

ORDINANCE NO. 4371
Zoning Text Amendment No. 2015-01

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 ADDING A NEW SECTION 4-930
AND A NEW DEFINITION UNDER SECTION 6-100 THEREBY
CREATING THE SKYLINE LOGISTICS HUB OVERLAY
DISTRICT; PROVIDING A REPEALER CLAUSE; PROVIDING
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, applicable policies of the Mesquite Comprehensive Plan encourage formation of a concentrated logistics hub that will create a new regional identity and greater economic development opportunities for west Mesquite; and

WHEREAS, the Mesquite Comprehensive Plan recognizes that industrial corridors create land use, environmental and aesthetic problems if not addressed by proper planning policies and use regulations; 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 adding a new Section 4-930 to read as follows, said Ordinance in all other respects to remain in full force and effect:

(1) *Section 4-930.* Amend by adding a new Section 4-930 to read as follows:

4-930 SKYLINE LOGISTICS HUB OVERLAY DISTRICT

4-931 Purpose and scope.

The diverse manufacturing and distribution uses that congregate around the Big Town and Town East Boulevards, and that stretch from Interstate Highway 30 to Skyline Boulevard, form the heart of Mesquite's industrial sector. Businesses within the area depend primarily upon long-

haul carriers for shipping and delivery to a degree not found anywhere else in the City. The purpose of the Skyline Logistics Hub Overlay District is to enhance the economic stature of the sector and deal with some of the externalities of such intense activity. To this end, the District is intended to:

- Create identity for the concentration of industrial land uses within the area, and provide opportunities for transportation funding through programs that support industrial and economic development.
- Recognize the importance of the area to the City's economic well-being, and preserve and encourage the further development of available land within the area for industry, which creates jobs and improves the tax base.
- Protect through reasonable regulation the residential enclaves within and on the boundary of the area from the external impacts of heavy industry, trucking and land uses that support trucking activity.
- Adopt responsible environmental and aesthetic measures to bring visual order, cleanliness and appeal to the Big Town Gateway in keeping with the industrial character of the area.

4-932 Skyline Logistics Hub Overlay District Prefix.

The SLH prefix designation is a zoning overlay district. After the effective date of this ordinance, the addition or removal of the SLH prefix constitutes zoning action requiring due process under State law. No land within the City except the following described area shall be designated SLH without the requisite notice and public hearing provided by State law. The City shall have only one contiguous Skyline Logistics Hub District.

Land Zoned SLH Skyline Logistics Hub.

All land, regardless of zoning on the effective date of this ordinance, as depicted in Exhibit "A," which is bounded:

- A. On the west by the western city limits of Mesquite;
- B. On the north by Interstate Highway 30;
- C. On the east along a line formed by East Meadows Boulevard, U.S. Highway 80, Forney Avenue, South Town East Boulevard, Skyline Drive, Interstate Highway 635, the Union Pacific Rail Road and the easternmost boundary of Skyline Industrial Village Subdivision Sections 2 and 3; and
- D. On the south by Military Parkway.

4-933 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 or ordinances.

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

B. *Restricted uses.*

1. Except for the uses listed in paragraphs 2 and 4 of this subsection, all uses within the SLH District shall be governed by the requirements of the underlying zoning district and shall be permitted, prohibited or subject to a Conditional Use Permit in accordance with the Schedule of Permitted Uses (§3-203), §5-300 and the supplemental criteria established herein.
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.

Retail Trade:

- (a) SIC 554b Truck Stop / Heavy Load Vehicle Facility, except on a parcel within a designated District Gateway

Services:

- (b) SIC 752c Parking of Heavy Load Vehicles as the principal use
- (c) SIC 753b Major Automobile Repair for *heavy load vehicles*, as a principal or accessory use

3. When reviewing an application for a Conditional Use Permit for the uses enumerated in paragraph 2 of this Section, the Planning & Zoning Commission and City Council may consider the following additional criteria:

- (a) *Conformance to planning principles.* That the proposed use conforms to the Comprehensive Plan and the purposes of the SLH Overlay District.
- (b) *Support for industrial users.* That the proposed use will support the needs of the current or future industrial users of the overlay district. Support may be evidenced, among other ways, by adjacency to the industrial user or the special needs of the *heavy load vehicles* or drivers that service the industrial user.
- (c) *Protection of residential areas.* That the proposed use will not adversely impact the quiet enjoyment of residential property and repose of residential users, within or outside the overlay district.

4. The following uses are expressly prohibited within the SLH Overlay District, provided that any such use that exists as of July 20, 2015, and

which is lawfully and actively operating as of said date, may continue to operate as a nonconforming use subject to the terms of Section 1-300, et seq.

Transportation, Utilities:

- (a) SIC 42a Miniwarehousing, self-storage

Retail Trade:

- (b) SIC 527 Mobile home dealers
(c) SIC 551 Motor vehicle dealers (new and used)
(d) SIC 552 Motor vehicle dealers (used only)

Services:

- (e) SIC 836a-c Residential Care
(f) SIC 86 Membership Organizations as the principal use

4-934 Required conditions.

All establishments in the SLH Overlay District shall meet the following conditions, in addition to any stipulations or conditions of approval under the Conditional Use Permit provisions of this ordinance.

- A. *Site/floor plan.* A site/floor plan of any proposed establishment shall be submitted and approved by the Director prior to the issuance of a building permit or certificate-of-occupancy. The site plan approval shall identify (a) the specific activities approved and (b) any added stipulations or conditions for development or operation. The premises shall be operated and maintained in compliance with the approved site plan and certificate-of-occupancy in perpetuity, until replaced by a new site plan or certificate-of-occupancy, and further, shall be maintained in compliance with applicable provisions of the International Property Maintenance Code, as amended, during and after the use and occupancy of the premises or any structure thereon.
- B. *Truck stops.* From and after the effective date of this ordinance, a truck stop approved by conditional use permit within the SLH Overlay District shall be subject to all of the following stipulations and requirements:
1. The truck stop shall include electrification for *heavy load vehicles* to operate air conditioning, refrigeration and other systems without idling diesel engines.
 2. Facilities, amenities and services of the truck stop shall include:
 - (a) A dine-in restaurant with a minimum seating capacity of 50 persons, providing table service from a full-service menu for each of the three daily meal periods, and which is operated and managed in compliance with all

applicable food and sanitation rules and ordinances so as to maintain a Class I sanitation score of 90 or greater;

- (b) Striped parking designated exclusively for *heavy load vehicles* while not connected to electrification, located behind the front façade of the primary structure and which can accommodate vehicles with a wheel base up to 67 feet; and
 - (c) 24-hour security personnel and operating security cameras at locations throughout the premises as required by the Building Official.
- 3. All activities of the truck stop shall be conducted from approved structures or facilities. The sale of used tires or other merchandise shall require a separate conditional use permit.
 - 4. Unmounted trailers shall be prohibited on the premises.
 - 5. The truck stop shall obtain an annual certification of compliance and prominently display the same at its primary entrance. The initial certification shall be issued by the Building Official upon approval of the first full and unrestricted certificate-of-occupancy. It shall be the affirmative duty and responsibility of the owner, operator or manager-in-charge of the truck stop to apply for and obtain subsequent annual recertifications no later than the anniversary date of the certificate-of-occupancy. Application for annual recertification shall be made on forms provided by, and requesting such information, as the Building Official deems appropriate and upon payment of an annual inspection fee as established by the City.

C. *Site design and maintenance.* The site of any proposed use or structure within the SLH Overlay District shall be designed and developed in accordance with this Section in addition to all other requirements of the City's ordinances. In the event of a conflict between this Section and other provisions of the City's ordinances, this Section shall prevail.

