

ORDINANCE NO. 2209
File No. Z085-7

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 43A, 45 AND 61; 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 effective October 21, 1985 as follows:

1. That the following articles are hereby deleted:

Articles 43A.053, 45.063, 61.09 (in its entirety), and 61.013

B. New Articles 43A.053 and 45.063 are hereby adopted, each to read as follows:

Front yard: The front yard shall have a minimum dept of twenty-five (25) feet.

C. A new Article 61.09 is hereby adopted, to read as follows:

61.09 Construction of Parking areas. Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

00252

61.091. Surfacing. All off-street parking areas for vehicles shall be surfaced with asphalt or concrete pavements, except for single family and duplex residential drives and parking which must be surfaced with concrete. All pavement must be of sufficient strength to support the vehicular loads imposed on it and shall be so graded and drained as to dispose of all surface water accumulated within the area in accordance with standard specifications and requirements of the City of Mesquite, and shall be so arranged and marked as to provide for orderly and safe loading, unloading, parking and storage of self-propelled vehicles. All parking surfaces should be maintained free of potholes, cracks or broken pavement, allowing uninhibited access to all parking spaces, loading spaces, or drives.

61.092. Lighting. All off-street parking areas for non-residential use in a non-residential district which are used after dark, shall be illuminated beginning one-half hour after sunset, continuing throughout the hours of use. In case only a portion of the parking area is offered for use after dark, only that part is required to be illuminated in accordance with these standards. However, the portion offered for use shall be clearly designated. Lighting within the parking areas shall meet the following minimum standards.

1. Intensity
 - a. On the parking lot surface an average of at least one foot candle, initial measurement, and at least one-half foot candle on a maintained basis.
 - b. Minimum at any point of at least 0.3 foot candle initial, and at least 0.2 foot candle maintained 1/3 of the average, whichever is greater.
2. Light sources shall be indirect, diffused or shielded type fixtures and so installed to deflect the light from adjoining properties in residential districts and from boundary streets. Bare bulbs above 15 watts or strings of lamps are prohibited.
3. Fixtures shall be attached to buildings or mounted on poles.

61.093. SETBACKS: No off-street parking spaces may be located within the following: A curb or equivalent barrier shall be placed so as to prevent any vehicle from parking within the following minimum distances:

1. Eleven (11) feet from the proposed curb in any public right of way.

2. Two (2) feet from any property line.
3. Four (4) feet from any building.

61.094. LANDSCAPING: Landscaping is required hereafter on all parking areas in new developments except single family dwellings, duplex dwellings or agricultural uses.

A landscape plan shall be submitted showing the location, name, quantity and size of landscaping materials and other landscaping features, as well as buildings, parking areas, drives, walls, including screening fences, alleys and adjacent streets. The landscaping plan shall be drawn to scale and of a size that will be legible. The following minimum standards will apply.

1. A minimum of two (2) percent of all parking areas shall be landscaped. On parking areas having not more than two (2) rows, the two (2) percent requirement can be met with perimeter landscaping; for lots having more than two (2) rows, at least one-half (1/2) of the landscaping requirement must be internal in the parking lot.
2. Landscaping shall extend beyond the property line to the curb or paving line of all adjacent streets and alleys. To ensure that no traffic visibility problems might occur, landscaping in the eleven foot setback from any proposed curb should not exceed three and one-half (3 1/2) feet in height.
3. The landscape plan shall be submitted for review and approval by the Development Review Committee with the building plans. The decisions of the Development Review Committee may be appealed to the Planning and Zoning Commission.
4. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning, fertilizing, watering, weeding and other such activities to maintain the landscaping. Landscaped areas shall be kept free of trash litter, weeds and other such materials or plants not a part of the landscaping. All plant materials shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Plant material which dies shall be replaced with other plant material of similar size and variety.

5. Prior to the issuance of a Certificate of Occupancy, all landscaping must be in place in accordance with the approved landscape plan. Deferment of the installation of landscaping may be granted by the Development Review Committee based on seasonal planting considerations or other justification provided the owner agrees in writing to a specific date after which landscaping will be required generally no more than six months after issuance of a Certificate of Occupancy.

D. Article 61.013 is hereby adopted to read as follows:

ACCESS: There shall be adequate provision for safe, efficient ingress and egress to all off-street parking spaces. Except for single family and duplex residential uses, no parking space may require the use of public right of way for the maneuvering of a vehicle in entering or leaving a parking space. The layout and design of off-street parking areas and the location of all ingress and egress points shall be approved by the Development Review Committee and shall be in accordance with applicable standards of the City of Mesquite for off-street parking and drives.

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 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

ORDINANCE/PAGE 5

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 19th day of August, A.D., 1985.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney

00256