

ORDINANCE NO. 4285
Zoning Text Amendment No. 2013-04

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 PROVIDING CERTAIN ADDITIONS AND DELETIONS UNDER SECTION 4-900 THEREBY UPDATING CERTAIN REQUIREMENTS OF THE MILITARY PARKWAY-SCYENE CORRIDOR OVERLAY DISTRICT TO ALLOW A MAXIMUM OF EIGHT FUELING PUMP POSITIONS ONLY WHEN INCIDENTAL TO A CONVENIENCE STORE AND THE FUEL PUMPS SHALL BE LOCATED TO THE REAR OF THE PRIMARY BUILDING ON SITE; 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 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 proving additions and deletions under Section 4-900 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 4-903.C.3(d).* Amend Section 4-903 by deleting Subsection 4-903.C.3(d) in its entirety and adding a new Subsection 4-903.C.3(d) to read as follows:
 - (d) SIC 54 Food Stores

- (2) *Sections 4-903.C.3(e) through 4-903.C.3(z).* Amend Section 4-903 by renumbering the current Subsections 4-903.C.3(e) through 4-903.C.3(z) to Subsections 4-903.C.3(f) through 4-903.C.3(aa) and adding a new Subsection 4-903.C.3(e) to read as follows:
 - (e) SIC 554a Limited Gasoline Sales (incidental to Convenience Stores only)

(3) *Section 4-903.C.4(k)*. Amend Section 4-903 by deleting Subsection 4-903.C.4(k) in its entirety and adding a new Subsection 4-903.C.4(k) to read as follows.

(k) SIC 55 Automobile Dealers, Service Stations except as provided for in Subsection 3, above

(4) *Section 4-904.C.13*. Amend Section 4-904 by adding a new Subsection 4-904.C.13 to read as follows:

13. Fuel pumps as provided for in Section 4-903.C.3(e) above shall comply with the following development standards:

(a) A maximum of eight fueling positions shall be permitted.

(b) Fuel pumps and related canopies shall be located within the parking footprint.

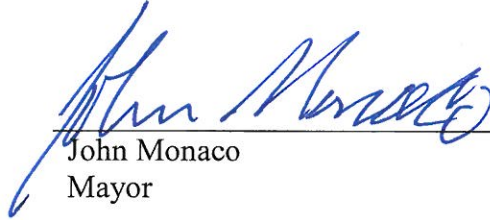
SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof not in conflict herewith, the same shall remain in full force and 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 (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate 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 16th day of September, 2013.




John Monaco
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney