

ORDINANCE NO. 3814
File No. 2006-1

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 4-700 THROUGH 4-705 IN THEIR ENTIRETY AND ADDING NEW SECTIONS 4-700 THROUGH 4-705; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, in order that the intended purposes of the Mesquite Zoning Ordinance are best served, it has been determined necessary to amend certain language of said ordinance; and

WHEREAS, the Planning and Zoning Commission did give public notice and did hold public hearings regarding proposed revisions and has recommended amendment of the ordinance; and

WHEREAS, the City Council did give public notice and did hold a public hearing regarding the proposed amendment.

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 deleting Sections 4-700 through 4-705 in their entirety and adding new Sections 4-700 through 4-705 to read as follows, said Ordinance in all other respects to remain in full force and effect:

**4-700 MESQUITE ARENA/RODEO ENTERTAINMENT
OVERLAY DISTRICT REGULATIONS**

4-701 PURPOSE AND SCOPE

The Mesquite Arena/Rodeo Entertainment Overlay District is designed to encourage the concentration of recreational, entertainment and cultural uses to complement the Mesquite Arena/Convention Center; to provide additional recreational, entertainment and cultural activities within the City for the use and benefit of the citizens of the City and region; and to strengthen the role of the Mesquite Arena/Convention Center area as a regional entertainment district, emphasizing establishments attracting a regional patronage and complementary community-oriented establishments.

4-702 MA/RE MESQUITE ARENA/RODEO ENTERTAINMENT PREFIX

The MA/RE prefix designation constitutes a zoning overlay district and includes the 111.5 acres of land south and west of Scyene Road and IH-635 as shown in the attached Exhibit "A." The addition or removal of the MA/RE prefix or the uses listed below constitutes zoning action requiring due process required under State law. The City shall have only one contiguous Mesquite Arena-Rodeo Entertainment Overlay District.

4-703 PERMITTED USES

In this district, no land shall be used except as listed below to the extent that it is not prohibited by other regulations and ordinances.

A. STANDARD DISTRICT

All uses permitted in the existing zoning district for which the land is zoned. (All land in the overlay district shall retain its existing zoning designation and all characteristics of such existing zoning, except for the additional uses permitted or excluded herein.)

1. Excluded Uses: Special Trade Contractors
Bus Stop/Shelter
Hardware/Garden Supply Stores
Auto and Home Supply Stores
Limited Gasoline Sales
Coin-Operated Laundries/Dry Cleaning
Laundry, Garment Services
Equipment Rental, Household and Medical
Automotive Repair Services
Miscellaneous Repair Services
Residential Care Institutions
Churches and Other Places of Assembly,
Except in Freestanding Buildings
Schools, Public or Private

2. Additional Uses: Restaurants with Private Clubs
Coin-Operated Gamerooms^(a)
Billiards Rooms^(a)
Concession Sales of Alcoholic Beverages^{(a) or (b)}
Dance Floors, Incidental to a Principal Use
Bowling Centers
Commercial Indoor Sports^(a)

^(a) Incidental uses in buildings of 200,000 square feet or larger.

^(b) In conjunction with a City-approved special event.

B. FOR CLARIFICATION

Uses identified in Section 3-203 as requiring a conditional use permit will require a conditional use permit in the MA/RE Overlay District except as listed in Section 4-703.A.

4-704 DEVELOPMENT CRITERIA

All developments, buildings, paving, lighting, etc., shall adhere to the development standards of the underlying zoning district except:

- A. All rooftop equipment shall be screened from view.
- B. The minimum landscaping for any development within the overlay shall be 15 percent of the site area.
- C. All development shall meet the minimum parking standards as set out in the Mesquite Zoning Ordinance, except multi-use facilities of 200,000 square feet or greater where the parking requirement shall be based on the predominate use in the facility.

Off-site parking shall be allowed provided such parking is adjacent to and under the control of the use for which the parking is required.

4-705 PREREQUISITE CONDITIONS

Prior to approval of any development pursuant to the provisions under this section, the property owners within the MA/RE Overlay District shall:

Present for review and approval a Traffic Impact Analysis (TIA), prepared and sealed by a qualified, licensed engineer in accordance with the City of Mesquite Traffic Engineering Division's current *Requirements for Preparing a Traffic Impact Analysis (TIA)*. The TIA must identify potential problems and the effective improvements to alleviate the problems. The TIA must be submitted to the Traffic Engineering Division for technical staff review prior to presentation to City Council.

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 should any word, sentence, clause, paragraph, phrase or section of this ordinance be 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

SECTION 4. 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 (\$2,000.00) Dollars for each offense.

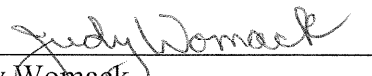
SECTION 5. That the need to regulate proper development of the City of Mesquite and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare and requires that this ordinance 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 7th day of August, 2006.



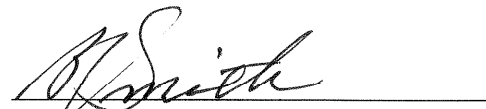
Mike Anderson
Mayor

ATTEST:



Judy Womack
City Secretary

APPROVED:





B. J. Smith
City Attorney

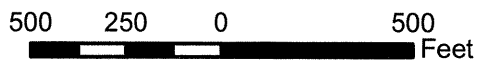
MA/RE OVERLAY DISTRICT

EXHIBIT "A"



Legend

-  Existing MA/RE - 54.14 Acres
-  Proposed MA/RE - 111.47 Acres



Produced by the Mesquite Planning Division
June 26, 2006

MESQUITE
TEXAS
Real. Texas. Service.