

ORDINANCE NO. _____
Zoning Text Amendment No. 2020 - 04

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE, AS PREVIOUSLY AMENDED, BY MAKING CERTAIN DELETIONS AND ADDITIONS TO SECTION 3-203 "SCHEDULE OF PERMITTED USES;" SECTION 3-508 "RECEPTION FACILITIES;" AND SECTION 6-102 "DEFINITIONS;" ALL PERTAINING TO NEW AND REVISED REGULATIONS FOR MAJOR RECEPTION FACILITIES, MINOR RECEPTION FACILITIES, AND ELIMINATING THE "ACCESSORY USE" CLASSIFICATION WHERE AN ESTABLISHMENT (SUCH AS ART GALLERIES, CIVIC, COMMERCIAL AMUSEMENT, COUNTRY CLUBS, DRINKING PLACES WITH PRIVATE CLUBS, GARDENS, HOTELS, MUSEUMS, RESTAURANTS, SOCIAL OR FRATERNAL ORGANIZATIONS, THEATERS, AND ZOOS) MAKES AVAILABLE AN AREA FOR PRIVATE USE; PROVIDING A REPEALING CLAUSE; PROVIDING A CONFLICTS RESOLUTION CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE IN AN AMOUNT NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR PUBLICATION; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City of Mesquite, Texas, ("City") is a home-rule municipality acting under its Charter adopted, and amended, by the electorate pursuant to the Texas Constitution, Article 11, Section 5 and the Texas Local Government Code Chapter 9; and

WHEREAS, it is the intent of the City Council of the City of Mesquite, Texas ("City Council") to ensure that reception facilities, including other types of facilities where an establishment (such as art galleries, civic, commercial amusement, country clubs, drinking places with private clubs, gardens, hotels, museums, restaurants, social or fraternal organizations, theaters, and zoos) makes available an area for private use, all have adequate regulations to protect the public health, safety, and welfare; and

WHEREAS, a home-rule municipality has full power of local self-government, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 51, Section 51.072(a); and

WHEREAS, a home-rule municipality has general enforcement authority and may enforce each rule, ordinance, or police regulation of the municipality and may punish a violation of a rule, ordinance, or police regulation pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.001, as amended and pursuant to Mesquite City Code, Chapter 1, Section 1-6; and

WHEREAS, a home-rule municipality may enforce ordinances necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants, pursuant to Texas Local Government Code, Title 2, Subtitle D, Chapter 54, Section 54.004, as amended; and

WHEREAS, the City shall have the power to enact and enforce ordinances necessary to protect health, life and property and to prevent and summarily abate and remove all nuisances, and to preserve and enforce good government and order and security of the City and its inhabitants, pursuant to Mesquite City Charter, Article III, Section 2; and

WHEREAS, the City shall have the power to license any lawful business, occupation or calling that is susceptible to the control of the police power, pursuant to Article III, Section 28 of the Mesquite City Charter; and

WHEREAS, the City may regulate the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes pursuant to Texas Local Government Code, Title 7, Subtitle A, Chapter 211, Section 211.003; and

WHEREAS, this Mesquite Zoning Ordinance text amendment provides for updates to the existing Reception Facilities provisions; and

WHEREAS, on **June 22, 2020**, the City of Mesquite Planning and Zoning Commission considered text amendments to the Mesquite Zoning Ordinance and after having given proper public notice and holding a public hearing, the Planning and Zoning Commission recommended the City Council adopt the text amendment to the Mesquite Zoning Ordinance as was first presented to the Mesquite City Council on **July 20, 2020**; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed Mesquite Zoning Ordinance text amendment on **July 20, 2020**; and

WHEREAS, the City Council voted to postpone the original matter and to continue the public hearing to the **August 3, 2020** City Council meeting thereby requesting further revisions be made by staff to the proposed ordinance; and

WHEREAS, the City Council gave public notice and conducted the public hearing regarding the now newly *revised* proposed Mesquite Zoning Ordinance text amendment on **August 3, 2020**; and

WHEREAS, the City Council finds that it is in the best interests of the citizens of the City to amend the Mesquite Zoning Ordinance as herein provided.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MESQUITE, TEXAS:

SECTION 1. Recitals Incorporated. The City Council hereby finds and determines the recitals made in the preamble of this ordinance are true and correct, and hereby incorporates such recitals herein the body of this ordinance as if copied in their entirety.

