

## ORDINANCE NO. 1853

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF MESQUITE BY ESTABLISHING AN OVERLAY DISTRICT; BY DEFINING THE AREA OF SUCH DISTRICT; BY ESTABLISHING CERTAIN CONDITIONS FOR OPERATION OF A RESTAURANT-PRIVATE CLUB; BY REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE AND RETAINING IN FULL FORCE AND EFFECT ALL REGULATIONS OF THE 1973 ZONING ORDINANCE TO THE LAND HEREWITH ZONED; BY PROVIDING THAT THE FOREGOING CHANGES ARE GRANTED SUBJECT TO ANY DEVELOPMENT OF THE LAND BEING DEVELOPED IN CONFORMITY WITH THE REQUIREMENTS OF CURRENT AND/OR FUTURE DRAINAGE IMPROVEMENT ORDINANCES; BY PROVIDING FOR A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE AND DECLARING AN EMERGENCY.

WHEREAS, the City Planning Commission of the City of Mesquite and the governing body of the City of Mesquite in compliance with the Charter of the City of Mesquite and State Laws with reference to granting of zoning change under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein:

SECTION 1. That the Comprehensive Zoning Ordinance of 1973, duly passed by the City Council of the City of Mesquite, Texas, on the 4th day of September, 1973, be and the same is hereby amended as follows, in all other respects to remain in full force and effect:

There is hereby adopted a new Article called Article 48 Restaurant-Private Club Overlay District to read as follows and the Use Regulation Schedule is hereby amended to conform herewith.

ARTICLE 48 R-PC RESTAURANT-PRIVATE CLUB  
OVERLAY DISTRICT

48.00 Restaurant-Private Club prefix to district designation.

The R-PC prefix designation constitutes a zoning overlay district, and the addition or removal of the R-PC prefix constitutes zoning action requiring due process required under State Law, no land within the City except the following described area shall be designated R-PC without the requisite notice and public hearings provided by State Law:

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Land zoned R-PC Restaurant-Private Club. All land within 500 feet of the right-of-way of Highways I-30, U.S. 80, I-635 and I-20 and located not less than 1000 feet from the property lines of any existing church, school or hospital site and not less than 500 feet from any established detached single family residential subdivision on the same side of a freeway right-of-way and which has frontage on one of the above freeways and access onto one of the following:

- a. A freeway service road;
- b. A major thoroughfare within 500 feet of a freeway right-of-way; or
- c. A secondary commercial street which intersects either a freeway service road or a major thoroughfare and there shall be no ingress or egress to a single family residential district

and is, at the time of such R-PC use zoned either "LC" Light Commercial or "C" Commercial.

48.01 Permitted Uses.

In this district no land shall be used except for one or more of the following uses to the extent that they are not prohibited by other regulations or ordinances.

1. All uses permitted and as regulated in the standard zoning district for which the land is zoned. (All land in the overlay district shall retain its standard zoning designation until changed through appropriate zoning action of the City Council and, except for the additional use permitted herein shall retain all characteristics of such standard zoning district).

2. Restaurant-Private Club use as hereinafter regulated.

48.02 Required Conditions. No land in this district shall be used for Restaurant-Private Club use or for the sale of alcoholic beverages except that land zoned under Conditional Use provisions of Articles 43 and 43A unless such land not zoned under conditional use provisions under Articles 43 and 43A shall meet all of the following conditions:

1. A site plan of any proposed establishment shall be submitted and approved by the City Council prior to the issuance of a building permit or Certificate of Occupancy.

2. Each such establishment shall be housed separately in a free-standing building. (No other business establishment in the same structure.)

3. The building shall contain a minimum seating capacity of 125 persons.

4. The bar area shall have no exterior entrance and shall not be visible from the entry foyer or main dining area.

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5. No signs advertising the sale of alcoholic beverages shall be permitted provided, however, this shall not prohibit use of established trade names of establishments. (i.e. "Steak and Ale")

6. Drinks shall not be offered for sale at a price reduced from the customary price during a specific period for promotional purposes (Sometimes called "Happy hours" or similar promotional activities designed to stimulate the sale of alcohol in comparison to the sale of food.)

7. The maximum revenue from the sale of alcoholic beverages shall not exceed thirty per cent (30%) of the gross revenue of the establishment.

The City Council or its designated agent may promulgate reasonable rules and regulations for enforcement of this provision and may require books and records for examination. Failure to provide such records reasonably requested shall constitute a violation of this ordinance.

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 the property described in Section 1 of this ordinance, shall be used only in the manner and for the purposes provided for by the Comprehensive Zoning Ordinance of 1973.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 1249 of the Mesquite City Code.

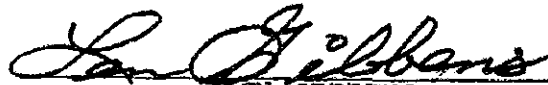
SECTION 5. That should any paragraph, sentence, subdivision, clause, phrase, or section of this ordinance be adjudged or held to be unconstitutional, illegal, or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision hereof other than the part so decided to be invalid, illegal, or unconstitutional and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 6. 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.

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SECTION 7. Whereas, the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort, and general welfare of the City of Mesquite, creates an urgency and an 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 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 3rd day of January, A.D., 1983.



LEN GIBBENS  
MAYOR

ATTEST:

APPROVED AS TO FORM:



Norma G. McGaughy  
City Secretary

Elland Archer  
City Attorney