

ORDINANCE NO. 560

1964 ZONING ORDINANCE

CITY OF MESQUITE, TEXAS

AN ORDINANCE ESTABLISHING ZONING DISTRICTS, REGULATING THE HEIGHT AND SIZE OF BUILDINGS AND OTHER STRUCTURES AND PERCENTAGE OF LOT THAT MAY BE OCCUPIED AND FOR WHAT PURPOSE, THE SIZE OF YARDS AND OTHER OPEN SPACES, THE DENSITY OF POPULATION, THE LOCATION AND USES OF BUILDINGS, STRUCTURES AND LAND FOR TRADE, INDUSTRY, COMMERCE, RESIDENT OR OTHER PURPOSES AND THE ERECTION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, REPAIR OR USE OF BUILDINGS, STRUCTURES OR LAND WITHIN SUCH DISTRICTS; PROVIDING FOR OFF-STREET PARKING, ADOPTING A ZONING MAP SHOWING THE ACTUAL LOCATION OF SUCH DISTRICTS; PROVIDING FOR A METHOD OF ENFORCEMENT, FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE, FOR THE INTERPRETATION OF THE ORDINANCE; DEFINING CERTAIN WORDS; PROVIDING FOR A BOARD OF ADJUSTMENT, FOR PENALTIES, FOR AMENDMENT AND CHANGES, REPEALING CONFLICTING ORDINANCES, PROVIDING A SAVING CLAUSE, AND DECLARING AN EMERGENCY.

WHEREAS, on May 3, 1955, the City Council of the City of Mesquite, in accordance with State Law, adopted a comprehensive zoning ordinance which classified the area within the city limits into nine (9) general use classifications or districts and since then, from time to time, additional territory has been added to the City of Mesquite by annexation; and,

WHEREAS, through experience and administration, the City Council is of the opinion that the ordinance as originally adopted, providing nine (9) general use districts or classifications, no longer subserves public interest and affords sufficient protection to the general welfare of the citizenship and the peaceful enjoyment of their homes and properties, and by reason thereof, the City Council requested the City Planning Commission to conduct a study of the zoning ordinance as it existed, and the City Planning Commission has, after study of more than thirty-three (33) months and after holding public hearings, as provided by law, filed with the City Council of Mesquite on the 13th day of July, 1964, a revised zoning ordinance and map dividing the City into nine (9) use districts, and has recommended to the City Council the adoption of such ordinance, and that the ordinance of May 3, 1955, be repealed; and,

WHEREAS, the City Council of the City of Mesquite did give public notice by publishing on the 16th, 23rd, and 30th days of July, 1964, in a newspaper of general circulation in the City of Mesquite, the proposed revised zoning ordinance, together with the accompanying map and setting a public hearing thereon for the 3rd day of August, 1964, and conducted such hearing until every person whose property was affected or who had any interest in the matter had an opportunity to be heard, and fair and complete hearings were afforded all who desired to be heard, and said hearings were officially closed, at which time the City Council directed that the

zoning ordinance be presented in its final form together with the map conforming to said ordinance, and the use districts as located on the ground be conformed to the results of their study, hearings and personal inspections of the City, and after duly inspecting this proposed revision of the zoning ordinance and the map, find that same represents their best judgment and opinion and will promote the health, safety, morals, general welfare and convenience of the people;

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

That Ordinance Number 120 of the Ordinances of the City of Mesquite, Texas, known as the Zoning Ordinance, and the amendments thereto, including the zoning district map, except as specifically provided herein, are hereby repealed, and a new ordinance with zoning map attached is hereby enacted in lieu thereof, to read as follows:

ARTICLE I  
PREAMBLE - PURPOSE AND OBJECT OF THE ORDINANCE

Section 1. The zoning regulations and districts as herein established have been made in accordance with a comprehensive master plan for the purpose of promoting health, safety, morals and the general welfare of the City of Mesquite. They have been designated to lessen congestion in the streets, to secure safety from fire, panic and other danger, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate adequate provisions of transportation, water, sewage, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of district and for its peculiar suitability for particular uses, and with a view of conserving the value of the buildings and to encourage the most appropriate use of the land throughout the City of Mesquite, Texas.

ARTICLE II

Section 1. This ordinance shall be known as and may be cited and referred to as the "Zoning Ordinance" to the same effect.

ARTICLE III

Section 1. The City of Mesquite, Texas, is hereby divided into ten (10) types of "Districts." The use, height and area regulations are uniform in each District. These Districts shall be known as:

- "R-1" Single Family Dwelling District
- "R-2" Single Family Dwelling District
- "R-3" Single Family Dwelling District

"D"	Duplex Dwelling District
"A"	Multiple Family Dwelling District
"LR"	Local Retail District
"C"	Commercial District
"CB"	Central Business District
"I"	Industry District
"PD"	Planned Residential Development District

Section 2. The boundaries of these Districts are indicated upon the zoning map of the City of Mesquite, which is adopted with and declared to be a part of this ordinance. All notations, references and other information shown upon said zoning map are hereby made a part of this ordinance and shall be considered as much a part of the same as if the matters of information set forth thereby were all fully contained and described herein. Said map shall, on its face, be identified and verified in the manner following: Said map shall bear the title "ZONING MAP OF THE CITY OF MESQUITE, TEXAS"; it shall bear even date with the final reading of this ordinance; and it shall be attested by the signatures of the Mayor and the City Secretary. The original of said map shall be kept in the office of the City Secretary in the Municipal Building.

Section 3. No land shall be used for and no building shall be erected for, or converted to, any use other than provided in the regulations prescribed for the District in which it is located, except as hereinafter provided.

#### ARTICLE IV NEWLY ANNEXED TERRITORY

Section 1. All territory annexed to the City of Mesquite hereafter shall be temporarily classified for R-1 Single Family Dwelling purposes only until permanently zoned by the governing body of the City of Mesquite. The City Planning Commission shall, as soon as practicable after annexation of any of the territory to the City of Mesquite, institute proceedings on its own motion to give the newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is provided by law for the adoption of original zoning regulations.

Section 2. In an area temporarily classified for R-1 Single Family Dwelling purposes only, no permit for the construction of a building other than a single family dwelling or accessory building shall be issued by the Building Inspector until such permit has been specifically authorized by the City Council under the following conditions:

An application for any use shall be made to the Building Inspector, said application to show the use contemplated, a plat showing the size of the lot or tract of land being used, and the location of and the size and type of buildings to be constructed; and if such application is for other than a single family dwelling or accessory building related thereto, it shall be

referred by the Building Inspector to the City Planning Commission for consideration and its recommendation to the City Council, after giving due consideration to the type of permanent zoning to be applied to the area in which the application is located. Whenever such a recommendation is filed with the City Council, it shall be advisory only, and the City Council may grant or deny it as the facts justify.

**ARTICLE V**  
**R-1 SINGLE FAMILY DWELLING DISTRICT REGULATIONS**

**Section 1. USE REGULATIONS.** In an R-1 Single Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than:

1. A single family residence.
2. A church or school, public or denominational, having a curriculum equivalent to a public elementary or high school.
3. Public park, playgrounds or neighborhood recreation centers owned and operated by the City of Mesquite.
4. Telephone exchange, provided no public business and no repair or storage facilities are maintained, fire stations, public museums, public libraries, water supply reservoir, water pumping plant, tower or artesian well.
5. Railway right-of-way and tracks, but not including passenger stations, railroad yards, team tracks or storage yards.
6. Golf course, but not including miniature golf course, driving range, or any forms of commercial amusement.
7. Farm, truck garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail or wholesale business is maintained on the premises.
8. Accessory buildings, including a private garage, bona fide servants quarters, not for rent but for the use of servants employed on the premises, when located not less than sixty (60) feet from the front lot line, nor less than five (5) feet from any other street line, nor less than five (5) feet from either side line, provided said accessory building shall not occupy more than fifty per cent (50%) of the minimum required rear yard in the case of a one-story building or forty per cent (40%) in the case of a two-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building.
9. Day nursery when not more than four (4) children are kept at any one time. No signs or play apparatus shall be permitted in the front yard.

10. Temporary buildings to be used for construction purposes only, and which shall be removed upon completion or abandonment of construction work. Field offices for the sale of real estate which shall be removed upon request of the Building Inspector.
11. The uses customarily incidental to any of the above uses when situated in the same dwelling and not involving the conduct of a business, including customary home occupations engaged in by occupants of the dwelling, but said incidental use shall never be permitted as a principal use, rather only as a secondary use engaged in by persons of the immediate family.
12. Signs
  - (A) Signs erected by the municipal, state or federal government for the purpose of public instruction, street or highway designation, control of traffic, and similar uses incidental to the public interest.
  - (B) Signs of a warning, directive or instructional nature erected by the public utility or transportation organization which operates under a franchise from the City of Mesquite permitting the use of public property for the display of such signs provided such signs shall be deemed by the City Manager to be necessary for the successful operation of the public utility or transportation organization.
  - (C) Bulletin boards and signs, illuminated or otherwise, but not of the flashing or intermittent type, for churches, public buildings and facilities, schools and day nurseries, but not to exceed eighteen (18) square feet in area when erected in the front yard or side yard behind the building line.
  - (D) Temporary signs pertaining to the sale or rental of property not exceeding eighteen (18) square feet in area and pertaining only to the property on which they are located, but shall be removed by the agent or owner immediately upon the sale or rental of the premises, except that a sign of non-combustible material not exceeding four square feet in area and displaying the leasing, renting or selling agent's name, address and phone number along with the word "sold" may remain on the property, provided, however, that no sign advertising the sale or lease of any premises shall advertise the premises for a purpose for which it is not legally zoned. One larger sign announcing or describing a legally approved subdivision or development may be temporarily erected on each approved plat or development provided, however, that such sign shall not exceed two hundred (200) square feet in area, provided, however, that the location of such sign shall be approved by the Building Inspector. It shall be placed so as not to interfere with the occupancy or any use of the lots in the subdivision, and it shall be removed upon the completion of the sale of 90% of the lots or dwellings in the subdivision or if the builder or developer so desires, he may

post a performance bond with the City of Mesquite in the amount of \$300.00 ensuring that the sign will be removed 30 days after the Building Inspection Department has given final inspection to the last lot or dwelling in the subdivision. One such temporary sign shall be allowed for each side of the subdivision or development exposed to arterial or major streets.

- (E) Name plates not exceeding one (1) square foot in area containing only the name and occupation of the occupant of the premises.

Section 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2 1/2) stories in height, except that permitted institutions, such as schools and churches, may be erected to exceed two (2) stories when set back from all property lines a distance equal to twice the height of the building.

Section 3. AREA REGULATIONS.

1. Front Yard

(A) There shall be a front yard having a minimum depth of not less than thirty (30) feet, except as hereinafter provided in Article XIX, Paragraph 2.

(B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be combined side yards of not less than twenty per cent (20%) of the width of the lot, but no side yard shall be less than five (5) feet in width. The side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet in width. Where the corner is a "key lot," the required front yard shall be provided on both streets.

3. Rear Yard

There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot.

4. Area of the Lot

The minimum area of the lot shall be twelve thousand (12,000) square feet; however, a lot having an area of less than twelve thousand (12,000) square feet that was of record prior to July 1, 1960, may be used for any use permitted in this Article.

5. Width of Lot

The minimum width of the lot shall be ninety (90) feet.

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6. The above area regulations apply to the R-1 Single Family Dwelling District and do not apply to lots which may be of twelve thousand (12,000) square feet or larger in other districts.
  7. Minimum Depth of Lot  
The minimum depth of the lot shall be one hundred twenty (120) feet; except where the lot backs up to a freeway, expressway or major thoroughfare, the minimum depth of the lot shall be one hundred thirty (130) feet.
  8. Parking Regulations  
Off-street parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit; however, no supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard. No vehicle storage space in this district shall be used for storage of any truck, truck-trailer or van, except panel and pickup trucks not exceeding one (1) ton capacity may be stored on a lot when occupied as residence of the operator. The parking space shall be provided behind the building line for two (2) vehicles to be served, by either a double driveway or a single driveway with a flared approach to the parking spaces. This approach shall allow two (2) vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the City of Mesquite standard paving specifications. Parking for other uses shall be provided as required by Article XIX.
  9. Area of Dwelling  
Fifteen hundred (1,500) square feet shall be the minimum floor area of the dwelling, exclusive of garage, breezeway and porches.
  10. Exterior Fire Resistant Construction. All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having at least seventy-five per cent (75%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

ARTICLE VI  
R-2 SINGLE FAMILY DWELLING DISTRICT REGULATIONS

Section 1. USE REGULATIONS. In an R-2 Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than uses permitted in an R-1 Use District.

Section 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2 1/2) stories in height, except that permitted institutions, such as schools and churches, may be erected to exceed two stories when set back from all property lines a distance equal to twice the height of the building.

Section 3. AREA REGULATIONS.

1. Front Yard

(A) There shall be a front yard having a minimum depth of thirty (30) feet, except as hereinafter provided in Article XIX, Paragraph 2.

(B) Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

There shall be combined side yards of not less than twenty per cent (20%) of the width of the lot, but no side yard shall be less than five (5) feet in width. The side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet in width. Where the corner lot is a "key lot," the required front yard shall be provided on both streets.

3. Rear Yard

There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot.

4. Area of the Lot

The minimum area of the lot shall be nine thousand (9,000) feet; however, a lot having an area of less than nine thousand (9,000) square feet that was of record prior to July 1, 1960, may be used for any use permitted in this Article.

5. Width of the Lot

The minimum width of the lot shall be seventy-five (75) feet.

6. The above area regulations apply to the R-2 Single Family Dwelling District and do not apply to lots which may be nine thousand (9,000) square feet or larger in other districts.

7. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred and ten (110) feet; except where the lot backs up to a freeway, expressway or major thoroughfare, the minimum depth of the lot shall be one hundred thirty (130) feet.



8. Parking Regulations

Off-street parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit; however, no supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard. No vehicle storage space in this district shall be used for storage of any truck, truck-trailer or van, except panel and pickup trucks not exceeding one (1) ton capacity may be stored on a lot when occupied as residence of the operator. The parking space shall be provided behind the building line for two (2) vehicles to be served by either a double driveway or a single driveway with a flared approach to the parking spaces. This approach shall allow two (2) vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the City of Mesquite standard paving specifications. Parking for other uses shall be provided as required by Article XIX.

9. Area of Dwelling

Twelve hundred (1,200) square feet shall be the minimum floor area of the dwelling, exclusive of garages, breezeways and porches.

10. Exterior Fire Resistant Construction.

All main buildings shall be of exterior fire resistant construction (by definition exterior fire resistant construction is construction having at least seventy-five per cent (75%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

ARTICLE VII

R-3 SINGLE FAMILY DWELLING DISTRICT REGULATIONS

Section 1. USE REGULATIONS. In an R-3 Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than permitted in an R-2 District.

Section 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2 1/2) stories in height, except that permitted institutions, such as schools and churches, may be erected to exceed two stories when set back from all property lines a distance equal to twice the height of the building.

Section 3. AREA REGULATIONS

1. Front Yard

(A) There shall be a front yard having a minimum depth of thirty (30) feet, except as hereinafter provided in Article XIX, Paragraph 2.

(B) Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yards

There shall be combined side yards of not less than twenty per cent (20%) of the width of the lot, but no side yard shall be less than five (5) feet in width. The side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet in width. Where the corner lot is a "key lot," the required front yard shall be provided on both streets.

3. Rear Yard

There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot.

4. Area of the Lot

The minimum area of the lot shall be seven thousand two hundred (7,200) square feet; however, a lot having an area of less than seven thousand two hundred (7,200) square feet that was of record prior to July 1, 1960, may be used for any use permitted in this Article.

5. Width of Lot

The minimum width of the lot shall be sixty (60) feet.

6. The above area regulations apply to the R-3 Single Family Dwelling District and do not apply to lots which may be seven thousand two hundred (7,200) square feet or larger in other districts.

7. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet; except where the lot backs up to a freeway, expressway or major thoroughfare, the minimum depth shall be one hundred thirty (130) feet.

8. Parking Regulations

Off-street parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit; however, no supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard. No vehicle storage space in this district shall be used for storage of any truck, truck-trailer or van, except panel and pickup trucks not exceeding one (1) ton capacity may be stored on a lot when occupied as residence of the operator. The parking space shall be provided behind the building line for two (2) vehicles to be served by either a double driveway or a single driveway with a flared approach to the parking spaces. This approach shall allow two (2) vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the City of Mesquite standard paving specifications. Parking for other uses shall be provided as required by Article XIX.

9. Area of Dwelling

Nine hundred (900) square feet shall be the minimum living area of the dwelling, exclusive of garages, breezeways and porches.

10. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having at least seventy-five per cent (75%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

ARTICLE VIII  
"D" DUPLEX DWELLING DISTRICT

Section 1. USE RESTRICTIONS. In the "D" District, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in an R-3 District  
Two Family Dwelling or Residence

Section 2. HEIGHT RESTRICTIONS. No building shall exceed two and one-half (2 1/2) stories in height, except that permitted institutions, such as schools and churches, may be erected to exceed two stories when set back from all property lines a distance equal to twice the height of the building.

Section 3. AREA REGULATIONS.

1. Front Yard

(A) There shall be a front yard of twenty-five (25) feet, except as hereinafter provided in Article XIX, Paragraph 2.

(B) Where lots have a double frontage, running through from one street to another, the required front yard shall be provided on both sides.

2. Side Yard

There shall be combined side yards of not less than twenty per cent (20%) of the width of the lot, but no side yard shall be less than five (5) feet in width. The side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet in width. Where the corner lot is a "key lot," the required front yard shall be provided on both streets.

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3. Rear Yard

There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot.

4. Area of the Lot

(A) The minimum area of the lot shall be seven thousand two hundred (7,200) square feet for a single family dwelling or ten thousand (10,000) square feet for a two family dwelling.

(B) Where a lot has less area than herein required and was of record prior to July 1, 1960, that lot may be used only for one (1) single family dwelling.

5. Width of Lot

The minimum width of the lot shall be sixty (60) feet.

6. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred (100) feet; except where the lot backs up to a freeway, expressway or major thoroughfare, the minimum depth of the lot shall be one hundred thirty (130) feet.

7. Parking Regulations

(A) The parking regulations for single family dwellings are the same as those in the R-3 Single Family Dwelling District.

(B) Whenever a structure is erected, converted or structurally altered for a two family dwelling, one and one-half (1 1/2) parking spaces shall be provided on the lot for each dwelling unit in the structure. No supporting members of any garage, carport or other automobile storage structure shall be located within the required front yard. No storage vehicle space in this district shall be used for storage of any truck, truck-trailer or van, except panel and pickup trucks not exceeding one (1) ton capacity may be stored on a lot when occupied as residence of the operator. The parking space shall be provided behind the building line for three (3) vehicles, to be served by either a double driveway or a single driveway with a flared approach to the parking spaces. This approach shall allow three (3) vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the City of Mesquite standard paving specifications.

(C) Parking for other uses shall be provided as required by Article XIX.

8. Area of Dwelling

A minimum of seven hundred fifty (750) square feet of living area shall be provided for each dwelling unit in a two family residence and a minimum of nine hundred (900) square feet of living area shall be provided for a single family dwelling, said living area to be exclusive of porches, breezeways, covered garages or carports.

9. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having at least seventy-five per cent (75%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

10. Maximum Lot Coverage

The total area of the main building and all accessory buildings built upon a lot, as computed between the outside walls of each structure, shall not exceed thirty per cent (30%) of the total lot area.

ARTICLE IX

"A" MULTIPLE FAMILY DISTRICT REGULATIONS

Section 1. USE RESTRICTIONS. In an "A" District, no land shall be used and no building shall be erected for or converted to any use other than:

- Two Family Dwelling
- Multiple Family Dwelling
- Apartment buildings in which rooms and apartments are rented to resident guests, but excluding all private clubs and retail businesses.

Section 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2 1/2) stories in height, except that permitted institutions, such as schools and churches, may be erected to exceed two stories when set back from all property lines a distance equal to twice the height of the building.

Section 3. AREA REGULATIONS

1. Front Yard

(A) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except hereinafter provided in Article XIX, Paragraph 2.

(B) Where lots have double frontage running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yards

There shall be a side yard on each side of the lot with the minimum dimensions as follows:

(A) For duplex residences, there shall be combined side yards of not less than twenty per cent (20%) of the width of the lot, but no side yard shall be less than five (5) feet in width. The side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet in width. Where the corner lot is a "key lot," the required front yard shall be provided on both streets.

(B) For a multiple family dwelling where ends of the building are adjacent to and parallel to the side lot line or within thirty (30) degrees thereof, the side yard shall be ten (10) feet or ten per cent (10%) of the average width of the lot, whichever is smaller, but in no case shall a side yard be less than ten (10) feet.

(C) For a multiple family dwelling where sides of the building other than the ends are adjacent to or parallel to the side yard lines or within thirty (30) degrees thereof, the side yard shall not be less than twenty-five (25) per cent of the over-all length of the building side adjacent to the side yard lines.

(D) In all cases where the side yard is adjacent to a side street, the side yard shall not be less than ten (10) feet. Where the corner lot is a "key lot," the required front yard shall be provided on both streets.

3. Rear Yard

There shall be a rear yard having a depth of not less than twenty per cent (20%) of the depth of the lot.

4. Area of the Lot

Except as hereinafter provided, all dwellings hereinafter erected, enlarged, relocated, reconstructed or converted shall be located upon lots containing the following areas:

(A) A lot on which there is erected or converted a two-family dwelling shall contain an area of not less than ten thousand (10,000) square feet.

(B) A lot on which there is erected or converted a multiple family dwelling shall contain an area of not less than one thousand two hundred (1,200) square feet per dwelling unit; however, any lot on which a multiple family dwelling is erected shall contain a minimum of ten thousand (10,000) square feet.

(C) Where a lot has less area than herein required and was on record prior to July 1, 1960, that lot may be used for single family dwelling purposes or for any non-dwelling use permitted in this Article.

5. Minimum Depth of Lot

The minimum depth of the lot should be one hundred (100) feet; except where the lot backs up to a freeway, expressway or major thoroughfare, the minimum depth of the lot shall be one hundred thirty (130) feet.

6. Width of Lot

The minimum width of the lot shall be sixty (60) feet.

7. Parking Regulations

(A) The parking regulations for a duplex dwelling are the same as those in the "D" Duplex Dwelling District.

(B) Whenever a structure is erected or converted for multiple family dwelling purposes, one and one-half (1 1/2) parking spaces shall be provided upon the lot for each dwelling unit. No parking shall be permitted in the required front yard. No parking shall be allowed within four (4) feet of any building nor closer than two (2) feet to the side yard lines. No parking space shall be used for storage of any truck, truck-trailer or van, except panel and pickup trucks not exceeding one (1) ton capacity may be parked in a required parking space when the operator of such vehicle resides upon the premises. All parking spaces shall be so arranged as to permit vehicles to be parked and removed without moving one car to facilitate the movement of the other. All parking areas shall be paved according to the City of Mesquite standard paving specifications.

8. Maximum Lot Coverage

The total area of the main building and all accessory buildings built upon a lot, as computed between the outside walls of each structure, shall not exceed thirty per cent (30%) of the total lot area.

9. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having at least seventy-five per cent (75%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

10. Prohibited Uses

All retail operations and private clubs are prohibited in a multiple family district.

11. Area of Dwelling Unit

The minimum area of a dwelling unit in a multiple family district shall be five hundred (500) square feet of floor area for each one bedroom apartment and seven hundred fifty (750) square feet of floor area for each two bedroom apartment.

12. Signs

A single name plate or sign for an apartment building or housing project shall be permitted when such sign is affixed flat against the building and does not exceed forty (40) square feet and when the sign is not of a flashing or intermittently lighted, revolving, rotating, or similarly lighted type.

ARTICLE X"LR" LOCAL RETAIL DISTRICT

Section 1. USE REGULATIONS. In an "LR" District, no land shall be used and no building shall be used, erected or converted to any use other than:

Antique Shop, Art Gallery, Ambulance Service, when with Mortuary or Clinic, Aquarium.

Bank, Business Offices, Professional Offices, Medical or Dental Clinic, Studio, Postal Station, Wholesale Sales Office or Sample Room, and Parking Lot for passenger cars only.

Retail Stores, such as Grocery, Drug, Appliance, Variety, Bakery, Shoe Repair, Flowers, Apparel, Barber Shop, Hardware, Furniture, Office Supplies, Books and Stationery, Seed Store, Beauty Shop, Super Markets, Restaurant, Cafe, Drive-In Food and Drink Stand, Delicatessen, Meat Market, Candy, Cigars and Tobaccos, Sporting Goods, Rental Library, Department Store and other shops doing custom work or the making of articles to be sold at retail on the premises.

Service Activities, such as Ink Printing, Fix-It Shop, Shoe Repair, Furniture Appliance Repair, Tailor, Dressmaker, Seat Cover Installation, Washateria, Cleaning, Pressing and Dyeing Shops having an area of not more than six thousand (6,000) square feet, Leather Goods, when not employing more than five (5) persons on the premises.

Taxi Stand, Mortuary, Retail Ice Delivery Station, Gasoline Filling Station, Theater or Moving Picture Show (enclosed).

Frozen Food Lockers (storage only), Camera Shop, Caterer and Wedding Service, Plumbing Shop - retail sales only.

Any other retail use provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, gas fumes or vibration, and not listed in Articles XI, XII, and XIII.



Accessory building and uses customarily incidental to the above. No accessory use shall be construed to permit the keeping of articles or material in the open or on the outside of the building, except drive-in groceries and service stations.

Section 2. HEIGHT REGULATIONS. No building shall exceed two and one-half (2 1/2) stories in height, except that permitted institutions, such as schools and churches, may be erected to exceed two stories when set back from all property lines a distance equal to twice the height of the building.

Section 3. AREA REGULATIONS

1. Front Yard

(A) There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as hereinafter provided in Article XIX, Paragraph 2.

(B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yards

No side yard shall be required for a retail use except:

(A) On a corner lot, a side yard of ten (10) feet shall be required on the side street.

(B) On the side of a lot in an "LR" District adjoining an "R-1," "R-2," "R-3," "D" or an Apartment District, there shall be a side yard. No side yard shall be required where the "LR" District is separated from a residential district by an alley. The minimum width of the side yard shall be ten (10) feet or ten per cent (10%) of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet. The side yard adjacent to a side street shall not be less than ten (10) feet.

3. Rear Yard

No rear yard shall be required for a retail use except where a lot adjoins an "R-1," "R-2," "R-3," "D" or an Apartment District and is not separated therefrom by an alley in which there shall be a rear yard on the rear of the lot equal to twenty per cent (20%) of the depth of the lot.

4. Parking Regulations

(A) Medical or dental clinics shall provide off-street parking space at the ratio of one space for each two hundred fifty (250) square feet of floor area.

(B) Mortuary shall provide off-street parking space at the ratio of one space for each six (6) seats; theater, one space for each five (5) seats.

(C) Banks, furniture stores, professional offices, business offices, other than medical or dental clinics, shall provide off-street parking space at a ratio of one (1) parking space for each five hundred (500) square feet of floor area.

(D) Establishments for the sale and consumption on the premises of food or refreshments shall provide off-street parking space at a ratio of one (1) parking space for each one hundred fifty (150) square feet of floor area.

(E) Any building hereafter erected, altered or converted for local retail or personal service use not listed in A, B, C, or D above shall provide off-street parking space at the following ratio:

1. Buildings having less than five thousand (5,000) square feet of floor area shall provide one (1) space for each five hundred (500) square feet of ground floor building area.
2. Buildings having over five thousand (5,000) square feet but not more than ten thousand (10,000) square feet of ground floor area shall provide ten spaces plus one space for each three hundred thirty-three (333) feet of ground floor area in excess of five thousand (5,000) square feet.
3. Buildings having over ten thousand (10,000) square feet of ground floor area shall provide twenty-five (25) parking spaces plus one (1) space for each two hundred (200) square feet of ground floor area in excess of ten thousand (10,000) square feet.
4. Buildings having local retail or professional office uses on floors above the ground shall provide off-street parking spaces at a ratio of one (1) space for each five hundred (500) square feet of floor area above the ground floor.
5. Where more than one building is located upon a lot, the parking requirements shall be based upon the total floor area of all such structures.

(F) Retail, office and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 square feet in the building or on the lot used for retail, storage or service purposes.

5. Maximum Lot Coverage

The total area of the main building and all accessory buildings built upon a lot, as computed between the outside walls of each structure, shall not exceed thirty per cent (30%) of the total lot area.

6. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having one hundred per cent (100%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

7. Signs

(A) No signs or billboards other than those pertaining to the occupancy of the premises or commodities sold thereon shall be permitted and such allowable signs shall be of the parapet wall, marquee or flat wall type except standard pole signs not exceeding forty (40) square feet, with a twelve (12) foot maximum dimension from outer edge to outer edge in any direction, shall be permitted for any drive-in facility. One special sign not exceeding one hundred fifty-six (156) square feet in size shall be allowed for each drive-in type facility such as service station or drive-in grocery where such is located on U. S. Highway 80 (I. H. 20), U. S. Highway 67 (I. H. 30), or the future Outer Loop (I. H. 635). No signs or billboards shall be permitted of flashing lighted types, revolving types revolving faster than eight (8) revolutions per minute, or intermittent lighted types with lighting interruptions of less than five (5) second intervals.

