

ORDINANCE NO. 969

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 560 OF THE CITY OF MESQUITE BY RECLASSIFYING THE USES PERMITTED IN "LR" LOCAL RETAIL AND "C" COMMERCIAL DISTRICTS BY ESTABLISHING CERTAIN STANDARDS AND REGULATIONS PERTAINING TO HEIGHT OF STRUCTURES, YARD REQUIREMENTS, PARKING FACILITIES, SIGNS, MAXIMUM LOT COVERAGE AND TYPE OF CONSTRUCTION; BY PROVIDING DEFINITIONS OF CERTAIN TERMS; BY PROVIDING A SEVERABILITY CLAUSE BY; PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS AND DECLARING AN EMERGENCY.

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

SECTION I. That the following sections of Ordinance No. 560 entitled the Comprehensive Zoning Ordinance of the City of Mesquite are amended as follows; in all other respects to remain in full force and effect:

- 1. Article X, entitled "LR" Local Retail District is amended to read as follows:

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 square feet, leather goods when not employing more than five persons on the premises.

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Taxi stand, mortuary, retail ice delivery station, fully attended gasoline filling stations (not to include any manner of self-service operation - see definition under "C" Commercial), 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 materials in the open or on the outside of the building, except drive-in groceries and service stations.

New and used auto parts and accessories when located inside a building in which no parts for sale are stored or displayed outside and in no case shall the installation of automobile parts or repair of automobiles be permitted on the premises. (Ord. No. 667)

Section 2. Height regulations.

No building shall exceed two and one-half 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. Yard, area, off-street parking, construction and sign regulations.

1. Front yard.

(A) There shall be a front yard having a minimum depth of not less than twenty-five 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 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 feet or ten per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five feet. The side yard adjacent to a side street shall not be less than ten 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 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 square feet of floor area.

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

(C) Banks, furniture stores, professional offices, business offices other than medical or dental clinics shall provide off-street parking space at the ratio of one parking space for each five hundred 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 the ratio of one parking space for each one hundred fifty 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 square feet of floor area shall provide one space for each five hundred square feet of ground floor building area.
2. Buildings having over five thousand square feet but not more than ten thousand square feet of ground floor area shall provide ten spaces plus one for each three hundred thirty-three feet of ground floor area in excess of five thousand square feet.
3. Buildings having over ten thousand square feet of ground floor area shall provide twenty-five parking spaces plus one space for each two hundred square feet of ground floor area in excess of ten thousand square feet.
4. Buildings having local retail or professional office uses on floors above the ground shall provide off-street parking spaces at the ratio of one space for each five hundred 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 ten feet by twenty-five feet for each twenty thousand square feet of floor space or fraction thereof in excess of three thousand square feet in the building or on the lot used for retail, storage or service purposes.

(G) Gasoline filling station establishments shall provide off-street parking, servicing and maneuvering space as follows:

1. Servicing Area - A minimum of four 10' x 20' spaces shall be provided for the first pump and two additional spaces for each pump thereafter for the purpose of servicing vehicles.
2. Maneuvering Space - Adequate maneuvering space shall be provided, according to design, to allow unobstructed traffic flow to and from the street and servicing and parking space.
3. When a gasoline filling station is operated in conjunction with another business on the same premises the required parking and maneuvering space shall be cumulative. The foregoing shall be shown by site plan upon application for building permit.
4. One parking space per each six hundred square feet of structure for employee parking.
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 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 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).
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 square feet with a twelve 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 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 Outer Loop (I. H. 635). No signs or billboards shall be permitted of flashing lighted types, revolving types revolving faster than eight revolutions per minute or intermittent lighted types with lighting interruptions of less than five 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 two and one-half standard stories (twenty-eight feet, nine inches) when located a distance of twenty-five 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 feet, and such special signs shall not exceed an over-all horizontal width of forty feet.

(D) A special sign shall not be located nearer than seventy-five feet, measured from the adjacent residential property line, or nearer than twenty-five 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 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 second intervals. Special shopping center signs of directional nature for parking areas, such directional signs not to exceed twenty-five square feet in area, shall be allowed when placed flat against the building or erected as freestanding signs or similar types but not involving flashing lighted types, revolving types revolving faster than eight revolutions per minute or intermittent lighted types with lighting interruptions of less than five 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, upholstery, 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.

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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, foodstuffs, (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 semifinished products for resale and/or distribution, such as: Packaging of foodstuffs, the bottling of drinks or foodstuffs, mixing of paint, preparation of pharmaceutical products.

Lumberyard, 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.

Approved self-service gasoline filling stations are allowed in this District.

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 such material in the open, the lot or area shall be fenced with a solid fence or wall at least six feet in height.

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SECTION 2. Height Regulations.

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

SECTION 3. Yard, area, off-street parking, construction and sign 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 feet or ten per cent of the average width of the lot, whichever is smaller, but a side yard shall not be less than five 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 of the depth of the lot, but in no case shall such rear yard be less than ten feet.
4. Parking regulations.
 - (A) The parking regulations for clinics, motor vehicles sales rooms, and used car lots, gasoline filling stations, retail uses, personal services, professional offices and restaurants are the same as those in the "LR" Local Retail District. Servicing and maneuvering space for gasoline filling stations are the same as those in the "LR" Local Retail District.
 - (B) Bowling alleys shall provide off-street parking space at the ratio of three spaces for each alley.
 - (C) Hotels shall provide off-street parking space at the ratio of one space for each two 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 space for each one hundred square feet of floor area used for dancing, amusement or skating.

(E) Driving range, amusement parks, kiddie rides, and miniature golf courses shall provide off-street parking at the ratio of one space for each five 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 space for each one thousand 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 space for each five 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 space for each one thousand 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 ten feet by twenty-five feet for each twenty thousand square feet of floor space or fraction thereof in excess of three thousand 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 erected on a lot, as computed between the outside walls of each structure, shall not exceed fifty per cent of the total area of the lot.

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 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).

7. Signs. All signs authorized and permitted in more restrictive districts are authorized in the "C" Commercial District. (Ord. No. 778)

SECTION 4. Definitions.

Self-service gasoline filling station - An establishment where any portion of the servicing of vehicles or the dispensing of gasoline is designed or calculated to be performed by the customers.

Night Clubs. The term night club as used herein does not include dancing as a permitted use except where a special permit has been obtained for dancing under Article XV of the Zoning Ordinance, Special Permit Section.

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SECTION 2. Should any word, phrase, sentence, paragraph or section of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this Ordinance and the Code of the City of Mesquite shall remain in full force and effect.

SECTION 3. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed to be guilty of a misdemeanor and upon conviction in the Municipal Court shall be subject to a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

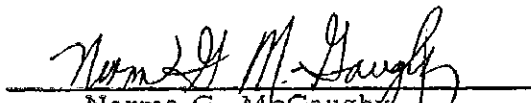
SECTION 4. The fact that the Zoning Ordinance of the City of Mesquite, Texas, is inadequate for the necessary protection of the public health, comfort and general welfare, creates an urgency and an emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

DULY PASSED by the City Council of the City of Mesquite, Texas, on the 16th day of August, A. D., 1971.


George Boyce
Mayor

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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