- 1. Where internal circulation for *heavy load vehicles* is improved, the Director may allow the number of parking lot trees required in Section 1A-200(B) to be clustered or distributed in a manner that improves the aesthetics of the site.
- 2. The minimum landscaping of a parcel with a District Gateway site shall be increased by an amount equal to five percent of the site area, and such area shall be distributed within the *private frontage* of the primary thoroughfare abutting the site that also serves as an entry to the Skyline LH Overlay District. In addition to all other requirements of Chapter 1A-200, not less than 50 percent of the total *landscaped frontage* (consisting of the minimum landscape requirements plus the increased landscape area) shall consist of defined planting beds with drought tolerant materials from Chapter 1A-500, et seq.
- 3. When a use in a Commercial or Industrial district is across either a divided boulevard or an undivided street from a residential use or district, and the

Commercial or Industrial use includes a *hardscaped frontage*, the use in the Commercial or Industrial district shall provide a minimum 25-foot wide visual or sound attenuation buffer within the *private frontage* as prescribed in Section 4-935.

4. Within 1,000 feet of a District Gateway, all screening required for outdoor storage under Section 3-603 shall consist of a masonry wall. Wood or chain link screening is prohibited. For purposes of this Section, distance shall be measured from the center point of the District Gateway intersection along a straight line to the nearest lot line of the parcel with the outdoor storage.
5. The parking of *heavy load vehicles* on the premises of the restricted uses enumerated in Section 4-933(B)(2), except Truck Stops, 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. Private vehicular cross access, as evidenced by easement, covenant or the presence of an improved or unimproved vehicular connection between parcels, shall be prohibited between any of the restricted uses enumerated in Section 4-933(B)(2) and any other use.
7. No owner of a premises, or operator or manager-on-duty of any use with the district, shall allow any unmounted trailer to be parked or stored on the premises, or suffer or permit the owner or driver of a *heavy load vehicle* to park or store an unmounted trailer on the premises, unless the parking or storage of unmounted vehicles is expressly authorized on the certificate-of-occupancy and the parking or storage is in compliance with any conditions therein, or unless the parking or storage is incidental to a use authorized on the certificate-of-occupancy.
8. No plat or replat of a parcel shall be approved if the purpose of such plat or replat is to defeat the application of any provision of this Section.

4-935 Walls and buffering.

When any buffer or masonry screening, retaining or sound attenuation wall is required by Section 4-934, or the approved Site Plan or engineering plans, or as a condition of a Planned Development district, or by incentive or development agreement with the City, such buffer or wall shall be installed in accordance with this Section.

- A. The visual or sound attenuation buffer required by Section 4-934(C)(3) shall be designed and constructed according to the following standards:
 1. If the *hardscaped frontage* is designed and intended exclusively for use by passenger vehicles and light trucks, the 25-foot buffer shall consist of a fully

landscaped strip that includes an earthen berm with a minimum height of four feet. All other requirements of Chapter 1A-300 shall apply.

2. If the *hardscaped frontage* is designed or intended for use, in whole or in part, by *heavy load vehicles*, the 25-foot buffer shall consist of a sound attenuation wall eight feet in height set at the innermost edge of the buffer and a fully landscaped strip with tree line between the wall and the property line. All other requirements of Chapter 1A-300 shall apply.
- B. A masonry screening wall required by Section 1A-300, et seq., or Sections 4-935(4)-(5) shall be designed and constructed in accordance with the City's General Design Standards, dated February 5, 2015, as amended.
- C. A concrete or masonry retaining or sound attenuation wall shall be designed and constructed with approval of the City Engineer, and Building Official if applicable. Absent a written agreement with the City:
1. The concrete retaining wall shall be textured by form-liner or rustication; and
 2. The concrete or masonry retaining or sound attenuation wall shall comply with Principle 9 (Color) of the Community Appearance Manual, as amended.
- D. The maximum height of a sound attenuation wall shall be 10 feet. If upon demonstrated need that an attenuating barrier higher than 10 feet is required to effectively protect a residential use or district from an adjacent industrial use or district, the 10-foot wall shall be constructed atop an earthen berm approved by the City Engineer and landscaped on the non-industrial side in accordance with the approved Site Plan.

4-936 District gateways.

Key entrances into the SLH Overlay District as shown in Exhibit "A" are hereby designated as "District Gateways" as designed herein. From and after the effective date of this ordinance, any parcel within a *District Gateway* that is rezoned (including a conditional use permit), platted or replatted, developed or redeveloped, or that receives a variance or special exception, which allows the property to be occupied by a use or developed in a manner not previously allowed, shall be designed and modified to comply with applicable gateway provisions of the Community Appearance Manual and the standards of this Chapter. In conjunction with, and where authorized by the Sign Code, a permitted sign type on the premises of a parcel within a *District Gateway* may include a design and features that give prominence and greater visibility to the SLH Overlay District, including but not limited to, place recognition of the City or the SLH Overlay District, special materials, height bonuses or lighting.

4-937 Definitions.

District Gateway: The designated intersections of certain rights-of-way as shown in Exhibit "A," and more particularly described in Table 4-937.1, which serve as key entrances into the SLH Overlay District, including all parcels within the Skyline

LH Overlay District that are situated within a radius of 300 feet from the center point of the intersection so designated.

| Table 4-937.1 | | |
|---|--|-------------------|
| District Gateway (Intersection of ROW / ROW) | | Minor Name |
| Samuell Boulevard / Buckner Boulevard | | Buckner Gateway |
| Big Town Boulevard / Paces Court | | Big Town Gateway |
| Samuell Boulevard / S. Town East Boulevard | | Town East Gateway |
| S. Town East Boulevard / Military Parkway | | Military Gateway |
| N. Peachtree Road / Union Pacific Railroad | | Peachtree Gateway |

Private frontage: The area of a site situated between the street property line and a line coplanar with the façade of the primary structure. The *private frontage* is comprised of a mandatory *landscaped frontage* consisting of turf, planting beds, trees and other amenities adjoining the public sidewalk or parkway, and a *hardscaped frontage*, if any, consisting of parking areas, access drives, internal drive aisles and shopfront walkways.

SECTION 2. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by adding a new definition under Section 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

Truck stop: A building, business or premises consisting of one or more adjoining parcels, that includes the refueling of *heavy load vehicles* and which offers, provides directly or through on-site third parties, conducts or acquiesces in, with or without payment, fee, minimum fuel purchase or any other form of compensation, any of the following services or amenities for *heavy load vehicles* or the drivers of such vehicles: major or minor repairs or maintenance, tire sales or repair, a facility or designated space for self-repairs, parking in excess of four hours, overnight accommodations, showers, laundry or fitness facilities, or truck washing.

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.

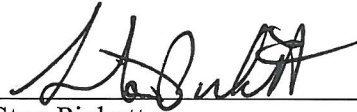
SECTION 4. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

SECTION 5. That 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.

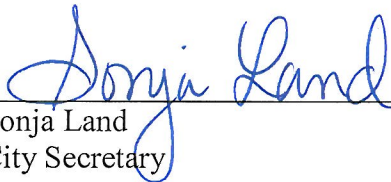
SECTION 6. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance 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 20th of July, 2015.



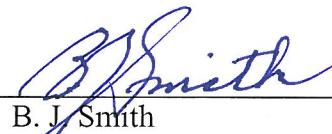
Stan Pickett
Mayor

ATTEST:



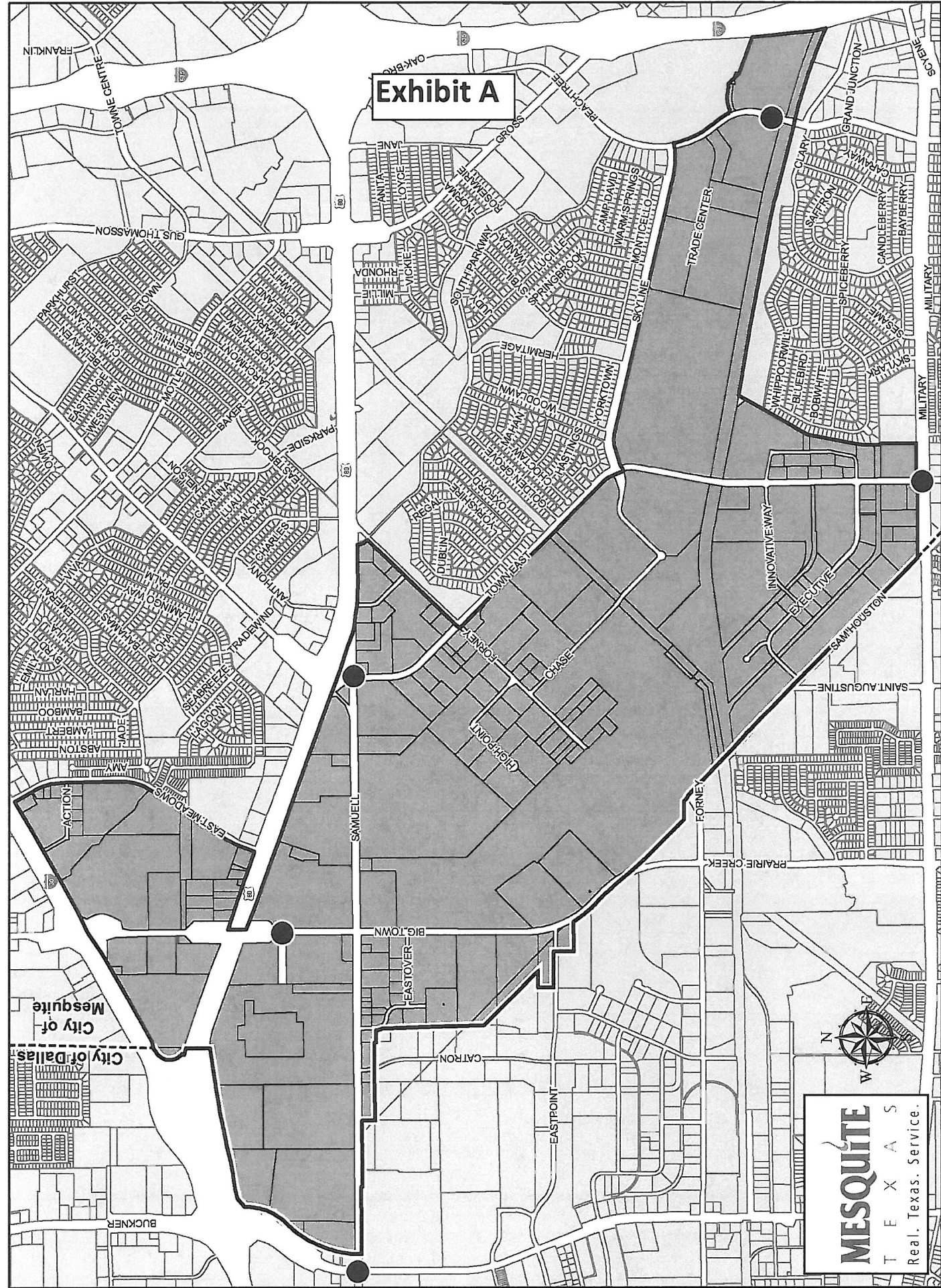
Sonja Land
City Secretary

APPROVED:



B. J. Smith
City Attorney

Exhibit A



----- Mesquite City Limits ● District Gateways

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Real. Texas. Service.

