

ORDINANCE NO. 3751
File No. 2005-2

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 3-504 IN ITS ENTIRETY AND ADDING A NEW SECTION 3-504; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; 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 a public hearing 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 by deleting Section 3-504 in its entirety and adding a new Section 3-504 to read as follows, said Ordinance in all other respects to remain in full force and effect:

3-504 GASOLINE SALES

Automobile service stations and other gasoline sales uses, except the sale of aviation fuel at an airport, shall comply with the following regulations:

A. GENERAL REQUIREMENTS

All properties on which gasoline is sold shall conform with the following requirements:

- 1. Lot Requirements** A minimum of 12,000 square feet with a minimum 120-foot width shall be required.

- 2. Drive Approaches** Drive approaches shall comply with Section 15-150, Access Management and Driveway Standards of the City Code.

3. ***Pump Islands*** Pump islands shall be set back a minimum of 25 feet from any street right-of-way line.
4. ***Residential Separation*** Pump islands shall be located a minimum of 100 feet from any residential district.
5. ***Emergency Shut-Off*** All self-service facilities shall provide an emergency shut-off switch, to completely eliminate the flow of gasoline from all pumps in an emergency situation.
6. ***Masonry Columns*** Columns and/or other supports for the canopy shall provide a masonry exterior finish which matches the exterior masonry construction of the structure.

B. SERVICE STATIONS

The following requirements shall apply to all properties where gasoline sales are conducted:

1. ***Use Regulations*** Service station district zoning shall be required, except when limited gasoline sales are permitted. A property used as a service station shall include the sale of gasoline as a primary use and may include only the following activities in conjunction therewith: Minor automobile repair; sale of parts and accessories; car washing; sale of drinks, packaged foods, tobacco, maps and other similar convenience goods; wrecker service not including the storage of vehicles on site; and truck and/or trailer rental when approved as a Conditional Use Permit in accordance with 3-600. Uses specifically prohibited include major automobile repair, collision service and the storage of vehicles on site.

Note: Uses permitted only in conjunction with gasoline sales shall be indicated with an italicized P (*P*) in the schedule of permitted uses, Section 3-203.

2. ***Convenience Stores*** The operation of a convenience store shall be permitted in conjunction with gasoline sales.
3. ***Outdoor Storage*** No outdoor storage shall be permitted in

conjunction with a service station.

4. Removal of Site Improvements

Associated service station site improvements, i.e., gasoline pump islands, canopies, freestanding car washes, shall be removed from a site where the sale of gasoline has been discontinued for a period of six months. All signage relating to the sale of gasoline shall be removed per Section 13-71 of the City Code. Underground storage tanks shall be removed or abandoned in place per Sections 3404.2.13.1.3 and 3403.2.13.1.4 of the 2000 International Fire Code.

C. LIMITED GASOLINE SALES

Limited gasoline sales are permitted in conjunction with the operation of a convenience store in all districts which permit convenience stores. Limited gasoline sales shall mean that only one gasoline service area, generally limited to servicing no more than eight cars at a time, shall be permitted. One pump island with four pumps or two related pump islands with two pumps each shall be deemed to be limited service areas.

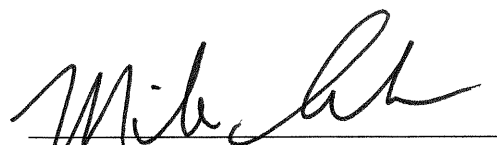
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be 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 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 Mesquite Zoning Ordinance, as amended, 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 5. That the need to regulate proper development of the City of Mesquite and in order to 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 18th day of July, 2005.



Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:



B. J. Smith
City Attorney