

ORDINANCE NO. 3097

File No. ZO 96-1

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, ESTABLISHING AND LOCATING THE TOWN EAST RETAIL AND RESTAURANT AREA (TERRA) OVERLAY DISTRICT BY AMENDING THE MESQUITE ZONING ORDINANCE DULY ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, TO ADOPT SECTION 4-800 TOWN EAST RETAIL AND RESTAURANT AREA (TERRA) OVERLAY DISTRICT; 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 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 Town East Retail and Restaurant Area (TERRA) Overlay District is hereby established by amending the Mesquite Zoning Ordinance, duly adopted on September 4, 1973, and recodified on November 21, 1988, to adopt Section 4-800 TOWN EAST RETAIL AND RESTAURANT AREA (TERRA) OVERLAY DISTRICT to read as set out in Exhibit A; and that said overlay district is hereby located as shown in 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 of the provisions hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Zoning Ordinance as a whole.

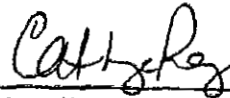
SECTION 3. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Zoning Ordinance of 1973 as amended of the City of

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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 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.

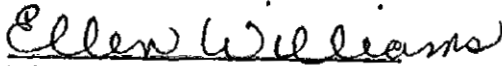
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th day of June, 1996.



Cathye Ray  
Mayor

ATTEST:

APPROVED:



Ellen Williams  
City Secretary



B.J. Smith  
City Attorney

PART 4: PD AND OVERLAY DISTRICTS  
4-800 TOWN EAST RETAIL AND RESTAURANT DISTRICT

**4-800 TOWN EAST RETAIL AND  
RESTAURANT AREA OVERLAY DISTRICT**

**4-801 PURPOSE AND SCOPE**

The Town East area has emerged as the major business center for eastern Dallas County. The pattern of growth in the area has created a concentration of retail and entertainment uses (restaurants and theaters) unforeseen at the time most of the area zoning was adopted. Because of the concentration of these uses, the orientation of the area to family services, the congestion of traffic, and the critical importance of the area in the City's tax structure, some modification of zoning regulation is deemed necessary to assure the on-going viability of the businesses and the value of their improvements. Through the adoption of an overlay district, selected regulations can be adjusted as needed without unnecessarily revising other aspects of the current zoning. The overlay approach therefore provides the least disruptive method of addressing the needed issues.

The overlay district will accommodate further development of retail, restaurants, theaters, and selected entertainment uses similar to the existing development. Diversification to office and hotel uses is encouraged both due to the synergy that the variety of uses can create, as well as for the differentiated traffic pattern created by these uses, i.e. traffic generated at times other than the current retail peaks.

On the other hand, the overlay will restrict uses which might be detrimental to the overall viability and integrity of the area. Specifically, uses with the following characteristics are restricted:

1. Uses which generate truck traffic or display other traffic characteristics which would create greater disruption in this area due to the already congested traffic conditions.
2. Uses with visual or aesthetic characteristics which are normally not present or desirable in a quality retail/entertainment area.
3. Uses with disruptive characteristics, which are generally only accommodated in heavy commercial areas, or which are generally incompatible with family- and customer-oriented retail and entertainment uses.

**4-802 TERRA - TOWN EAST RETAIL AND RESTAURANT AREA PREFIX**

The TERRA prefix designation constitutes a zoning overlay district, and the addition or removal of the TERRA prefix constitutes zoning action requiring due process required under State Law. The City shall have only one contiguous Town East Retail and Restaurant Area District.

PART 4: PD AND OVERLAY DISTRICTS  
4-800 TOWN EAST RETAIL AND RESTAURANT DISTRICT**4-803 PERMITTED USES**

In this district, no land shall be used except for one or more of the following uses to the extent that they are not prohibited by other regulations and ordinances.

**A. STANDARD DISTRICT**

All land in the overlay district shall retain its existing zoning designation and all characteristics of such zoning, except as modified herein.

**B. RESTRICTED USES**

In the TERRA overlay, the following uses shall require approval of a Conditional Use Permit in accordance with 5-300. When a use is allowed in the underlying existing zoning district by the Schedule of Permitted Uses (3-203) as a Permitted Use or Conditional Use Permit, application may be made in the TERRA overlay for approval as a Conditional Use Permit. The restricted uses shall be indicated with an asterisk (\*) on the Schedule of Permitted Uses (3-203).

*Outdoor Storage*

1. Accessory and primary outdoor storage as defined in 3-603

*Construction*

2. SIC Division C - Building, Construction, and Special Trade Contractors
3. SIC 078 Landscape/Horticultural Services

*Manufacturing and Wholesale Trade*

4. SIC Division D - Manufacturing
5. SIC Division F - Wholesale Trade

*Motor Freight and Warehousing*

6. SIC 42-Motor Freight Transportation, Warehousing, including miniwarehousing

*Outdoor Sales Lots*

7. Any Outdoor Sales Lot as defined in 3-602
8. SIC 527 Mobile Home Dealers
9. SIC 549b Farmer's Market
10. SIC 551 and 552 Motor Vehicle Dealers
11. SIC 555 Boat Dealers

12. SIC 556 Recreation Vehicle, Utility Trailer Dealers
13. SIC 557 Motorcycle Dealers
14. SIC 5999c Gravestone, Monument Dealers
15. SIC 5999f Swimming Pool/ Spa Sales

