



AGENDA
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, APRIL 6, 2021 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

**This meeting will be held using
videoconferencing/teleconferencing
technology with public access via:
[WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR
(888)788-0099 (TOLL FREE)
MEETING/WEBINAR ID: 890 0513 4280
PASSWORD: 636705**

PLEDGE OF ALLEGIANCE US FLAG TEXAS FLAG "HONOR THE TEXAS FLAG. I PLEDGE ALLEGIANCE TO THEE, TEXAS ONE STATE UNDER GOD, ONE AND INDIVISIBLE".

INVOCATION

CALL MEETING TO ORDER Chairman calls the Meeting to order, states the date and time, states members present, and declares a quorum present.**

CITIZENS COMMENTS / REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. Consider and take appropriate action on the minutes of March 2, 2021 Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

PUBLIC HEARING

2. Consider and take appropriate action on an Ordinance amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add "Private Membership Social Game House" as requiring a specific use permit in the Commercial (C) and Highway Commercial (HC) Zoning Districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions. (Case #Z-02-21)
3. Consider and take appropriate action on an Ordinance amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add a new subsection, subsection "N", to be entitled, "Compliance Required; Exceptions", to subsection 44.4, "Administration", of Section 44, "Sign Regulations", to provide for compliance with the sign regulations and exceptions from such regulations. (Case #Z-05-21)

DISCUSSION/ACTION ITEMS

4. Consider and take appropriate action on the Land Study and Preliminary Plat of South Pointe at Kaufman Sports Village Addition. The 53.871 acre tract is generally located at the northwest corner of South Houston Street and State Highway 34 Bypass. A proposed mixed use development that includes retail, office, restaurants, indoor sports facility, multi-family, and single-family townhouse development. A 101 lot subdivision is proposed.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

5. City of Kaufman's policies on building projects starting without permits.
6. Future Amendments regarding Commercial Accessory Buildings in the Central Business District (CBD).
7. Future Amendments regarding Detached Garages with Accessory Dwelling Units.
8. Annexations (4) approved by City Council on March 22, 2021 and their future zoning requests.
9. Update on proposed Governmental Use District.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

ADJOURNMENT

I, JOY HENDERSON, DO HEREBY CERTIFY THAT THIS NOTICE OF MEETING WAS POSTED ON THE WINDOW AT KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS, A PLACE CONVENIENT AND READILY ACCESSIBLE TO THE GENERAL PUBLIC AT ALL TIMES AND SAID NOTICE WAS POSTED AT THE KAUFMAN CITY HALL, 209 S. WASHINGTON, KAUFMAN, TEXAS AT 5:00 P.M. ON THURSDAY, APRIL 1, 2021 AND REMAINED SO POSTED CONTINUOUSLY FOR AT LEAST 72 HOURS PRECEDING THE SCHEDULE TIME OF SAID MEETING.

JOY HENDERSON
PLANNING TECHNICIAN

****PURSUANT TO SECTION 551.127, TEXAS GOVERNMENT CODE, ONE OR MORE COUNCILMEMBERS OR EMPLOYEES MAY ATTEND THIS MEETING REMOTELY USING VIDEOCONFERENCING TECHNOLOGY. THE VIDEO AND AUDIO FEED OF THE VIDEOCONFERENCING EQUIPMENT CAN BE VIEWED AND HEARD BY THE PUBLIC BY ACCESSING [WWW.ZOOM.US/JOIN](https://www.zoom.us/join) OR (888)788-0099 (TOLL FREE) MEETING/WEBINAR ID: 890 0513 4280 PASSWORD: 636705**

THE BUILDING IN WHICH THE ABOVE MEETING WILL BE CONDUCTED IS WHEELCHAIR ACCESSIBLE AND PARKING SPACES FOR THE MOBILITY IMPAIRED ARE AVAILABLE. PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THIS MEETING AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, OR LARGE PRINT ARE REQUESTED TO CONTACT THE CITY SECRETARY'S OFFICE AT 972-932-2216 AT LEAST TWO (2) WORKING DAYS PRIOR TO THE TIME OF THE MEETING SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.



MINUTES
PLANNING AND ZONING COMMISSION MEETING
TUESDAY, MARCH 2, 2021 - 6:00 PM
KAUFMAN CITY HALL COUNCIL CHAMBERS
209 SOUTH WASHINGTON STREET,
KAUFMAN, TEXAS 75142

This meeting will be held using
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INVOCATION

CALL MEETING TO ORDER CHAIRMAN CALLS THE MEETING TO ORDER, STATES THE DATE AND TIME, STATES MEMBERS PRESENT, AND DECLARES A QUORUM PRESENT.

Chairman Brown called the meeting to order at 6:04 p.m. Tuesday, March 2, 2021. Commissioners present were Chairman Burton Brown, Vice-Chairman Patrick Cardoza, Commissioner Darril Deaton, Commissioner Richard Dunn, Commissioner Porfilo Lopez, and Commissioner Curtis Snow. Commissioner Gladis Saldana arrived at 6:20 pm. Director of Development Services Marcy Ratcliff and Planning Technician Joy Henderson were present. Present in the audience was Shane Appleby

CITIZENS COMMENTS/ REQUEST TO SPEAK ON AGENDA ITEMS (5 MINUTES) Comments about any of the agenda items may be taken into consideration at this time or during the agenda item. Comments are limited to five (5) minutes per individual unless additional time is otherwise required by law for translation. Speaking time is not transferable. Citizens may address the P&Z Commission on any subject but must first complete a Request to Speak Form so that the Chairman may call your name to speak at the appropriate time on the Agenda. Comments must be directed to the P&Z Commission as a whole. **When addressing the P&Z Commission, please step forward to the speaker's podium, state your name and address, and direct your comments to the Chairman and P&Z Commission.**

CONSENT AGENDA "All matters listed under the Consent Agenda, are considered to be routine by the Planning and Zoning Commission and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired, that item will be removed from the consent agenda and will be considered separately. For a citizen to request removal of an item, a request must be submitted to the Planning and Zoning Commission Secretary."

1. Consider and take appropriate action on the minutes of December 1, 2020 Planning and Zoning Commission Meeting.
2. Consider and take appropriate action on the minutes of January 5, 2021 Planning and Zoning Commission Meeting.

END OF CONSENT AGENDA

Commissioner Dunn made a motion to approve the consent agenda for items 1 and 2. The motion was seconded by Commissioner Snow. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 6-0.

PUBLIC HEARING

3. CONDUCT A PUBLIC HEARING AND MAKE A RECOMMENDATION TO CITY COUNCIL ON A REQUEST BY SHANE APPLEBY ON A 0.51 ACRE LOT LOCATED AT 304 MELODY CIRCLE (PID 25059), LOT 9R, HARMONY ESTATES FOR A SPECIFIC USE PERMIT TO ALLOW A DETACHED GARAGE WITH AN ACCESSORY DWELLING UNIT IN CONJUNCTION WITH A SINGLE FAMILY RESIDENCE. (CASE NO Z-01-21)

The Public Hearing was opened at 6:08 p.m.

Marcy Ratcliff, Director of Development Services, stated Mr. Shane Appleby, owner of 304 Melody Circle, requested a building permit in December 2019 to construct a 16-foot by 16-foot accessory storage building on a lot containing approximately 22,645 SF. The property is zoned Single Family Residential-6 (SF-6) which requires a minimum lot size of 6,000 SF. A second floor was added to the storage building during construction without revising the permit. He assumed because the footprint of the building was not changing and no plumbing was being added that a revision to the permit was not necessary. The purpose for the second floor was for a small game room, a craft area, and a sleeping area for occasional guests. During the construction, City staff requested the construction work stop after he completed installation of the roof and could then talk further with the Planning staff. It was explained that only one-story accessory buildings are allowed. Further, the only two-story accessory building allowed in this zoning district is a detached garage with an accessory dwelling unit, but a specific use permit (SUP) would have to be approved by City Council first.

Shane Appleby stated Marcy Ratcliff covered everything and he does not have any additional information to add.

Commissioner Snow asked what kind of penalty the homeowner gets when they are caught working without a permit or outside of the permits limitations.

The Public Hearing was closed at 6:22 p.m.

Commissioner Dunn made a motion to approve a specific use permit to allow a detached garage with an accessory dwelling unit in conjunction with a single family residence located at 304 Melody Circle. The motion was seconded by Vice-Chairman Cardoza. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7-0.

DISCUSSION/ACTION ITEMS

4. CONSIDER AND MAKE A RECOMMENDATION TO CITY COUNCIL ON THE **DEVELOPMENT PLAT AND LAND STUDY OF LA VEGA RANCH ADDITION** LOCATED IN THE EXTRATERRITORIAL JURISDICTION (ETJ) OF THE CITY OF KAUFMAN. THE 10 LOT ADDITION CONTAINING 92.72 ACRES IS LOCATED ON THE EAST SIDE OF COUNTY ROAD 4104 NORTHEAST OF STAR TRAIL (WYNCHASE CROSSING ADDITION, PHASE 1). CASE NO. DP-01-21

Marcy Ratcliff, Director of Development Services, stated this case has been withdrawn and there will be not further discussion.

ANNOUNCEMENTS AND REPORTS FROM DEVELOPMENT SERVICES DIRECTOR

5. UPDATE ON THE ADOPTED PARK LAND DEDICATION ORDINANCE 0-04-21.

Marcy Ratcliff stated the Park Land Dedication fee has been reduced to \$595.66 so we are more competitive to the surrounding cities. When the consultant came up with the fees, he projected high and since that time the fees have been reduced.

6. UPDATE ON THE SOUTH POINTE DEVELOPMENT AT NORTHWEST CORNER OF S. HOUSTON STREET AND S.H.34 BYPASS

This project is coming to the Planning and Zoning within the next couple of months. There are 5 to 6 phases which will contain offices, hotels, and splash pad. Driveway cuts are a concern but will be addressed. TNP is working on plans for the new water tower.

7. UPDATE ON VACANT PROPERTY LOCATED IN THE 400 BLOCK OF NORTH CLAY.

The property has been cleaned up and there is no development planned at this time.

BOARD INQUIRY If a member of the board makes a spontaneous inquiry about a subject not on this agenda, then the board or an appropriate staff member may make a statement of factual information or policy in response to such an inquiry. However, in accordance with Open Meetings Act Section 551.042, the Planning and Zoning Commission cannot discuss issues raised or make any decisions on that subject at that time. Issues raised may be referred to Staff for research and possible future action.

- Marcy Ratcliff stated the City may start the NEAT program back in the fall.
- Commissioner Snow asked for the policy on starting projects without permits.

ADJOURNMENT

Vice-Chairman Cardoza made a motion to adjourn at 6:41 p.m., seconded by Commissioner Snow. Chairman Brown called for a vote with all voting AYE, the motion carried by a vote of 7-0.

BURTON BROWN
CHAIRMAN

JOY HENDERSON
PLANNING TECHNICIAN



Meeting Date: April 6, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action on an Ordinance amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add "Private Membership Social Game House" as requiring a specific use permit in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions. (Case No. Z-02-21)

BACKGROUND/SUMMARY:

Mr. John Dumas is requesting to amend the City of Kaufman Comprehensive Zoning Ordinance to allow a "Private Membership Social Game House" as a specific use permit (SUP) to Section 33.4 Use Chart – 4 for Recreational and Entertainment Uses specifically in the "Commercial" (C) and "Highway Commercial" (HC) zoning districts. The request also adds the definition "Private Membership Social Game House" to Section 33.5 Definitions. See the attached applicant's letter.

Mr. Dumas' proposed definition of "Private Membership Social Game House" which includes tournament style card playing also added pinball, pool table, shuffleboard and other similar amusement devices. Below is the current definition of Amusement, Commercial (Indoor). This use is allowed by a specific use permit in the "Retail" (R) "Central Business District" (CBD) and the "Washington Street Corridor" (WSC) and by right in the "Commercial" (C) and "Light Industrial" (LI) districts. It is not allowed in the "Highway Commercial" (HC) zoning district

7. **AMUSEMENT, COMMERCIAL (INDOOR)** - An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses. Included are video arcades where more than ten (10%) percent of the public floor area is devoted to three (3) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices.

When an Amusement, Commercial (indoor) use operates in the City of Kaufman an Amusement Permit is required. For example, Wal Mart's game room has an amusement permit. The difference between the proposed "Private Membership Social Game House" and an amusement use is one you have to pay for a membership and rental of the chair/amusement game and most of the time with arcades you just get the enjoyment of the game. In 1993, lawmakers approved

legislation known as the “fuzzy animals” bill. It was intended to ensure that amusement games, such as those played by children at Chuck E. Cheese’s or a carnival that awarded stuffed animals, would not be considered unlawful gambling devices. The bill, signed into law by Gov. Ann W. Richards, legalized any device made for “bona fide amusement purposes” that awarded noncash prizes with a value of \$5 or no more than 10 times the amount charged to play the game.

The Kaufman Code of Ordinance, Section 14 - Amusement and Entertainment. Specifically addresses the requirements for amusement permits, fees, hours, locations and more. Section 14-32(3) specifically states **“No gambling of any kind shall be allowed on the premises, not prizes awarded for the operation of any coin-operated device of amusement or skill.”** See the attachment.

Mr. Dumas’ letter references food sales which is a permitted use in the “Commercial” and “Highway Commercial” zoning districts. He also references the sale of alcoholic beverages. The sale of alcoholic beverages for on-premise consumption is only allowed in conjunction with a restaurant (private club with restaurant services) with the approval of a SUP. If the site, he chooses already has a SUP then he has to meet the requirements of the approved SUP. If the site does not have a SUP for a private club, he would have to apply and receive approval from City Council

Staff has researched eight surrounding cities to see if this type of use is allowed in their cities. The cities contacted were; Terrell, Crandall, Mesquite, Rowlett, Rockwall, Seagoville, Forney and Garland.

The City of Terrell allows amusements such as pinball, billiards, in the “Light Industrial” and “Commercial” zoning districts as a specific use permit.

The City of Forney does not allow it as a use.

