

ORDINANCE NO. 2816

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, BY AMENDING SECTIONS 3-203D, 3-203E.42, 3-203F, 3-203E.42a, 1-104H, 1-401C, 3-404C, 3-405(24), 3-202F, AND 3-203I.835, AND BY ADDING SECTION 3-203C.1799; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; 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;

WHEREAS, the Planning and Zoning Commission did give public notice and did hold public hearings regarding proposed revisions and has recommended amendment of the ordinances; 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, adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended as follows:

a. Delete Special Conditions required by Sections 3-203D, 3-203E.42, and 3-203F and replace with new Special Conditions for Sections 3-203D, 3-203E.42 and 3-203F stated as follows:

Requires all primary buildings and yard activities, except employee parking, to be located at least 100 feet from any residential district; Requires any loading or outdoor storage areas where loading/unloading or storage of heavy load vehicles is involved to be located at least 200 feet from any residential district; Requires compliance with 3-600 for outdoor storage; See 1-104H regarding high risk uses.

b. Delete Special Condition required by Section 3-203E.42a, Miniwarehousing, Self-Storage and replace with a new Special Condition for Section 3-203E.42a stated as follows:

Requires compliance with 3-502.

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c. Delete Section 1-104H, High Risk Uses and replace with a new Section 104H, High Risk Uses stated as follows:

H. *High risk uses.* Any use determined by the Health, Fire, or Building Official to be of special health or safety hazard due to excessive or toxic fumes, smoke, gas, or dust; vibration; odor; noise; or danger from fire, explosion or radiation, but which could be operated without hazard under specific standards, shall require approval of a Conditional Use Permit in accordance with 5-300, whether or not such approval is otherwise indicated as required. High risk uses shall include, but not be limited to, those listed in National Fire Protection Association Pamphlets 49 and 49M.

d. Delete Section 1-401C, Nonconforming Uses and replace with a new Section 1-401C, Nonconforming Uses stated as follows:

C. *Nonconforming uses.* Certain uses established before the effective date of this ordinance and nonconforming as to performance standards shall be given a reasonable time in which to conform therewith as provided in 1-301E.

e. Delete Section 3-404C, Handicapped Parking, including the table, and replace with a new Section 3-404C, Handicapped Parking stated as follows:

C. *Handicapped parking.* Parking for the handicapped and disabled shall be provided as part of the required parking in accordance with the requirements of the Americans with Disabilities Act.

f. Delete Parking Spaces Required for Section 3-405(24), Parking Standard Group 24, Nursing Homes/Residential Care, and replace with a new Section 3-405(24) Parking Standard Group 24, Nursing Homes/Residential Care stated as follows:

24 Nursing Homes/Residential Care 1 space for each 4 beds.

g. Delete Section 3-202F, Limited Assembly, Production, including the heading, and replace with a new Section 3-202F, Limited Industrial Use stated as follows:

F. *Limited industrial use.* Uses in Division D (Sic Groups 20-39) and Division F (Sic Groups 50-51), which require a Conditional Use Permit to locate in a C district, may locate in the C district without a Conditional Use Permit if the use complies with the following limitations:

- 1) The activity involves only the assembly/processing of premanufactured parts into finished products and does not involve processing of raw materials;

- 2) The activity is conducted entirely in an enclosed building with no outdoor storage or activity;
- 3) The maximum gross floor area occupied by the activity is 5,000 square feet or less.

h. Delete Special Condition required by Section 3-203I.835, Child Day Care Services and replace with a new Special Condition for Section 3-203I.835, Child Day Care Services stated as follows:

Requires a circular or similar drive, covered at the building entrance, with loading/unloading space for 1 vehicle for each 500 square feet of gross floor area (not required for drop-in care located in multitenant building); Requires State licensing.

i. Adopt a new Section 3-203C.1799, Special Trade Contractors, NEC, adding this use to the Schedule of Permitted uses:

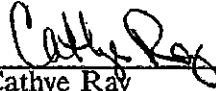
SIC CODE	ZONING DISTRICT								PKNG STND	SPECIAL CONDITIONS
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1799 Special Trade Contractors, NEC							P	P	4	

**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 Mesquite 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 Mesquite Zoning Ordinance 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 (\$2,000.00) Dollars for each offense.

**SECTION 4.** The fact that the present ordinances of the City of Mesquite do not adequately protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and 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 June, 1992.



Cathye Ray  
Mayor

ATTEST:

APPROVED:



Lynn Prugel  
City Secretary



B.J. Smith  
City Attorney