

ORDINANCE NO. 1567

AN ORDINANCE OF THE CITY OF MESQUITE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973 BY ADOPTING A NEW ZONING DISTRICT TO BE KNOWN AS THE MIXED USE DISTRICT; BY ADOPTING STANDARDS AND REQUIREMENTS FOR SCREENING; FRONT, REAR AND SIDE YARD SETBACKS; BUILDING HEIGHT AND TYPE OF CONSTRUCTION; PARKING REQUIREMENTS AND SETTING FORTH PERMITTED USES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, certain areas of the City are in various stages of transition; and

WHEREAS, such areas do not readily lend themselves to traditional residential or non-residential type zoning; and

WHEREAS, it is desirable to accommodate non-residential development while protecting the quality of life for existing residential uses;

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

SECTION 1. The Comprehensive Zoning Ordinance of 1973 is hereby amended by adding a new Zoning District to be known as the Mixed Use District to read as follows and the table of uses is amended to conform herewith; in all other respects to remain in full force and effect.

MIXED USE DISTRICT

PURPOSE AND SCOPE:

It is the purpose of the Mixed Use (M.U.) District to provide a Zoning District which is conducive to order, central city redevelopment and responsive to adjacent land uses.

PRINCIPAL PERMITTED USES:

Any use permitted in any residential or office district except as hereinafter modified. The following uses as herein defined in the Mesquite Zoning Ordinance:

1. Retail and services
2. Offices
3. Eating and drinking places (excluding drive-ins)
4. Day Nurseries
5. Trade or business schools
6. Commercial art studios
7. Hotels, motels
8. Animal hospitals
9. Bottling works
10. Building and related trades
11. Residential (all residential uses)

OUTSIDE STORAGE OF MATERIALS:

Articles, goods or materials (not wholly within a completely enclosed building) except for incidental outdoor display of retail merchandise, is prohibited.

HEIGHT REGULATIONS:

No building shall exceed three (3) standard stories in height. Non-residential buildings which are on lots contiguous to residential lots must maintain an additional side yard setback of one (1) foot for each three (3) feet of height above the first floor (one (1) story).

LOT AREA, FRONTAGE, AND YARD REQUIREMENTS:

The following minimum requirements shall apply:

MAXIMUM LOT COVERAGES

FRONT YARD:

There shall be a front yard having a minimum depth not less than five (5) feet, except as hereinafter provided.

When fifty percent (50%) or more of the platted lots on the block face having existing structures, new structures must conform to their average front yard.

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For structures greater than one story, the front yard setback shall have an additional two (2) feet for each story plus one (1) foot for each ten (10) feet of building width.

SIDE YARD:

Combined side yards shall be no less than ten (10) feet wide. The side yard of a corner lot adjacent to a side street shall not be less than ten (10) feet wide. When non-residential uses abut residential uses, two (2) feet for each story plus one (1) foot for each ten (10) feet of building width shall be maintained. No storage, placement of mechanical devices or refuge shall be located within the side yard.

REAR YARD:

The rear yard shall be twenty (20) percent of the depth of the lot or twenty-five (25) feet, whichever is greater.

MINIMUM DEPTH OF LOT:

The minimum depth of the lot shall be one hundred and twenty (120) feet.

PARKING REGULATIONS:

Off-street parking spaces shall be provided on the lot to accommodate one (1) automobile for each one thousand (1,000) square feet of an enclosed residential building.

Non-residential structures shall be constructed so as not to allow garage door openings fronting the street.

No supporting member of any garage, carport or other automobile storage structure shall be located within the required front yard.

OTHER PARKING REQUIREMENTS ARE AS FOLLOWS:

1. Retail and services - 1 space per 300 square feet
2. Offices - 1 space per 375 square feet
3. Eating and drinking places - 1 space per 3 seats

4. Day Nurseries - 1 per employee plus 1 per classroom plus a circular drive or similar driveway providing separate points of ingress and egress to the premises.
5. Trade or business schools - 1 for each classroom, laboratory, or instructional area, plus one for each five students
6. Commercial art studios - 1 space per 300 square feet
7. Hotels, motels - 1 space per sleeping unit
8. Animal hospitals - 1 space per 375 square feet
9. Bottling works - 1 space per employee or 1250 square feet floor area, whichever is greater
10. Building and related trades (retail sales only) - 1 space per 300 square feet

SCREENING:

- a) In the event that a non-residential use sides to a residential use, a solid masonry, six (6) foot high screening fence or four foot japanese ligustrums planted on three (3) foot centers shall be erected and maintained along the property line extending to the farthest corners of both structures. When said non-residential use backs to a residential use, a solid masonry, six (6) foot high screening fence shall be erected and maintained along the rear property line of the non-residential structure.
- b) A masonry screening fence shall consist of materials of equal composition and characteristics as the primary non-residential structure.
- c) No such screening fence shall be erected so as to obstruct the vision of motorists at alley, street or drive intersections.

METAL BUILDINGS:

Buildings with metal exterior siding, such as Butler and Delta type steel buildings, are permitted subject to the following restrictions:

- (a) Masonry is required on the front of buildings facing primary or secondary thoroughfares and for a distance of 20' or 20% of the length of a building's site, whichever is greater, along any side extending away from a primary or secondary thoroughfare.

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(b) The exterior panels of metal buildings shall have a permanent baked-on finish or, if approved by the Mesquite Development Review Committee, an alternative finish of comparable durability. Such permanent baked-on finish or any alternate allowed is defined as that finish that has a low incidence of chipping, peeling, blistering, chalking and fading so as to maintain a good appearance over the life of the building according to products available in the market at a given time.

SECTION 2. 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 3. 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.

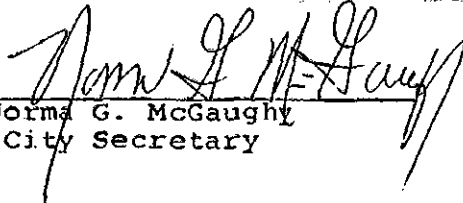
SECTION 4. The fact that the present ordinances of the City of Mesquite do not provide for the orderly development of areas in transition while affording protection to existing residential uses creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires 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 17th day of December, A.D., 1979.


B. J. SMITH
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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