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ORDINANCE NO. 1105

CASE 1462-86

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1964, DULY PASSED BY THE CITY COUNCIL ON AUGUST 17, 1964, SO AS TO GRANT A CHANGE OF ZONING FROM "R-3" SINGLE FAMILY DWELLING DISTRICT TO A SPECIAL PERMIT FOR OFFICE USE ONLY, AS SET OUT IN THE "O" OFFICE CLASSIFICATION OF THE PROPOSED NEW ZONING ORDINANCE, AN EXCERPT IS ATTACHED HERETO AS EXHIBIT "B" AND MADE A PART OF THIS ORDINANCE, ON THAT PORTION OF THE SUBJECT PROPERTY FRONTING ON MOTLEY DRIVE TO A DEPTH OF 300 FEET, AND "LR" LOCAL RETAIL USES ON THE REMAINDER OF THE SUBJECT PROPERTY; SUBJECT TO DEDICATION OF 60 FEET OF RIGHT-OF-WAY ALONG THE EASTERN EDGE OF THE PROPERTY FOR THE EXTENSION AND CONSTRUCTION OF GROSS ROAD ABUTTING THE PROPERTY, SAID PROPERTY BEING ON TRACT 12, SHEET 13C OF ABSTRACT 1462, D. TANNER SURVEY, CITY OF MESQUITE, DALLAS COUNTY, TEXAS, AND BEING FURTHER DESCRIBED IN EXHIBIT "A" AS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL PROVISIONS OF THE 1964 ZONING ORDINANCE NOT IN CONFLICT HERewith; BY MAKING APPLICABLE ALL REGULATIONS OF THE 1964 ZONING ORDINANCE TO THE LAND HERewith ZONED; BY PROVIDING THAT THE FOREGOING ZONING CHANGE IS GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State Laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise and, after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the said change of zoning should be granted herein:

100110

ORDINANCE/PAGE 2
CASE 1462-86

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1964, duly passed by the City Council of the City of Mesquite, Texas, on the 17th day of August, 1964, be, and the same is, hereby amended by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from "R-3" Single Family Dwelling District to a Special Permit for Office use only, as set out in the "O" Office Classification of the proposed New Zoning Ordinance, an excerpt of which is attached hereto as Exhibit "B" and made a part of this ordinance, on that portion of the subject property fronting on Motley Drive to a depth of 300 feet, and "LR" Local Retail uses on the remainder of the subject property; subject to dedication of 60 feet of right-of-way along the eastern edge of the property for the extension and construction of Gross Road abutting the property, said property being on Tract 12, Sheet 13C of Abstract 1462, D. Tanner Survey, City of Mesquite, Dallas County, Texas, and being further described in Exhibit "A" as attached hereto and made a part of this ordinance.

SECTION 2. That all ordinances of the City of Mesquite in conflict with the provisions of this ordinance be, and the same are, hereby repealed and all other ordinances of the City of Mesquite not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the property described in Exhibit "A" shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1964.

SECTION 4. That the foregoing zoning change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 858 of the Mesquite City Code.

002829
ORDINANCE/PAGE 3
CASE 1462-86

SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole, or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1964, of the City of Mesquite, and upon conviction shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 7. Whereas, the property described in Exhibit "A" requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 2 day of April, A.D., 1973.

George Boyce
George Boyce
Mayor

ATTEST:

Norma G. McGaughey
Norma G. McGaughey
City Secretary

APPROVED AS TO FORM:

Elland Archer
Elland Archer
City Attorney

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EXHIBIT "A"

CASE 1462-86

BEING a 5.11 acre tract of land owned by Shelley Baker Properties, situated in the Daniel Tanner Survey, Abstract No. 1462, City of Mesquite, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point in the northeasterly line of Motley Drive (an 80 foot Right-of-Way), said point being a South corner of said 5.11 acre tract, said point also being the West corner of a 2.16 acre tract of land owned by Kenneth W. Cox and Edd R. Land; a point for corner;

THENCE North 45° 00' West, with the northeasterly line of said Motley Drive, 182.35 feet to the West corner of said 5.11 acre tract, said point being the South corner of a tract of land owned by Eastridge Park Baptist Church; a point for corner;

THENCE North 45° 27' East, with the Northwesterly line of said 5.11 acre tract, 860.04 feet to the North corner of said tract; a point for corner;

THENCE South 45° 01' East, with the Northeasterly line of said 5.11 acre tract, 106.31 feet to a point for corner;

THENCE South 1° 33' East, 453.32 feet to a point for corner, said point being the northeast corner of the aforementioned tract of land owned by Kenneth W. Cox and Edd R. Land;

THENCE South 88° 20' West, with the Northerly line of said Cox and Land tract, 213.00 feet to the beginning of a curve to the left, having a radius of 416.72 feet and a central angle of 43° 20'; a point for corner;

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EXHIBIT "A"/PAGE 2
CASE 1462-86

THENCE in a westerly and southwesterly direction and
along said curve, 315.14 feet to the end of said curve;
a point for corner;

THENCE South 45° 00' West, with the northwesterly line
of said Cox and Land tract, 107.44 feet to the place of
beginning and containing 5.11 acres of land.

ARTICLE 30
O - OFFICE

PURPOSE AND SCOPE: The O-District is intended to accommodate primarily professional, management, research, and other similar offices outside the Central Business District in intermediate and outlying locations.

