

8. C-2: General Commercial District

9. C-3: High Density Commercial. C-3 zoning and land uses are not permitted in the Overlay District with the exception of those uses which existed at the time of SMO adoption, Ordinance 2200, May 24, 2005. Uses that were pre-existing at the time of adoption and are no longer permitted by right shall be considered non-conforming and shall follow the provisions of NON-CONFORMING USES, STRUCTURES, AND PROPERTY below and Sec. 38.70-76.

10. PUD: Planned Unit Developments are allowed as part of a specific rezoning.

Permitted Land Uses in the South Mesquite Neighborhood Overlay Zoning District A= Allowed-by-right; C=Conditional Use with the conditions noted; and S= Special Use Permit with public hearing required.									
Land Use	R-1a	R-2	R-3	R-4	O-1	O-2	C-1	C-2	Comments
Accessory dwelling units	A	A	A	A	A	A	A	A	
Apartments		A	A	A	A	A	A	A	
Assisted Living, Retirement home		A	A	A	A	A	A	A	
Detached single-family dwelling	A	A	A	C	C	C	C	C	C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.
Guest dwelling unit	C	C	C	C	C	C	C	C	C: see Sec. 38-51 and 38-53
Duplex		A	A	A	C	C	C	C	C: residential densities in R-4 and commercial zones limited to a maximum of 40 DU/acre.
Triplex		A	A	A	A	A	A	A	
Quadplex		A	A	A	A	A	A	A	
Home for the Elderly	A	A	A	A	A	A	A	A	
Home for the Disabled	C	C	C	A	A	A	A	A	C: 10 or fewer persons allowed
Hostel				C	C	C	C	C	C: limited to 10 persons per establishment and a maximum stay of 14 continuous days per guest.
Nursing Home	C	C	C	A	A	A	A	A	C: 10 or fewer persons allowed
Halfway house	S	S	S	S	S	S	S	S	See Sec 38-21
Fraternity/sorority house			C	C	C	C	C	C	C: Limited to 10 persons per establishment;
Temporary/homeless shelter	S	S	S	S	S	S	S	S	

Manufactured home	A	A	A	C	C	C	C	C	All manufactured homes shall meet the design standards of the SMO and skirting and exterior wall materials shall be consistent with the architecture of adjacent structures. Residential densities in R-4 and commercial zones are limited to a maximum of 40 DU/acre.
Townhouse [one room attached to the neighboring single-family dwelling]		A	A	A	A	A	A	A	
Patio home [100% built to side property line]	C	C	C	C	C	C	C	C	C: see Sec 38-62, setback exceptions.
Accessory uses and structures	A	A	A	A	A	A	A	A	
Bed & Breakfast Establishment	C	C	C	C	C	C	C	C	C: Number of guest rooms is limited to 8.
Greenhouse, private (non-commercial)	A	A	A	A	A	A	A	A	
Community Gardens (neighborhood based)	A	A	A	A	A	A	A	A	
Home occupations	C	C	C	C	C	C	C	C	C: See Sec. 38-52
Kennel/cattery, private residential	C	C	C	C	C	C	C	C	C: Permitted in accordance with Chapter 7 of the LCMC; noise from barking dogs and odors from this activity shall not be discerned off the premises.
Recreational court, tennis, etc., private	S	S	S	S	S	S	S	S	Must mitigate off-site noise and light glare.
Storage of RVs and motor vehicle appurtenances	C	C	C	C	C	C	C	C	C: Maximum 1 per parcel located within any open area between the front setback and the rear setback

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									and shall otherwise meet the standards of Sec. 38-58.D.7.
Swimming pool, private	C	C	C	C	C	C	C	C	C: A swimming pool shall be at least 5 feet from property lines; also see Sec. 38-60 Walls and Fences.
Temporary uses	C	C	C	C	C	C	C	C	C: See Sec. 38-50.
Produce stands	C	C	C	C	C	C	C	C	C: Allowed per State law; may be accessory to community gardens.
Veterinary facility								C	C: Noise from barking dogs shall not be discerned off the premises.
Cemetery/columbarium	S	C	C	C	C	C	C	C	C: See Sec. 38-53; S: See Sec. 38-54.
Family child care home (up to 6 children)	A	A	A	A	A	A	A	A	See Sec. 38-52.D and 38-53.
Group child care home (7 to 12 children)	S	A	A	A	A	A	A	A	S: See Sec. 38-52.D and 38-53.
Child care center or preschool		S	S	S	S	S	S	S	S: See Sec. 38-52.D and 38-53.
Community buildings/uses	C	C	C	C	A	A	A	A	C: Shall be located on a major local or higher classification road.
Convention center/exhibition hall					C	C	C	C	C: Must be accessed from an arterial road (Lohman, Amador); size is limited to 5,000 GFA.
Library/museum		A	A	A	A	A	A	A	
Religious institutions	C	C	C	C	C	C	C	C	C: Shall be located on a major local or higher classification road; all sites shall have a minimum 1 acre; structures or parking located within 25 feet of a residential use shall provide an opaque buffer consisting of

									landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of a residential use.
School, college, trade school, private or public	S	S	S	S	S	S	S	S	S: On a case-by-case basis, application shall address safe access, off-street parking demand, screening and landscaping, noise and other relevant impacts of the development on adjacent residential uses. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.
Arcade, game room							A	A	
Batting cage, indoor							A	A	
Billiard, Pool Hall							A	A	
Bowling alley							A	A	
Miniature golf course								A	
Health/exercise club/gymnasium/sports instruction				C	C	C	C	C	C: Noise from this activity shall not be discerned off-premises.
Park	C	C	C	C	C	C	C	C	C: Limited to neighborhood park or private park. See Sec. 38-53. Public parks shall also comply with

