

ORDINANCE NO. _____
Zoning Text Amendment No. 2018-03

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 AND 3-500 THEREBY REVISING REGULATIONS FOR LIMITED FUEL SALES AND HEAVY LOAD VEHICLE REFUELING; 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 and 3-500 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 to read as follows:

554	Refueling Stations	O	G R	L C		C V	M U	C B	S S	C	I	P K N G S T N D	
	a. Limited Fuel Sales (other than heavy load vehicles)		P	P			P	P	P	P [^]	P [^]	1	Requires compliance with 3-504. [^] Requires a CUP when in conjunction with Heavy Load Vehicle Refueling.

b. Truck Stop											Prohibited in the corporate limits of the City.
c. Heavy load vehicle refueling								C	C		Requires compliance with 3-504.

- (2) *Chapter 3-500.* Amend Section 3-504(C) in Chapter 3-500 by deleting the section in its entirety and adding a new Section 3-504(C) to read as follows:

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. To qualify as limited fuel sales, only one limited service refueling area, generally limited to servicing no more than eight vehicles at a time, is permitted. One pump island with four pumps or two related pump islands with two pumps each shall be deemed to be limited service fueling areas. Heavy load vehicle refueling and limited fuel sales shall not be located on the same lot unless expressly authorized by a conditional use permit.

- (3) *Chapter 3-500.* Amend Section 3-504(D) in Chapter 3-500 by adding a new subsection (7) to Section 3-504(D) to read as follows:

7. Fuel Sales Heavy load vehicle refueling and limited fuel sales shall not be located on the same lot unless expressly authorized by a conditional use permit.

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 5th day of March, 2018.

Stan Pickett
Mayor

ATTEST:

APPROVED:



Sonja Land
City Secretary

B. J. Smith
City Attorney