

ORDINANCE NO. 4771  
Zoning Text Amendment No. 2020-02

AN ORDINANCE AMENDING APPENDIX C OF THE MESQUITE CITY CODE, THE MESQUITE ZONING ORDINANCE, AS AMENDED, BY MAKING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS 3-203, 3-504 AND 6-102 PERTAINING TO NEW REGULATIONS AND REVISED REGULATIONS FOR FUELING STATIONS AND CONVENIENCE STORES; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 FOR EACH OFFENSE; AND PROVIDING AN EFFECTIVE DATE THEREOF.

WHEREAS, the Planning and Zoning Commission gave public notice and on February 24, 2020, held a public hearing regarding proposed amendments to the Mesquite Zoning Ordinance and voted to recommend approval of the proposed amendments; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. That Appendix C of the Mesquite City Code, the Mesquite Zoning Ordinance, as amended, be and the same is hereby amended by making certain additions and deletions to Sections 3-203, 3-504 and 6-102. Such revisions are attached hereto as Exhibit "A," incorporated herein by reference and hereby made a part thereof. A copy of the Mesquite Zoning Ordinance shall be kept on file in the office of the City Secretary.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict, are hereby repealed.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.

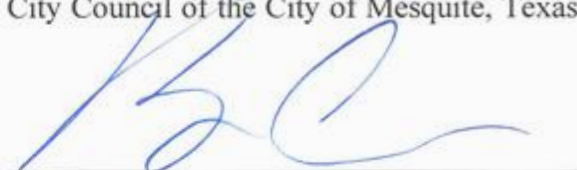
SECTION 3. That should any word, sentence, clause, paragraph, phrase or section of this ordinance be held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal 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 \$2,000.00 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 this ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 16th day of March 2020.



Bruce Archer  
Mayor

ATTEST:



Sonja Land  
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall  
City Attorney

- A. *Table 3-203.* Amend Table 3-203 by deleting SIC Code 549.a. in its entirety and adding a new SIC Code 549.a. to read as follows:

*Table 3-203 Schedule of Permitted Uses*

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC I	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
549	Miscellaneous Food Stores (except)		P	P		P	P	P		P	P	1	
a.	Convenience Stores		C	C			C	P^	P^	P^	P^	1	Permit in SS district only in conjunction with self-service gasoline sales. ^Requires a CUP when the building is within 500 feet of a residential district or a public or private school.

- B. *Table 3-203.* Amend Table 3-203 by deleting SIC Code 554.a. in its entirety and adding a new SIC Code 554.a. to read as follows:

*Table 3-203 Schedule of Permitted Uses*

SIC CODE	USE DESCRIPTION	O	GR	LC	THN K20 NGTC I	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
554	Refueling Stations												
a.	Limited Fuel Sales (other than heavy load vehicles)		C	C			C		P^	P^	P^	1	Requires compliance with 3-504. ^Requires a CUP when in conjunction with Heavy Load Vehicle Refueling. ^Requires a CUP when the building is within 500 feet of a residential district or a public or private school.

- C. *Section 3-504.* Amend Section 3-504 by deleting Subsections 3-504.A.3. and 3-504.A.4. in their entirety and adding new Subsections 3-504.A.3. and 3-504.A.4. to read as follows:

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 500 feet from any residential district.

- D. *Section 3-504.* Amend Section 3-504 by deleting Subsection 3-504.B.2 in its entirety and adding a new Subsection 3-504.B.2. to read as follows:

2. *Convenience Stores.* The operation of a convenience store shall be permitted in conjunction with fuel sales in accordance with Section 3-203.

- E. *Section 6-102.* Amend Section 6-102 by deleting the definition for "convenience store" in its entirety and adding a new definition for "convenience store" in Section 6-102 to read as follows:

*Convenience store:* Any retail establishment offering for sale prepackaged food products, household items and other goods commonly associated with the same, which is a walk-in store having a gross floor area of less than 8,000 square feet.