

ORDINANCE NO. 3019  
File No. ZO 94-2

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 DELETING SECTION 3-303A; BY ADOPTING A NEW REVISED SECTION 3-303A REGARDING DISTRICT SCREENING ADJACENT TO RESIDENTIAL DISTRICTS; AND BY ADOPTING A NEW SECTION 3-203L.10 REGARDING DRIVE-THROUGH FACILITIES; 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; and

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

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, said Ordinance in all other respects to remain in full force and effect:

- a. Change the title heading of Section 3-303 to DISTRICT SCREENING AND BUFFERING REQUIREMENTS.
- b. Delete the existing Section 3-303A in its entirety and adopt a new revised Section 3-303A, ADJACENT TO RESIDENTIAL DISTRICTS, to read as follows:

**A. ADJACENT TO RESIDENTIAL DISTRICTS**

In the event that a nonresidential district backs or sides upon a residential district, a screening wall and a buffer tree line shall be established and maintained along the property line abutting the residential district. The screening wall shall be of solid masonry construction, and shall be 8 feet in height. The buffer tree line may be located either inside or outside the wall, and shall be placed along the

screening wall in irrigated landscape areas in accordance with standards for approved trees, minimum pervious area size, maximum spacing of trees, and minimum installation size set out by the Municipal Arborist.

The following modifications of the screening and buffering requirements shall be permitted, provided that prior to any modification, the City Council shall hold a public hearing. Written notification shall be sent at least 10 days prior to the hearing to each owner of real property which abuts the required screening, notifying such owner of the request for waiver, deferment, or substitution, and of the time and place of the public hearing.

1. Waiver: Where the City Council finds this screening and buffering requirement to be impractical or unnecessary, it may grant a permanent waiver of the requirement.
2. Deferment: Where the City Council finds this screening and buffering requirement to be impractical or unnecessary for immediate construction, it may grant a temporary deferment of the requirement.
3. Substitution: Where the City Council finds that the intent of this screening and buffering requirement is better satisfied by a modified application or by substitution of an alternate method of screening and buffering, a substitution of such method may be approved.

c. Adopt a new Section 3-203L.10, SCHEDULE OF PERMITTED USES/ ACCESSORY USES AND STRUCTURES, to read as follows:

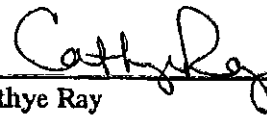
SIC CODE	ZONING DISTRICT										PKNG STND	SPECIAL CONDITIONS	
	O	GR	LC	MU	CB	SS	C	I					
L. ACCESSORY USES AND STRUCTURES													
10 DRIVE-THROUGH FACILITIES	P	P	P	P	P	P	P	P	P	P			Requires a setback of at least 50 feet from any residential district for any drive-through service; For facilities using remote order station or other remote speakers, requires installation of a masonry noise barrier at least 8 feet in height between the drive-through facility and any residential district; provided that a building shall be considered to be a noise barrier. Requires compliance with 3-402C regarding stacking lanes.

**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 of provisions 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 provision 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.** Whereas the need to regulate proper development of the City of Mesquite, and the need to protect the public interest, comfort, and general welfare of the citizens 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 6th day of March, 1995.



Cathye Ray  
Mayor

ATTEST:

APPROVED:



Lynn Prugel  
City Secretary



B.V. Smith  
City Attorney

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