*Sale of Used Merchandise*

16. SIC 593 Used Merchandise Stores/Antique Stores, including Pawnshops
17. SIC 5999a Auction Rooms
18. SIC 5999e Sales Barns/Flea Markets

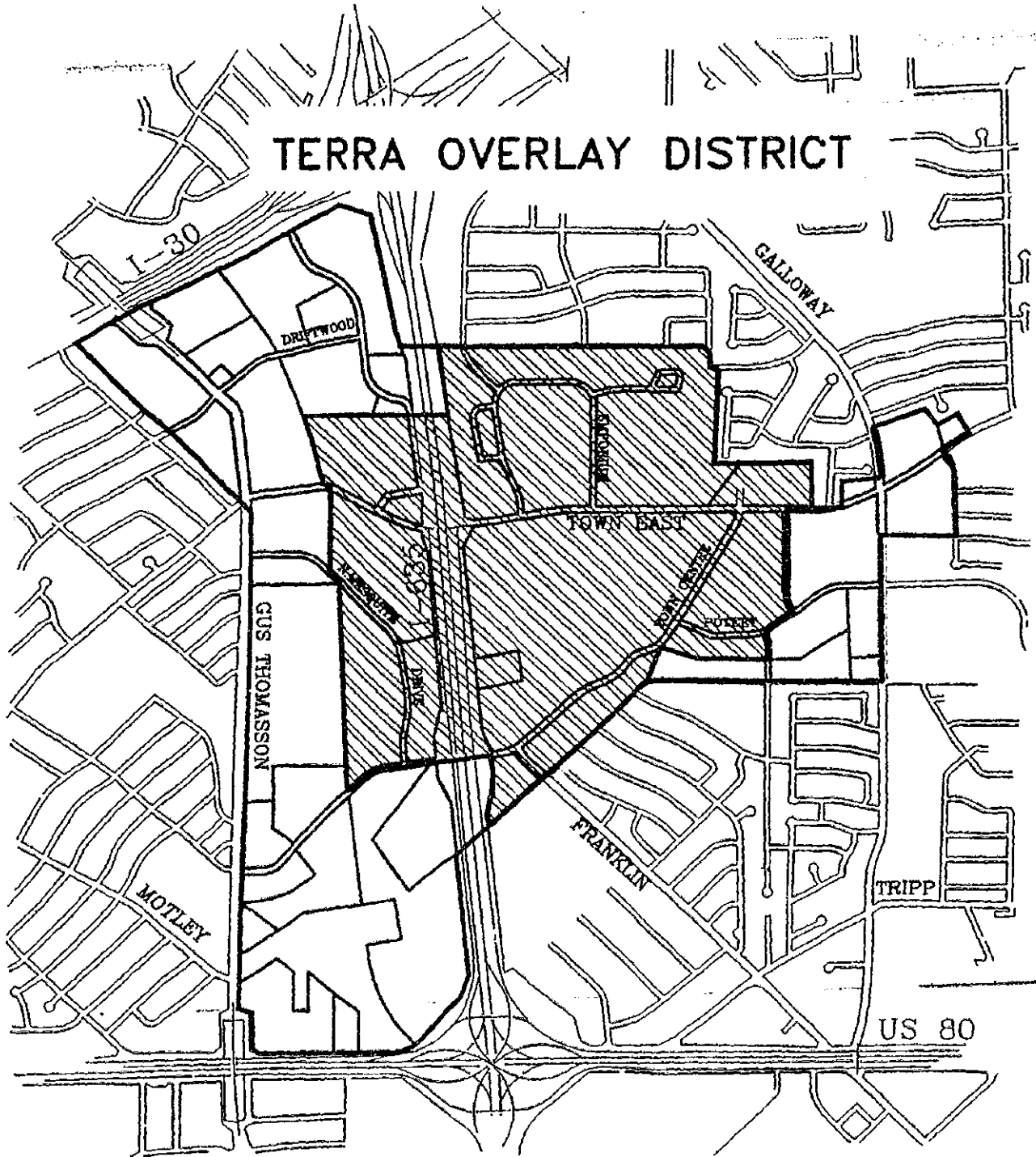
*Service and Repair Establishments*

19. SIC 721 Laundry, Cleaning, Garment Services in facilities larger than 3,500 square feet;
20. SIC 7342 Disinfecting/ Exterminating Services
21. SIC 7349 Building Maintenance Services
22. SIC 7353 Heavy Equipment Rental
23. SIC 7359b Equipment Rental, Other than Household
24. SIC 7623 Refrigeration Repair
25. SIC 764 Reupholstery/Furniture Repair
26. SIC 7692 Welding Shops
27. SIC 7694 Armature Rewinding Shops
28. SIC 7699e Metalsmiths
29. SIC 7699f Boiler, Tank Cleaning/Repair
30. SIC 7699g Septic Tank Cleaning
31. SIC 7699h Farm Machinery Repair
32. SIC 7699i Heavy Equipment Repair

*Automotive Repair and Services*

33. SIC 753b Major Automobile Repair
34. SIC 753c Collision Services
35. SIC 7513 Truck Rental/Leasing
36. SIC 7519 Trailer/Recreational Vehicle Rental/Leasing
37. SIC 752c Heavy Load Vehicle Parking
38. SIC 7549b Towing/Wrecker Services
39. SIC 554b Truck Stop/Heavy Load Facility

# TERRA OVERLAY DISTRICT



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