(B) In an area consisting of three acres or more, one special shopping center sign will be permitted and additional special signs will be permitted on the basis of one sign for each additional four acres of property contained within the shopping center area, with a maximum not to exceed four such signs.

(C) The distance for determining height of any permitted special sign will be measured (at right angles) from the adjacent residential or street property line rather than from any property line within the shopping center, local retail or manufacturing area itself. Special signs may be erected to a height of 2 1/2 standard stories (28'9") when located a distance of twenty-five (25) feet from the property line and may be extended in height in an increasing ratio of one additional foot of height for each one foot additional setback to a maximum height of fifty (50) feet, and such special signs shall not exceed an over-all horizontal width of forty (40) feet.

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(D) A special sign shall not be located nearer than seventy-five (75) feet measured from the adjacent residential property line or nearer than twenty-five (25) feet from any street property line.

(E) Where the area is sufficient to permit more than one special sign within the permitted area, no such sign shall be located nearer than two hundred (200) feet to any other special height sign and no special sign permitted under these regulations shall be of the flashing lighted type or intermittent lighted type with lighting interruptions of less than five (5) second intervals. Special shopping center signs of directional nature for parking areas, such directional signs not to exceed twenty-five (25) square feet in area, shall be allowed when placed flat against the building or erected as free standing signs or similar types but not involving flashing lighted types, revolving types revolving faster than eight (8) revolutions per minute, or intermittent lighted types with lighting interruptions of less than five (5) second intervals.

ARTICLE XI  
"C" COMMERCIAL DISTRICT REGULATIONS

Section 1. USE REGULATIONS. In a "C" Commercial District, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in an "LR" Local Retail District.

Auto Laundry, Auto New and Used Sales and Service, Auto Repair Garage, Upholstering, Steam Cleaning, Tire Treading or Retreading, New and Used Parts and Accessories when located inside a building and in which no parts for sale are stored or displayed outside.

Commercial uses such as: Wholesale Houses, Discount Houses, Commercial Colleges, Trade Schools, Commercial Printing Company, Commercial Publishing Company, Commercial Book Binding, Commercial Frozen Food Locker, Cold Storage Plants, Bottling Works and Commercial Bakery. (No killing of livestock and poultry is permitted on premises.)

Warehouses for wholesale and/or storage of feed products, dry goods, building material, contractors supplies, milk products for distribution only, household goods, food stuffs (not including live animals and poultry.)

Commercial amusements, including only: Skating Rink, Driving Range, Bowling Alley, Night Club, Miniature Golf Course, Amusement Parks, Kiddie Rides. (All other commercial amusements by special permit only)

Repair shops for such uses as: Motorcycles, Taxicabs, Busses, Trucks, Farm Equipment, Furniture, Electrical Equipment.

Manufacturing of such items as: Neon Signs, Artificial Flowers, Candy, Artificial Limbs, Awnings, Clothing, Envelopes, Leather Products, Optical Goods, Plastic Products, Millinery.

Processing and Fabrication of pre-manufactured parts or materials into finished or semi-finished products for re-sale and/or distribution, such as: Packaging of Food Stuffs, the Bottling of Drinks or Food Stuffs, Mixing of Paint, Preparation of Pharmaceutical Products. Lumber Yard, Cabinet Shop, Carpenter Shop, Motor Freight Terminal, Tourist Camp, Homes or Court, Loading and Unloading Docks and Team Tracks, Public Market, Small Animal Hospital and Drive-In Theater.

Hotel, Motel, Drug Manufacture, Machine Shop, Welding, Ice Cream Manufacture, Engraving, Multilith, Electroplating, Lithographing, Sheet Metal Shop, Ice Manufacturing, Milk Depot, Farm Equipment Sales, Paper Products Manufacturing.

Wholesale Florist, Retail Sales of Stone Monuments.

Any retail, wholesale or commercial use, provided such use is not noxious or offensive by reason of emission of odors, soot, dust, noise, fumes or vibrations, but excluding such uses as are enumerated in Articles XI and XII.

Accessory buildings and uses customarily incident to the above uses.

No accessory use shall be construed to permit the keeping of articles, goods or materials in the open or exposed to the public view. When necessary to store or keep such material in the open, the lot or area shall be fenced with a solid fence or wall at least six feet in height.

Section 2. HEIGHT REGULATIONS. No building shall exceed six (6) standard stories in height unless all stories above six standard stories are set back from all street lines one foot for each two (2) feet of its height above such six (6) story limit.

Section 3. AREA REGULATIONS

1. Front Yard

Where all the frontage on one side of the street between two intersecting streets is located in the "C" District, no front yard shall be required. When the frontage is located partly in the "C" District and partly in a more restricted use district, the front yard shall conform to the more restricted use district regulations.

2. Side Yard

No side yard shall be required for commercial or retail use except: (A) On the side of the lot adjoining an "R-1," "R-2," "R-3," "D" or Apartment District, there shall be a side yard. No side yard shall be required where the "C" District is separated from any residential district by an alley. The minimum width of the side yard shall be ten (10) feet or ten per cent (10%) of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet.

### 3. Rear Yard

No rear yard shall be required for commercial or retail use except where a lot abuts an "R-1," "R-2," "R-3," "D" or Apartment District and is not separated therefrom by an alley, in which event there shall be a rear yard on the rear of the lot equal to twenty per cent (20%) of the depth of the lot but in no case shall such rear yard be less than ten (10) feet.

### 4. Parking Regulations

(A) The parking regulations for clinics, motor vehicles sales rooms and used car lots, retail uses, personal services, professional offices and restaurants are the same as those in the "LR" Local Retail District.

(B) Bowling alleys shall provide off-street parking space at a ratio of three (3) spaces for each alley.

(C) Hotels shall provide off-street parking space at the ratio of one space for each two (2) guest rooms; motels, one space for each guest room.

(D) Commercial amusement establishments, night clubs and skating rinks shall provide off-street parking at a ratio of one (1) space for each one hundred (100) square feet of floor area used for dancing, amusement or skating.

(E) Driving range, amusement parks, kiddie rides, miniature golf courses shall provide off-street parking at the ratio of one (1) space for each five (5) persons. The maximum number of patrons which can be served at one time shall be the basis in determining parking requirements.

(F) Motor vehicle sales rooms and used car lots shall provide off-street parking space at a ratio of one (1) space for each one thousand (1,000) square feet of sales floor or lot area.

(G) Manufacturing, industrial and processing establishments, repair shops, warehouses, storage buildings, lumber and supply yards shall provide off-street parking space at a ratio of one (1) space for each five (5) employees. The maximum number of employees on duty at any time, day or night, shall be the basis for determining parking requirements for any establishment. Where the number of employees is indeterminate, off-street parking space shall be provided at a ratio of one (1) space for each one thousand (1,000) square feet of floor area.

(H) Retail, office service, industrial and manufacturing buildings shall provide and maintain off-street facilities for loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 feet in the building or on the lot used for retail, storage or service purposes.

6. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having one hundred per cent (100%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, including Butler or Delta steel type buildings, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

7. Maximum Lot Coverage

The total area of the main building and all accessory buildings erected on a lot, as computed between the outside walls of each structure, shall not exceed fifty per cent (50%) of the total area of the lot.

8. Signs

All signs authorized and permitted in more restrictive districts are authorized in the "C" Commercial District.

ARTICLE XII  
"CB" CENTRAL BUSINESS DISTRICT

Section 1. USE REGULATIONS. In the "CB" Central Business District, no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in the "C" Commercial District  
Ambulance service when a separate use  
Bus or train terminal  
Commercial laundry and cleaning plants  
Enameling and painting  
News printing  
Paint shop  
Transfer and storage  
Warehouse storage - all goods  
Railroad passenger terminal  
Accessory buildings and uses customarily incidental to the  
above uses. No accessory use shall be construed to permit

the keeping of articles, goods or materials in the open or exposed to the public view. When necessary to store or keep such material in the open, the lot or area shall be fenced with a solid fence or wall at least six (6) feet in height.

**Section 2. HEIGHT REGULATIONS.** No building shall exceed six (6) standard stories in height unless additional height is set back from all street lines one (1) foot for each two (2) feet of its height above such six (6) story limit.

**Section 3. AREA REGULATIONS.**

**1. Front Yard**

Where all the frontage on one side of the street between two intersecting streets is located in the "CB" District, no front yard shall be required. When the frontage on one side of the street between two intersecting streets is located partly in the "CB" District and partly in a more restricted use district, the front yard shall conform to the more restricted use district regulations.

**2. Side Yards**

No side yard shall be required for any business use except:

(A) On the side of the lot in the "CB" district adjoining an "R-1," "R-2," "R-3," "D" or Apartment District, there shall be a side yard if the "CB" District is not separated from the residential district by an alley. The minimum width of the side yard shall be ten (10) feet or ten per cent (10%) of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet.

**3. Rear Yard**

No rear yard shall be required for a business use except where a lot abuts an "R-1," "R-2," "R-3," "D" or Apartment District and is not separated therefrom by an alley, in which event there shall be a rear yard on the rear of the lot equal to twenty per cent (20%) of the depth of the lot but in no case shall such rear yard be less than ten (10) feet.

**4. Parking Regulations**

(A) The parking regulations for all "LR" and "C" uses are the same as those in the "LR" and "C" Districts.

(B) All other "CB" uses are to provide parking at a ratio of one (1) space for each five (5) employees on duty at any time. Where the number of employees is indeterminate, off-street parking shall be provided at a ratio of one space for each one thousand (1,000) square feet of floor area.



(C) Retail, office service, industrial and manufacturing buildings shall provide and maintain off-street facilities for loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 feet in the building or on the lot used for retail, storage or service purposes.

5. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having one hundred per cent (100%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, including Butler or Delta steel type buildings, in accordance with the Building Code of the City of Mesquite), except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

6. Maximum Lot Coverage

The total area of the main building and all accessory buildings erected on a lot, as computed between the outside walls of each structure, shall not exceed fifty per cent (50%) of the total area of the lot.

7. Signs

All signs authorized and permitted in more restrictive districts are authorized in the "CB" Central Business District.

ARTICLE XIII  
"I" INDUSTRY DISTRICT

Section 1. USE REGULATIONS. In an "I" Industry District, no land shall be used and no building shall be erected or converted to any use other than:

Any use permitted in the "C" Commercial District or any lawful industrial use which does not emit dust, odor, smoke, gas or fumes beyond the boundary property lines of the lot or tract on which the use is located and which does not generate noise or vibrate at the boundary of the industry district which is generally perceptible in frequency or pressure above the ambient level of noise in the adjacent areas. The following uses are specifically prohibited in an "I" Industry District, to-wit: "LR" Local Retail use, manufacture of ammonia, chlorine, glue, slaughter houses, animal fertilizer factories, concrete batching plants, manufacture or storage of gun powder, fireworks, or other explosives, production or storage of garbage, offal, dead animals or refuse, stockyards or junk yards. No single family, duplex or multiple family dwelling shall be permitted in an "I" Industry District.

**Section 2. HEIGHT REGULATIONS.** No building shall exceed six (6) standard stories in height unless set back from all lot lines one (1) foot for each one (1) foot above such height limit. When a building is located on a lot adjoining a single family, two family, or an apartment district, it shall not exceed three (3) standard stories in height unless it is set back one (1) foot from all required yard lines for each one (1) foot of additional height above such height limit.

**Section 3. AREA REGULATIONS**

**1. Front Yard**

No front yard shall be required for a commercial or manufacturing use unless:

(A) The street is less than sixty (60) feet in width, in which case a manufacturing or commercial structure shall be placed not less than thirty (30) feet from the center line of said street.

(B) If frontage of one side of a street within a block is partly in the Industrial District and partly in a more restricted district, then the front yard shall conform to the front yard regulations of the more restricted district.

**2. Side Yards**

No side yard shall be required for a retail, commercial or manufacturing use, except on the side of a lot adjoining an "R-1," "R-2," "R-3," "D" or Apartment District where there shall be a side yard having a minimum width of ten (10) feet or ten per cent (10%) of the average width of the lot, whichever is smaller, but a side yard shall not be less than five (5) feet.

**3. Rear Yard**

No rear yard shall be required for a retail, commercial or manufacturing use except where a lot abuts an "R-1," "R-2," "R-3," "D" or Apartment District and is not separated therefrom by an alley, in which event there shall be a rear yard on the rear of the lot equal to twenty per cent (20%) of the depth of the lot, but in no case shall a required rear yard be less than ten (10) feet in depth.

**4. Width of the Lot**

No restrictions on width of lot for "I" Industry uses.

**5. Parking Regulations**

(A) The parking regulations for commercial uses are the same as in the "C" Commercial District.

(B) All other uses shall provide off-street parking space at a ratio of one (1) space for each five (5) employees. The maximum number of employees on duty at any time, day or night, shall be the basis of determining parking requirements for any establishment. Where

the number of employees is indeterminate, off-street parking space shall be provided in a ratio of one (1) space for each one thousand (1,000) square feet of floor area.

(C) Office, service, industrial and manufacturing buildings shall provide and maintain off-street facilities for loading and unloading of merchandise and goods within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area of 10 feet by 25 feet for each 20,000 square feet of floor space or fraction thereof in excess of 3,000 feet in the building or on the lot used for retail, storage or service purposes.

6. Exterior Fire Resistant Construction

All main buildings shall be of exterior fire resistant construction (by definition, exterior fire resistant construction is construction having one hundred per cent (100%) of the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, including Butler or Delta steel type buildings, in accordance with the Building Code of the City of Mesquite, except that on lots of record as of May 7, 1962, the provisions of this numbered paragraph shall not be applicable.

7. Maximum Lot Coverage

The total area of the main building and all accessory buildings erected on a lot, as computed between the outside walls of each structure, shall not exceed seventy-five per cent (75%) of the total area of the lot.

8. Signs

All signs authorized in more restrictive districts shall be permitted in the "I" Industry District.

ARTICLE XIV  
NON-CONFORMING USES

Section 1. Any lawful use of property existing at the time of the passage of this ordinance that does not conform with the regulations prescribed in the preceding sections of this ordinance shall be deemed a non-conforming use, except that any single family, duplex or apartment use existing at the time of passage of this ordinance shall be thereafter deemed a conforming use.

Section 2. The lawful use of land existing at the time of the passing of this ordinance, although such does not conform to the provisions thereof, may be continued, but if said non-conforming use is discontinued for a period of six (6) months, any future use of said premises shall be in conformity with the provisions of this ordinance.

Section 3. The lawful use of the building at the time of the passage of this ordinance may be continued although such does not conform to the provisions hereof, and such use may be extended throughout the building provided not a structural alteration, except those required by law or ordinance are made therein. If no structural alterations are made, a non-conforming use of the building may be changed to another non-conforming use of the same or more restricted classification; provided, however, that in the event a non-conforming use of a building is once changed to a non-conforming use of a higher or more restricted classification, it shall not later be reverted to the former lower or less restricted classification.

Section 4. The right of non-conforming use to continue shall be subject to such regulations as to maintenance of the premises and conditions of operation as may, in the judgment of the Board of Adjustment, be reasonably required for the protection of adjacent property.

Section 5. A non-conforming use shall not be extended or re-built in case of obsolescence or total destruction by fire or other cause. In case of partial destruction by fire or other causes, not exceeding 50% of its value, the Building Inspector shall issue a permit for reconstruction. If greater than 50% and less than the total, the Board of Adjustment hereinafter created may grant permit for repair after public hearing and having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use of the conservation and preservation of property.

Section 6. A violation of this ordinance and a request for a non-conforming designation or request for relief under this designation shall not create an estoppel of the trial of any law suit which may be filed in any court.

#### ARTICLE XV SPECIAL PERMITS

The City Council of the City of Mesquite may, after public hearing and proper notice to all parties affected and after recommendation from the Planning Commission containing such requirements and safeguards as are necessary to protect adjoining property, authorize by ordinance the location of any of the following in the following specified districts:

1. Any use by the City, County, State or Federal Government in any district.
2. Private schools and kindergartens teaching the same subjects as public elementary and high schools, and day nurseries, in any district, provided the building or buildings are set back from all required yard lines in the district in which they are to be located two (2) feet for each foot of building height and provided off-street parking facilities are provided. Private schools and kindergartens shall pro-

vide a minimum building area of twenty-five (25) square feet per pupil and a minimum of one hundred (100) square feet of fenced outside play area per pupil. Day nurseries shall provide a minimum of thirty-five (35) square feet of building area for each pupil and a minimum of two hundred (200) square feet of outside fenced play area per pupil.

3. Institutions of a religious, educational or philanthropic nature in any district.

4. Private housing projects and shopping centers consisting of not less than three (3) acres and when accompanied by a site plan drawn to scale and showing the arrangement of the project in detail together with essential requirements such as parking facilities, location of buildings and the uses to be permitted and means of egress and ingress in any district.

5. Airport or landing field or airport facilities in any district.

6. Day nurseries in any district.

7. Dog kennels and veterinarian hospitals in the Commercial District or on a farm five (5) acres or more in any district.

8. Temporary commercial amusement enterprises such as circuses, carnivals, driving ranges, miniature golf courses, pony rides, miniature train rides and rodeos in any district.

9. Riding academy or public stable on sites of five (5) acres or more in any district.

10. Radio broadcasting towers and stations, television towers and television transmitting stations in any district.

11. Any installation of a public utility either privately or publicly owned in any district.

12. Gas and electrical public utility regulating stations in any district.

13. Hospitals, children's homes, convalescent homes, old people's homes, maternity homes in the "A" District or in any district where a site of five (5) acres or more is provided.

14. Homes for the insane, alcoholic, feeble-minded and narcotics in the Commercial District or in any district where a site of twenty (20) acres or more is provided.

15. Hotels and motels in the "LR" District.

16. Private clubs and community buildings in an "A" District or on a site of three (3) acres or more in any district.
17. Drive-in theaters in the Local Retail District or on sites of ten (10) acres or more in any district.
18. Greenhouses and nurseries in any district.
19. Dance halls, when located in the "C" District or on sites of ten (10) acres or more in any district.
20. Trailer parks in the "C" Commercial District or on sites of twenty (20) acres or more in any district, by special permit only.
21. Rock quarries, sand, gravel and earth excavations. At the time the permit is granted, the City Council may impose reasonable conditions for the protection of public health and safety and may provide for the restoration of such property to useable condition after uses have been terminated.
22. Dental and medical offices and clinics in the "A" District.
23. Portland cement concrete batching plants, with approved dust filtering systems in Commercial or Industry Districts by special permit only.
24. Any sign not otherwise authorized in any district, except billboards or outdoor advertising commercial signs, may be authorized in the "I" Industry District by special permit only.
25. Every special permit granted under the provisions of this Article shall be considered as an amendment to the Zoning Ordinance as applicable to such property. In granting such permit, the City Council may impose conditions which shall be complied with by the grantee before certificate of occupancy may be issued by the building official for the use of the buildings on such property pursuant to said special permit; and such conditions shall not be construed as conditions precedent to the granting of special permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy.

ARTICLE XV-A  
PLANNED RESIDENTIAL DEVELOPMENT DISTRICT

A Planned Residential Development Area (Density Control District) shall be defined as consisting of a mixture of housing types whose overall density (total number of dwelling units divided by the gross land, less rights-of-way for streets, alleys and railroads) shall not exceed the maximum density prescribed by the Residential Zoning District in which the Planned Residential Development Area is located.

Purpose: The purpose of the Planned Residential Development Area (Density Control District) is to allow flexibility in residential development by permitting varied housing types such as single family homes, duplexes, apartments, row houses, condominium and/or patio houses within a residential district; provided that the overall density of the total land area is not increased above that prescribed by the zoning district in which the Planned Residential Development Area is located. Other purposes of the Planned Residential Development Area are to provide more public open space, to allow a more varied residential pattern, and to permit the developer to make the most advantageous use of the topography and other natural features of a tract of land.

The application procedure for a Planned Residential Development Area shall be as follows:

1. The applicant shall submit the following plats:
  - (a) A development plat showing the arrangement and number and size of lots, all rights-of-way and the total number of dwelling units allowed by the normal residential zoning district within which the land is located.
  - (b) A development plat showing the arrangement, number and size of lots, all rights-of-way, and the total number of dwelling units proposed in the Planned Residential Development Area.
2. A public hearing shall be held in the manner prescribed in Article XXIII (Changes and Amendments).
3. Approval and any conditions imposed by the City shall be in accordance with Article XV (Special Permits).
4. In addition to the conditions listed in Article XV, the following regulations shall be imposed:
  - (a) A Planned Residential Development Area shall not be permitted on a site of less than twenty (20) acres.
  - (b) Lot area reductions from minimum lot sizes required by the zoning district in which the Planned Residential Development Area is located shall not exceed forty (40%) per cent in R-1 areas; thirty (30%) per cent in R-2 areas, or twenty (20%) per cent in R-3 areas.
  - (c) All open space other than that required for the function of the residential structures shall be deed restricted by the owner for exclusive public open space use for a term of twenty-five (25) years and shall be dedicated to the City prior to the issuance of a building permit for the proposed Planned Residential Development Area. The provisions of this Section (c) may be waived by the City Council.

In reviewing the proposed development in preparation of a recommendation for the City Council, the City Planning Commission can waive the yard, height, and lot size established by the Zoning Ordinance only when it finds that the proposed development makes good use of topography and natural features, provides needed open space and contributes variety and interest to the character of its neighborhood without adversely affecting adjacent property. Requirements, such as those for side or rear yard, replacing those that are waived under this provision, shall be included in the subdivision plat as restrictions, and subsequent replacement and extension of buildings shall be controlled by such plat or restrictions. Where deemed necessary to protect the adjoining property, the minimum yard and maximum height requirements of the zoning district in which the development is located shall be applied around the boundaries of the area being developed.

## ARTICLE XVI PERMITS AND CERTIFICATES

### Section 1. CERTIFICATE OF OCCUPANCY AND COMPLIANCE

1. No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy and compliance shall have been issued by the Building Inspector stating that the building or proposed use of a building or premises complies with the building laws and the provisions of these regulations.

2. Certificates of occupancy and compliance shall be applied for coincident with the application for building permit and shall be issued within ten (10) days after the erection of structural alteration of such building shall have been completed in conformity with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having a propriety or tenancy interest in the building affected.

3. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy and compliance.

## ARTICLE XVII BOARD OF ADJUSTMENT

1. There is hereby created a Board of Adjustment consisting of five (5) members, each to be appointed by a majority of the City Council for a term of two (2) years and removable for cause by the appointing authority. Vacancies shall be filled by the appointment by the original appointing authority of a suitable person to serve out the unexpired term of any member whose place on the Board has become vacant for any cause. The Board is hereby vested with power and authority, in appropriate cases and subject to appropriate conditions and safeguards, to make



such exemptions to the terms of this ordinance in harmony with its general purpose and intent and in accordance with general or special rules therein contained for the purpose of rendering full justice and equity to the general public. The Board may adopt rules to govern its proceedings, provided, however, that such rules are not inconsistent with this ordinance. Meetings of the Board shall be held at the call of the chairman, who may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.

2. Appeals to the Board of Adjustment can be taken by any person aggrieved or by any officer, department, board or department of municipality affected by any decision of the administrative office. Such appeals shall be taken within fifteen (15) days' time after the decision has been rendered by the administrative office by filing with the officer from whom the appeal is taken and with the Board of Adjustment a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him that, by reason of facts stated in the certificate, a stay would in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board of Adjustment shall fix a reasonable time for the hearing of an appeal, give the public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by attorney or by agent.

3. Jurisdiction of the Board of Adjustment

When in its judgment, the public convenience and welfare will be substantially served and the appropriate use of the neighboring property will not be substantially or permanently injured, the Board of Adjustment may, in specific cases, after public notice and public hearing, and subject to appropriate conditions and safeguards, authorize the following special exceptions to the regulations herein established:

- (A) Permit the reconstruction, extension or enlargement of a building occupied by a non-conforming use on the lot or tract occupied by such building provided such reconstruction does not prevent the return of such property to a conforming use.

(B) Permit such modifications of the height, yard, area, coverage and parking regulations as may be necessary to secure appropriate development of a parcel of land which differs from other parcels in the district by being of such restricted area, shape, or slope that it cannot be appropriately developed without such modification.

(C) Require the discontinuance of non-conforming uses under any plan whereby the full value of the structure can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this ordinance. It is the declared purpose of this ordinance that non-conforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this ordinance, having due regard for the property rights of the persons affected when considered in the light of the public welfare and the character of the area surrounding the designated non-conforming use and the conservation and preservation of property. The Board shall from time to time on its own motion or upon cause presented by interested property owners inquire into the existence, continuation or maintenance of any non-conforming use within the city. It is the declared purpose of this ordinance that non-conforming uses be eliminated and be required to conform to the regulations prescribed in the preceding articles of this ordinance.

The Board of Adjustment shall also have the following powers: To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement of this ordinance; to hear and decide special exceptions to the terms of the ordinance upon which the Board is required to pass under this ordinance; to authorize upon appeal in special cases such variances from the terms of the ordinance as will not be contrary to the public interest where, owing to special conditions, the literal enforcement of the provisions of the ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done.

4. In exercising its powers the Board may, in conformity with the provisions of Articles 1011-A to 1011-J of the 1925 Civil Statutes of Texas, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.

5. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the application on any matter upon which it is required to pass under this ordinance or to affect any variance in said ordinance.

6. Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment or any taxpayer or any officer, department or board of the municipality may present to a court of record a petition, duly verified, setting forth

that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten (10) days after the filing of the decision in the office of the Board and not thereafter.

ARTICLE XVIII  
COMPLETION OF EXISTING BUILDINGS

Nothing herein contained shall require any change in the plans, construction or designated use of a building actually under construction at the time of the passage of this ordinance and which entire building shall be complete within one (1) year from the passage of this ordinance. Nothing herein contained shall require any change in plans, construction or designated use of a building for which a building permit has been heretofore issued and which entire building shall be complete within six (6) months from the date of the passage of this ordinance. If any amendment to this ordinance is hereafter adopted changing the boundaries of districts, the provisions of this ordinance with regard to buildings or premises existing or buildings under construction or building permits issued at the time of the passage of this ordinance shall apply to building permits issued in the area affected by such amendment at the time of the passage of such amendment.

ARTICLE XIX  
SPECIAL AREA REGULATIONS, EXCEPTIONS AND PARKING REQUIREMENTS

1. Vision Clearance. On any corner lot on which front and side yards are required, no obstruction is permitted vertically between three and one-half (3 1/2) feet and ten (10) feet above the curb grade and horizontally fifty (50) feet in each direction from the corner.

2. Front Yard. The front yards heretofore required shall be adjusted in the following cases:

(A) Where thirty-five (35%) per cent or more of the frontage on one side of a street between two intersecting streets is developed with buildings that have observed, with variation of five (5) feet or less, a front yard greater or lesser in depth than herein required, new buildings shall not be erected closer to the street than the building line so established by the existing buildings. However, this regulation shall not be interpreted as requiring a building line of more than fifty (50) feet.

(B) Where the frontage between two intersecting streets is developed with buildings that have not observed a front yard as described in (A) above, then:

(1) Where a building is to be erected on a parcel of land and will not be more than two hundred (200) feet from

existing buildings on either side, the building line shall be a line drawn between the two closest front corners of the adjacent buildings on the two sides.

(2) Where a building is to be erected on a parcel of land that is within two hundred (200) feet of an existing building on one side only, such building may be erected as close to the street as the existing adjacent building. However, this regulation shall not be interpreted as requiring a building line of more than fifty (50) feet.

(C) Where a building line has been established by ordinance and such line requires a greater setback than is prescribed by this ordinance in the district in which the building line is located, no building shall be erected closer to the street than the line so established.

(D) Where a building line is shown on a plat recorded for record with the County Clerk of Dallas County after July 1, 1960, and such building line provides a front yard of twenty-five (25) feet or more in depth and a side yard of ten (10) feet or more in depth and is part of a comprehensive plan for the orderly development of a subdivision, either with a uniform or staggered building line, no building shall be erected closer to the street than the building line or lines so shown. However, any building line established by ordinance shall take precedence over a building line shown on a recorded plat.

(E) Open and unenclosed terraces or porches and eave and roof extensions may project into the required front yard for a distance not to exceed four (4) feet; provided, however, that no supporting structure for such extensions may be located within the required front yard. The supporting structure of an open carport or other structure for the storage of automobiles shall not be located within the required front yard. An unenclosed canopy for a gasoline filling station or similar business may extend beyond the building line but shall never be closer to the property line than twelve (12) feet. The building line of a gasoline filling station shall mean the actual wall of the filling station and shall not be interpreted as being the curb of a walk or driveway or as the front of a canopy or the column supporting same.

### 3. Side and Rear Yards.

(A) Every part of the required side or rear yard shall be open and unobstructed except for accessory buildings as permitted herein and the ordinary projection of window sills, belt courses and other ornamental features projecting not to exceed twelve (12) inches. Eaves and awnings on main residential structures may project to within three (3) feet of a side lot line.

(B) Accessory buildings may be built in the rear yard except that when such accessory building is located closer than fifteen (15) feet to the main building, it shall observe the same side yard as required for the main building.

