

ORDINANCE NO. 1830

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE BY PROVIDING FOR THE LOCATION OF USED CAR LOTS; BY DEFINING SAME AND ESTABLISHING STANDARDS FOR BOTH EXISTING AND SUBSEQUENTLY ZONED LOCATIONS; 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.

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:

1. Article 04.105 is hereby amended to read as follows:

A lot or tract of land used for the sale or display for sale of two or more previously owned motor vehicles including but not limited to passenger automobiles, motor cycles, trucks, dune-buggies and other types of motor vehicles designed for use upon the public roads or for pleasure off public roads but not including farm implements, mobile home, camper and recreational vehicles as defined by City Code or construction equipment such as cranes, bulldozers and related equipment and trucks over one ton capacity.

2. That there is hereby added to Chapter 43 of said zoning ordinance a new article to be entitled "43.019A - Used Car Lots" as follows:

43.019A - Used Car Lots - Standards

Used car lots as defined herein may, after the effective date of this ordinance, be zoned as a conditional use under this Chapter upon the following standards.

- (1) A minimum lot area of 12,000 square feet.
- (2) A primary building of permanent construction is required (Refer to Article 43A.07).
- (3) Paving for all areas to be used for display of automobiles should be in accordance with Ordinance 522.
- (4) Outside storage shall consist of only operable vehicles with current inspection stickers. All other requirements in the district shall apply.

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- (5) Illumination should be in accordance with Article 61.092.
- (6) Automotive minor repair and maintenance, excluding any major repairs, shall be conducted totally within an enclosed building.
- (7) Parking shall be permitted in the front yard only for the display of used cars, maintaining the proper visibility clearance at intersections. Parking for employees shall be provided according to regulations in the Office District, Paragraph 40.09.
- (8) Barriers sufficient to retain all vehicles completely within the property shall be provided to prohibit ingress and egress except at drive approaches. (For security, a six (6) foot high fence that will not obstruct vision may be placed in the front yard setback to protect and enclose all the vehicles).
- (9) A site plan showing the proposed development, including parking area for customers and vehicles for sale, existing and proposed buildings, ingress and egress points and barrier or fence locations shall be filed with the City Planner and reviewed by the Development Review Committee.
- (10) Vehicles displayed shall be arranged in an orderly manner facing the primary street and parallel to each other. Where more than one line or row of vehicles are displayed the rows shall be parallel with each other and the primary street. Hoods, trunks, and doors shall be closed when not open for inspection. Tires shall be properly inflated. The overall appearance shall be sightly and orderly.

Provided further, that used car lots lawfully in existence upon the effective date of this Ordinance shall not be subject to standards, item numbers (1), (2), (3) and (9), but shall be subject to items (4), (5), (6), (7), (8) and (10) above.

3. That there is hereby added to Chapter 44 of said zoning Ordinance a new Article 44.0112 to be entitled as follows:

44.0112 - Used Car Lots - Standards

Standards for existing and subsequently zoned used car lots as defined herein shall be as provided in Article 43.019A.

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.

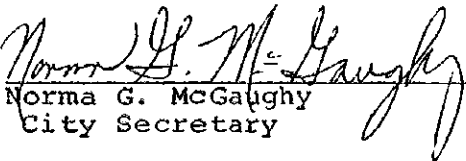
SECTION 4. The fact that the present ordinances of the City of Mesquite do not adequately establish standards for both existing and subsequently zoned locations for used car lots creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this 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 4th day of October, A.D., 1982.


LEN GIBBENS
MAYOR

ATTEST:

APPROVED AS TO FORM:


Norma G. McGaughy
City Secretary

Elland Archer
City Attorney

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