

ORDINANCE NO. 1464

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY AMENDING ARTICLES 04, 41, 43, 44, AND 45 TO ALLOW SELF-SERVICE GASOLINE SALES IN CONJUNCTION WITH CONVENIENCE STORES; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE 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 FOR 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 change of zoning may be granted herein:

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect;

A. Article 41 "GR - General Retail" is hereby amended by adding a new subsection entitled,

41.005 - Self-Service Gasoline Sales. Self-service gasoline sales may be conducted in conjunction with the operation of a convenience store as such terms are herein defined and subject to the conditions herein prescribed, to-wit:

1. A minimum lot area of 12,000 sq. ft. is required.
2. A minimum street frontage of 120' is required.
3. Drive approaches shall be a minimum of 40' in width.
4. Drive approaches shall be a minimum of 20' from a street intersection.
5. Pump islands, compressed air connections, etc. shall be a minimum of 25' from the front property line.
6. Canopies shall be a minimum of 22' from front property line.
7. All illumination shall be installed so as to reflect away from surrounding residential properties.
8. All self-service dispensing facilities shall also provide an emergency shut-off switch which will completely eliminate the flow of gasoline from all of the self-service pumps in any emergency situation. The emergency shut-off switch shall be located in the vicinity where the station attendant will be located the majority of the time.
9. All pump islands shall be located a minimum of 100' from any residential district.
10. The maximum number of gasoline pumps located on the site shall be limited to three (3).
11. The maximum number of gasoline pump islands located on the site shall be limited to one (1).
12. All other automobile services, except for self-service gasoline sales, shall be prohibited.

B. Article 43 "C - Commercial" is hereby amended by adding a new subsection entitled,

43.0013 - Self-Service Gasoline Sales. Self-service gasoline sales may be conducted in conjunction with the operation of a convenience store as such terms are herein defined and subject to the conditions herein prescribed, to-wit:

1. A minimum lot area of 12,000 sq. ft. is required.
2. A minimum street frontage of 120' is required.
3. Drive approaches shall be a minimum of 40' in width.
4. Drive approaches shall be a minimum of 20' from a street intersection.
5. Pump islands, compressed air connections, etc. shall be a minimum of 25' from the front property line.
6. Canopies shall be a minimum of 22' from front property line.
7. All illumination shall be installed so as to reflect away from surrounding residential properties.
8. All self-service dispensing facilities shall also provide an emergency shut-off switch which will completely eliminate the flow of gasoline from all of the self-service pumps in any emergency situation. The emergency shut-off switch shall be located in the vicinity where the station attendant will be located the majority of the time.
9. All pump islands shall be located a minimum of 100' from any residential district.
10. The maximum number of gasoline pumps located on the site shall be limited to three (3).
11. The maximum number of gasoline pump islands located on the site shall be limited to one (1).
12. All other automobile services, except for self-service gasoline sales, shall be prohibited.

C. Article 44 "CBD-Central Business District" is hereby amended by adding a new subsection entitled,

44.0013 - Self Service Gasoline Sales. Self-Service gasoline sales may be conducted in conjunction with the operation of a convenience store as such terms are herein defined and subject to the conditions herein prescribed, to-wit:

1. A minimum lot area of 12,000 sq. ft. is required.
2. A minimum street frontage of 120' is required.
3. Drive approaches shall be a minimum of 40' in width.

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4. Drive approaches shall be a minimum of 20' from a street intersection.
5. Pump islands, compressed air connections, etc. shall be a minimum of 25' from the front property line.
6. Canopies shall be a minimum of 22' from front property line.
7. All illumination shall be installed so as to reflect away from surrounding residential properties.
8. All self-service dispensing facilities shall also provide an emergency shut-off switch which will completely eliminate the flow of gasoline from all of the self-service pumps in any emergency situation. The emergency shut-off switch shall be located in the vicinity where the station attendant will be located the majority of the time.
9. All pump islands shall be located a minimum of 100' from any residential district.
10. The maximum number of gasoline pumps located on the site shall be limited to three (3).
11. The maximum number of gasoline pump islands located on the site shall be limited to one (1).
12. All other automobile services, except for self-service gasoline sales, shall be prohibited.

D. Article 45 "I - Industrial" is hereby amended by adding a new subsection entitled,

45.003 - Self-Service Gasoline Sales. Self-service gasoline sales may be conducted in conjunction with the operation of a convenience store as such terms are herein defined and subject to the conditions herein prescribed, to-wit:

1. A minimum lot area of 12,000 sq. ft. is required.
2. A minimum street frontage of 120' is required.
3. Drive approaches shall be a minimum of 40' in width.
4. Drive approaches shall be a minimum of 20' from a street intersection.
5. Pump islands, compressed air connections, etc. shall be a minimum of 25' from the front property line.

6. Canopies shall be a minimum of 22' from front property line.
7. All illumination shall be installed so as to reflect away from surrounding residential properties.
8. All self-service dispensing facilities shall also provide an emergency shut-off switch which will completely eliminate the flow of gasoline from all of the self-service pumps in any emergency situation. The emergency shut-off switch shall be located in the vicinity where the station attendant will be located the majority of the time.
9. All pump islands shall be located a minimum of 100' from any residential district.
10. The maximum number of gasoline pumps located on the site shall be limited to three (3).
11. The maximum number of gasoline pump islands located on the site shall be limited to one (1).
12. All other automobile services, except for self-service gasoline sales, shall be prohibited.

SECTION 2. Article 4 "Definitions" of the Comprehensive Zoning Ordinance of the City of Mesquite is hereby amended as follows, in all other respects to remain in full force and effect.

A. A new subsection is hereby added to be entitled,

4.091 - Automobile Self-Service Station. Self-service gasoline sales only, excluding all other automobile sales or service.

1. Self-service gasoline sales shall mean gasoline and oil sales in which the customer dispenses same into his automobile and shall not include oil sales in which oil is drained from the automobile (oil changes) but only addition. Water or radiator additives may be sold but no flushing or draining of radiator shall be permitted. Compressed air for tires shall be limited to injection of air into tires actually mounted on the automobile. No tire repair or changing shall be permitted. Facilities for windshield cleaning may be provided for use by customer with adequate receptacles for cleaning waste material, but no car washing other than windows shall be permitted.
2. All automotive service not herein expressed is declared to be in excess of self-service gasoline sales.

B. A new subsection is hereby added to be entitled,


4.0301 - Convenience Store. A retail establishment in which goods, requiring no processing, are normally bought in small lots in which accumulation and check out time is less than 10 minutes.

SECTION 3. 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 of 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 4. 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.

WHEREAS, the present Comprehensive Zoning Ordinance fails to adequately provide for self-service gasoline sales in order to protect the public interest, comfort, and general welfare of the City of Mesquite, 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.

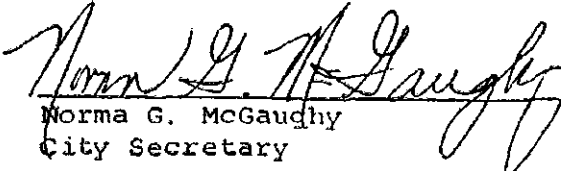
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 6th day of November, A.D., 1978.



B. J. Smith
Mayor

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy
City Secretary

Elland Archer
City Attorney