

ORDINANCE NO. \_\_\_\_\_  
Zoning Text Amendment No. 2018-01

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 MAKING CERTAIN DELETIONS  
AND ADDITIONS IN SECTIONS FOUND UNDER CHAPTERS  
3-200, 3-500 AND 6-100 THEREBY PROVIDING NEW AND  
REVISED REGULATIONS FOR AMUSEMENT AND  
RECREATION SERVICES INCLUDING BALLROOMS AND  
EVENT CENTERS; PROVIDING A REPEALER CLAUSE;  
PROVIDING 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 additions and deletions in sections found under Chapters 3-200, 3-500 and 6-100 to read as follows, said Ordinance in all other respects to remain in full force and effect:

- (1) *Chapter 3-200.* Amend Section 3-203 in Chapter 3-200 by deleting SIC CODE 791(a) in its entirety and adding a new SIC CODE 791(a) and 791(b) in Section 3-203 to read as follows:

<i>SIC CODE    USE DESCRIPTION</i>	<i>O</i>	<i>GR</i>	<i>LC</i>	<i>THN K20 NGTC I</i>	<i>CV</i>	<i>MU</i>	<i>CB</i>	<i>SS</i>	<i>C</i>	<i>I</i>	<i>PKNG STND</i>	<i>SPECIAL CONDITIONS</i>
<b>79    AMUSEMENT &amp; RECREATION SERVICES</b>												
791    Dance Studios, Schools (except)		P	P			P	P		P	P	1	
a.    Minor Reception Facility						P	P		P	P	11	Requires compliance with 3-508.
b.    Major Reception Facility							C		C	C	11	Requires buildings to be located at least 500 feet from any residential district. Requires compliance with 3-508.

- (2) *Chapter 3-500.* Amend Chapter 3-500 by adding a new Section 3-508 to read as follows:

**3-508 Reception facilities.**

In addition to the requirements of Section 3-203, all reception facilities approved by conditional use permit shall comply with the following regulations:

- A. *Hours of operation.* Unless authorized by a conditional use permit, hours of operation for a reception facility shall be limited to 8:00 a.m. to 10:00 p.m. Monday through Thursday and 8:00 a.m. to midnight Friday through Sunday.
  - B. *Security.* The reception facility shall provide security at every event where alcoholic beverages are provided or consumed or where a D.J. or live music is provided for age groups 13-21. Security shall be provided by a qualified person(s) authorized to provide private security pursuant to Chapter 1702 of the Texas Occupations Code or by a licensed peace officer.
  - C. *Outside activities.* Outside activities, if any, shall be confined within a legally fenced-in area with a solid fence or wall at least six feet in height and in compliance with Chapter 5, Article V of the Code of the City of Mesquite, Texas. All activities conducted within or outside the reception facility shall conform to the hours of operation in this section and comply with the noise restrictions of City Code Section 10-66, et seq.
  - D. *Premises condition.* The owner or operator of the reception facility shall clean, or have cleaned, the premises of all litter, debris or rubbish immediately following an event. In addition to other applicable codes and ordinances of the City, the premises shall be maintained in compliance with the International Property Maintenance Code and operated to conform to maximum occupancy load limitations at all times.
  - E. *Owner representative.* For all events at a reception facility, the owner or the owner's agent shall be present at the facility for the duration of the event.
  - F. *Compliance with applicable laws and additional provisions.* Alcoholic beverages may not be sold on the premises without strict compliance with the Texas Alcoholic Beverage Code and the use regulations of the Mesquite Zoning Ordinance. A person or a person affiliated, related, associated with or acting in concert with the person, serving alcohol may not use the facility more than twice per month. The definition of the term "person" provided in Section 1-2, "Rules of Construction," of this code, applies. "Affiliate" means any entity owned or controlled, wholly or in part, by a person.
- (3) *Chapter 6-100.* Amend Section 6-102 in Chapter 6-100 by adding a definition for "reception facility" to read as follows:

*Reception facility.* An establishment that is made available for private use, principally for parties, dances, receptions, banquets or similar social events. The term does not include, and a separate certificate of occupancy is required for, the following uses if permitted by the applicable zoning regulations: restaurant; drinking place with private club; hotel; country club; theater; civic, social, fraternal organization; or commercial amusement.

*Minor reception facility:* A reception facility that does not exceed 6,000 square feet of enclosed space.

*Major reception facility:* A reception facility with more than 6,000 square feet of enclosed space.

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 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.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 18th day of February, 2018.

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Stan Pickett  
Mayor

ATTEST:

APPROVED:

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Sonja Land  
City Secretary



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B. J. Smith  
City Attorney