(C) Open or lattice enclosed fire escapes, fireproof outside stairways, balconies opening upon fire towers and ordinary projections of chimneys and flues into rear yards may be permitted by the Building Inspector into the required rear yard for a distance not to exceed three and one-half (3 1/2) feet.

(D) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the ground (first) floor level of the building may project into a required side yard provided such projections not be erected closer than two (2) feet from the side lot line.

4. Lot Area. On any lot separately owned on July 1, 1960, a single family house may be erected even though of less area than required by these regulations.

5. Location of Dwellings and Buildings. Only one main building for single family, two family, or multiple family use with permitted accessory buildings may be located upon a lot or unplatted tract. Every dwelling shall face or front upon a street or officially approved place, other than an alley, which means of access shall have a minimum width of thirty (30) feet. Where a lot is used for retail, commercial, industrial or a combination of same, or for a combination of retail and dwelling purposes, more than one (1) main building may be located upon the lot but only when such buildings conform to all the open space, parking and density requirements applicable to the uses and districts and when all such main buildings face upon a street or officially approved place, other than an alley. Whenever two or more main buildings or portions thereof are placed upon a single lot or tract and such buildings will not face upon a street or officially approved place, the same may be permitted when the site plan for such development is approved by the City Planning Commission so as to comply with the normal requirements for platting. No parking area, storage area or required open space for one building shall be computed as being the open space, yard or area requirements for any dwelling or other use. Whenever an area or tract of three (3) acres or more under one or several ownerships is proposed for development with more than one (1) main building, permits may be issued for housing projects, shopping centers, institutions, industrial development or a combination development of two or more uses when the same is issued as prescribed in Article XV.

6. Erection of Duplex in "R-2" or "R-3" Districts. Two family dwellings may be erected in a single family "R-2" or "R-3" Dwelling District where forty per cent (40%) of the street frontage between intersecting streets was developed in two family dwellings prior to July 1, 1960, and the corresponding frontage on the opposite side of the street may likewise be used for two family dwellings as provided for in Article VIII; provided, however, that the area and parking regulations in the "D" Duplex District are complied with.

7. Erection of an apartment in an "R-2," "R-3" or "D" District. Multiple family dwellings may be erected in a single family "R-2," "R-3" or "D" District where forty per cent (40%) of the street frontage between intersecting streets was developed with multiple family dwellings prior to July 1, 1960, and the corresponding frontage on the opposite side of the street may likewise be used for multiple family dwellings as provided in Article IX; provided, however, that the area and parking regulations of the "A" Multiple Family District are complied with.

8. Outer Courts. Whenever an outer court in a building is used or intended to be used for dwelling purposes and is formed by three exterior walls of the building in which are located any openings, windows or doors for light, access, air or ventilation, the mean depth of the court measured from the base wall to a line projected from the outer edge of one protruding wall to the outer edge of the other protruding wall shall not be greater than one and one-half (1 1/2) times the distance between the two protruding walls. Whenever the depth of the court equals or exceeds fifty per cent (50%) of the distance between the protruding walls, the minimum width of an outer court shall be twelve (12) feet for one (1) standard story building; twenty (20) feet for two story buildings; thirty (30) feet for three story buildings and for buildings exceeding three standard stories in height, the width of the outer court shall be increased one (1) foot for each two (2) feet the building exceeds three standard stories.

9. Special Parking Requirements. Lodges and fraternal organizations shall provide parking on the basis of one (1) parking space for each two hundred (200) square feet of gross floor area, with a minimum of ten (10) parking spaces. Churches shall provide parking spaces on the basis of one (1) parking space for each five (5) seats in the main sanctuary or auditorium. Places of public assembly, auditoriums, field houses, stadiums and theaters shall provide parking spaces on the basis of one (1) parking space for each five (5) seats. Elementary and junior high schools shall provide parking on the basis of one (1) parking space for each classroom plus one (1) parking space for each five (5) seats in the school auditorium. High schools, colleges and universities shall provide parking spaces on the basis of one (1) parking space for each classroom, laboratory or instructional area plus one (1) parking space for each four (4) students. The parking areas shall have an all-weather surface and shall provide adequate and proper drainage in accordance with standard specifications and requirements of the City of Mesquite. The parking areas, if lighted, shall be designed and arranged in such a manner that the lights will not create a glare or sheen onto the adjacent properties.

No such off-street parking shall be located within the required front yard nor within four (4) feet of any building nor within two (2) feet of any property line. Whenever off-street parking spaces are located adjacent to any building or structure, a curb or equivalent barrier shall be placed so as to prevent any vehicle from parking within a minimum distance of four (4) feet from such building or structure.

ARTICLE XX  
BOUNDARIES OF DISTRICTS

Section 1. Rules where uncertainty may arise: Where uncertainty exists with respect to the boundaries of the various districts, as shown on the map accompanying and made a part of this ordinance, the following rules apply:

(A) The district boundaries are street, alley and property lines unless otherwise shown and, where the districts designated on the map accompanying and made a part of this ordinance are bounded approximately by street, alley or property lines, the street, alley or property lines shall be construed to be the boundary of the district.

(B) Where the district boundaries are otherwise indicated and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be property lines, and where the districts designated on the map accompanying and made a part of the ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.

(C) In un-subdivided property, the district boundary lines on the map accompanying and made a part of the ordinance shall be determined by use of the scale appearing on the map.

(D) In case of a district boundary line dividing a platted lot into two parts, the district boundary line shall be construed to be the property line nearest the less restricted district.

(E) Whenever any street, alley or other public way is vacated by official action of the City Council, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

ARTICLE XXI  
GENERAL REQUIREMENTS

The provisions of this ordinance shall be administered and enforced by the Building Inspector of the City of Mesquite. All applications for building permits shall be accompanied by a plat submitted in quintuplet (five copies) drawn to scale, showing the actual dimensions of the lot or tract of land to be built upon, the size of the building to be erected, the use of the property, all means of ingress and egress, and such other information as may be necessary to provide for the enforcement of these regulations. A careful record of such applications and plats shall be kept in the office of the Building Inspector.



Prior to the issuance of any building permits the Building Inspector shall determine that the application and the improvements to be constructed comply with the requirements and provisions of City of Mesquite Ordinance No. 522, Minimum Development Standards Ordinance, as presently existing or as may be hereafter amended.

ARTICLE XXII  
PENALTY FOR VIOLATION

Any person or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building or use in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor and shall be liable to a fine of not more than Two Hundred Dollars (\$200.00), and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith, and who may have assisted in the commission of any such violation, shall be guilty of a separate offense and, upon conviction, shall be fined as herein provided.

ARTICLE XXIII  
CHANGES AND AMENDMENTS

1. The governing body may from time to time amend, supplement or change by ordinance the boundaries of the districts or the regulations herein established.
2. Before taking action on any proposed amendment, supplement or change, the governing body shall submit the same to the Planning Commission for its recommendation and report.
3. A public hearing shall be held by the governing body before adopting any proposed amendment, supplement or change. Notice of such hearing shall be given by publication one (1) time in the official publication of the City of Mesquite, stating the time and place of such hearing, which time shall not be earlier than fifteen (15) days from the date of publication.
4. Unless such proposed amendment, supplement or change has been approved by the Planning Commission or if a protest against such proposed amendment, supplement or change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty per cent (20%) or more, either of the area of the lots included in such proposed change or those immediately adjacent in the rear thereof extending 200 feet therefrom or of those directly opposite thereto extending 200 feet from the street frontage of such opposite lots, such amendment shall not become effective except by a three-fourths vote of the governing body.



5. The official zoning map of the City of Mesquite shall be kept in the office of the City Secretary.

ARTICLE XXIV  
DEFINITIONS

Certain words in this ordinance are defined for the purpose hereof as follows:

1. Words in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and directive.

2. Accessory Building: In a residence or apartment district, a subordinate building, attached to or detached from the main building, without separate utilities, not used for commercial purposes and not rented and containing servants' quarters, a washroom, a storage room for domestic storage only, and space for one or more automobiles. In any other district, a subordinate building, the use of which is incidental to and used only in conjunction with the main building.

3. Alley: A public space or thoroughfare which affords only secondary means of access to property abutting thereon.

4. Apartment: A room or suite of rooms in an apartment house arranged, designed for or occupied as the residence of a single family, individual or group of individuals.

5. Apartment House: Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments or which is occupied as the home or residence of three or more families living independently of each other and maintaining separate cooking facilities.

6. Apartment Hotel: Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other.

7. Area of the Lot: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.

8. Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

9. Block: An area within the city enclosed by streets and occupied by or intended for buildings; or, if said word is used as a term of measurement, it shall mean the distance along a side of a street between the nearest two streets which intersect said street on said side.

10. Boarding House: A building other than a hotel, where lodging and meals for five or more persons are served for compensation.
11. Breezeway: A covered passage one story in height connecting a main structure and an accessory building.
12. Building: Any structure or building for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind.
13. Building Line: A line parallel or approximately parallel to the street line and beyond which buildings may not be erected.
14. Building, End of: Those sides of the building having the least dimensions and in which doors or openings are not customarily provided for ingress and egress.
15. Business: Includes retail, commercial and manufacturing uses and districts as herein defined.
16. Cellar: That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.
17. Clinic, Medical: An institution or station for the examination and treatment of ill and afflicted out-patients.
18. Convalescent Home: Any structure used for or occupied by persons recovering from illness or suffering from the infirmities of old age.
19. Court: An open, unoccupied space bounded on more than two sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard or other permanently open space.
20. Customary Home Occupations: A customary home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment without the employment of additional persons, without the use of a sign to advertise the occupation and which does not cause the generation of additional traffic in the street.
21. Day Nursery: A place where children are left for care between the hours of 7:00 a.m. and 12:00 midnight.
22. Depth of Rear Yard: The mean horizontal distance between the rear line of a building other than an accessory building and the rear lot line and depth of a required rear yard is twenty per cent (20%) of the depth of the lot.

