

ORDINANCE NO. 3661
File No. EP-10

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 A-1 (MULTIFAMILY) AND COMMERCIAL TO PLANNED DEVELOPMENT-LIGHT COMMERCIAL ALLOWING ALL USES PERMITTED IN LIGHT COMMERCIAL AND ALLOWING RETIREMENT HOUSING SUBJECT TO 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 A-1 (Multifamily) and Commercial to Planned Development-Light Commercial allowing all uses as permitted in Light Commercial and allowing retirement housing at 14.5 units per acre subject to the following stipulations:

1. Retirement housing as such is defined and permitted by State and Federal Fair Housing Laws including but not limited to the following:
 - (a) 100% of the occupied units are occupied by at least one person who is 55 years of age or older.
 - (b) The housing facility or community publishes and adheres to policies and procedures that demonstrate their intent to meet all provisions of the Housing for Older Persons Act of 1995.

- (c) The housing facility or community complies with rules issued by the Secretary of Housing and Urban Development for verification of occupancy.
 - (d) The housing facility or community has significant facilities and services specifically designed to meet the physical and social needs of older persons.
2. Other requirements relating to retirement housing shall include:
- (a) Exterior masonry shall be required in accordance with Section 2-501(D) of the Mesquite Zoning Ordinance.
 - (b) At least 1.5 parking spaces shall be provided per unit, including at least 10% of all spaces in garages and at least 40% of all spaces with carports. Garages shall provide the same exterior masonry as the main building(s).
 - (c) A minimum of one amenity for every 75 units shall be provided. Amenities shall be from those listed in Section 2.501(H) of the Mesquite Zoning Ordinance; however, alternative amenities appropriate to seniors may be approved as part of the site plan.
 - (d) Landscaping shall be provided in accordance with Section 3-304 of the Mesquite Zoning Ordinance provided; however, the minimum area required to be landscaped shall be all open space with the exception of recreational areas.

That the subject property is located approximately 900 feet northwest of the U.S. Highway 67 (IH 30) and Big Town Boulevard intersection, fronting the north side of U. S. Highway 67. The property is further described as being a 17.2-acre tract known as Eastfield Plaza Addition, Block C, Lot 2R2.

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 12th day of July, 2004.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney