

ORDINANCE NO. 3315

File No. 1095-35

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE A CONDITIONAL USE PERMIT FOR A PRIVATE CLUB IN CONJUNCTION WITH A RESTAURANT SUBJECT TO CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 changes 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 Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve a Conditional Use Permit for a Private Club in conjunction with a restaurant, subject to the following stipulations:

1. The restaurant shall have an exterior entrance. Entrances from the interior of the mall will be allowed.
2. Conformance with the site plan/floor plan layout, as submitted with the Conditional Use Permit application, is required. Future revisions to the site plan/floor plan must be approved by the City Council.
3. The establishment 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, main dining room, or mall corridor.

5. The establishment shall be a sit-down restaurant with food and drink service at the table. Cafeteria-style service shall be prohibited.
6. Game machines and game tables shall be prohibited.
7. Audio-visual/electronic entertainment (televisions) shall be prohibited, except two televisions in the bar area, i.e., no sports bars.
8. Amplified music and live bands shall be prohibited; and music or other sound shall not be audible in the mall area adjacent to the restaurant.
9. No alcoholic beverages shall be allowed beyond the confines of the restaurant. Specifically, utilizing the mall as a waiting area after alcoholic beverages have been served shall be prohibited.
10. No signs advertising the sale of alcoholic beverages shall be permitted, provided however, this shall not prohibit the use of established trade names, i.e., "Steak and Ale".
11. Drinks shall not be offered for sale at a price reduced from the customary price during a specific period for promotional purposes, i.e., "happy hour" or similar promotional activities designed to stimulate the sale of alcohol in comparison to the sale of food.
12. The maximum revenue from the sale of alcoholic beverages shall not exceed 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 violation of this ordinance.

The subject property is located at 2034 Town East Mall, City of Mesquite, Dallas County, Texas.

SECTION 2. 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 Mesquite Zoning Ordinance.

SECTION 3. 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. 3042 of the Mesquite City Code.

SECTION 4. 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 Mesquite Zoning Ordinance as a whole.

SECTION 5. 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 Mesquite Zoning Ordinance, as amended, and upon conviction in the Municipal Court shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 6. That 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 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 16<sup>th</sup> day of August, 1999.



Mike Anderson  
Mayor

ATTEST:



Ellen Williams  
City Secretary

APPROVED:



B.J. Smith  
City Attorney