

ORDINANCE NO. 3027
File No. ZO 95-1

00005

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988; BY DELETING SECTION 1-602E, AND ADOPTING A NEW REVISED SECTION 1-602E, SPECIAL EVENTS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

WHEREAS, through administration and experience, the Planning and Zoning Commission has determined that it is necessary to revise certain regulations so that the intended purpose of the Zoning Ordinance is best served; and

WHEREAS, the City Council did give public notice and did hold public hearings regarding the proposed amendment; and

WHEREAS, the City Council did direct preparation of an ordinance, and did subsequently adopt Ordinance No. 3020; and

WHEREAS, it was thereafter determined that Ordinance No. 3020 did not accurately reflect the intent of the City Council as directed at the public hearing; and

WHEREAS, it was determined that the affected portion of the ordinance should be rewritten to properly reflect the Council's intent; and

WHEREAS, it was further determined that the entire Section should be included in the Ordinance with the rewritten portion to assure clarity;

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

SECTION 1. That the Mesquite Zoning Ordinance, adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended as follows, said Ordinance all other respects to remain in full force and effect:

Amended by deleting the existing Section 1-602E in its entirety and a new revised Section 1-602E, *SPECIAL EVENTS*, is adopted to read as follows:

E. **SPECIAL EVENTS**

Special events on a temporary basis may be permitted as set out below:

1. **Commercial Amusement Permits:** Commercial Amusement Permits may be issued for temporary events such as carnivals, circuses, mechanical rides, pony rides, fairs, and petting zoos.
 - a. **General Conditions:** The conditions and requirements set out in 1-602E.3 below shall apply to Commercial Amusement Permits.
 - b. **Permit Duration and Frequency:** Commercial Amusement Permits may be issued for a *maximum period* of 15 days, including set-up, tear-down, and clean-up time, with a maximum of 2 such permits allowed at a location during a calendar year. A minimum period of 30 days shall be required between permits.
 - c. **On-site Residences:** On site accommodation for a uniformed security officer shall be permitted. No other living quarters shall be permitted on the site of a Commercial Amusement Permit.
 - d. **Clean-up Deposit:** A permit application shall include a deposit of \$500 to assure site clean-up. The deposit shall be refunded in total upon satisfactory and complete clean-up of all trash and debris from the site.
2. **Special Promotions Permits:** Special Promotions Permits may be issued for business advertising and promotional events; for nonprofit, charity events; and for special religious, civic, sports, and political events; provided however that any event involving commercial amusements shall require a Commercial Amusement Permit.
 - a. **General Conditions:** The conditions and requirements set out in 1-602E.3 below shall apply to Special Promotions Permits.
 - b. **Permit Duration and Frequency:** Special Promotions Permits may be issued for 15 day periods, with a maximum of 4 such permits allowed at a location during a calendar year. A minimum period of 30 days shall be required between permits. Events exceeding these limitations shall require approval by the Board of Adjustment as a Special Exception. See 1-603C.
3. **General Conditions and Requirements:** The following provisions shall apply to all special events.
 - a. **Prohibited Events:** Special events shall not include any use or activity which is elsewhere classified and regulated in this ordinance, which will be a permanent use of the land, or which will involve a permanent use or structure.
 - b. **Gambling:** Gambling shall not be permitted in conjunction with a special event.
 - c. **Performance Standards:** Noise, glare, odor, and other nuisances shall be controlled as set out in applicable sections of the City Code.
 - d. **Permit Application:** Applications for a permit under this section shall include a description of all activities, of fixtures and equipment to be used, of the hours of operation proposed, and of other factors pertinent to evaluating health/safety and the

impact on surrounding properties. No Commercial Amusement or Special Promotion Permit shall be approved unless safe and adequate provisions have been made for parking, loading, restrooms, trash containers, electrical connections and any other item deemed necessary by the DRC.

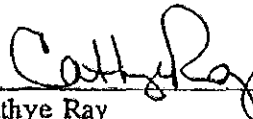
- e. **Related Permits:** Temporary facilities such as tents, stages, benches, portable trailers, restrooms, electrical supply and connections, food service, etc. may require separate permits, which shall be limited to the duration of the event.
- f. **Permit Denial:** The Development Review Committee shall deny any permit where it deems there is a problem or concern regarding health or safety, or where it feels adverse effects on surrounding properties are likely to occur. Factors such as proximity to residences, use of loudspeakers, use of large portions of required parking, unsafe pedestrian street crossings, awkward circulation patterns, and similar concerns may be cause for permit denial.

SECTION 2. 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 of provisions hereof other than the part so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

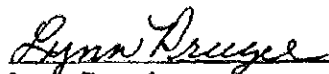
SECTION 3. That any person, firm, or corporation violating any of the provision or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and subject to the same penalty as provided for in the Mesquite Zoning Ordinance as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

SECTION 4. Whereas the need to regulate proper development of the City of Mesquite, and the need to protect the public interest, comfort, and general welfare of the citizens of the City of Mesquite creates an urgency and 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 17th day of April, 1995.


Cathye Ray
Mayor

ATTEST:


Lynn Prugel
City Secretary

APPROVED:


B.J. Smith
City Attorney

00068