

ORDINANCE NO. _____
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, 4-900 AND 6-100 THEREBY AMENDING
REGULATIONS FOR TRUCK STOPS AND OTHER
DEVELOPMENT THAT INCLUDES THE PARKING OF
HEAVY LOAD VEHICLES AS A PRINCIPAL OR ACCESSORY
USE; 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, 4-900 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 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											
a.	Limited Fuel Sales (other than heavy load vehicles)		P	P			P	P	P	P	1	Requires compliance with 3-504.
b.	Truck Stop										28	Restricted to Skyline Logistics Hub Overlay District.
c.	Heavy load vehicle								C	C		Requires compliance with 3-504.

refueling (other than truck stops)												
--	--	--	--	--	--	--	--	--	--	--	--	--

- (2) *Chapter 3-500.* Amend Section 3-504 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.

D. HEAVY LOAD VEHICLE REFUELING

A refueling station for heavy load vehicles, other than truck stops, 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 lot that is less than 1,000 feet from a truck stop or another refueling station for heavy load vehicles, or on a lot that abuts any lot zoned or used for residential, or elementary or secondary school purposes, or that is located less than 2,000 feet from any lot zoned or used for residential purposes that abuts the same street or streets as the refueling station. For purposes of this Section, distance shall be measured in a straight line between the nearest points of one lot to the other lot.
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 4-900. Amend Chapter 4-900 by deleting Section 4-934 in its entirety and adding a new Section 4-934 in Chapter 4-900 to read as follows:

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.*** A truck stop shall be located on a parcel with a principal frontage abutting a federal highway or a designated truck route, and which is not located less than one mile from another lot with a truck stop, or that abuts any lot zoned or used for residential, or elementary or secondary school purposes, or that is located less than 3,000 feet from any lot zoned or used for residential purposes that abuts the same street or streets as the truck stop. For purposes of this Section, distance shall be measured in a straight line between the nearest points of one lot to the other lot. 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 facilities to operate air conditioning, refrigeration and other systems without idling diesel engines for not less than 50 percent of the *heavy load vehicles* to be parked on the site.

2. Drivers of heavy load vehicles shall comply with the City of Mesquite anti-idling ordinance, if applicable. The owner or operator of the truck stop shall erect and maintain anti-idling signs at locations approved by the building official, which provide reasonable notice to drivers of such ordinance.
 3. 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.
 4. 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.
 5. Unmounted trailers shall be prohibited on the premises.
 6. The truck stop shall be landscaped in accordance with subsection (C)(2) of this Section. In addition to other applicable screening requirements, a visual or sound attenuation buffer shall be constructed on each street frontage to include a 25-foot buffer with 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.
 7. 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) Chapter 6-100. Amend Chapter 6-100 by adding a new definition for *Refueling Stations* in Section 6-101 in Chapter 6-100 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 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 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 4th day of December, 2017.

Stan Pickett
Mayor

ATTEST:

APPROVED:

Sonja Land
City Secretary



B. J. Smith
City Attorney