

ORDINANCE NO. 2191
File No. 2085-6

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 41.005, 42.00, 43A.001, 44.0013, AND 45.003; 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 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 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:

A. The following articles are hereby amended as follows:

a. Article 41.005 is amended to read as follows:

SELF-SERVICE GASOLINE SALES: Self-service gasoline sales may be conducted in conjunction with the operation of a convenience store subject to the following conditions:

1. Limited Service Area: A maximum of one gasoline service area, visible from the attendant station, generally limited to servicing four cars at one time, is permitted. One pump island with a maximum of 3 pumps or two related pump islands with a maximum of one pump each shall be deemed to provide a limited service area. In the case of other layouts, the Planning & Zoning Commission may determine if a layout meets the intent of this section.

2. Lot requirements: A minimum lot area of 12,000 square feet with a minimum 120 foot frontage is required.

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3. Drive Approaches: A minimum width of 40 feet is required for drive approaches.
4. Setbacks: Minimum setbacks of 25 feet for pump islands and 12 feet for canopies are required. All pump islands must be a minimum of 100 feet from any residential district.
5. Illumination: Lighting must be installed so as to reflect away from any surrounding residential properties.
6. Excluded Uses: All other automobile services, except self-serve gas sales, shall be prohibited.
7. Emergency Shut-Off: All dispensing facilities shall provide emergency shut-off switches located in the area where the attendant is usually located.

b. Article 42.00 is amended to read as follows:

PRINCIPAL PERMITTED USES: No building, structure, or land shall be used, erected, altered, or in any way enlarged which is arranged, intended, or designed for other than an automobile service station as defined in paragraph 04.09, convenience stores shall be permitted in conjunction with self service gasoline stations.

c. 44.0013 and 45.003 are each amended to read as follows:

SELF-SERVICE GASOLINE SALES: Self-Service gasoline sales may be conducted; refer to regulations in the General Retail District, Paragraph 41.005.

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 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.

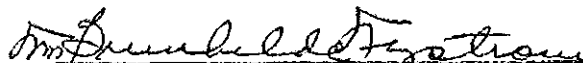
SECTION 4. That any person, firm, or corporation violating any of

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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 5. Whereas, the fact that the present ordinances of the City of Mesquite are not adequate to permit 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 1st day of July, A.D., 1985.



Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:



Lynn Prugel
City Secretary

Elland Archer
City Attorney

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