

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 ZONING CHANGE ON THE HEREINAFTER DESCRIBED TRACTS OF REAL PROPERTY FROM "R-2" SINGLE-FAMILY DWELLING DISTRICT TO SPECIAL PERMIT FOR THE USES AS HEREINAFTER INDICATED. SAID PROPERTY BEING IN THE CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND DESCRIBED AS FOLLOWS: TRACT I - SPECIAL PERMIT FOR "LR" LOCAL RETAIL DISTRICT USES. COMMENCING AT THE NORTH CORNER OF THE INTERSECTION OF BARNES BRIDGE ROAD (A 60 FOOT RIGHT-OF-WAY) AND OATES ROAD (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 58' EAST, WITH THE NORTHWESTERLY LINE OF SAID OATES ROAD, 20 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 45° 23' WEST, WITH THE NORTHEASTERLY LINE OF SAID BARNES BRIDGE ROAD, AS PROPOSED, 532.36 FEET TO A POINT FOR CORNER; THENCE NORTH 44° 37' EAST, 754.15 FEET TO A POINT IN A WESTERLY LINE OF INTERSTATE HIGHWAY NO. 635; A POINT FOR CORNER; THENCE SOUTH 4° 20' WEST, WITH A WESTERLY LINE OF SAID INTERSTATE HIGHWAY 635, 150.33 FEET TO A POINT FOR CORNER; THENCE SOUTH 10° 51' EAST, AND CONTINUING ALONG A WESTERLY LINE OF SAID INTERSTATE HIGHWAY 635, 470.79 FEET TO A POINT IN A NORTHWESTERLY LINE OF SAID INTERSTATE HIGHWAY 635 INTERCHANGE; A POINT FOR CORNER; THENCE SOUTH 45° 02' WEST, WITH SAID NORTHWESTERLY LINE OF SAID INTERSTATE HIGHWAY 635 RIGHT-OF-WAY LINE, 159.28 FEET TO A POINT FOR CORNER; THENCE SOUTH 0° 03' WEST, WITH A WESTERLY LINE OF SAID INTERSTATE HIGHWAY 635 RIGHT-OF-WAY LINE, 70.71 FEET TO A POINT IN THE NORTHWESTERLY LINE OF THE AFOREMENTIONED OATES ROAD; A POINT FOR CORNER; THENCE SOUTH 44° 58' WEST, WITH THE NORTHWESTERLY LINE OF SAID OATES ROAD, 162.81 FEET TO THE PLACE OF BEGINNING AND CONTAINING 6.26 ACRES OF LAND. TRACT II - SPECIAL PERMIT FOR "A" MULTIPLE-FAMILY DWELLING DISTRICT USES. COMMENCING AT THE NORTH CORNER OF THE INTERSECTION OF BARNES BRIDGE ROAD (A 60 FOOT RIGHT-OF-WAY) AND OATES ROAD (A 60 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 58' EAST, WITH THE NORTHWESTERLY LINE OF SAID OATES ROAD 20 FEET TO A POINT; THENCE NORTH 45° 23' WEST, WITH THE NORTHEASTERLY LINE OF SAID BARNES BRIDGE ROAD, AS PROPOSED, 532.36 FEET TO A POINT; THENCE NORTH 44° 37' EAST, 500.00 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 45° 23' WEST, 775.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 56' WEST, 90.02 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 40' WEST, 480.00 FEET TO A POINT FOR CORNER; THENCE NORTH 44° 20' EAST, 380.00 FEET TO A POINT FOR CORNER; THENCE NORTH 79° 41' EAST 244.97

FEET TO A POINT FOR CORNER; THENCE NORTH 7° 50' EAST, 142.82 FEET TO A POINT FOR CORNER; THENCE NORTH 79° 41' EAST, 390.00 FEET TO A POINT IN A WESTERLY LINE OF INTERSTATE HIGHWAY 635; A POINT FOR CORNER; THENCE SOUTH 10° 19' EAST, WITH A WESTERLY LINE OF SAID I. H. 635, 252.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 10° 22' EAST, WITH A WESTERLY LINE OF SAID I. H. 635, 362.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 13° 42' EAST, WITH A WESTERLY LINE OF SAID I. H. 635, 517.20 FEET TO A POINT FOR CORNER; THENCE SOUTH 4° 20' WEST, 56.92 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 37' WEST, 254.15 FEET TO THE PLACE OF BEGINNING AND CONTAINING 18.32 ACRES OF LAND. TRACT III - SPECIAL PERMIT FOR "A" MULTIPLE-FAMILY DWELLING DISTRICT USES. COMMENCING AT THE EAST CORNER OF THE INTERSECTION OF BARNES BRIDGE ROAD (A 60 FOOT RIGHT-OF-WAY) AND LAPRADA DRIVE (A 100 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 15' EAST, WITH THE SOUTHEASTERLY LINE OF SAID LAPRADA DRIVE, 920.00 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 44° 15' EAST, AND CONTINUING ALONG THE SOUTHEASTERLY LINE OF SAID LAPRADA DRIVE, 1009.00 FEET TO A POINT IN A WESTERLY LINE OF A DALLAS POWER & LIGHT COMPANY 125 FOOT RIGHT-OF-WAY; A POINT FOR CORNER; THENCE SOUTH 24° 02' EAST, WITH SAID WESTERLY LINE OF SAID DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY, 402.25 FEET TO A POINT FOR CORNER; THENCE SOUTH 63° 21' EAST, WITH A SOUTHWESTERLY LINE OF SAID DALLAS POWER & LIGHT COMPANY RIGHT-OF-WAY; 182.48 FEET TO A POINT IN A WESTERLY LINE OF INTERSTATE HIGHWAY 635; A POINT FOR CORNER; THENCE SOUTH 10° 19' EAST, WITH SAID WESTERLY LINE OF SAID I. H. 635, 450.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 79° 41' WEST, 712.16 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 20' WEST, 74.19 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 45' WEST, 501.31 FEET TO THE PLACE OF BEGINNING AND CONTAINING 14.72 ACRES OF LAND. TRACT IV - SPECIAL PERMIT FOR TOWNHOUSES. COMMENCING AT THE EAST CORNER OF THE INTERSECTION OF BARNES BRIDGE ROAD (A 60 FOOT RIGHT-OF-WAY) AND LAPRADA DRIVE (A 100 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 15' EAST, WITH THE SOUTHEASTERLY LINE OF SAID LAPRADA DRIVE, 20 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE NORTH 44° 15' EAST, WITH

THE SOUTHEASTERLY LINE OF SAID LAPRADA DRIVE, 900.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 45' EAST, 501.31 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 20' WEST, 900.73 FEET TO A POINT IN THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD, AS PROPOSED; A POINT FOR CORNER; THENCE NORTH 45° 40' WEST, WITH THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD, AS PROPOSED, 500.00 FEET TO THE PLACE OF BEGINNING AND CONTAINING 10.35 ACRES OF LAND. TRACT V - SPECIAL PERMIT FOR TOWNHOUSES. COMMENCING AT THE EAST CORNER OF THE INTERSECTION OF BARNES BRIDGE ROAD (A 60 FOOT RIGHT-OF-WAY) AND LAPRADA DRIVE (A 100 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 15' EAST, WITH THE SOUTHEASTERLY LINE OF SAID LAPRADA DRIVE, 20 FEET TO A POINT; THENCE SOUTH 45° 40' EAST, WITH THE NORTHEASTERLY LINE OF BARNES BRIDGE ROAD, AS PROPOSED 867.21 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; A POINT FOR CORNER; THENCE NORTH 44° 20' EAST, 410.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 40' EAST, 430.00 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 56' EAST, 90.02 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 23' EAST, 775.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 37' WEST, 500.00 FEET TO A POINT FOR CORNER, SAID POINT BEING IN THE PROPOSED NORTHEASTERLY LINE OF THE AFOREMENTIONED BARNES BRIDGE ROAD; THENCE NORTH 45° 23' WEST, WITH SAID PROPOSED NORTHEASTERLY LINE OF SAID BARNES BRIDGE ROAD, 775.00 FEET TO A POINT FOR CORNER; THENCE NORTH 45° 40' WEST, AND CONTINUING ALONG THE PROPOSED NORTHEASTERLY LINE OF SAID BARNES BRIDGE ROAD, 430.05 FEET TO THE PLACE OF BEGINNING AND CONTAINING 12.96 ACRES OF LAND. TRACT VI - SPECIAL PERMIT FOR A COMMUNITY CENTER. COMMENCING AT THE EAST CORNER OF THE INTERSECTION OF BARNES BRIDGE ROAD (A 60 FOOT RIGHT-OF-WAY) AND LAPRADA DRIVE (A 100 FOOT RIGHT-OF-WAY); THENCE NORTH 44° 15' EAST, WITH THE SOUTHEASTERLY LINE OF SAID LAPRADA DRIVE, 20 FEET TO A POINT; THENCE SOUTH 45° 40' EAST, WITH THE PROPOSED NORTHEASTERLY LINE OF THE AFOREMENTIONED BARNES BRIDGE ROAD, 500.00 FEET TO THE PLACE OF BEGINNING OF THE TRACT HEREIN DESCRIBED; A POINT FOR CORNER; THENCE NORTH 44° 20' EAST, 974.92 FEET TO A POINT FOR CORNER; THENCE NORTH 79° 41' EAST, 712.16 FEET TO A POINT IN A WESTERLY LINE OF INTERSTATE HIGHWAY NO. 635; A POINT FOR CORNER; THENCE SOUTH 10° 19' EAST,

WITH SAID WESTERLY LINE OF SAID I. H. 635, 230.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 79° 41' WEST, 390.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 7° 50' WEST, 142.82 FEET TO A POINT FOR CORNER; THENCE SOUTH 79° 41' WEST, 244.97 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 20' WEST, 380.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 45° 40' EAST, 50.00 FEET TO A POINT FOR CORNER; THENCE SOUTH 44° 20' WEST, 410.00 FEET TO A POINT IN THE PROPOSED NORTHEASTERLY LINE OF THE AFOREMENTIONED BARNES BRIDGE ROAD; A POINT FOR CORNER; THENCE NORTH 45° 40' WEST, WITH SAID PROPOSED NORTHEASTERLY LINE OF BARNES BRIDGE ROAD, 367.21 FEET TO THE PLACE OF BEGINNING AND CONTAINING 11.45 ACRES OF LAND. BY PROVIDING DEFINITIONS, BY PROVIDING USE REGULATIONS, BY PROVIDING SITE PLAN REQUIREMENTS, BY PROVIDING SPECIFIC REQUIREMENTS FOR LOCAL RETAIL USES; BY PROVIDING SPECIFIC REQUIREMENTS FOR APARTMENT USES; BY PROVIDING SPECIFIC REQUIREMENTS FOR TOWN HOUSE USES; BY PROVIDING SPECIFIC REQUIREMENTS FOR COMMUNITY CENTER USES; 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 FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE, AND DECLARING AN EMERGENCY.

WHEREAS, the City Plan 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 tracts of land from "R-2" Single-Family Dwelling District to Special Permit for the use as hereinafter indicated, said property being in the City of Mesquite, Dallas County, Texas, and described as follows:

TRACT I.  
(LOCAL RETAIL DISTRICT)

COMMENCING at the North corner of the Intersection of Barnes Bridge Road (a 60 foot right-of-way) and Oates Road (a 60 foot right-of-way); THENCE North 44° 58' East, with the Northwesterly line of said Oates Road, 20 feet to the place of beginning of the tract herein described;

THENCE North 45° 23' West, with the Northeasterly line of said Barnes Bridge Road, as proposed, 532.36 feet to a point for corner;

