

ORDINANCE NO. 1221

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING ARTICLE 43 OF THE COMPREHENSIVE ZONING ORDINANCE OF 1973 AND ADDING A NEW ARTICLE 43.020 PROVIDING THAT PRIVATE CLUBS SHALL BE INCLUDED IN THE LISTING OF CONDITIONAL USES; BY ESTABLISHING CERTAIN STANDARDS FOR APPROVAL OF CONDITIONAL USE ZONING CHANGES TO PERMIT PRIVATE CLUBS; BY PROVIDING THAT ARTICLE 50, SCHEDULE OF USES, OF THE COMPREHENSIVE ZONING ORDINANCE IS AMENDED TO CONFORM TO THESE CHANGES; BY PROVIDING THE INTENT OF SUCH ORDINANCE: BY PROVIDING A SEVERABILITY CLAUSE; BY PROVIDING A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) AND DECLARING AN EMERGENCY.

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

SECTION 1. Article 43.001 of the Comprehensive Zoning Ordinance of 1973 is hereby amended to read as follows, in all other respects to remain in full force and effect:

Drive-in restaurants; provided that the premises shall be enclosed by a solid masonry wall at least six (6) feet high where it adjoins in the rear or on the sides any residential district, public park, school or church.

SECTION 2. A new Article 43.020 is added to Article 43 of the Comprehensive Zoning Ordinance of 1973 to read as follows:

43.020 Private Clubs. Private Clubs, not including fraternal organizations and lodges organized for charitable purposes, with or without dancing. If dancing is to be permitted, the application and the ordinance effecting the zoning change must expressly provide for dancing, otherwise the zoning shall be deemed for private club without dancing.

Private clubs where dancing is allowed or alcoholic beverages are consumed shall be allowed only in conjunction with food establishments and/or hotel-motel establishments and primarily along interstate highways unless it is clearly demonstrated that other areas are suitable for such purposes.

SECTION 3. It is the intent of this ordinance that private clubs be situated so that traffic to and from such establishments shall not be routed through or drawn into areas with substantial residential development or pedestrian traffic such as the down-town (Central Business District) area so that the safety of the inhabitants of the City may be protected from hazards incidental to operation of such establishments.

Zoning of land as a private club expressly shall not be interpreted as permitted and does not permit the commercial exploitation of sex such as the furnishing of an entertainment or service by persons immodestly clothed; by the exhibition of the female breasts or buttocks, whether bare or partially bare or uncovered or covered by transparent or semi-transparent material; by the showing of so-called "skin flick" movies or the exhibition of any material, the dominant attraction of which is sex orientated.

SECTION 4. Commercial exploitation of sex shall include, but is not limited to exotic dances sometimes called "belly-dances" or similar movements, vulgar and risque ballads, jokes or comments and the encouragement on the part of the establishment of indecent conduct or behavior by patrons.

SECTION 5. The Schedule of Uses, Article 50 of the Comprehensive Zoning Ordinance of 1973 is hereby amended to conform to the foregoing changes.

SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or 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 Comprehensive Zoning Ordinance as a whole.

SECTION 7. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Hundred Dollars (\$200.00) for each offense.

SECTION 8. The fact that present ordinances provide inadequate control over the location of private clubs together with the dangers inherent in the vehicular traffic through heavy concentrations of residential development and areas used by pedestrians by patrons of such establishments creates an urgency and an emergency and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance, as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of November , A.D., 1974.

Bob Beard
Bob Beard
Mayor

ATTEST:

APPROVED AS TO FORM:

Sue Frost
Sue Frost
Acting City Secretary

Elland Archer
Elland Archer
City Attorney

6100042