									Chapter 20 of the LCMC.
Mini-race tracks e.g. go carts								C	C: Hours of operation limited to between 10 AM and 10 PM.
Recreation courts, public		S	S	S	S	S	S		S: Must mitigate off-site noise and light glare.
Skating rink, Indoor			A	A	A	A	A		
Swimming pool, commercial or public; indoor only				S	S	S	S		S: See Sec. 38-54.
Botanical garden			A	A	A	A	A		
Personal or business service office uses	C	C	C	A	A	A	A		C: In R districts, non-residential uses are permitted only on the ground floor; no more than 35% of the GFA of the buildings on the parcel, combined, is permitted to be non-residential uses.
Art studio	C	C	C	C	C	C	C		C: Noise from activities shall not be discerned off the premises.
Barber/beauty/hair salon and related personal care services	A	A	A	A	A	A	A		
Medical/dental office; counselor/therapy services	A	A	A	A	A	A	A		
Bank, bonding and financial institution/facility; no drive-through					C	C	C		C: Each business establishment is limited to a sole practitioner and only one such business establishment per parcel.
Business office: consulting; credit reporting & collection; desktop publishing, graphic design; institutional office, public or private; educational office; religious office;				A	A	A	A		

philanthropic office; mailing & stenographic services; motion picture production; noncommercial research organization								
Adult day care services/facility				A	A	A	A	
Funeral home; laboratory				A	A	A	A	
Pharmacy; no drive- through					C	C	C	C: Permitted only as accessory to a medical, dental or similar office use and strictly for the purpose of serving the patients of the medical office use.
Auto/truck parts store							A	
Auto/truck repair & service							C	C: No salvage yard or related activities shall be permitted. No outside storage of parts, materials, or equipment is permitted. All outdoor storage of non-operable vehicles must be screened with opaque fencing.
Auto/truck self- service/automated or full service wash/wax/detailing							C	C: Limited to a collector or higher classification road.
Bar/pub/tavern (no dancing)							A	
Sale of building material							A	
Café, cafeteria, coffee shop, restaurant, etc. No drive- thru			A	A	A	A	A	
Sale of carpet/window treatments							A	
Cleaning & maid services						A	A	
Clothing store						A	A	
Convenience store (no gas sales)						C	C	C: No drive-through facility.
Delicatessen, produce/meat market; No eating facilities						A	A	

Delicatessen, produce/meat market with eating facilities						C	C	C: No drive-through facility.
Firewood sales							C	C: If displayed outside a building, a semi-opaque screen around the perimeter of the use shall be provided; 20 cord maximum stored on site; see Sec. 38-50.
Furniture store							A	
Sale of garden supplies							A	
Grocery store						A	A	
Hardware store						C	A	C: No outside storage of supplies or materials.
Home furnishings						A	A	
Kennel/cattery, commercial or non-profit							C	C: Use allowed in accordance with Chapter 7 of the LCMC; noise from barking dogs shall not be discerned at the nearest dwelling unit.
Laundry/dry cleaning services						A	A	
Newspaper distribution							A	
Pawn shop							A	
Petroleum/propane sales							C	C: Sale of portable propane tanks and similar gas only is allowed as an accessory use to a retail establishment; use of such equipment is allowed as an accessory use when meeting current Fire Code standards. Gas stations are not permitted.
Plant nursery							A	
Private club or lodge	C	C	C	C	C	C	C	C: See Sec. 38-53. A private club or

									lodge shall be located on a major local or higher designated street. Structures or parking located within 25 feet of a dwelling unit shall provide a Type A opaque buffer consisting of landscaping and walls or fences. Dumpsters or other garbage collection facilities shall not be located within 25 feet of property used for residential purposes.
Radio/TV station								A	
Seasonal sales of fireworks, agricultural products (non-temporary), snowcone stand, etc.						C	C	C: All structure locations shall meet setback requirements; if sited on property with other uses, there shall be no obstruction of the driving aisles or parking stalls unless it can be proven that there is an excess of parking areas. If the use does not follow temporary use provisions, the property shall be subject to all applicable development requirements.	
Small item repair shop						A	A		
Specialty foods store (bakeries, candies, etc.)						A	A		
Specialty store (books, music, toys, sports equip, stationary, etc.)						A	A		