THENCE North 44° 37' East, 754.15 feet to a point in a Westerly line of Interstate Highway No. 635; a point for corner;

THENCE South 4° 20' West, with a Westerly line of said Interstate Highway 635, 150.33 feet to a point for corner;

THENCE South 10° 51' East, and continuing along a Westerly line of said I. H. 635, 470.79 feet to a point in a Northwesterly line of said I. H. 635 Interchange; a point for corner;

THENCE South 45° 02' West, with said Northwesterly line of said I. H. 635 Right-of-Way line, 159.28 feet to a point for corner;

THENCE South 0° 03' West, with a Westerly line of said I. H. 635 Right-of-Way line, 70.71 feet to a point in the Northwesterly line of the aforementioned Oates Road; a point for corner;

THENCE South 44° 58' West, with the Northwesterly line of said Oates Road, 162.81 feet to the place of beginning and containing 6.26 acres of land.

TRACT II.  
(MULTIPLE-FAMILY DWELLING DISTRICT)

COMMENCING at the North corner of the intersection of Barnes Bridge Road (a 60 foot right-of-way) and Oates Road (a 60 foot right-of-way); THENCE North 44° 58' East, with the Northwesterly line of said Oates Road 20 feet to a point; THENCE North 45° 23' West, with the Northeasterly line of said Barnes Bridge Road, as proposed, 532.36 feet to a point; THENCE North 44° 37' East, 500.00 feet to the place of beginning of the tract herein described;

THENCE North 45° 23' West, 775.00 feet to a point for corner;

THENCE South 45° 56' West, 90.02 feet to a point for corner;

THENCE North 45° 40' West, 480.00 feet to a point for corner; THENCE North 44° 20' East, 380.00 feet to a point for corner;

THENCE North 79° 41' East, 244.97 feet to a point for corner;

THENCE North 7° 50' East, 142.82 feet to a point for corner;

THENCE North 79° 41' East, 390.00 feet to a point in a Westerly line of Interstate Highway 635; a point for corner;

THENCE South 10° 19' East, with a Westerly line of said I. H. 635, 252.00 feet to a point for corner;

THENCE South 10° 22' East, with a Westerly line of I. H. 635, 362.00 feet to a point for corner;

THENCE South 13° 42' East, with a Westerly line of said I. H. 635, 517.20 feet to a point for corner;

THENCE South 4° 20' West, 56.92 feet to a point for corner;

THENCE South 44° 37' West, 254.15 feet to the place of beginning and containing 18.32 acres of land.

TRACT III.  
(MULTIPLE-FAMILY DWELLING DISTRICT)

COMMENCING at the East corner of the intersection of Barnes Bridge Road (a 60 foot right-of-way) and LaPrada Drive (a 100 foot right-of-way); THENCE North 44° 15' East, with the Southeasterly line of said LaPrada Drive, 920.00 feet to the place of beginning of the tract herein described;

THENCE North 44° 15' East, and continuing along the Southeasterly line of said LaPrada Drive, 1009.00 feet to a point in a Westerly line of a Dallas Power & Light Company 125 foot Right-of-Way; a point for corner;

THENCE South 24° 02' East, with said Westerly line of said Dallas Power & Light Company Right-of-Way, 402.25 feet to a point for corner;

THENCE South 63° 21' East, with a Southwesterly line of said Dallas Power & Light Company Right-of-Way; 182.48 feet to a point in a Westerly line of Interstate Highway 635; a point for corner;

THENCE South 10° 19' East, with said Westerly line of said Interstate Highway 635, 450.00 feet to a point for corner;

THENCE South 79° 41' West, 712.16 feet to a point for corner;

THENCE South 44° 20' West, 74.19 feet to a point for corner;

THENCE North 45° 45' West, 501.31 feet to the place of beginning and containing 14.72 acres of land.

