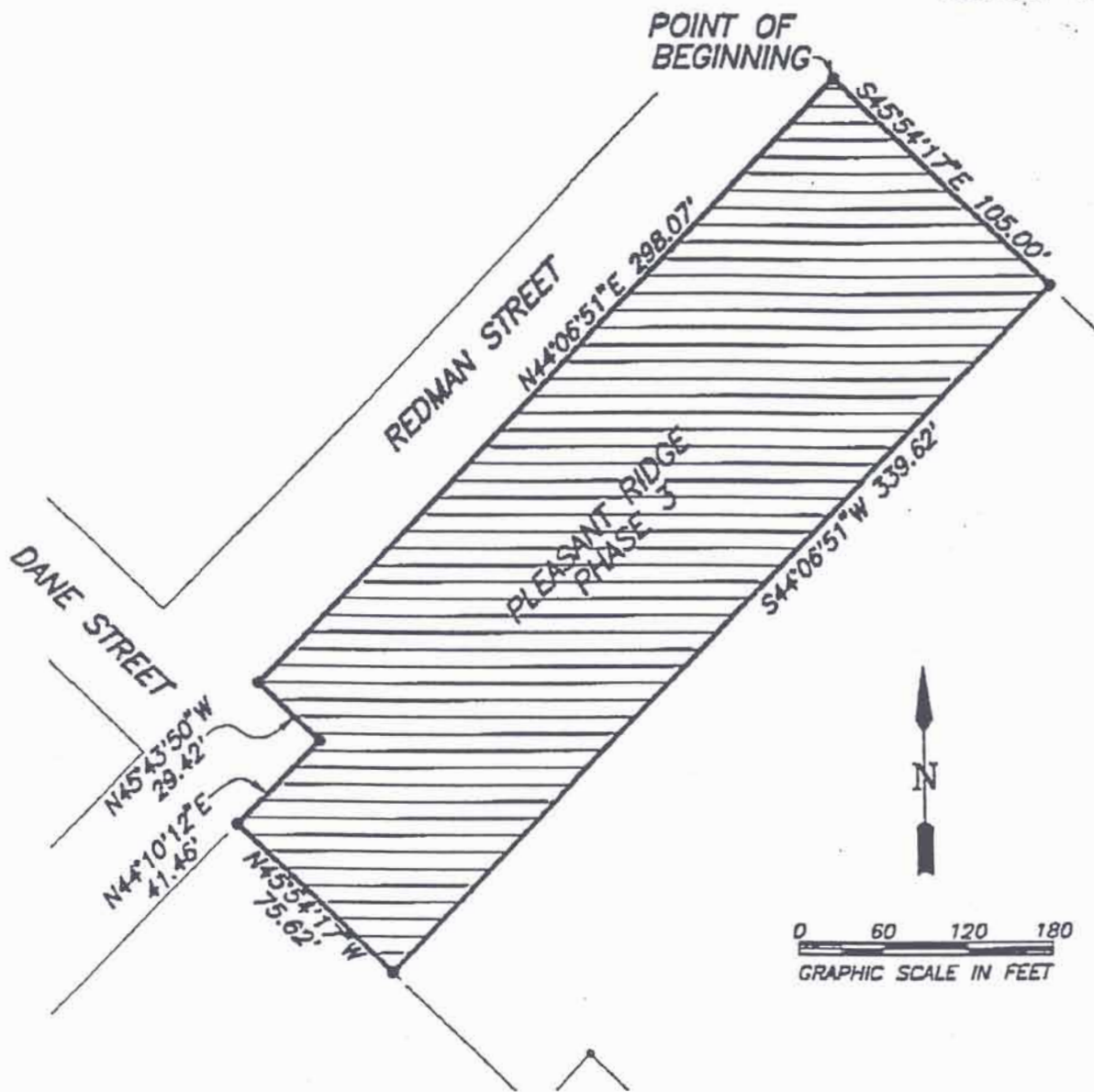
  
\_\_\_\_\_  
Mike Anderson  
Mayor

ATTEST:

  
\_\_\_\_\_  
Judy Womack  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney



BEGINNING at an Iron Rod Found at the most easterly southwest corner of Pleasant Ridge Addition Phase One  
 THENCE  $S45^{\circ}54'17''E$  a distance of 105.00' feet to a point  
 THENCE  $S44^{\circ}06'18''W$  a distance of 344.57' feet to a point  
 THENCE  $N45^{\circ}39'18''W$  a distance of 80.62' feet to a point  
 THENCE  $N44^{\circ}25'11''E$  a distance of 41.46' feet to a point  
 THENCE  $N45^{\circ}28'51''W$  a distance of 29.42' feet to a point  
 THENCE  $N44^{\circ}06'51''E$  a distance of 303.02 feet to the POINT OF BEGINNING  
 and containing 0.80 acres of land more or less.

DESIGN BY: HAT  
 DRAWN BY: HAT  
 JOB NUMBER:  
 DATE: 5/11/04

PHASE 3 ZONING EXHIBIT



HUNTER ASSOCIATES TEXAS, LTD.  
 ENGINEERS/PLANNERS/SURVEYORS  
 DALLAS AUSTIN  
 214-389-9171 512-454-8716