Staff has not heard back from the cities of Crandall, Rowlett, Rockwall, Seagoville or Garland.

The City of Mesquite does allow this type of use as a Conditional Use Permit, which would be the same as our Specific Use Permit. For definitions and descriptions of different types of uses, the City of Mesquite uses the United States Department of Labor, Occupational Safety and Health Administration. Under Description for 7997: Membership Sports and Recreation Clubs it lists “bridge clubs, membership” for Sports and recreation clubs which are restricted to use by members and their guests. Due to the gray area of 8-liners, the City of Mesquite has adopted an ordinance addressing and limiting them.

RECOMMENDATIONS:

Staff recommends denial of case Z-02-21, a request to add “Private Membership Social Game House” as requiring a specific use permit in the Commercial (C) and Highway Commercial (HC) Zoning Districts in Section 33.4 Use Regulations, Chart 4, Recreational and Entertainment Uses, and to Section 33.5 Definitions.

ATTACHMENTS:

1. Applicant's letter
2. Code of Ordinance Amusements and Entertainments -Section 14-32(3)
3. City of Kaufman Use Chart 4 Proposed Change
4. City of Kaufman Definitions Proposed Change
5. City of Mesquite Schedule of Permitted Uses
6. United States Department of Labor, Occupational Safety and Health Administration
7. City of Mesquite Web Page for Coin-Operated Amusement Devices
8. City of Mesquite Coin-Operated Amusement Device Guide
9. City of Mesquite Ordinance Regarding Coin-Operated Devices

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Applicant's Letter

Introduction and Business Plan

To: P&Z and City Council

RE: Add Definition To Section 33.5, Social Card House

Dear Gentlemen/Gentlewomen,

Intro: First, thank you for taking the time to review my request. My name is John Dumas, I am a resident of Seagoville, TX. I graduated from Terrell, Texas in 1996 and moved back to the area in 2015. I am looking to start a Social Card Club in Kaufman, Texas. There are 31 in the State of Texas at this time with more in the process of starting. We are looking to keep the tax revenue dollars in the State of Texas, specifically Kaufman County, instead of the going to OK or LA.

Business Concept: We are a private social card club that offers a safe and friendly environment to play a variety of card games, specializing in Texas Hold EM, Pot Limit Omaha and Tournament play and more. We are providing a pressure free NO RAKE business model for members only, with memberships available to everyone over 21 that agree with our membership terms. This model is mirrored after 31 other successful social card rooms over the last 6 years throughout Texas. This business model began in Austin and quickly spread to Houston, San Antonio, Round Rock and most recently Dallas with 2 more approved in Dallas as well. This provides anywhere from \$200,000 to \$7,500,000 in gross revenue providing the Cities with solid a solid tax revenue.

Meeting State Requirements: What makes the business model legit in the State of Texas is no money will be drawn from the "pot" and players will receive 100% of the winnings. All Buy-Ins will be converted to "poker chips" so there will be NO cash on the tables. The business will create taxable revenue by charging a membership fee and a chair rental fee by the hour along with food sales. We are currently deciding on BYOB or a beer/wine permit which the location is already approved for. All staff will be TABC certified in our establishment regardless however this is NOT a bar or high consumption business. We will have cameras, security system and trained security or off duty sheriffs during peak hours to ensure safety. We will have a copy of every patron that enters the establishment due to our membership service requirements.

COVID-19: We will require temperature checks at the front door, hands to be sanitized and a mask to be worn at the table at all times. They may remove it to take a drink only, when consuming food, we will require them to sit in a designated area. We will also clean tables and chairs with hospital grade disinfectant after each person/game ends. Each deck of cards will be replaced after that table finishes.

Zoning Ordinance Revision: Section 33.2.4 Recreational & Entertainment which uses Section 33.5 and will be adding number 8 definition for Commercial and Highway Commercial Zoning with a Special Use Permit.

Definition: Private membership social game house specializing in tournament style card playing. Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. Open to the public via membership and also private parties.

SUP: We are trying to keep the locations in commercial areas only and away 1,000 feet away from schools and churches out of respect to the community and its citizens.

Thank you for the opportunity and I look forward to answering any additional questions you may have.

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-31

ARTICLE I. IN GENERAL

Sec. 14-1. Share of fee on bingo prizes.

Pursuant to V.T.C.A., Occupations Code § 2001.503, the city shall receive a share of the fee that is collected from persons who win bingo prizes.
(Code 1974, § 21½-4)

Secs. 14-2—14-30. Reserved.

ARTICLE II. PERMIT AND REGULATIONS

DIVISION 1. GENERALLY

Sec. 14-31. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Amusement center means a business establishment in which at least 25 percent of the public floor area is devoted to coin-operated amusement devices and their public use, except those places operated by religious, charitable, and educational organizations.

Billiard hall means any place operated for profit where billiards are played, except those places operated by religious, charitable, and educational organizations.

Billiards means any game played on a table with balls and cue sticks where the balls are struck by the sticks and the balls strike against one another.

Bowling alley means any building, premises or portion thereof where the game of bowling or nine pins or other similar games are played.

Coin-operated amusement device means a machine or device operated by insertion of a coin, token or similar object, for the purpose of amusement or skill.

Other place of amusement means any building, premises or portion thereof in which facilities are provided for the playing of any coin-operated game or device of amusement or skill, or game of cards, dice or dominoes or other games requiring special equipment for the playing of games; other than in a private home, church or nonprofit community center.

Premises means any premises requiring a permit under the terms of this article.

Public dance hall means any building, premises or portion thereof in which a public dance is held, exposed or displayed.

(Code 1974, § 15-1; Ord. No. O-03-97, § 15-1, 3-24-1997; Ord. No. O-2-98, § 15-1, 3-9-1998)

Cross reference—Definitions generally, § 1-2.

Supp. No. 6

CD14:3

Code of Ordinance Section 14 Amusements and Entertainments

§ 14-32

KAUFMAN CODE

Sec. 14-32. Regulations governing premises.

(a) Condition of premises.

- (1) The premises regulated by this article shall be kept and maintained in a clean, healthful and sanitary condition in accordance with all applicable statutes and ordinances, and all rooms or halls connected to the premises shall be well-lighted and kept open and free from blinds, screens and obstructions.
- (2) No loud, boisterous, obscene or lewd conduct shall be allowed on the premises.
- (3) No gambling of any kind shall be allowed on the premises, nor prizes awarded for the operation of any coin-operated device of amusement or skill.

(b) Vacation of premises. Any member of the police department having determined that an act or condition prohibited in subsection (a) of this section is being committed or exists on the premises of a place or a business granted a permit under this article and that the persons creating such condition or committing such act are owners or employees of such premises or place of business, shall be authorized to immediately cause the premises to be closed and vacated until the hour of 8:00 a.m. next immediately following such determination.

(c) Violation deemed a misdemeanor. Any permittee, his officer, agent, employee, or servant who permits on a licensed premises any act or condition prohibited by subsection (a) of this section shall be guilty of a misdemeanor. This permission shall not be construed as a limitation to prosecute for any other offense or any permit revocation.

(Code 1974, § 15-9(a), (b)(1), (d); Ord. No. O-12-09, § 1, 9-28-2009)

Sec. 14-33. Billiard halls.

(a) Hours of operation. No person owning, operating or managing a billiard hall shall allow minors or other persons regardless of age to be present on the premises other than during the following hours of authorized operations:

- (1) 10:00 a.m. to 11:00 p.m., Sunday through Thursday.
- (2) 10:00 a.m. to 12:00 midnight, Friday through Saturday.

(b) Sign pertaining to minors exhibited. It shall be the duty of the owner, exhibitor or lessee of a billiard hall to affix and prominently display a sign on the premises, which sign shall read: "PLAY BY MINORS UNDER 18 YEARS OF AGE NOT ALLOWED BETWEEN THE HOURS INDICATED BELOW UNLESS ACCOMPANIED BY PARENTS OR GUARDIAN." The owner, exhibitor or lessee referred to in this section shall attach to this sign the hours of operation referred to in subsection (a) of this section.

(Code 1974, §§ 15-10, 15-11; Ord. No. O-03-97, § 15-10, 3-24-1997)

Code of Ordinance Section 14 Amusements and Entertainment

AMUSEMENTS AND ENTERTAINMENTS

§ 14-62

Sec. 14-34. Amusement centers.

(a) *Hours of operation.* No person owning, operating or managing an amusement center shall allow minors or other persons regardless of age to operate any amusement machine or device on the premises other than during the following hours of authorized operation:

- (1) 10:00 a.m. to 11:00 p.m., Sunday through Thursday.
- (2) 10:00 a.m. to 12:00 midnight, Friday through Saturday.

(b) *Participation by minors.* No person owning, operating or managing an amusement center shall allow the operation of any amusement machine or device by a minor between the hours of 7:00 a.m. and 3:00 p.m. during the fall and/or spring terms when students are normally required to attend school in the school district in which the center is located.

(c) *Location.* No amusement center shall be allowed to operate if it is located within 150 feet of a public or private elementary, intermediate or high school. For purposes of this article measurements shall be made in a straight line without regard to intervening structures or objects, from the nearest door in the portion of the building used as an amusement center to the nearest door of a school.

(Code 1974, § 15-12; Ord. No. O-03-97, § 15-12, 3-24-1997)

Sec. 14-35. Inspection procedures.

Any member of the permit committee, its agent or employees may at any time within normal business hours make an inspection of the licensed premises for purposes of ensuring compliance with this article.

(Code 1974, § 15-13)

Secs. 14-36—14-60. Reserved.

DIVISION 2. PERMIT

Sec. 14-61. Required.

No person shall operate, cause or allow to be operated or use any building, premises or portions of any building or premises within the city for the purpose of operating a billiard hall, public dance hall, bowling alley or other place of amusement without having first obtained a permit therefor in accordance with the terms of this article.

(Code 1974, § 15-3)

Sec. 14-62. Application; fee; issuance; duration.

(a) Application for a permit required by this division shall be filed by the owner or operator with the city secretary on forms to be furnished by the city. Such application shall be accompanied by an application fee of \$25.00. Upon receipt of an application, the city secretary shall refer it to a permit committee composed of the chief of police and the city manager for

CD14:5

Code of Ordinance Section 14 Amusements and Entertainments

§ 14-62

KAUFMAN CODE

approval or disapproval. If the committee approves the application, the city secretary shall issue the permit, which shall remain in force until August 1 next following. The permit shall not be transferable, nor shall the fee be refundable.

(b) In addition to the fee which is to accompany any application, the following permit fees will be applicable to any permit obtained regarding the following:

- (1) For each billiard table, \$10.00 annually.
 - (2) For each shuffleboard installed, \$25.00 annually.
 - (3) For each other form of a game or device for amusement or skill, \$10.00 annually.
- (Code 1974, § 15-4)

Sec. 14-63. Investigation and approval of application.

The permit committee established pursuant to this division shall investigate applications for permits required by this division filed with the city secretary. No application shall be approved unless the permit committee finds that:

- (1) The owner, operator and all other persons having an interest in the premises for which application is made are of good moral character, having never been convicted of a felony or a misdemeanor involving moral turpitude that directly relates to the duties and responsibilities of their occupation under this article, and are not in arrears in the payment of any tax or other debt owed to the city.
- (2) The building, room, hall or premises in which the operation is proposed complies with and conforms to all health, building code, and fire regulations of the city; is properly ventilated and is supplied and equipped with suitable and sufficient toilet and sewage conveniences and facilities; and is so located with reference to other buildings and private residences so as not to constitute a nuisance to other citizens and residents of the community.

(Code 1974, § 15-5)

Sec. 14-64. Renewal; fee.

On or before July 1 of each year the holder of a permit issued pursuant to this article shall make application for renewal of the permit on forms provided by the city. Application and consideration of renewal permits shall be made in the same manner as an original permit but it shall be the duty of the permit committee to approve renewal unless the investigation reveals a violation of any of the terms or conditions of the original permit or this article. Each application for renewal permits shall be accompanied by the annual permit fee of \$10.00. The renewal fee shall not be refundable.

(Code 1974, § 15-7)

CD14:6

Code of Ordinance Section 14 Amusements and Entertainments

AMUSEMENTS AND ENTERTAINMENTS

§ 14-68

Sec. 14-65. Right of appeal from denial.

Any applicant for a permit required by this article whose application is denied by the permit committee may appeal such denial to the city council in accordance with section 14-67.
(Code 1974, § 15-8)

Sec. 14-66. Grounds for revocation or suspension.

The violation of any section of this article, or any other statute or ordinance that directly relates to the duties and responsibilities of an occupation under this article, shall be sufficient grounds for the revocation of any permit granted pursuant to section 14-62. Such permit may also be suspended for a time definite and such suspension and revocation procedure shall be in accordance with section 14-67.
(Code 1974, § 15-14)

Sec. 14-67. Action to suspend or revoke; appeal.

(a) The permit committee, after notice and opportunity for hearing, shall have the authority to suspend or permanently revoke any permit.

(b) Any person, including permittees, aggrieved by the permit committee's decision may appeal the decision to the city council by furnishing written notice of appeal to the city secretary within ten days after such decision is rendered.

(c) The city council shall within 15 days after receipt of the notice set a date for hearing for appeal, and such date shall be within 45 days from the receipt of the notice of appeal.

(d) After notice and opportunity for hearing, the city council may revoke, suspend for a time definite, or reinstate the permit.

(e) Any person aggrieved by the decision of the city council may within ten days appeal the decision to the district court of the county.

(f) Notice, as used in this section, shall mean correspondence by U.S. mail, certified, return receipt requested, to the address of the licensed premises.

(g) Knowledge of the prohibited conditions and activities by the permittee's agent, officer, representative, employee, or servant shall be imputed to the permittee in any administrative hearing pursuant to this article.

(Code 1974, § 15-9(b)(2)—(7), (c))

Sec. 14-68. Falsified application prohibited; penalties.

It shall be unlawful for any person to make or knowingly permit the making of any false or misleading statement in any application made pursuant to this article. In addition to any other punishment or sanction, the violation of this section shall be grounds for the immediate

CD14:7

Code of Ordinance Section 14 Amusements and Entertainments

§ 14-68

KAUFMAN CODE

revocation of any permit granted pursuant to such application. Such permit may also be suspended for a time definite and such suspension and revocation procedure shall be in accordance with section 15-67.

