

ORDINANCE NO. 2679

File No. Z090-5

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE DULY ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO REVISE PART 6; DEFINITIONS BY THE READOPTION OF A REVISED PART 6; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, through administration and experience, the Planning and Zoning Commission has determined that it is necessary to revise certain regulations so that the intended purposes of the Zoning Ordinance are best served; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendments;

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

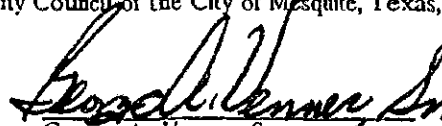
SECTION 1. That the Mesquite Zoning Ordinance duly adopted on September 4, 1973, and recodified on November 21, 1988, be amended by deleting the existing PART 6; DEFINITIONS in its entirety and adopting a revised PART 6 as set out in the attached Exhibit "A".

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 as amended, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2000.00) Dollars for each offense.

SECTION 4. The fact that the present ordinances of the City of Mesquite are inadequate 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.

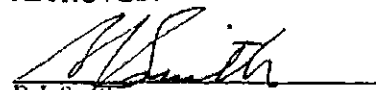
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of June, 1990.


George A. Venner, Sr.
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney

6-100 DEFINITIONS AND INTERPRETATION OF TERMS

This Zoning Ordinance shall be construed liberally to effect the purposes and intent thereof.

6-101 INTERPRETATION OF TERMS

The rules of this section, regarding interpretation, construction and interchangeability of terms, shall be observed, except when the context clearly requires otherwise.

A. MANDATORY TERMS

The terms "shall", "will", and "must" are mandatory, not discretionary. The terms "may" and "should" are permissive.

B. CONFLICTS WITH TEXT

In the event that any heading, caption, illustration, table, or map conflicts with the text of the ordinance, the text shall control. If a heading, caption, illustration, table or map clarifies or supplements the text, it shall apply as though it were an integral part of the text.

C. INCLUSIVE CONSTRUCTION

The following terms and construction shall be construed to include the related terms or construction as indicated. The present tense includes the future tense; the singular includes the plural; Development Review Committee includes authorized representatives thereof; the masculine includes the feminine; structure includes building; a City official named by title includes authorized representatives.

D. INTERCHANGEABLE TERMS

The following terms shall be interchangeable and shall be construed to have the same or similar meaning: principal, main, and primary; lot, site, tract, plot, location and premises; setback and required yard; person, owner, corporation, co-partnership, association, and individual; accessory, secondary, and incidental; area and size; dwelling, living unit, and residence; adjacent, adjoining, contiguous, and abutting; family and household; truck and heavy load vehicle; used, arranged, designed, constructed, altered, converted, rented, leased and intended to be used; street, avenue, boulevard, road, circle, highway and similar terms.

E. ALTERNATE DEFINITIONS

Terms not defined herein shall have the meaning assigned to them by the SIC Classification Manual, the Building Code, or other City ordinance, as applicable, or by customary definition based on planning and zoning literature or a general use dictionary, if no other source related to planning and zoning is found applicable.

6-102 DEFINITIONS

ALLEY: A public right of way which affords only secondary access to an abutting property.

APARTMENT: A multifamily dwelling unit.

Efficiency Apartment: A dwelling unit consisting of not more than one habitable room separated by no more than a 1/2 wall partition, plus kitchen and bathroom facilities.

AUTOMOBILE REPAIR

Minor: Minor repair or replacement of parts, tires, batteries, and accessories; diagnostic services; minor motor services such as grease, oil, spark plug and filter changes; tune-ups; replacement of starters, alternators, hoses, brake parts, mufflers, water or fuel pumps; state inspections; steam cleaning and detailing; servicing of air conditioning systems; for vehicles, but not heavy load vehicles and not including any operation listed as major repair or collision service.

Major: Major repair, rebuilding or reconditioning of engines, radiators, or transmissions; undercoating and rust proofing; any operation requiring dismantling or removal of heads, crankcases, engines or other major parts; and recapping or regrooving or tires; any repair of heavy load vehicles; and other operations not listed as minor repair, but not collision services.

Collision Services: Body, frame, and fender straightening or repair; customizing; painting.

BUILDING: Any structure used or intended to be used for the shelter or enclosure of persons, animals, or property.

Free-standing Building: A building which is physically separated from other buildings.

BUILDING LINE: The line parallel or approximately parallel to street line, beyond which no building or part thereof shall project, except as otherwise provided.

BUILDING SITE: A lot which is shown on a plat approved by the Commission and filed in the plat records of the county.

CERTIFICATE OF OCCUPANCY: An official certificate issued by the City which indicates conformance with the zoning regulations and authorized legal use of the premises for which it is issued.

COMPREHENSIVE PLAN: The City's overall design for growth including land use policy, circulation plans and proposed facilities, consisting of the Mesquite Development Guide, Mesquite Thoroughfare Plan, master plans, related sub-area plans, and special long-range planning studies.

COVERAGE: The percent of a building site or yard which is occupied by structures. Roof eaves to the extent of two feet from walls of a building may be excluded from coverage computation.

CURB LINE: Whenever a setback from a curb line is required, the measurement shall be taken from the back of the curb, if existing, or from the proposed curb on any street which is not currently improved with curbs.

DAY CARE FACILITY: A place other than the person's own home in which care, supervision and guidance, of the person unaccompanied by parent, guardian, or custodian is provided on a regular basis for a period of less than 24 hours per day. Categories of Day Care Facilities are as follows:

Day Care Center: A commercial establishment which may be a day nursery school, kindergarten, child play school, child development center, early childhood center, adult care center, and similar facilities and which is licensed by the State. Any facility not qualifying as a Registered Family Home shall be deemed to be a Day Care Center.

Registered Family Home: A private residence registered with the State as an operation that regularly provides care for children in the private residence and operated in accordance with State rules and regulations.

Adult Day Care Facility: A facility which provides counseling, recreation or food or any combination of these services on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage, or adoption to the owner of the facility.

DENSITY: The relationship of the total number of dwelling units to the area of the site, generally expressed as "units per acre." Density computation shall be based on gross acreage, i.e. total site area, unless otherwise specified.

DEVELOPMENT REVIEW COMMITTEE: A committee of employed personnel of the City of Mesquite assigned the responsibility of review of plats, site plans, and building plans submitted for

approval prior to construction or development. The Committee may also be called the DRC.

DISTRICT, ZONING: A portion of the City of Mesquite within which uniform regulations apply under the provisions of this ordinance.

Residential District: The AG-Agricultural district, any R-Single Family Residential district, the D-Duplex district, any A-Multifamily district, and any portion of a PD-Planned Development district which permits residential uses.

Nonresidential District: Any district which is not a residential district and any portion of a PD-Planned Development district which permits nonresidential uses.

DWELLING UNIT: A building or portion thereof having only one kitchen plus living, sleeping, and bathroom facilities designed and/or used by one family for residential purposes, but not including hotels, motels, travel trailers, tents and other such temporary living quarters.

Accessory: An area, in addition to the principal dwelling unit on a lot, which has living, sleeping, and bathroom facilities and which meets either of the following conditions: 1) contains a kitchen; or 2) has primary access which is not from within the principal dwelling unit, including any such area in a detached structure, whether or not the area contains a kitchen.

Single Family Detached: A dwelling unit located in a residential building containing one dwelling unit, located on a separate lot, and having no physical connection to any other dwelling unit.

PART 6: DEFINITIONS

Single Family Attached: A dwelling unit located in a residential building containing 2 or more dwelling units, located on separate lots, but connected by a common wall on one or more sides.

Duplex: A dwelling unit located in a residential building containing 2 dwelling units connected by common wall. A duplex may be located on one lot or on separate lots. Duplex also means two-family dwelling.

Multifamily: A dwelling unit located in a residential building containing three or more dwelling units.

Zero Lot Line: See 2-504.

FAMILY: Individuals living together as a single housekeeping unit, including cooking together, in which not more than 4 individuals are unrelated by blood, marriage, or adoption. Family shall not include groups of individuals which do not function as or constitute housekeeping units, such as boarding/lodging houses, fraternity/sorority houses, and similar living arrangements.

GRADE, AVERAGE: The level of the finished ground surface elevation established for the purpose of applying height/setback restrictions:

Building Grade: Average grade for a building shall be determined by averaging the elevations of the ground at each corner of the building.

Property or District Line Grade: Average grade for a property or district line shall be determined by averaging the elevation of the ground at each turning point, end, or corner of the property or district line in question.

HEIGHT: The vertical distance from average grade to the highest point of a structure, except:

1) On mansard roofs or roofs with parapet walls, the distance to the deck line, provided the mansard or parapet is not higher than 4 feet above the deck.

2) On hip and gable roofs, the distance between grade and the mean height level between the eaves and the ridge may be used; and

3) On multifamily buildings, the distance between the lowest level of fire department vehicle access and the top plate of the uppermost story shall be used.

4) On Accessory structures, the distance to the highest point of the structure.

5) On architectural features, such as copulas, domes, etc., the distance to the highest point of the structure.

HOME OCCUPATION: See 2-700.

HOUSEHOLD EQUIPMENT: Household equipment shall mean appliances; small electronic equipment; furniture; party supplies; dishes, silverware, tables, and banquet accessories; hand and table tools; garden tools, except tractors; painting supplies, including ladders; and similar items.

HOUSEHOLD PETS: Dogs, cats, fish, birds or other small domestic animals customarily kept for personal use or enjoyment within a home or its associated yards, but not including livestock or wild or dangerous animals which are not generally subject to domestication.

KEY LOT: A corner lot in a single family or duplex subdivision where the rear of the lot abuts or is across an

alley from the side lot line of a lot platted to front the side street which the corner lot adjoins.

KITCHEN: An area specifically set aside and containing the necessary appliances for cooking, but not including an area containing only a microwave oven, hot plates, or similar small cooking appliance.

LIVING AREA: The interior portion of a dwelling unit used for the accommodation of the occupants, but not including storage/shop areas served exclusively by exterior entrances or garages. Living area shall generally mean "heated/air conditioned" area and may be measured to the exterior surface of the walls.

LIVESTOCK: Animals generally raised on farms, including cattle, sheep and goats, swine, poultry (chickens, turkeys, ducks, geese, fowl, etc.) and horses, mules, and donkeys, unless otherwise indicated.

LOT: A tract, parcel, plot, or building site. A lot of record is a parcel whose boundaries have been established on a plat approved by the Planning & Zoning Commission and on file in the records of Dallas County.

Lot Depth: The average horizontal distance between front and rear lot lines.

Lot Size: The horizontal area contained within the lot lines.

Lot Width: The required lot width is the straight line distance between the side lot lines, measured at the two points where the front building line intersects the side lot lines.

The average lot width is the average of the width at the building line as measured for the

required width and the straight line distance measured between the corner where the rear lot line meets the side lot lines.

LOT LINES: The property lines bounding the lot.

Front Lot Line: The line separating the lot from a street right-of-way. Where a lot abuts 2 perpendicular streets, the front line is generally the shorter of the lot lines abutting a street and the line most nearly parallel to an interior side lot line shall be an exterior side lot line, not a front lot line, except on a key lot. Where a lot abuts 2 parallel streets, both lines adjacent to a street shall be front lot lines.

Rear Lot Line: The lot line most distant from and most parallel to the front lot line.

Side Lot Line: Any lot line intersecting a front lot line and any line which is not a front or rear lot line. A side lot line separating a lot from another lot is called an interior side lot line. An exterior lot line separates the lot from a side street on a corner lot.

MOBILE HOME: A single family detached, factory-built home designed to be used as a year-round residential dwelling, transportable in one or more sections, and built on a permanent chassis, but not intended for transport other than for the purpose of delivery to a permanent site.

MOBILE HOME PARK: Any lot or part thereof or any parcel of land which is used or offered as a location for two or more mobile homes.

NON-CONFORMING USES, PREMISES, AND STRUCTURES: See 1-300.

PART 6: DEFINITIONS

OPEN SPACE: The portion of a building site which is not occupied by structures, parking, or drives.

OUTDOOR DISPLAY, SALES, AND STORAGE: See 3-600.

PRIVATE: Private shall mean operated for the exclusive use of the occupants of a property or other specified area such as a neighborhood, including guests of the occupants.

PRIVATE CLUB: A private club shall mean a club offering the sale of alcoholic beverages to members as defined and permitted by the State Alcoholic Beverage Code, unless otherwise specified.

PUBLIC: Public shall mean owned and/or operated by the City or other governmental agency, unless otherwise specified.

RESIDENTIAL CARE FACILITY: An establishment primarily engaged in the provision of residential, social and personal care for children, the aged and special categories of persons with some limits on ability for self-care, but where medical care is not a major element. State licensing shall be required to be classified as a care facility in order to assure necessary supervision and services.

Family Home: A facility for 6 or less persons including a resident supervisor, living and cooking together as a single housekeeping unit, as defined by State law.

Group Home: A facility for 7 to 15 persons including resident supervisors.

Care Institution: Any facility for more than 15 persons.

SETBACK: The required minimum distance between any structure and any lot line

of the lot on which it is located. Setbacks shall be measured perpendicular to the lot line. (See also Yard).

SIC: See Standard Industrial Classification

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE: The use listing and numbering system as set out in the Standard Industrial Classification Manual (1987) of the Statistical Policy Division of the U.S. Office of Management and Budget. Nonresidential uses are listed and defined by their SIC reference group unless otherwise noted.

STORY: See definition in Building Code.

STREET: A public or private roadway which affords the principal access to an abutting lot.

Arterial Street: A street designated as such on the Mesquite Thoroughfare Plan.

Residential Street: A street in a 50 or 60 foot right-of-way and not designated as an arterial street on the Mesquite Thoroughfare Plan.

STRUCTURE: Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Structure shall not include trailers, trailers with wheels removed, export/shipping containers, or any other device designed and/or intended for transportation purposes or any modification of such a device.

Principal Structure: A building or other structure occupied by or used by a principal use.

Accessory Structure: A building or other structure on a lot which is

occupied by an accessory use. Accessory structure shall include agricultural structures and buildings, statues, monuments, and fountains.

TOWNHOUSE: A single family attached dwelling unit in a building with 3 or more dwelling units attached by common vertical walls, but where each unit is located on a separated lot.

USE: The purpose for which land or structure is or may be occupied in a zoning district.

Principal Use: Any activity which is a primary part of the total activity and is more than incidental or insubstantial to other activities. Activity in a building or on a lot may include several principal uses. Some principal uses may be secondary in nature to another activity, but not so insubstantial as to be classified accessory.

Accessory Use: An activity conducted in conjunction with a principal use which constitutes only an incidental or subordinate part of the total activity and which is commonly associated with the principal use. An activity which is an integral or substantial part of the primary use shall not be classified as an accessory.

USED CAR LOT: A lot or tract of land used for the sale or display for sale of two or more previously owned vehicles including but not limited to passenger automobiles, motorcycles, 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.

UTILITY FACILITIES: Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity or any entity defined as a public utility and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, or electronic signals.

Neighborhood Facilities: Utility facilities that are designed to serve the immediately surrounding properties.

Community and Regional Facilities: All utility facilities other than neighborhood facilities.

VEHICLES:

Commercial: A heavy load vehicle or any vehicle which is marked with a sign indicating its business usage.

Heavy Load Vehicle: A vehicle having a manufacturer's classification of 2 tons or more, or having more than 2 axles, such as tractor-trailers, large recreational vehicles, buses, large vans, and other similar vehicles.

Light Load Vehicle: A vehicle having a manufacturer's classification of less than 2 tons, but in no case having more than 2 axles.

YARD, GENERAL: An open space that lies between a building or structure and a lot line.

PART 6: DEFINITIONS

YARD, REQUIRED: An open space that lies between a lot line and the required setback line.

Front Yard: That portion of a lot which abuts the street, extending across the width of the lot from the front lot line to the structure (general) or to the front setback line (required).

Rear Yard: That portion of a lot, extending between the side lot

lines from the rear lot line to the structure (general) or to the rear setback line (required) and not abutting a street.

Side Yard: That portion of a lot, extending between the front and rear setback lines, from the side lot line to the structure (general) or to the side setback line (required). An interior side yard abuts another lot or an alley. An exterior side yard abuts a side street on a corner lot.

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