

ORDINANCE NO. 2294
File No. ZO86-2

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, BY ADOPTING ARTICLE 49; 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 as follows, in all other respects to remain in full force and effect:

A. The following article is hereby adopted as follows:

a. Article 49 to read as follows:

49.00. H-PC (Hotel/Private Club Overlay District)

Hotel/Private Club Prefix To District Designation: The H-PC prefix constitutes a zoning overlay district, and the addition or removal of the H-PC prefix constitutes zoning action requiring due process required under state law. No land within the City except the following described areas shall be designated H-PC without the requisite notice and public hearings provided by State law.

Land Zoned H-PC Hotel/Private Club: All land zoned either "C" or "LC", at the time of such H-PC use 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 limited access freeway and which has access onto one of the following:

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- (a) A freeway service road
 - (b) A major thoroughfare, or
 - (c) A secondary commercial street which intersects either a freeway service road or a major thoroughfare and with no egress or ingress to a single family residential district.

49.01. 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 district for which the land is zoned. (All land in the overlay district shall retain its standard 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) Hotel/Private Club use as hereinafter regulated.

49.02. Required Conditions: No land in this district shall be used for Hotel/Private Club use or for the sale of alcoholic beverages except that land zoned under the Conditional Use provisions of Articles 43 and 43A unless such land and use not zoned under the Conditional Use provisions, 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) The facility housing private club use must be a full service hotel and must include at a minimum the following characteristics:
 - (a) 200 rooms
 - (b) All room access from internal hallways
 - (c) An internal full-service restaurant
 - (d) Banquet-Meeting Room-Ballroom facilities (a minimum 2.5% of the gross floor area)
 - (e) A minimum 4 story height

- (3) The bar areas shall have no exterior entrances.
- (4) No signs advertising the sale of alcoholic beverages shall be permitted provided, however, this shall not prohibit the use of established trade names of establishments.
- (5) 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 Hour" or similar promotional activities designed to stimulate the sale of alcohol).
- (6) Qualification as a Hotel/Private Club shall include approval of dancing.

SECTION 2. That all ordinances, or portions thereof, of the C of Mesquite in conflict with the provisions of this ordinance, to extent of such conflict are hereby repealed. To the extent that s 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 develc in conformity with the requirements of current and/or future drain 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 t be unconstitutional, illegal, or invalid, the same shall not affec 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.

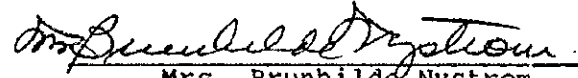
SECTION 6. That any person, firm, or corporation violating an of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of 1973, of the City of Mesquite, and upon conviction in the Municipal Court shall punished by a fine not to exceed Two Hundred (\$200.00) Dollars for each offense.

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SECTION 7. Whereas, the fact that the present ordinances of City of Mesquite are not adequate to permit proper development in order to protect the public interest, comfort, and general welfare 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 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 5th day of May A.D., 1986.


Mrs. Brunhilde Nystrom
Mayor

ATTEST:

APPROVED AS TO FORM:


Lynn Prugel
City Secretary

Elland Archer
City Attorney