(Code 1974, § 15-6)

CD14:8

Kaufman Zoning Ordinance Chart 4 Proposed Change

CHART - 4 CITY OF KAUFMAN, TEXAS ZONING ORDINANCE

* Must
follow
Sec. 33.1.B

Legend for Interpreting Schedule of Uses

	Designates use prohibited in District indicated
P	Designates use permitted in District indicated
S	Designates use requires a Specific Use Permit
TU	Designates use requires a Temporary Use Permit

RECREATIONAL AND ENTERTAINMENT USES	Definitions	AO	SF-20	SF-10	SF-8	SF-6	TH	MF-1	MF-2	MH	O	LR	R	CBD	C	LI	HC	WSC
Alcoholic beverage sales in conjunction with a restaurant (per Sec.40.10) ▶													S	S	S	S	S	S
Amusement arcade	7												S	S	P	P		S
Amusement, commercial (indoor)	7												S	S	P	P	S	S
Amusement, commercial (outdoor)	8														S	S	S	
Athletic field or stadium (private)	15																	
Athletic field or stadium (public)	14	P	P	P	P	P	P	P	P	P					P	P	P	
Country club (private)	50	P	S	S	S	S	S	S	S	S					S	S	S	
Dance hall	52																	
Day camp for children	53	P	S	S	S	S	S	S	S	S			P		P	S	S	S
Fairgrounds or exhibition area	64	S														S		
Golf course	84	P	S	S	S	S	S	S	S	S					S	S	S	
Health, fitness, sports club (indoors only)	215										S	S	P	S	P	P	P	
Park or playground (public)	155	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park or playground (private) non-commercial	154	S	S	S	S	S	S	S	S	S								S
Private club (restaurant alcohol sales)	171												S	S	S	S	S	
Private Membership Social Game House															S		S	
Rodeo grounds	64	S														S		
RV park	179																	
Sexually oriented business (see code of ord. Ch. 118)	200															P		
Stable (commercial)	205	P														S		
Stable (private)	206	P	S															
Swimming pool (commercial)	219												S		S	S	S	
Swimming pool (private)	220	P	P	P	P	P	P	P	P	P								P
Tennis court (private) lighted	227	S	S	S	S	S	S	S	S	S								
Tennis court (private) no lights	227	P	P	P	P	P	P	P	P	P								P
Theater (open drive-in)	228															S		
Theater or playhouse (indoor)	229										S	S	P	P	P	P	P	P
Zoo (private)	259	S																
Zoo (public)	260	S														S		

▶ Amended 02-23-2015 by O-01-2015

Kaufman Definitions With New Addition Proposed Change

- 162. **PET AND ANIMAL GROOMING SHOP -**
- 163. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY -**
- 164. **PLANNED DEVELOPMENT DISTRICT –**
- 165. **PLANNING AND ZONING COMMISSION -**
- 166. **PLAT -**
- 167. **PORTABLE BUILDING SALES (OUTDOOR DISPLAY) -**
- 168. **PREMISES -** Land together with any buildings or structures situated thereon, same as “Lot”.
- 169. **PRIMARY USE -** The principal or predominant use of any lot or building.
- 170. **PRINTING SHOP (COMMERCIAL) –**
- 171. **PRIVATE CLUB -** An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.
- 172. **PRIVATE MEMBERSHIP SOCIAL GAME HOUSE -** Private membership social game house specializing in tournament style card playing. Uses may include but not limited to pinball, pool table, shuffleboard and other similar amusement devices. Open to the public via membership and also private parties.
- 173. **PRODUCE STAND -**
- 174. **PROFESSIONAL SERVICE -**
- 175. **PROPANE SALES -**
- 176. **PUBLIC AGENCY BUILDING, SHOP, YARD OR FACILITY –**
- 177. **PUBLIC VIEW -**
- 178. **RECREATION/COMMUNITY CENTER -** A public or private facility place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.
- 179. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING -**
- 180. **RECREATIONAL VEHICLE (RV) PARK -**
- 181. **RECYCLING KIOSK**
- 182. **REHABILITATION CARE FACILITY (HALFWAY HOUSE) –**

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City of Mesquite's Schedule of Permitted Uses

PART 3: NONRESIDENTIAL DISTRICTS 3-200 USE REGULATIONS

3-203 SCHEDULE OF PERMITTED USES

SIC CODE	USE DESCRIPTION	O	GR	LC	THN R29 NGTC 1	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
	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	Ord. 4797/8-3-2020 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	Ord. 4797/8-3-2020 Facilities are required to be located at least 500 feet from any residential district. Requires compliance with 3-508 (A).
792	Theatrical Producers, Bands, Entertainers 7922 Theatrical Producers (except)			P		C	P	P		P	P	28	
	a. Ticket Agencies, Entertainment		P	P			P	P		P	P	3	
	7929 Bands, Other Entertainment Groups			P		C	P	P		P	P	28	
793	Bowling Centers			C				C		C	C	19	Requires buildings to be located at least 100 feet from any residential district.
794	Commercial Sports									C	C	10	Prohibits outdoor activities within 500 feet of any residential district; Requires buildings for indoor sports to be located at least 100 feet from any residential district.
799	Miscellaneous Amusement, Recreation Services 7991 Physical Fitness Facilities		P	P		C	P	P		P	P	1	
	7992 Public Golf Course	P	P	P		C	P	P		P	P	14	
	7993 Coin-operated Amusement Gameroom (More than 4 Machines)		C	C			C	C		C	C	11	Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires Licensing(Ord 4820; 10-19-2020)
	7996 Amusement Parks (Outdoor)									C	C	13	Prohibits outdoor activities within 500 feet of any residential district.
★	7997 Membership Recreation Clubs (except)			C		C		C		C	C	28	
	a. Indoor Sports, Athletic Clubs		P	P		C	P	P		P	P	1	
	b. Country Clubs	C	P	P		C	P	P		P	P	14	
7999	Amusement, Recreation Service, NEC a. Outdoor Facilities, Activities (Includes miniature golf, driving ranges, go-cart tracks, skateboard parks, etc.)									C	C	13	Prohibits outdoor activities within 200 feet of any residential district.
	b. Indoor Facilities, Activities			C		C		C		C	C	12	Requires building to be located at

P = Permitted Use (3-201A)
P = Italicized P (P) Use Permitted Only in Conjunction with Gasoline Sales (3-504)
C = Conditional Use (3-201B)
S = Special Exception (3-201C)
NEC = Not Elsewhere Classified

* Refer to 4-800 – TERRA Overlay District: An asterisk
(*) indicates that the use requires approval of a
Conditional Use Permit if located in the TERRA Overlay
District.
¹ Refer to applicable form-based code

SIC Search

Description for 7997: Membership Sports and Recreation Clubs

Division I: Services | Major Group 79: Amusement And Recreation Services | Industry Group 799:
Miscellaneous Amusement And Recreation

7997 Membership Sports and Recreation Clubs

Sports and recreation clubs which are restricted to use by members and their guests. Country, golf, tennis, yacht, and amateur sports and recreation clubs are included in this industry. Physical fitness facilities are classified in Industry 7991.