SECTION 2. ZONING ORDINANCE TEXT AMENDMENT: Revising Section 3-203, Section 3-508, and Section 6-102 of the Mesquite Zoning Ordinance. The Mesquite Zoning Ordinance, as previously amended, is hereby amended by making certain additions and deletions as identified in **EXHIBIT A**. The amended sections of the Mesquite Zoning Ordinance shall now read as shown as shown in **EXHIBIT B**. Said exhibits are attached hereto and made a part hereof, and in all other respects said Zoning Ordinance, Parts, and Sections shall remain in full force and effect.

SECTION 3. Repealing Clause. That all ordinances or portions thereof 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 are not in conflict herewith, the same shall remain in full force and effect.

SECTION 4. Conflicts Resolution Clause. In the event of an irreconcilable conflict between the provisions of another previously adopted ordinance of the City of Mesquite and the provisions of this Ordinance, the provisions of this Ordinance shall be controlling.

SECTION 5. Severability Clause. Should any word, sentence, paragraph, subdivision, clause, phrase or section of this ordinance be adjudged or held to be void or unconstitutional, the same shall not affect the validity of the remaining portions of said ordinance, the Mesquite City Code, as hereby or previously amended, or the Mesquite Zoning Ordinance, as hereby or previously amended, which shall remain in full force and effect.

SECTION 6. Penalty Clause. Generally. Nothing in this ordinance prohibits the City from pursuing civil and criminal enforcement remedies and penalties concurrently or availing itself of any other remedy allowed by law. **Criminal.** Any violation of the provisions or terms of this ordinance by any “person,” (as defined in Mesquite City Code, Chapter 1, [Section 1-2](#)) shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine not to exceed TWO THOUSAND DOLLARS (\$2,000.00) for each offense, as provided in Mesquite City Code, Chapter 1, [Section 1-6](#), as amended. **Civil.** The City may also file a civil action for enforcement of this ordinance. **Maximum penalties.** If the maximum penalties provided for by this ordinance for an offense or civil action is greater than the maximum penalty provided for the same offense or civil action under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense or civil action shall be the maximum penalty provided by the laws of the State of Texas.

SECTION 7. Publication. This ordinance shall be published in the City’s official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

SECTION 8. Effective Date. This ordinance after its passage and publication shall take effect on, and be in force from and after, five (5) days after publication thereof, in accordance with Mesquite City Charter, Article IV, [Section 24](#), and it is accordingly so ordained.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on this the **3rd day of AUGUST 2020**.

Bruce Archer
Mayor

ATTEST:

Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney

EXHIBIT A

To Ordinance No. _____

ZTA 2020-04

Mesquite Zoning Ordinance

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PART 6. – DEFINITIONS

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6-100 DEFINITIONS AND INTERPRETATION OF TERMS

* * *

6-102 DEFINITIONS

* * *

RECEPTION FACILITY:

An establishment that is made available for private use, principally for parties, dances, receptions, banquets or similar social events. Where such a facility is connected with a principal use, the reception facility shall be deemed a separate use and shall require its own certificate of occupancy. Such principal uses where a reception facility may be connected include, but are not limited to, art galleries, civic, commercial amusement, country clubs, drinking places with private clubs, gardens, hotels, museums, restaurants, social or fraternal organizations, theaters, and zoos.

~~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 total square feet (including the entire building square footage and the outdoor areas which are designated for reception activities)~~of enclosed space.~~

Major Reception Facility: A Reception Facility with more than 6,000 total square feet (including the entire building square footage and the outdoor areas which are designated for reception activities)~~of enclosed space.~~

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PART 3. – NONRESIDENTIAL DISTRICTS

3-203 SCHEDULE OF PERMITTED USES													

I. SERVICES													
SIC Code	Use Description	O	GR	LC	THN K20 NGTC	CV	MU	CB	SS	C	I	PKNG STND	Special Conditions
***													***
79	AMUSEMENT & RECREATION SERVICES												
791	Dance Studios, Schools (except)		P	P			P	P		P	P	1	
	Reception Facilities												
	a. Minor Reception Facility						P	P		P	P	11	Requires compliance with 3-508.
	a-1. Minor Reception Facility NOT within 500-ft of a Residential District		P	P			P	P		P	P	11	Requires compliance with 3-508 (A).
	a-2. Minor Reception Facility within 500-ft of a Residential District		C	C			C	C		C	C	11	Requires a CUP when the Facility is located within 500 feet of a residential district. Requires compliance with 3-508 (A).
	b. Major Reception Facility							C		C	C	11	Requires buildingsFacilities are required to be located at least 500 feet from any residential district. Requires compliance with 3-508 (A).
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3-500 SUPPLEMENTARY USE REGULATIONS

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3-508 RECEPTION FACILITIES

A. MAJOR AND MINOR RECEPTION FACILITIES

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

1. Defined. “Reception Facility,” “Minor Reception Facility,” and “Major Reception Facility” are all defined terms in this Zoning Ordinance. See Section 6-102.
- ~~1.2.~~ Hours of operation. Unless authorized by a conditional use permit, hours of operation for a major or minor 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.
- ~~2.3.~~ Security. The major or minor 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. A minimum of one (1) security officer is required for up to twenty-five (25) individuals in attendance. One additional security officer shall be required for every additional one hundred (100) individuals in attendance, or fraction thereof, for said event where:
 - a. alcoholic beverages are provided or consumed; or
 - b. where a D.J. or live music is provided for age groups 13-21.
- ~~3.4.~~ 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 Mesquite City Code ~~Code of the City of Mesquite, Texas~~. All activities conducted within or outside the major or minor reception facility shall conform to the hours of operation in this section and comply with the noise restrictions of Mesquite City Code Section 10-66, et seq.
- ~~4.5.~~ Premises condition. The owner or operator of the major or minor 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.
- ~~5.6.~~ Owner representative. For all events at a major or minor reception facility, the owner or the owner’s agent shall be present at the facility for the duration of the event.
- ~~6.7.~~ 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 major or minor reception 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.

8. Surveillance Cameras. The operator of the major or minor reception facility shall provide, maintain, and operate color digital high-resolution surveillance cameras at all entrances, exits, and parking areas in compliance with the following:

- a. The cameras shall have a minimum of 1080 lines of resolution.
- b. The entrance and exit area camera(s) shall be placed to provide a clear and identifiable full frame of the filmed individual's face entering and leaving the facility.
- c. All cameras shall accurately display the correct date and time of the recording.
- d. The cameras shall be functional, activated, and provide views, unobstructed by matter, 24-hours a day, including hours when the reception facility is not open for business.
- e. The operator shall maintain on a digital storage device a library of the recorded digital images for not less than 10-days.
- f. Any passwords, user identification, or other information necessary to access the digital storage device to recover recorded digital images shall be maintained and accessible at the location of the reception facility.
- g. The reception facility shall have posted at all public exits and entrances signs or decals indicating the surveillance cameras are in use.

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EXHIBIT B

To Ordinance No. _____

ZTA 2020-04

Mesquite Zoning Ordinance

* * *

PART 6. – DEFINITIONS

* * *

6-100 DEFINITIONS AND INTERPRETATION OF TERMS

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6-102 DEFINITIONS

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7. *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 major or minor reception 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.

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