30.00 PRINCIPAL PERMITTED USES:

- 30.001 OFFICES: Business and professional offices
- 30.002 BANKS: Banks, including drive-in banks, savings and loan companies, similar services
- 30.003 FUNERAL HOMES AND MORTUARIES: Funeral homes, mortuaries, and other business caring for the dead
- 30.004 CLINICS: For human care
- 30.005 MEDICAL OFFICES: Medical and dental offices
- 30.006 ADMINISTRATIVE OFFICES: Administrative offices for public or semi-public, civic, religious, charitable organizations
- 30.007 RESEARCH OFFICES: Offices for research organization except industrial research and laboratories.
- 30.01 CONDITIONAL USES: The following uses shall be permitted if specifically authorized by the City Council:
 - 30.011 SERVICES: Selected business and personal services essential or desirable as complementary uses to the principal uses permitted, such as medical or dental laboratories, apothecary, office equipment services, etc., provided such uses shall have no exterior entrances, display and advertising.
 - 30.02 ACCESSORY USES: Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted O-District uses.
 - 30.03 PROHIBITED USES: All uses shall be prohibited in the O-District which are not expressly authorized by this article.
 - 30.04 REQUIRED CONDITIONS: Site plans shall be presented to the Planning and Zoning Commission for review.

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

30.06 LOT AREA, FRONTAGE, AND YARD REQUIREMENTS: The following minimum requirements shall apply:

Lot Area	Front Yard	Side Yard	Rear Yard
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none 25 ft. 10 ft. 40 ft.

Except when abutting a Residential District.

In that case, the building shall be set back from side or rear a distance of two (2) feet for each one (1) foot building height.

30.07 EXTERIOR FIRE RESISTANT CONSTRUCTION: All main buildings shall be of exterior fire resistant construction having the exterior walls constructed of brick, stone, concrete block or other masonry, or materials of equal characteristics, in accordance with Ordinances 776, 778, 895, 896, 897, 1037, and the General Basic Schedule State Board of Insurance.

30.08 MAXIMUM LOT COVERAGE: The total area of the main building and all accessory buildings built upon the lot, as computed between the outside walls of each structure, shall not exceed thirty (30) percent of the total lot area.

30.09 SITE PLAN: A site plan showing the proposed development including all easements, property lines, physical features, buildings, parking facilities, and locations for sanitary facilities shall be filed with the City Planner and approved by the Planning and Zoning Commission.

30.10 SIGN REGULATIONS: Refer to Ordinance 741 for specific details.

(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 (1) special sign not exceeding three hundred seventy (370) square feet in size shall be allowed for each drive-in type facility where such is located on U.S. Highway 80, U.S. Highway

67 (I.H.30) or LBJ Freeway (I.H.635). No signs or billboards shall be permitted of flashing lighted types, revolving faster than five (5) revolutions per minute, or intermittent lighted types with lighting interruptions of less than five (5) second intervals.

(b) In an area consisting of three (3) or more acres, one (1) special shopping center sign, not exceeding two hundred (200) square feet will be permitted and additional special signs will be permitted on the basis of one (1) sign for each additional four (4) acres of property contained within the shopping center area, with the maximum not to exceed four (4) 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 party line within the shopping center, general retail or manufacturing area. Special signs may be erected to a height of two and one-half (2½) standard stories (28 feet 9 inches) 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 (1) foot additional setback to a maximum height of fifty (50) feet, and such special signs shall not exceed an overall horizontal width of forty (40) feet.

(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 (1) 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 faster than eight (8) revolutions per minute, or intermittent lighted types with lighting interruptions of less than five (5) second intervals.

39.11 PARKING REGULATIONS

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- (a) Medical or dental clinics shall provide off-street parking spaces at the ratio of one (1) space for each one hundred fifty (150) square feet of floor area.
- (b) Mortuary or funeral homes shall provide off-street parking spaces at the ratio of four (4) spaces for each parlor, or one (1) space for each fifty (50) square feet of floor area; theater, one (1) space for each four (4) seats or one space for each fifty (50) square feet of floor area, whichever is greater.
- (c) Banks, professional offices and business offices other than medical or dental clinics, shall provide off-street parking spaces at a ratio of one (1) parking space for each three hundred (300) square feet of floor area.
- (d) Establishments for the sale and consumption on the premises of food and refreshments shall provide off-street parking spaces at a ratio of one (1) parking space for each four (4) seats under maximum seating conditions.
- (e) Any building hereafter erected, altered, or converted for general retail or personal service use not listed in (a), (b), (c), or (d) shall provide off-street parking spaces 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 two hundred fifty (250) 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 fifteen (15) spaces plus one (1) space for each three hundred (300) 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 forty (40) 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 storage space shall provide one (1) additional parking space for each seven hundred fifty (750) feet of floor area used for storage.

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(5) Where more than one building is located upon a lot, the parking requirement 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 public streets. Such space shall consist of a minimum area ten (10) feet by twenty-five (25) feet for each twenty thousand (20,000) square feet of floor space or fraction thereof in excess of three thousand (3,000) square feet in the building or on the lot used for retail, storage, or service purposes.

(g) For additional information, refer to Article 51.

30.12 SCREENING: Screening shall be provided according to the following:

(a) In the event that an O-District backs or sides upon a residential district, a solid masonry screening fence not less than six (6) feet in height shall be erected and maintained along the property line dividing the two districts.

(b) A masonry screening fence shall consist of materials of equal composition and characteristics as the main buildings in the district.

(c) No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street, or drive intersections.