

ORDINANCE NO. 3831
File No. 2006-3

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 PROVIDING CERTAIN ADDITIONS AND DELETIONS TO SECTIONS 4-500, 4-600, 4-700 AND 4-800 THEREBY MODIFYING CERTAIN CURRENT SEPARATIONS BETWEEN USES IN VARIOUS OVERLAY DISTRICTS; 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 providing certain additions and deletions to Sections 4-500, 4-600, 4-700 and 4-800 thereby modifying certain current separations between uses in various overlay districts to read as follows, said Ordinance in all other respects to remain in full force and effect.

1. *Section 4-501.* Amend by deleting the second paragraph in its entirety and adding a new second paragraph in Section 4-501 to read as follows:

4-501 R-PC RESTAURANT-PRIVATE CLUB PREFIX

Land Zoned R-PC Restaurant-Private Club

All land within 500 feet of the right-of-way of Highways I-30, US 80, I-635 and I-20, and which has frontage on one of the above freeways and access onto one of the following:

- (a) A freeway service road;
- (b) A major thoroughfare within 500 feet of a freeway right-of-way; or
- (c) A secondary commercial street which intersects either a freeway service road or a major thoroughfare and there shall be no ingress or egress to a single-family residential district.

And is, at the time of such R-PC use, zoned either LC or C.

2. *Section 4-503.* Amend by renumbering current Sections 4-503(A) – (G) to Sections 405-3(B) – (H) and adding a new Section 4-503(A) to read as follows:

4-503 REQUIRED CONDITIONS

A. LOCATION

The premises shall not be located less than 300 feet from any public school and not less than 500 feet from any established detached single-family residential subdivision on the same side of a freeway right-of-way. Other separation requirements of City Code §8-840 shall not apply.

3. *Section 4-601.* Amend by deleting the second paragraph in its entirety and adding a new second paragraph in Section 4-601 to read as follows:

4-601 H-PC HOTEL- PRIVATE CLUB PREFIX

Land Zoned H-PC Hotel-Private Club

All land zoned either C or LC at the time of such H-PC use and which has access onto one of the following:

- (a) A freeway service road;
- (b) A major thoroughfare within 500 feet of a freeway right-of-way; or
- (c) A secondary commercial street which intersects either a freeway service road or a major thoroughfare and with no ingress or egress to a single-family residential district.

4. *Section 4-603.* Amend by renumbering current Sections 4-603(A) – (F) to Sections 4-603(B) – (G) and by adding a new Section 4-603(A) to read as follows:

4-603 REQUIRED CONDITIONS

A. LOCATION

The premises shall not be located less than 300 feet from any public school and not less than 500 feet from any established detached single-family residential subdivision on the same side of a freeway right-of-way. Other separation requirements of City Code §8-840 shall not apply.

5. *Section 4-703(C)*. Amend by adding a new Section 4-703(C) to read as follows:

4-703 PERMITTED USES

C. LOCATION OF CERTAIN ESTABLISHMENTS WITH PRIVATE CLUBS

For Restaurants with Private Clubs and Full-Service Hotels with Private Clubs, the separation requirements of City Code §8-840 shall not apply.

6. *Sections 4-803(B) and 4-803(C)*. Amend by renumbering current Section 4-803(B) to Section 4-803(C) and adding a new Section 4-803(B) to read as follows:

4-803 PERMITTED USES

B. LOCATION OF RESTAURANTS WITH PRIVATE CLUBS

For Restaurants with Private Clubs, the separation requirements of City Code §8-840 shall not apply.

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 so decided to be invalid, illegal or unconstitutional and shall not affect the validity of the Mesquite Zoning Ordinance as a whole.

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 18th day of September, 2006.




Mike Anderson
Mayor

ATTEST:

APPROVED:



Judy Womack
City Secretary



B.J. Smith
City Attorney