TRACT IV.  
(TOWNHOUSES)

COMMENCING at the East corner of the Intersection of Barnes Bridge Road (a 60 foot right-of-way) and

ORDINANCE/PAGE 8

LaPrada Drive (a 100 foot right-of-way;) THENCE North 44° 15' East, with the Southeasterly line of said LaPrada Drive, 20 feet to the place of beginning of the tract herein described;

THENCE North 44° 15' East, with the Southeasterly line of said LaPrada Drive, 900.00 feet to a point for corner;

THENCE South 45° 45' East, 501.31 feet to a point for corner;

THENCE South 44° 20' West, 900.73 feet to a point in the Northeasterly line of Barnes Bridge Road, as proposed; a point for corner;

THENCE North 45° 40' West, with the Northeasterly line of Barnes Bridge Road, as proposed, 500.00 feet to the place of beginning and containing 10.35 acres of land.

TRACT V.  
(TOWNHOUSES)

COMMENCING at the East corner of the intersection of Barnes Bridge Road (a 60 foot Right-of-Way) and LaPrada Drive (a 100 foot Right-of-Way); THENCE North 44° 15' East, with the Southeasterly line of said LaPrada Drive, 20 feet to a point; THENCE South 45° 40' East, with the Northeasterly line of Barnes Bridge Road, as proposed, 867.21 feet to the place of beginning of the tract herein described; a point for corner;

THENCE North 44° 20' East, 410.00 feet to a point for corner;

THENCE South 45° 40' East, 430.00 feet to a point for corner;

THENCE North 45° 56' East, 90.02 feet to a point for corner;

THENCE South 45° 23' East, 775.00 feet to a point for corner;



THENCE South 44° 37' West, 500.00 feet to a point for corner, said point being in the proposed North-easterly line of the aforementioned Barnes Bridge Road;

THENCE North 45° 23' West, with said proposed Northeasterly line of said Barnes Bridge Road, 775.00 feet to a point for corner;

THENCE North 45° 40' West, and continuing along the proposed Northeasterly line of said Barnes Bridge Road, 430.05 feet to the place of beginning and containing 12.96 acres of land.

TRACT VI.  
(COMMUNITY CENTER)

COMMENCING at the East corner of the intersection of Barnes Bridge Road (a 60 foot Right-of-Way) and La-Prada Drive (a 100 foot Right-of-Way); THENCE North 44° 15' East, with the Southeasterly line of said LaPrada Drive, 20 feet to a point; THENCE South 45° 40' East, with the proposed Northeasterly line of the aforementioned Barnes Bridge Road, 500.00 feet to the place of beginning of the tract herein described; a point for corner;

THENCE North 44° 20' East, 974.92 feet to a point for corner;

THENCE North 79° 41' East, 712.16 feet to a point in a Westerly line of Interstate Highway No, 635; a point for corner;

THENCE South 10° 19' East, with said Westerly line of said Interstate Highway 635, 230.00 feet to a point for corner;

THENCE South 79° 41' West, 390.00 feet to a point for corner;

THENCE South 7° 50' West, 142.82 feet to a point for corner;

THENCE South 79° 41' West, 244.97 feet to a point for corner;

THENCE South 44° 20' West, 380.00 feet to a point for corner;

THENCE South 45° 40' East, 50.00 feet to a point for corner;

THENCE South 44° 20' West, 410.00 feet to a point in the proposed Northeasterly line of the aforementioned Barnes Bridge Road; a point for corner;

THENCE North 45° 40' West, with said proposed Northeasterly line of Barnes Bridge Road, 367.21 feet to the place of beginning and containing 11.45 acres of land.