Telephone communication business (call center)							A	
Temporary Use (non-seasonal)			C	C	C	C	C	C: See Section 38-50.
Theater (non- drive in)							A	
Tire sales/repair							A	
Upholstery shop						A	A	
Variety store						A	A	
Video/DVD rental/sales (non-adult oriented)						A	A	
Cab stand							A	
Distribution centers							A	
Parking facilities, commercial (garages & parking lots)	S	S	S	S	S	S	S	
Storage outside of buildings of materials, equipment and supplies not for sale							C	C: All outside storage shall be enclosed with an opaque, Type A screen.
Storage, warehousing accessory to office, retail trade, service or industry businesses							C	C: Maximum of 95% of the total square footage may be used for this storage.
Storage/display of merchandise for sale (except manufactured buildings, manufactured homes, mobile homes & operable cars, trucks, motorcycles and RVs)				C	C	C	C	C: Outdoor display of goods sold on the premises is limited to 25% of the gross floor area devoted to the business use.
Wholesale trade, any product							C	C: No outdoor storage allowed.
Construction yard or buildings, temporary	C	C	C	C	C	C	C	C: See Section 38-53: Such yard or building(s), including a mobile home or recreational vehicle for a temporary residence or construction office, or any other facilities or arrangement approved by the Community Development

								Director or designee shall be removed upon completion of construction and in compliance with the Chapter 30 of the Municipal Code. Construction yards and buildings or any other facilities shall be maintained in a neat and orderly fashion. Open yards shall be enclosed by a fence at least five (5) feet in height.
Contractor's Yard							C	C: All outdoor storage shall be enclosed with an opaque Type A screen
Cottage Industry with retail sales or service (manufacture or processing of goods such as beer or food products for sale on the premises)						C	C	C: Allowed only when such use occurs within a totally enclosed building where the primary use (retail/service) is conducted. The processing of goods shall be clearly secondary to the primary use, shall be sold on site only, and shall not pose any significant adverse impact to adjacent properties due to noise, odor, dust, or vibration. A maximum of 49% of the total business floor area, not to exceed 3,000 square feet, may be used in the conduct of the cottage industry manufacturing or processing.

Crematorium							C	C: See Sections 38-53 and 38-54.
Antennas, towers, communication structures and other utility vertical structures						S	S	See Section 38-59 and Section 38-54.
Facial mounted antennae (attached to the primary use)						C	C	C: Facial mounts must be placed or erected to the primary use/structure in a manner which conceals, to the extent possible, the antenna or face mount. No more than ten (10) additional feet in height to the maximum building height shall be allowed as a result of application or erection of the antenna or face mount. See also Section 38-59.
Private/public utility (e.g. substations, water wells, transformers, regulators, lift stations, telecommunications site)	S	S	S	S	S	S	S	See Section 38-53. A solid wall or fence shall surround the installation. Landscaping as per Subsection E above shall be provided to screen and/or buffer the installation as necessary to allow the use to blend with the surrounding properties and minimize noise and visual pollution.
Recycling collection centers (neighborhood scale only)				S	S	S	S	Hours of operation may be limited to mitigate noise to adjacent residences; equipment rooms

									and outdoor storage of materials shall be screened with opaque fencing; trash shall be contained and properly disposed of; the DRB and Planning and Zoning Commission may impose conditions to insure that noise, fumes, odors and congestion is avoided.
Private "Ham" radio telecommunication antennae	C	C	C	C	C	C	C	C	C: Antennae shall not exceed the building height limit.

G. *Non-Conforming Uses, Structures, and Property.* Many people refer to non-conforming uses as the "Grandfather Clause." If a use, structure, etc., was established legally under the previous code, it is considered a legal non-conforming use or non-conforming or non-complying structure. Except for the following, requirements stated in Sections 38.70-76 of the 2001 Zoning Code, as amended, shall apply.

1. If a legal non-conforming use becomes and remains vacant, a two (2) year time limit shall be placed on reestablishing the non-conforming use at that location.

H. *Parking Requirements.* The following exceptions to the parking requirements found in Sections 38-33 (land use matrix) and 38-58 of the 2001 Zoning Code, as amended, shall be used in the SMO:

1. Buildings within the SMO constructed prior to 1955 shall not be required to provide off-street parking.
2. Buildings within the SMO constructed after 1955 shall be required to provide off-street parking pursuant to the requirements of Sections 38-33 (land use matrix) and Section 38-58 of the Zoning Code, as amended. These buildings and properties shall be eligible to use:
  - a. The historic district parking exceptions found in Section 38-58.G.2. of the 2001 Zoning Code, as amended, whether the development is commercial or residential; and/or
  - b. The on-street parking allowance found in Chapter 38-58.G.3, for new development, subject to any restrictions placed by Traffic Engineering for applicable roadways; and
  - c. Surface materials for parking areas for residential or non-residential developments may be pervious materials such as stone or brick pavers or compacted crushed stone (gravel). If gravel is used, single-family and duplex parking areas may use compacted crusher fine or "pea" gravel, but multi-family and non-residential development parking areas shall be limited to using a minimum one-inch diameter size, compacted gravel. Concrete parking pads are not permitted to be installed abutting adobe walls to avoid damage due to "wicking" (transfer of moisture trapped beneath the concrete to the adobe wall).
3. Parking areas for new development of non-residential and multi-family uses, including garages and carports, are not permitted in the required front setback of the subject property.