

ORDINANCE NO. 3922
Zoning Text Amendment No. 2007-9

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 UNDER SECTIONS 3-200, 4-500, 4-600, 4-700, 4-800 AND 4-900 THEREBY MODIFYING CERTAIN REGULATIONS FOR ALCOHOL SALES; PROVIDING A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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 a public hearing 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 under Sections 3-200, 4-500, 4-600, 4-700, 4-800 and 4-900 thereby modifying certain regulations for alcohol sales to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Section 3-203(SIC 58)*. Amend by deleting the permitted uses under SIC 58 in Section 3-203 in their entirety and adding new permitted uses under SIC 58 in Section 3-203 to read as follows:

58 EATING, DRINKING PLACES									
5812 Eating Places (except)		P	P	P	P		P	P	17
a. Drive-in Restaurants							P	P	17
b. Restaurant holding a Food & Beverage Certificate with Private Club			C		C		C	C	18
5813 Drinking Place with Private Club (except)									
a. Private Club in conjunction with full-service hotel				C ⁺			C ⁺		
Permits private club operated by fraternal or veterans organizations certified under Alcoholic Beverage Code without a Conditional Use Permit in districts designated; See SIC 864.									
Restricted to the H-PC, MARE and MP-SC overlay districts. (+) indicates permitted-by-right in MARE and MP-SC; See 4-600, 4-700 and 4-900.									

- (2) *Section 4-500.* Amend by deleting the section in its entirety.
- (3) *Section 4-603.* Amend by deleting the first paragraph in its entirety and adding a new first paragraph to read as follows:

4-603 REQUIRED CONDITIONS

No land in this district shall be used for Hotel-Private Club use unless such land shall meet all of the following conditions:

- (4) *Section 4-603(C).* Amend by deleting the section in its entirety and adding a new Section 4-603(C) to read as follows:

C. The facility housing a private club use must be a full service hotel and must include at a minimum the following characteristics:

- 1. 200 rooms
- 2. All room access from internal hallways
- 3. An internal full-service restaurant
- 4. Banquet – meeting room – ballroom facilities (a minimum 2.5% the gross floor area)
- 5. A minimum four story height

- (5) *Section 4-703(A)(2).* Amend by deleting the section in its entirety and adding a new Section 4-703(A)(2) to read as follows:

- 2. Additional Uses: 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.

- (6) *Section 4-703(C).* Amend by deleting the section in its entirety and adding a new Section 4-703(C) to read as follows:

C. LOCATION OF CERTAIN ESTABLISHMENTS WITH PRIVATE CLUBS

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

- (7) *Section 4-803(B).* Amend by deleting the section in its entirety.

(8) *Section 4-904(B)*. Amend by deleting the section in its entirety and adding a new Section 4-904(B) to read as follows:

B. PRIVATE CLUBS (in conjunction with Full-Service Hotel only)

A private club may be housed within a full-service hotel on land zoned either LC or C and shall comply with the following:

1. *Location*: The premises shall not be located less than 300 feet from any school. Other separation requirements of City Code §8-840 shall not apply.
2. *Minimum capacity*: The hotel shall contain a minimum of 100 rooms, all with access from internal hallways, and shall contain an internal restaurant.
3. *Primary use*: The hotel shall constitute not less than 60 percent of the gross floor area of the structure.
4. *Access*: The bar area shall have no exterior entrance.
5. *Signs*: No signs advertising the sale of alcoholic beverages shall be permitted; however, this shall not prohibit use of established trade names of establishments.
6. *Drink promotions*: Drinks shall not be offered for sale at a price reduced from the customary price during a specific period for promotional purposes (sometimes called "Happy Hour" or similar promotional activities designed to stimulate the sale of alcohol).

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 this ordinance shall be effective immediately from and after its passage.

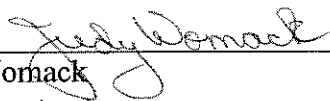
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 17th of December, 2007.



John Monaco
Mayor

ATTEST:

APPROVED:



Judy Wornack
City Secretary



B.J. Smith
City Attorney