SECTION 2. Definitions

- A. LOCAL RETAIL - as used in this Special Permit Ordinance shall mean the same uses as are provided for under "LR" Local Retail District, the same being Article X of Appendix III of the City Code of the City of Mesquite, Texas.
- B. APARTMENT - as used in this Special Permit Ordinance shall mean the same uses as are provided for under "A" Multiple-Family Dwelling District Regulations, the same being Article IX-A of Appendix III of the City Code of the City of Mesquite, Texas.
- C. TOWN HOUSE - as used in this Special Permit Ordinance shall be defined as a one-family attached dwelling unit on a separately platted lot or officially approved building site which is occupied by not more than one family and is joined to another dwelling unit on one or more sides.
- D. COMMUNITY CENTER - as used in this Special Permit Ordinance shall be defined as such recreational uses as a community building, tennis courts, green areas, and other facilities common to the use and benefit of the tenants or owners of the dwellings to be erected on the land herein zoned and as may be approved by the City Manager as hereinafter required in Section 8 of this Ordinance.

SECTION 3. Use Regulations

Tract 1 - That no land within the boundaries set forth shall be used for any purpose, or any building erected or converted for any purpose other than for "Local Retail".

Tract 2 and 3 - That no land within the boundaries set forth shall be used for any purpose, or any building erected or converted for any purpose than as "Apartments".

Tract 4 and 5 - That no land within the boundaries set forth shall be used for any purpose, nor any building erected or converted for any other purpose than as "Town Houses".

Tract 6 - That no land within the boundaries set forth shall be used for any purpose, nor any building erected or converted for any other purpose than as "Community Buildings" and such recreation facilities as approved by the City of Mesquite in compliance with a special permit ordinance.

SECTION 4. Site Plan Requirements

Before building permits are issued on each separate tract herein, a site plan must be submitted showing in detail the size and location of all buildings, streets, drives, sidewalks, utilities, and the site plan must conform to the requirements of Appendix II, Articles I through XIII, the same being the Subdivision Ordinance of the City of Mesquite, with the exception of the special provisions included in this Special Permit Ordinance. The approval of the site plan shall be as follows:

"A preliminary site plan must be filed in accordance with the rules and regulations of the subdivision ordinance for a preliminary plat. The preliminary site plan may be approved by the City Plan Commission if after a report from the Director of Planning all of the requirements of the standard ordinances for the City of Mesquite and the provisions of this special permit ordinance have been complied therewith. If for any reason a request is made for a variance to these provisions the preliminary and final plat must receive approval from the City Council after receiving a recommendation from the City Plan Commission."

SECTION 5. Local Retail Requirements

Local Retail requirements shall be the same as those in Local Retail use zoning except that a site plan will be required for the total area involved in accordance with Section 4 of this special permit ordinance.

SECTION 6. Apartment Requirements

Apartment requirements shall be the same as those in Apartment use zoning except a site plan must be submitted in accordance with Section 4 of this special permit use ordinance and the average density of the total apartment area of the land herein zoned, as it relates to the erection of apartments, shall not exceed 15 dwelling units per acre; the density is to be computed by taking the gross land area of the tract and dividing by the total number of dwellings within the tract.

SECTION 7. Town House Requirements

That all regular and standard ordinances pertaining to subdivision, zoning, and building codes shall be applicable to Town House development except where by special provisions in this special permit ordinance the requirements are modified.

- A. Maximum Building Heights - No building shall be constructed so as to exceed two and one-half stories in height.
- B. Minimum Yard Requirements -
  - 1. Front Yard - All townhouse units shall have a front yard with a minimum depth of 20 feet, except where a garage has an entry facing the side yard, then the garage shall extend within 15 feet of the front property line.
  - 2. Side Yard - Townhouses shall have a side yard between any two building groups of a minimum of 36 feet and 15 feet where the end of the building is adjacent to a street or drive.
  - 3. Rear Yard - A rear yard having a minimum depth of not less than 20 feet shall be provided.

4. Common Area - Where building groups face each other, on a common area, there shall be a minimum separation of 40 feet between opposite walls. All common area and open space shall be permanent use open space and shall never be used for any other purpose or use.
- C. Lot or building site requirements - Each building shall be located on a lot or site having a minimum width of 22 feet and minimum depth of 100 feet. Each lot shall contain a minimum area of 2400 square feet and shall have access to a dedicated street or 27 foot access drive. Attached dwelling units shall be in groups of not less than 3 nor more than 7 in any building group, but in no event shall more than one-third of the building groups contain seven units.
- D. General Requirements -
1. Each platted lot or building site shall have access to either a dedicated street or private drive having a minimum width of 27 feet.
  2. All parking areas, access drives, sidewalks, private or public streets and drainage structures constructed on private or public property shall be previously approved by the City and constructed in accordance with City specifications and requirements.
  3. Each lot or building site shall have a carport or garage having a capacity of two (2) standard motor vehicles.
  4. The exterior construction of all townhouse dwellings shall conform to the requirements of Section 3 (10) Article VI, Appendix III of the City Code of the City of Mesquite, the same being an "R-2" Single Family Dwelling District. A further requirement is that all attached dwelling units shall have a four-hour rating wall between each such unit. All such fire walls shall be continuous and unbroken from the foundation slab to the under side of roof deck and conform to all other requirements for fire walls as outlined in the Building Code of the City of Mesquite.

5. The minimum area for each dwelling unit shall be 1200 square feet of living area, exclusive of garages, breezeways and porches.
  6. No less than thirty-five percent (35%) of the total grossland area shall be open space which shall not be used as an area of principal construction, nor for automobile driveways or parking facilities. Such open space as herein contemplated shall be used exclusively for purposes of the installation of recreational facilities and a green or landscaped area.
- E. Density Requirements - The average density of the townhouse units shall not exceed 11 dwelling units per acre. The density is to be computed by taking the gross land area of each designated townhouse tract and dividing by the total number of dwelling units within the tract.
- F. Utilities - All utilities in the development herein zoned shall be placed beneath the ground, except installations above ground shall be permitted when approved by the Director of Public Works of the City under the following circumstances:
1. Above ground installation of transformers,
  2. Where utility lines cross a major drainage channel or depression of such depth as to make below ground installation impracticable.
  3. At the point where the utility enters into the development.

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

- G. Home Owners or Maintenance Association - Any home owners or maintenance association in the townhouse dwelling use tract shall comply with the provisions under Section 8 of this special permit ordinance.
- H. Alley Requirements - No alleys shall be required in the townhouse use tracts except when in the opinion of the City of Mesquite at the time of submission of the preliminary site plan it appears that the development of adjacent properties

would be hendered without the construction of an alley on lots which abut property not in this development that are adjacent to land requiring alleys under the then current zoning.

SECTION 8. Community Center, Recreation Area Tract 6 Requirements

- A. Before the construction of any recreation center or recreation areas on this tract it will be necessary to assure the City of Mesquite that provision has been made for adequate upkeep and maintenance of such facilities. Any such home owners or maintenance association so established to maintain and manage all such common open areas shall be approved by the City Manager prior to the issuance of any building permits.
- B. Furthermore, if such a greenbelt or common area is provided, a plat depicting a location of recreational facilities and areas, types and locations of trees and shrubs, the installation and plans of the sprinkler system, the installation of utilities, and all other appertaincies connected with this area shall be filed for approval and an agreement concerning construction and maintenance shall be approved by the City of Mesquite. The submission of such plans and plats shall be a condition precedent to the issuance of any building permits.

SECTION 9. 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 10. 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 11. 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.

SECTION 12. 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.

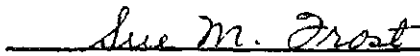
SECTION 13. Whereas, the above-described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, and creates an urgency and an emergency for the preservation 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.

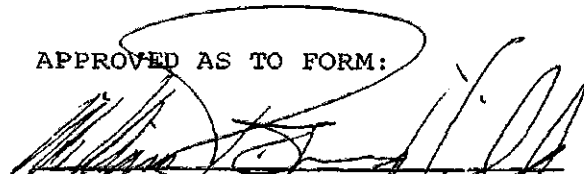
DULY PASSED by the City Council on the 18th day of August, A. D., 1969.

  
George Boyce  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
~~Norma S. McGeough~~ Sue M. Frost  
Acting City Secretary

  
William R. Springfield  
City Attorney