

ORDINANCE NO. 2114

00093

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 EFFECTING CERTAIN
CHANGES IN ARTICLES 43, 43A, 44 AND
45; 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 change 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, the City of Mesquite is of the opinion that the following amendments and revisions should be made to the City of Mesquite Comprehensive Zoning Ordinance:

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

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

A. That the following articles are hereby deleted:

Articles 43.004, 43.04, 43A.019, 44.0112

B. The following articles are hereby amended as follows:

1. Article 43.031 is amended to read as follows:

OUTSIDE STORAGE OF MATERIALS: No outside storage is permitted except for incidental outdoor display of retail merchandise.

2. A new Article 43.032 is hereby added to read as follows:

BUSINESS IN ENCLOSED BUILDINGS: All business, services or processing shall be conducted wholly within enclosed buildings except New Car Sales
— Lots for which a Conditional Use permit has been approved.

3. A new Article 43.014 is hereby added to read as follows:

NEW CAR SALES LOT: Outdoor display and sale of new

00094

and used (but only if used are sold in conjunction with new) automobiles in accordance with the standards for outdoor sales lots set out in Paragraph 43A.019.

4. Articles 43A.002 and 44.006 are hereby amended by adding the following language:

"All display and sales must be wholly within a completely enclosed building."

5. Article 43A.009 is hereby amended by deleting the language, "heavy machinery sales and storage."
6. New Articles 43A.019, 44.0112 and 45.0194 are hereby adopted, each to read as follows:

OUTDOOR SALES LOTS: Outdoor display and sales of new and used cars, recreational vehicles, camper tops, boats, trucks, farm implements, trailer, heavy machinery, mobile homes, modular homes and portable building subject to the development standards. The conditional use approval shall specify which items may be displayed and sold outdoors:

- 1) A minimum lot area of 12,000 square feet is required.
- 2) A primary building of permanent construction is required (refer to Paragraph 43A.07).
- 3) Paving is required for all parking, display and storage areas in accordance with Ordinance No. 522, except that residential building for display, e.g., mobile or modular homes may be placed on an unpaved surface if:
 - a) Units are anchored according to the manufacturer's specifications required for occupancy,
 - b) Space between ground and floor level is completely enclosed
 - c) Access sidewalks are provided,
 - d) Unpaved areas are landscaped in accordance with a landscape plan approved by the Development Review Committee and are regularly maintained.

- 4) Illumination should be in accordance with Paragraph 61.092.
- 5) Parking for employees shall be provided according to regulations in the Office District, Paragraph 40.09.
- 6) Parking and display is permitted in the front yard setback for vehicles only and subject to maintaining proper visibility clearances. For security of vehicle sales lots, a six (6) foot high fence which will not obstruct vision may be placed in the front yard setback to protect and enclose the display/storage area. Display areas for buildings and non-vehicular items must maintain a minimum front yard setback of 25 feet.
- 7) Minimum twenty (20) foot wide fire lanes approved by the Fire Marshall must be provided, marked and maintained throughout the display/storage areas. Buildings in the display/storage areas must be separated by a minimum distance of ten (10) feet.
- 8) If display units are to be connected to electrical power, all connection's must be in accordance with the National Electrical Code.
- 9) Vehicle sales lots may include minor repair and maintenance if conducted totally within an enclosed building. Major repairs are allowed only in conjunciton with new car dealerships.
- 10) Outside display and storage of used cars shall consist of only operable vehicles with current inspection stickers. 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.
- 11) Barriers shall be provided on all vehicular sales lots which are sufficient to retain all vehicles completely within the property and to prohibit ingress and egress except at drive approaches.
- 12) Display areas shall be arranged in an orderly manner with items for sale generally parallel to each other.
- 13) A site plan showing the proposed development, including parking areas, areas for display and storage, existing and proposed buildings, ingress and egress points, and fence and barrier locations shall be filed with the Planning Division and approved by the Development Review Committee.

7. New Articles 43A.032, 44.032 and 45.033 are hereby adopted, each to read as follows:

BUSINESS IN ENCLOSED BUILDINGS: All business, services, or process shall be conducted wholly within completely enclosed buildings except for such outdoor sales, display or storage as herein before specifically authorized or as may be authorized by the Council.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing 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. 1249 of the Mesquite City Code.

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 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 (\$200.00) Dollars for each offense.

SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above 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, 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 10th day of December, A.D., 1984.

Mrs. Brunhilde Nystrom
Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elland Archer
Elland Archer
City Attorney

00098