

ORDINANCE NO. 1229

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AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, BY PROVIDING FOR SCREENING OF OUTSIDE STORAGE IN THE SERVICE STATION, COMMERCIAL, CENTRAL BUSINESS AND INDUSTRIAL DISTRICTS; BY PROVIDING FOR FRONT YARD SETBACKS OF TWENTY-FIVE (25) FEET IN THE COMMERCIAL AND INDUSTRIAL DISTRICTS; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, a public hearing was held after due notice as required by law and all affected property owners were afforded an opportunity to be heard;

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

SECTION 1. That the Comprehensive Zoning Ordinance of 1973 duly passed by the City Council of the City of Mesquite, Texas on the 4th day of September, 1973, be, and the same is hereby amended as follows, in all other respects to remain in full force and effect:

1. Service Station District. A new paragraph is added to Article 42.041 of the Comprehensive Zoning Ordinance of 1973 to read as follows:

Outside Storage of Materials - Articles, goods or materials (not wholly within a completely enclosed building) except for incidental outdoor display of retail merchandise, shall be screened from public view with a permanently maintained solid fence constructed with wood or masonry or landscaped berm or other alternatives as approved by the Development Review Committee.

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2. Commercial District. A new Article 43.031 is added to Article 43 of the Comprehensive Zoning Ordinance of 1973 to read as follows:

43.031 OUTSIDE STORAGE OF MATERIALS: Articles, goods, or materials (not wholly within a completely enclosed building) except for incidental outdoor display of retail merchandise, shall be screened from public view with a permanently maintained solid fence constructed with wood or masonry or landscaped berm or other alternatives as approved by the Development Review Committee.

3. Central Business. Article 44.09 of the Comprehensive Zoning Ordinance of 1973 is hereby omitted.

A new Article 44.0301 is added to Article 44 of the Comprehensive Zoning Ordinance of 1973 to read as follows:

43.0301 OUTSIDE STORAGE OF MATERIALS: Articles, goods, or materials (not wholly within a completely enclosed building) except for incidental outdoor display of retail merchandise, shall be screened from public view with a permanently maintained solid fence constructed with wood or masonry or landscaped berm or other alternatives as approved by the Development Review Committee.

4. Industrial. A new Article 45.0301 is added to Article 45 of the Comprehensive Zoning Ordinance of 1973 to read as follows:

45.0301 OUTSIDE STORAGE OF MATERIALS: Articles, goods, or materials (not wholly within a completely enclosed building) except for incidental outdoor display of retail merchandise, shall be screened from public view with a permanently maintained solid fence constructed with wood or masonry or landscaped berm or other alternatives as approved by the Development Review Committee.

SECTION 2. The Comprehensive Zoning Ordinance of 1973 is further amended by providing as follows, in all other respects to remain in full force and effect:

1. Article 43.053 is deleted and a new Article 43.053 is inserted to read as follows:

43.053 FRONT YARD: The front yard shall have a minimum depth of twenty-five (25) feet. Provided, however, the front yard setback required by this ordinance shall not prohibit parking under the following conditions:

A curb or barrier is provided to prevent parking in the area extending thirty (30) feet from the outer edge of the egress drive counter to the flow of traffic.

Where a lot fronts on a street having two way traffic without a median or other physical divider the egress drive shall be located so as to provide at least thirty (30) feet on either side of the egress drive.

2. Article 45.063 is deleted and a new Article 45.063 is added to read as follows:

45.063 FRONT YARD: The front yard shall have a minimum depth of twenty-five (25) feet. Provided, however, the front yard setback required by this ordinance shall not prohibit parking under the following conditions:

A curb or barrier is provided to prevent parking in the area extending thirty (30) feet from the outer edge of the egress drive counter to the flow of traffic.

Where a lot fronts on a street having two way traffic without a median or other physical divider the egress drive shall be located so as to provide at least thirty (30) feet on either side of the egress drive.

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SECTION 3. The Comprehensive Zoning Ordinance of 1973 is further amended by deleting Article 61.093 and providing a new Article 61.093 to read as follows:

61.093 YARD RESTRICTIONS: No such off-street parking shall be located within the required front yard except in the Commercial or Industrial District as provided in Article 43.053 and 45.063 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.

SECTION 4. 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 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 6. The fact that present ordinances are inadequate to properly regulate outside storage screening and front yard setbacks, creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption of said ordinance, as the law in such cases provides.

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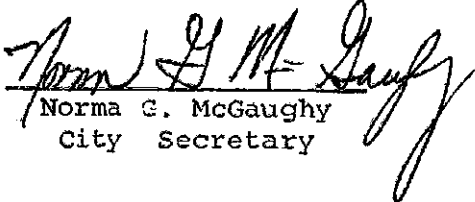
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of December , A.D., 1974.



Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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Handwritten signature or initials