- Aviation clubs, membership
- Baseball clubs except professional and semiprofessional
- Bathing beaches, membership
- Beach clubs, membership
- Boating clubs, membership
- Bowling leagues or teams, except professional and semiprofessional
- ★ ▪ Bridge clubs, membership
- Club, membership: sports and recreation, except physical fitness
- Country clubs, membership
- Flying fields maintained by aviation club
- Football club, except professional and semiprofessional
- Golf clubs, membership
- Gun clubs, membership
- Handball clubs, membership
- Hockey clubs, except professional and semiprofessional
- Hunt clubs, membership
- Racquetball clubs, membership
- Recreation and sports club, membership: except physical fitness
- Riding clubs, membership
- Shooting clubs, membership
- Soccer clubs, except professional and semiprofessional
- Sports and recreation clubs, membership: except physical fitness
- Swimming clubs, membership
- Tennis clubs, membership
- Yacht clubs, membership

City of Mesquite's Web Page for Coin-Operated Amusement Devices

Coin-Operated Amusement Devices

On October 19, 2020, the City Council approved [Ordinance No. 4820](#) amending the requirements for coin-operated amusement devices. A coin-operated amusement device, also called a coin-operated machine, is any kind of machine operated by or with a coin, U.S. currency, metal slug, token, electronic card, or check including music, skill, or pleasure. The purpose of this amendment is to ensure that the use of coin-operated amusement devices will not have adverse effects on nearby properties.

Please use the [Coin-Operated Amusement Device Guide](#) to review the new requirements and determine if a Conditional Use Permit (CUP) will be required to have coin-operated amusement devices within your business.

If you have additional questions, please contact the Planning & Zoning Division at 972-216-6216.

All establishments with coin-operated amusement devices must be in compliance with the new requirements no later than January 1, 2021.

Applications & Resources

- [Coin-Operated Amusement Device Guide](#)
- [Conditional Use Permit Application](#)
- [Zoning Submission Calendar](#)
- [Ordinance - 4820: Coin-Operated Amusement Devices](#)
- [CSS - How to Apply Online](#)

[Home](#)

[Contact Us](#)

[Site Map](#)

[Accessibility](#)

 [Notices](#)

[Site by CivicPlus®](#)



This document is intended to be used for informational purposes to assist with answering general questions about the requirements for coin-operated amusement devices in Mesquite. This document is not inclusive of all applicable requirements.

WHAT IS A COIN-OPERATED AMUSEMENT DEVICE?

A collage of nine different types of arcade games. The top row features a large pinball machine with a 'Circus' theme, a group of six small, colorful, character-themed pinball machines, and a basketball game. The middle row shows a smaller pinball machine, a tall yellow shooting game, and a basketball game. The bottom row includes a racing game, a boxing game, and a basketball game.

WHAT IS A CONDITIONAL USE PERMIT?

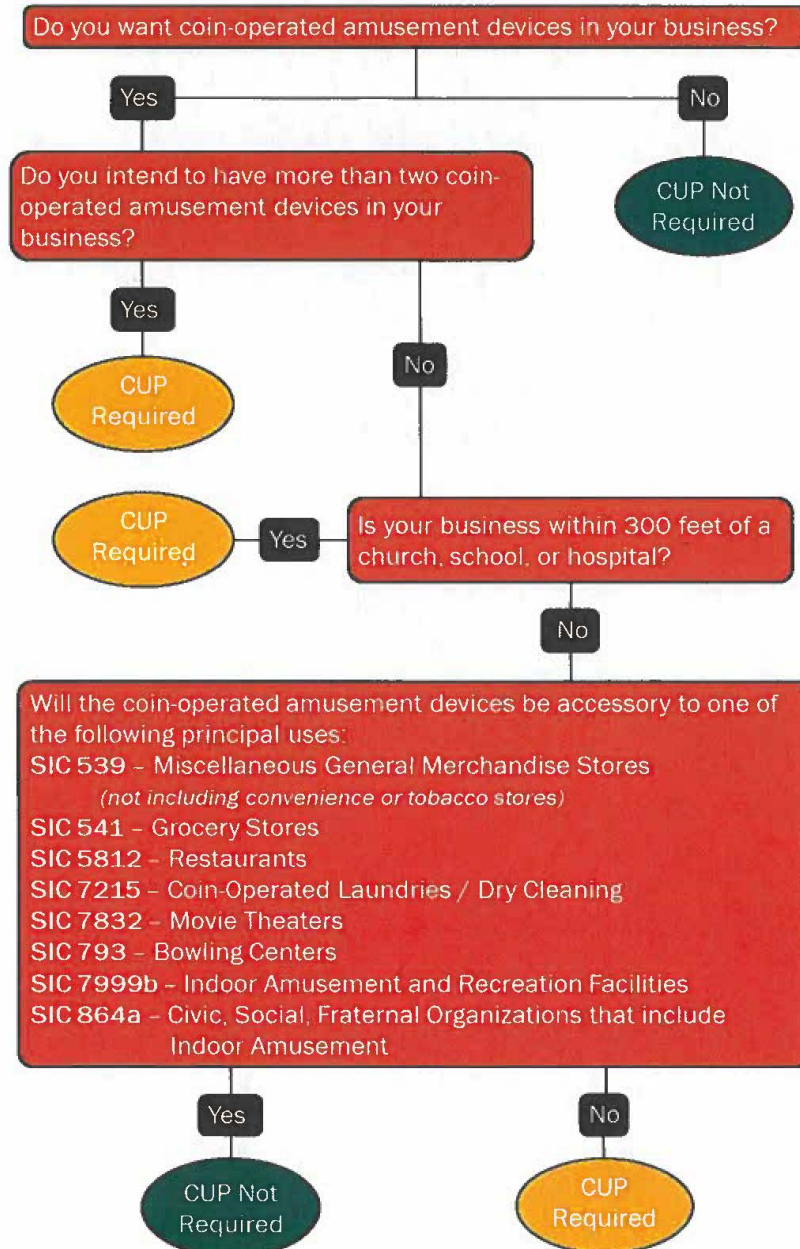
CUP PROCESS

\$800–\$1,000

2-3 months

For questions call:
972-216-6212

DO I NEED A CONDITIONAL USE PERMIT?



REQUIREMENTS FOR COIN-OPERATED AMUSEMENT DEVICES

	REQUIREMENTS
Location/ Separation Requirements:	All coin-operated amusement devices are prohibited within 300 feet of a church, school, or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school, or hospital.
Maximum Number:	A maximum of two coin-operated amusement devices are allowed by right as an accessory use to an approved principal use. More than two devices requires approval of a Conditional Use Permit.
Accessibility:	All gamerooms and coin-operated amusement devices must be kept open and accessible during business hours.
Primary Use Maintained:	Two coin-operated amusement devices are allowed by right as an accessory use to an approved principal use. If the business is not an approved principal use, a Conditional Use Permit is required.
Restrooms:	Two restrooms are required, one for each male and female.
Compliance:	All establishments with coin-operated amusement devices must be in compliance with these requirements no later than January 1, 2021.
Licensing:	All coin-operated amusement devices must be licensed through the Building Inspection Division.

HOW TO APPLY FOR CONDITIONAL USE PERMIT

Applications for a CUP are submitted online through the Citizen Self Service (CSS) portal at www.EnerGov.CityofMesquite.com.

On the CSS home page, click on the "Login or Register" tile to begin. If you have any issues logging in, please visit: <https://www.cityofmesquite.com/DocumentCenter/View/15123/CSS-FAQ>.

Once logged in, select the "Apply" button and locate the application for a "Conditional Use Permit".



Login or Register

Login to an existing or create a new account. You can also find help if you forgot your login information.

City of Mesquite's Ordinance Regarding Coin-Operated Device

ORDINANCE NO. 4820 Zoning Text Amendment No. 2020-05

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY AMENDING SECTION 3-203 FOR COIN-OPERATED AMUSEMENT DEVICES OPERATING AS AN ACCESSORY USE AND AS A MAIN USE BY CROSS-REFERENCING APPLICABLE REGULATIONS; AMENDING SECTION 3-507, "COIN-OPERATED AMUSEMENT DEVICES," TO LIMIT MAIN USES TO WHICH COIN-OPERATED AMUSEMENT DEVICES MAY BE AN ACCESSORY USE, ADD APPLICABLE SPACING REQUIREMENTS, MEASUREMENT CALCULATIONS, A COMPLIANCE DATE, DEFINITION, AND A PENALTY AND ENFORCEMENT PROVISION; PROVIDING A REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE THEREOF.

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, 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 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 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, coin-operated amusement devices such as eight-liners can have adverse effects on nearby properties, compromising the quality of life, property values and the character of surrounding neighborhoods; and

WHEREAS, in recognition of these deleterious effects, Section 2153.452(b) of the Texas Occupations Code expressly authorizes a city to restrict the exhibition of coin-operated amusement machines within 300 feet of a church, school or hospital; and

City of Mesquite's Ordinance Regarding Coin-Operated Device

Zoning / ZTA No. 2020-05 / Adding Spacing Requirements for Coin-Operated Amusement Devices / October 19, 2020
Page 2 of 5

WHEREAS, the Mesquite Zoning Ordinance contains this spacing requirement when coin-operated amusement devices are operated as a main use in connection with a conditional use permit for a coin-operated amusement gameroom; and

WHEREAS, the City Council finds that it is in the best interests of the City to include the state-authorized spacing requirement indiscriminately to all coin-operated amusement devices regardless of whether they are gamerooms operating as a main use, or accessory to another main use, or located in a planned development or other special district; and

WHEREAS, the City Council desires to clarify how the spacing distance is measured; and

WHEREAS, it is the intent of the City Council to ensure that there be adequate regulations to protect the public health, safety, and welfare concerning the operation of coin-operated amusement devices; and

WHEREAS, the Planning and Zoning Commission gave public notice and held a public hearing regarding proposed revisions and recommended amendment of the ordinance; and

WHEREAS, the City Council gave public notice and held a public hearing regarding the proposed amendment; 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. The statements, facts, findings and recitals contained in the preamble of this ordinance are hereby found and declared to be true and correct and are incorporated herein and adopted as part of this ordinance for all purposes.

SECTION 2. Division I, "Services," of Section 3-203, "Schedule of Permitted Uses," of the Mesquite Zoning Ordinance is hereby amended by cross-referencing other applicable requirements in the special conditions under SIC Code 7993 regarding coin-operated amusement devices to read as follows, said Ordinance in all other respects to remain in full force and effect:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN	CV	MU	CB	SS	C	I	PENG STND	SPECIAL CONDITIONS
7993	Coin-operated Amusement Gameroom (More than two Machines)		C	C			C	C		C	C	11	Requires compliance with 3-507. Requires one customer restroom each for male and female. Requires licensing.

SECTION 3. Division L, "Accessory Uses and Structures," of Section 3-203, "Schedule of Permitted Uses," of the Mesquite Zoning Ordinance is hereby amended by cross-referencing other applicable requirements in the special conditions under SIC Code 7 regarding

City of Mesquite's Ordinance Regarding Coin-Operated Device

Zoning / ZTA No. 2020-05 / Adding Spacing Requirements for Coin-Operated Amusement Devices / October 19, 2020
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coin-operated amusement devices to read as follows, said Ordinance in all other respects to remain in full force and effect:

SIC CODE	USE DESCRIPTION	O	GR	LC	THN EIR NGTC I	CV	MU	CB	SS	C	I	PKNG STND	SPECIAL CONDITIONS
7	Coin-operated Amusement Devices	P	P	P			P	P		P	P		Permits a maximum of two machines. Requires licensing. Requires compliance with 3-507. Classify more than two machines as a primary use under 7993

SECTION 4. Section 3-507, "Coin-operated Amusement Devices," of Part 3, "Nonresidential Districts," of the Mesquite Zoning Ordinance, is hereby repealed and replaced with the following:

In addition to the requirements of Section 3-203, an establishment that includes coin-operated amusement devices, either as a primary use with an approved conditional use permit or as an accessory use permitted by right, shall comply with the following regulations:

A. *Open gamerooms.* All gamerooms or other areas of an establishment where coin-operated amusement devices are located and offered for the use and enjoyment of patrons or invitees of the establishment shall be kept open and accessible during business hours.

B. *Primary use to be maintained.* An establishment that includes coin-operated amusement devices as an accessory use permitted-by-right shall at all times actively conduct and maintain the primary use of the establishment as declared on the approved certificate-of-occupancy. The failure to actively conduct and maintain the primary use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises and the certificate-of-occupancy shall be subject to revocation. For purposes of this Section, "actively conduct and maintain" means to occupy not less than 50 percent of the floor space of the establishment, exclusive of restrooms and storage areas, with displays, racks or shelves stocked with goods, wares, unexpired food or other merchandise for sale to customers or with equipment or furniture necessary for producing goods or providing services to clients in accordance with the approved certificate-of-occupancy. Coin-operated amusement devices shall only be permitted as an accessory use to the following principal uses:

SIC	Use
539	Miscellaneous General Merchandise Stores
541	Grocery Stores
5812	Restaurants
7215	Coin-Operated Laundries / Dry Cleaning
7832	Movie Theaters
793	Bowling Centers
7999b	Indoor Amusement and Recreation Facilities

City of Mesquite's Ordinance Regarding Coin-Operated Device

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864a Civic, Social, Fraternal Organizations that include Indoor Amusement

C. *Retrofitting required.* An establishment with coin-operated amusement devices in use on the effective date of this ordinance shall modify or retrofit the premises to comply with the requirements of this Section no later than January 1, 2021.

D. *Location near churches, schools or hospitals.* All coin-operated amusement devices are prohibited within 300 feet of a church, school or hospital, measured from the closest point of the structure where the coin-operated amusement device is located to the nearest property line of the church, school or hospital.

E. *Coin-Operated Amusement Device or Machine* has the same meaning as "Coin-operated machine" in Texas Occupations Code, Section 2153.002(9), as may be amended.