23. Depth of Lot: The mean horizontal distance between the front and rear lot lines.
24. Dwelling, One Family: A detached building having accommodations for and occupied by not more than one (1) family or by one (1) family and not more than four (4) boarders or lodgers.
25. Dwelling, Two Family: A detached building having separate accommodations for and occupied by not more than two (2) families or by two (2) families and not more than four (4) boarders or lodgers. (Two boarders or lodgers to each unit)
26. Dwelling Unit: A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters.
27. District: A section of the City of Mesquite for which the regulations governing the area, height or use of the building are uniform.
28. Efficiency Apartment: An apartment having a combination living and bedroom. (No separate bedroom)
29. Family: A family is any number of individuals living together as a single housekeeping unit, in which not more than four (4) individuals are unrelated by blood.
30. Farm: An area of two (2) acres or more which is used for the growing of the usual farm products such as vegetables, fruit, trees and grain and their storage on the area as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep and swine, including dairy farms with the necessary accessory uses and for treating and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.
31. Front Yard: An open, unoccupied space on a lot facing a street and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projection thereof other than the projection of the usual steps or eave overhang.
32. Grade: For buildings having walls adjoining one street only, it is the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of all walls adjoining the street; and for buildings having no wall adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the Director of Public Works shall establish such sidewalk level or its equivalent for the purpose of these regulations.

33. Gross Floor Area: The gross floor area of an apartment house shall be measured by taking the outside dimensions of the apartment building at each floor level excluding, however, the floor area of basements or attics not used for residential purposes.

34. Height: The height of a building or portion of a building shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher, or, if no street grade has been established, to the highest point of the roof's surface if a flat surface; to the deck line of mansard roofs; and to the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded: chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires, and parapet walls not exceeding four (4) feet in height.

35. Hobby Shop: An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreational activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale or advertised for sale, nor may any sign be used in connection therewith.

36. Home Occupations: Any occupation that is customarily performed at home that does not involve a structural change in the building, that does not require the employment of help, the installation of equipment or the display of a sign, and shall not include beauty culture schools, beauty parlors, doctors' offices for treatment of patients.

37. Home Work Shop: See Hobby Shop.

38. Hospital: An institution or place where sick or injured in-patients are given medical or surgical care either at public (charity) or private expense.

39. Hotel and Motel: A building or arrangement of buildings designed and occupied as a temporary abiding place for individuals who are lodged with or without meals, in which the rooms are usually occupied singly for hire, in which there are no provisions for cooking in individual rooms or apartments, and in which there are more than twelve (12) sleeping rooms, a public dining room accommodating more than twelve (12) guests and a central kitchen.

40. Housing Project: An area of three (3) or more acres arranged according to a site plan to be submitted to and to be approved by the Planning Commission and the City Council, on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access streets and alleys, and the entire area to be zoned as an apartment zone upon the recommendation of the Planning Commission and the action of the City Council, and in which it

shall not be necessary to subdivide the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers and storm sewer inlets shall be provided as required by the City of Mesquite and built in accordance with the City of Mesquite specifications.

41. Key Lot: A key lot is a corner lot in a residential, duplex or apartment zoned area which is adjacent to or separated by an alley from a lot platted to face on the side street upon which such corner lot abuts.

42. Kindergarten: A school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

43. Lodging House: A building other than a hotel where lodging for five (5) or more persons is provided for compensation.

44. Lot: Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance and having its principal frontage upon a public street or officially approved place.

45. Lot Lines: The lines bounding a lot as defined herein.

46. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Dallas County, or a parcel of land, the deed for which was recorded in the office of the County Clerk of Dallas County prior to July 1, 1960.

47. Non-Conforming Uses: A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto and which does not conform to the use regulations of the district in which it is situated.

48. One Family Dwelling: A detached building having accommodations for and occupied by one (1) family, or by one (1) family and not more than four (4) boarders or lodgers.

49. Open Space: Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.

50. Parking Space: An area of not less than 180 square feet (measured approximately 9 feet by 20 feet) not on a public street or alley, surfaced with an all-weather surface, enclosed or unenclosed, together with an all-weather surfaced driveway connecting the parking space with a street or alley permitting free ingress and egress, in any dwelling, duplex or apartment district, shall not include the parking of trucks or busses for commercial purposes, head-in parking adjacent to public thoroughfares wherein the maneuvering is done; a public street shall not be classified as off-street parking in computing the parking requirements for any use.

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51. Place: An open, unoccupied space reserved for purposes of access to abutting property.

52. Private Garage: An accessory building or portion thereof in which not more than five (5) privately owned motor-driven vehicles are stored by occupants of the premises, not more than one (1) of which may be a truck not to exceed one (1) or one and one-half (1 1/2) ton capacity.

53. Public Garage: A building or portion of a building used for repair, care or servicing of motor-driven vehicles, or where motor-driven vehicles are equipped for operation or kept for hire or sale, but not including the open storage of trucks, trailers and vans.

54. Private Stables: A stable with a capacity for not more than four (4) horses or mules.

55. Public Stables: A stable with a capacity for more than four (4) horses or mules.

56. Rear Yard: The required rear yard is an open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and having a depth of twenty per cent (20%) of the depth of the lot. Accessory buildings may occupy not to exceed thirty per cent (30%) of the area of the required rear yard, except that in the "A" District where access to accessory buildings is from a public alley, more than thirty per cent (30%) of the required rear yard may be covered by such buildings provided that the minimum distance between the rear of the main building and the accessory building equals at least twenty per cent (20%) of the depth of the lot.

57. Shopping Center: An area consisting of three (3) acres or more arranged according to a site plan to be submitted to and to be approved by the Planning Commission and the City Council on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings, parking area, streets and type of zoning desired. It shall require that the installation of all utilities, drainage structures, paving of streets, parking area, alley and installation of sidewalks be in accordance with the City of Mesquite specifications for each type of improvement.

58. Servants Quarters: An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises and not rented or otherwise used as a separate domicile.

59. Side Yard: An open, unoccupied space on the same lot with a building, situated between the building and side line of the lot and extending through from the front yard to the required rear yard. Any lot line not the rear line or a front line shall be deemed a side line.

60. Storage Garage: A building or portion thereof used for the storage of more than five (5) passenger motor vehicles and trucks of not more than one and one-half (1 1/2) ton capacity.

61. Story, Half: A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five per cent (75%) of the area of the floor of the first story below.

62. Story, Standard: One having eleven (11) feet six (6) inches between floors.

63. Street: Any thoroughfare or public driveway other than an alley, and more than twenty (20) feet in width, which has been dedicated or deeded to the public use.

64. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

65. Structural Alterations: Any change in the supporting member of the building, such as a bearing wall, column, beams or girders.

66. Two Family Dwelling: A detached building having separate accommodations for and occupied by not more than two (2) families or by two (2) families and not more than four (4) boarders or lodgers.

67. Trailer Camp or Park: An area designed, arranged or used for the parking or storing of one or more auto trailers which are occupied or intended for occupancy as temporary living quarters by individuals or families.

68. Used Car Lot: A lot or portion thereof to be used only for the display and sale of automobiles that are in condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.

69. Width of Side Yard: The mean horizontal distance between a side wall of a building and the side line of the lot, or to the center line of an alley adjacent to such side lot line.

70. Yard: An open, unoccupied (except for vegetation) space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.

71. Tourist Court: One or more buildings designed or used as temporary living quarters for automobile transients in which individual cooking facilities may or may not be provided. If facilities are provided for individual cooking so that the units may be occupied as dwelling units, the same area, density and yard regulations as required in the "A" Multiple Family District shall be observed. In all cases, one off-street parking space shall be provided for each room or suite of rooms in the tourist court.

ARTICLE XXV  
PRESERVING RIGHTS IN PENDING LITIGATION AND  
VIOLATIONS UNDER EXISTING ORDINANCES

By the passage of this ordinance, no presently illegal use shall be deemed to have been legalized unless specifically such use falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain non-conforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the zoning ordinance was repealed and the present zoning ordinance adopted, shall be discharged or affected by such repeal; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

ARTICLE XXVI  
VALIDITY

If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

ARTICLE XXVII  
INTERPRETATION, PURPOSE AND CONFLICT

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings or requires larger open spaces than are imposed or required by agreements, the provisions of this ordinance shall govern.

ARTICLE XXVIII  
REPEALING CLAUSE

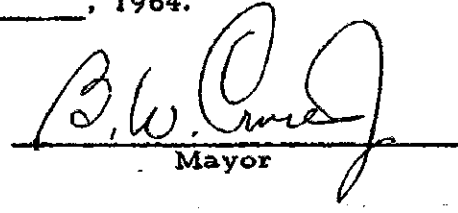
All ordinances and parts of ordinances in conflict herewith are repealed, except that where a special permit zoning ordinance has heretofore been adopted by the City Council requiring dedication of street or alley right-of-way, and where such required right-of-way has not been dedicated, the provisions of such special permit ordinances requiring such dedications shall remain in full force and effect, and shall not be repealed by the provisions of this Zoning Ordinance.

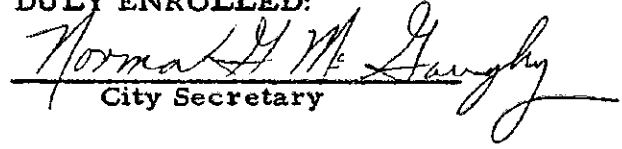


ARTICLE XXIX

The fact that the present zoning regulations are inadequate to properly safeguard the general public welfare, health, peace and safety creates an urgency and an emergency and requires that this ordinance become effective immediately upon its passage and publication of the caption of such ordinance, as the law in such cases provides, and it is accordingly so ordained.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 17 day of August, 1964.

  
\_\_\_\_\_  
Mayor

DULY ENROLLED:  
  
\_\_\_\_\_  
City Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney