

ORDINANCE NO. 2411
File No. 2087-1

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 REVISING ARTICLE 61, SECTION 61.07 AND DELETING ARTICLE 40, SECTION 40.09 PARAGRAPH (d); 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 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 effective April 6, 1987 as follows, in all other respects to remain in full force and effect:

- A. The existing Article 61, Section 61.07, Number of Parking Spaces Required, is amended as follows:

The following language shall be deleted from Article 61, Section 61.07:

<u>Use</u>	<u>Parking Spaces Required</u>
Restaurants, etc.	1 for each 4 seats under maximum seating conditions

The following language shall be added to Article 61, Section 61.07:

<u>Use</u>	<u>Parking Spaces Required</u>
Restaurants Without Clubs	One (1) space per three (3) seats under maximum seating conditions or one (1) space per 100 square feet of gross floor area, whichever is greater

Restaurants With
Private Clubs

One (1) space per two and
one-half (2-1/2) seats under
maximum seating conditions
or one (1) space per 75
square feet of gross floor
area, whichever is greater.

- B. The existing Article 44 Section 40.09 paragraph (d) is hereby deleted.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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 (\$200.00) Dollars for each offense.

SECTION 7. The fact that the Code of the City of Mesquite does not provide adequate requirements for the number of parking spaces at restaurants creates an urgency and emergency and requires that this ordinance shall take effect immediately from its passage and publication as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas on the 6th day of April, A.D., 1987.

George A. Venner Sr.
George A. Venner, Sr.
Mayor

ATTEST:

APPROVED AS TO FORM:

Lynn Prugel
Lynn Prugel
City Secretary

Elizabeth A. Lunday
Elizabeth A. Lunday
Assistant City Attorney

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