

ORDINANCE NO. 4528
Zoning Text Amendment No. 2017-03

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 MAKING CERTAIN DELETIONS
AND ADDITIONS IN SECTIONS FOUND UNDER CHAPTERS
3-200, 3-500, 4-930 AND 6-100 THEREBY PROHIBITING
TRUCK STOPS IN THE CORPORATE LIMITS OF THE CITY;
CREATING NEW REGULATIONS FOR HEAVY LOAD
VEHICLE REFUELING STATIONS; DECLARING CERTAIN
EXISTING USES TO BE CONFORMING; PROVIDING A
REPEALER CLAUSE; PROVIDING A SEVERABILITY
CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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 a public hearing 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 providing additions and deletions in sections found under Chapters 3-200, 3-500, 4-930 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Chapter 3-200.* Amend Section 3-203 in Chapter 3-200 by deleting SIC Code 554 in its entirety and adding a new SIC Code 554 under Section 3-203 to read as follows:

554	Refueling Stations	O	G	L		C	M	C	S	C	I	PKNG STND	
		R	C		V	U	B	S					
a.	Limited Fuel Sales (other than heavy load vehicles)	P	P			P	P	P	P	P		1	Requires compliance with 3-504.
b.	Truck Stop												Prohibited in the corporate limits of the City.

c. Heavy load vehicle refueling										C	C		Requires compliance with 3-504.
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- (2) *Chapter 3-500.* Amend Section 3-504 in Chapter 3-500 by deleting the section in its entirety and adding a new Section 3-504 to read as follows:

3-504 REFUELING STATIONS

Refueling stations, except the sale of aviation fuel at an airport, shall comply with the following regulations:

A. GENERAL REQUIREMENTS

All refueling stations 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 25 feet from any street right-of-way line.
4. ***Residential Separation*** Pump islands shall be located a minimum 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 fuels 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 fuel sales are conducted:

1. ***Use Regulations*** Service station district zoning shall be required, except when limited fuel sales are permitted. A property used as a service station shall include the sale of fuel 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, package 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 fuel 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 fuel 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., fuel pump islands, canopies, freestanding car washes, shall be removed from a site where the sale of fuels has been discontinued for a period of six months. All signage relating to the sale of fuels shall be removed per Section 13-71 of the City Code. Underground storage tanks shall be removed or abandoned in place as required by applicable provisions of Chapter 6, Fire Prevention and Protection, as amended.
5. ***Eating Places*** The operation of an Eating Place (SIC 5812) shall be permitted in conjunction with fuel sales.

C. LIMITED FUEL SALES

Limited fuel sales are permitted in conjunction with the operation of a convenience store in all districts which permit convenience stores. Limited fuel sales shall mean that only one refueling area, generally limited to servicing no more than eight vehicles 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. However, refueling heavy load vehicles is not authorized by this Subsection C and is prohibited at such areas.

D. HEAVY LOAD VEHICLE REFUELING

A refueling station for heavy load vehicles may be permitted by Conditional Use Permit in the Commercial and Industrial zoning districts, subject to the following requirements and such other conditions as the City Council may establish:

1. ***Access*** Refueling stations for heavy load vehicles shall be located on parcels with a principal frontage abutting a federal highway or a designated truck route.
2. ***Spacing*** A refueling station for heavy load vehicles shall not be located on a parcel that is less than 1,000 feet from another refueling station for heavy load vehicles, or on a parcel that abuts any property zoned or used for residential, or elementary or secondary school purposes, or that is located less than 5,000 feet from any property zoned or used for residential purposes when measured in a straight line between the nearest points where the residential property and the refueling station touch the street right-of-way.
3. ***Anti-Idling*** Drivers of heavy load vehicles shall comply with the City of Mesquite anti-idling ordinance, if applicable. The owner or operator of the refueling station shall erect and maintain anti-idling signs at locations approved by

the Building Official, which provide reasonable notice to drivers of such ordinance.

4. ***Unmounted Trailers*** Unmounted trailers shall be prohibited on the premises.
 5. ***Security*** The refueling station shall provide security personnel during all business hours and operating security cameras at locations throughout the premises as required by the Building Official.
 6. ***Parking*** It shall be unlawful for the operator of any heavy load commercial vehicle to park, or for the owner or operator of the refueling station to allow, suffer or permit a heavy load commercial vehicle to park, on the premises of a refueling station in excess of four hours.
- (3) *Chapter 4-930.* Amend Section 4-933(B)(2) in Chapter 4-930 by deleting the section in its entirety and adding a new Section 4-933(B)(2) to read as follows:
2. Within the underlying Commercial and Industrial zoning districts, the following uses may be permitted upon approval of a Conditional Use Permit in accordance with §5-300, et seq., the criteria in paragraph 3 of this Section, and shall comply with the conditions set forth in Section 4-934 herein.
- Services:*
- | | | |
|-----|----------|--|
| (a) | SIC 752c | Parking of Heavy Load Vehicles as the principal use |
| (b) | SIC 753b | Major Automobile Repair for <i>heavy load vehicles</i> , as a principal or accessory use |
- (4) *Chapter 4-930.* Amend Section 4-934(B) in Chapter 4-930 by deleting the section in its entirety and renumbering the existing Section 4-934(C) to Section 4-934(B).
- (5) *Chapter 4-930.* Amend Section 4-934(B)(5) in Chapter 4-930 by deleting the section in its entirety and adding a new Section 4-934(B)(5) to read as follows:
5. The parking of *heavy load vehicles* on the premises of the restricted uses enumerated in Section 4-933(B)(2) shall constitute outdoor storage for purposes of Section 3-603, and such uses shall comply with the requirements for outdoor storage in said Section; provided that in addition to all other requirements, the screening shall consist of an eight-foot masonry wall. Wood or chain link screening is prohibited. The masonry screening wall shall continue and wrap around the entire length of any exterior or interior side of the outdoor storage area if the restricted use is located on a parcel within 1,000 feet of a District Gateway, as measured in paragraph (4).
- (6) *Chapter 6-100.* Amend Section 6-102 in Chapter 6-100 by adding a new definition for *Refueling Stations* in Section 6-102 to read as follows:

REFUELING STATIONS

A commercial establishment that offers combustible fuels such as gasoline, diesel, ethanol, liquefied natural gas or propane for sale to the public for fueling automobiles and sport utility vehicles, recreational vehicles, trucks, commercial, light-load or heavy-load vehicles or similar vehicles, as a primary or accessory use.


SECTION 2. That the amendments adopted by this ordinance do not apply to a Heavy Load Vehicle Refueling Station use for which a certificate of occupancy has been issued provided that the Heavy Load Vehicle Refueling Station Use (Pre-existing Refueling Station) was permitted by a planned development district ("PD") adopted before the date of passage of this ordinance. The Pre-existing Refueling Station is hereby declared to be a conforming use and may be redesigned or enlarged without compliance with the amendments adopted by this ordinance.

SECTION 3. 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 4. 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.

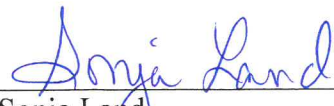
SECTION 5. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of December, 2017.



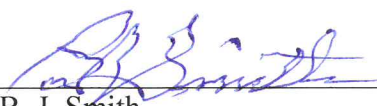
Stan Pickett
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney