

ORDINANCE NO. 2149  
File No. OT-52

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF 1973, DULY PASSED BY THE CITY COUNCIL ON SEPTEMBER 4, 1973, SO AS TO GRANT A CHANGE OF ZONING FROM CENTRAL BUSINESS DISTRICT TO A CONDITIONAL USE IN THE CENTRAL BUSINESS DISTRICT FOR INDOOR RECREATION, A TEEN CLUB, WITH CERTAIN STIPULATIONS AND PROVIDING CERTAIN DEFINITIONS; LOCATED ON THE NORTH SIDE OF MAIN STREET BETWEEN GALLOWAY AND BRYAN-BELT LINE ROAD AND AS SHOWN ON THE FILED PLAT OF THE ORIGINAL TOWN ADDITION, AS BLOCK 1, LOTS 2, 3, 4 and 5; BLOCK 27 and 28, LOTS 1 AND 2 RECORDED IN THE DALLAS COUNTY DEED RECORDS; CITY OF MESQUITE, DALLAS COUNTY, TEXAS; 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 A SEVERABILITY CLAUSE; BY PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED (\$200.00) DOLLARS 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:

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

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 by amending the Zoning Map of the City of Mesquite so as to grant a change of zoning from Central Business District to a Conditional Use in the

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Central Business District for Indoor Recreation, a Teen Club, with the following stipulations:

1. That a maximum of 2 batting cages, 5 foosball tables, 8 billiard tables, and 20 video machines will be allowed,
2. That dancing be allowed only on Friday and Saturday nights between the hours of 8:00 P.M. and 1:00 A.M., with the exception of private parties,
3. No more than two times per year, all night parties shall be allowed,
4. Hours of operation shall be as follows:

Monday, Tuesday, Thursday	6:00 P.M. - 10:00 P.M.
Friday	4:00 P.M. - 1:00 A.M.
Saturday	10:00 A.M. - 1:00 A.M.
Closed Wednesday and Sunday	
5. Summer hours of operation shall be as follows:

Monday, Tuesday, Thursday	10:00 A.M. - 12:00 Midnight
Friday, Saturday	10:00 A.M. - 1:00 A.M.
Closed Wednesday and Sunday	
6. On weekends, a minimum of four adult supervisors shall be on duty, two of which shall be over 30 years of age; during the week, a minimum of two adult supervisors shall be on duty, one of which shall be over 30 years of age. Owner shall provide adequate supervision to handle the number of people on the premises in an orderly manner. All supervisors shall provide background information as required by current ordinances regulating coin-operated amusement establishment licenses,
7. A minimum of two police officers shall be on duty on Friday and Saturday nights, during the hours in which dancing is allowed,
8. No loitering allowed in the parking lot,
9. No smoking, alcoholic beverages or drugs shall be allowed on the premises,
10. Coin-operated machines shall not be owned by a non-operator or by any party dealing in the distribution of machines,
11. The same background investigation and character standards which are applicable to applicants for coin-operated amusement establishment licenses shall be applicable to the entire operation,

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12. Ages of patrons is limited to a minimum of thirteen (13) years and a maximum of through the eighteenth year, and
13. No exiting and re-entering on Friday and Saturday nights without additional payment of cover charge.

The uses herein allowed are allowed only in connection with the operation of the proposed teen club and shall not be allowed independently of each other and cessation and abandonment of one use provided herein shall constitute abandonment of the entire conditional use granted.

The proposed club is located on the north side of Main Street between Galloway and Bryan-Belt Line Road and as shown on the filed plat of the Original Town Addition, as Block 1, Lots 2, 3, 4 and 5; Block 27 and 28, Lots 1 and 2 recorded in the Dallas County Deed Records; City of Mesquite, Dallas County, Texas.

SECTION 2. Definitions. The term "Teen Club" as used herein shall mean an establishment providing entertainment for patrons ages thirteen (13) years through eighteen (18) years of age including dancing, batting cages and coin-operated amusement machines.

"Non-operator" shall mean one who has not been approved for a license under the standards applicable to coin-operated amusement machines.

"Owned" shall include any right of control other than that of a lender as provided by law but not by contract.

"Summer hours" shall mean hours allowed between the regular school terms.

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 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 5. 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.

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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 (\$200.00) Dollars for each offense.

SECTION 8. 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 4th day of March, A.D., 1985.

  
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Mrs. Brunhilde Bystrom  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Lynn Prugel  
City Secretary

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Elland Archer  
City Attorney