F. *Penalty and Enforcement.*

1. It shall be unlawful and an offense for the proprietor, operator or any on-duty manager of the establishment to:

a. close, conceal or prevent, or attempt to close, conceal or prevent, any person from entering or looking with a direct line of sight into a gameroom or other area containing coin-operated amusement devices by the use of a human or electronic sentinel, or the use of doors, curtains, partitions, walls, counters or other physical or visual obstructions; or

b. display or operate coin-operated amusement devices in conflict with the primary use of the establishment.

2. The failure to actively conduct and maintain the primary use to which two (2) or less coin-operated amusement devices are an accessory use shall create a rebuttable presumption that the coin-operated amusement devices no longer constitute an accessory use of the premises; and:

a. the certificate-of-occupancy shall be subject to revocation; and

b. the Building Official or others authorized to enforce this Code shall be authorized to seal all machines, either illegal or non-compliant with this section, in a manner consistent with Texas Occupations Code, Section 2153.352, as may be amended.

3. Any person violating any provision of this Section shall be guilty of a misdemeanor and, upon conviction, shall be fined as prescribed in Section 1-6 of the Mesquite City Code. Each and every day such violation continues shall constitute a separate offense.

4. In addition to and cumulative of all other penalties and enforcement, the city shall have the right to seek injunctive relief for any and all violations of this article.

SECTION 5. 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 6. 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.

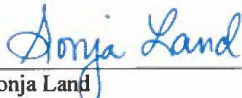
SECTION 7. This ordinance shall take effect and be in force from and after five days after publication.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of October 2020.



Bruce Archer
Mayor

ATTEST:



Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:



David L. Paschall
City Attorney



Meeting Date: April 6, 2021

Consent: No

Discussion/Action: Yes

SUBJECT: Consider and take appropriate action on an Ordinance amending the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances, to add a new subsection, subsection "N", to be entitled, "Compliance Required: Exceptions", to subsection 44.4, "Administration", of Section 44, "Sign Regulations", to provide for compliance with the sign regulations and exceptions from such regulations. (Case No. Z-05-21)

BACKGROUND/SUMMARY:

On March 22, 2021, the City Council was presented a report on a partnership with CEIS to design and construct digital monument signs for the City of Kaufman.

CEIS will design, construct and maintain the signs and surrounding landscaping at no cost to the City. CEIS will dedicate an agreed-upon percentage of time for City messaging, which could include, but not be limited to, special events, emergency messages, holiday schedules. Time not allotted to the City will be offered to businesses for advertising with proceeds going to CEIS.

City Council requested staff to proceed with the process to amend the City's current sign ordinance to allow this type of signage.

The draft language allows signage erected by or on behalf of the City to contain messaging regarding City services, public safety, and/or health and the general welfare. It also allows off-premise messaging. The size, location, and setback requirements do not apply to these types of signs. City Council will be reviewing three possible sites with CEIS. The sites chosen will be based on the traffic counts. The one site that has been tentatively agreed upon is the area north of McDonald's. This area had been a part of TxDOT right-of-way until recently when South Washington Street south of Highway 175 down to State Highway 34 Bypass was transferred to the City of Kaufman in its entirety.

RECOMMENDATIONS:

Staff recommends approval of case Z-05-21, a request to add a new subsection, subsection "N", to be entitled, "Compliance Required: Exceptions", to subsection 44.4, "Administration", of Section 44, "Sign Regulations", to provide for compliance with the sign regulations and exceptions from such regulations.

ATTACHMENTS:

1. Picture of Proposed Signage
2. City Council Report for 03-22-2021
3. Proposed Ordinance

Marcy Ratcliff
Development Services
972-932-2216 ext. 117
Kaufmanplanning@kaufmantx.org

Proposed Signage



City Council Report for 03-22-2021



Meeting
Date: 3/22/2021

Date: 3/11/2021

Item #: 16.

Dept.: Administration

Action Item

SUBJECT:

Presentation, consider and take appropriate action on a partnership with CEIS to design and construction digital monument signs for the City of Kaufman.

BACKGROUND:

The City has the opportunity to enter into a contract with CEIS for the construction of digital monument signs on City Property. The signs will be at no cost to the City and CEIS will dedicate an agreed upon percentage of time for City messaging. Time not allotted to the City will be offered to businesses for commercial advertising with proceeds going to CEIS. In addition, the City will have the ability to place emergency messages on the signs in real time.

CEIS will design, construct and maintain the signs and surrounding landscaping at no cost to the City.

Staff is seeking direction from the City Council on whether or not to proceed with this project and if the City Council has preferred sign design.

Staff has a draft contract that has a 10-year term. CEIS has stated that their ROI is 8 years which is why they are requesting the longer than normal contract term.

This project will also require an amendment to the City's current sign ordinance. Staff has a draft ordinance that will be presented to the Planning and Zoning Board in April and will then be placed on the April City Council Agenda along with the contract for consideration.

Author:

Mike Holder, Assistant City Manager

Reviewed:

Mike Slye, City Manager

Cost: \$0.00

Funds Available: N/A

Source: N/A

Recommendation: Staff is seeking direction from Council of the preference of design for the signs.

Safe & Secure	Business Friendly/Economic Development	Partnership & Community Involvement	Healthy & Environmentally Cons. Comm.	Financial & OPS Stewardship
☐	☒	☒	☐	☐

Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF KAUFMAN, TEXAS, AMENDING THE CITY OF KAUFMAN COMPREHENSIVE ZONING ORDINANCE O-02-07, AS AMENDED, CODIFIED AS CHAPTER 118 OF THE CITY OF KAUFMAN CODE OF ORDINANCES, TO ADD A NEW SUBSECTION, SUBSECTION “N”, TO BE ENTITLED, “COMPLIANCE REQUIRED; EXCEPTIONS”, TO SUBSECTION 44.4, “ADMINISTRATION”, OF SECTION 44, “SIGN REGULATIONS”, TO PROVIDE FOR COMPLIANCE WITH THE SIGN REGULATIONS AND EXCEPTIONS FROM SUCH REGULATIONS; PROVIDING FOR THE INCORPORATION OF PREMISES; PROVIDING FOR AMENDMENTS; PROVIDING A CUMULATIVE/REPEALER CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City is a home rule municipality organized under the Constitution and the laws of the State of Texas; and

WHEREAS, Subsection 44.4, “Administration”, of Section 4, “Sign Regulations,” of the Zoning Ordinance sets out various guidelines for the administration of the sign regulations by the Development Services Director; and

WHEREAS, the City Council has determined it necessary and appropriate to adopt this Ordinance to provide for compliance and exceptions to the sign regulations of the Zoning Ordinance; and

WHEREAS, a requested change to the Zoning Ordinance requires a public hearing before the Planning and Zoning Commission and City Council; and

WHEREAS, at its regular meeting held on April 6, 2021, the Planning and Zoning Commission held a public hearing and considered and made a recommendation to City Council for approval of this Ordinance and the amendments proposed herein; and

WHEREAS, at its regulator meeting held on April 19, 2021, the City Council of the City of Kaufman held a public hearing to consider the amendments proposed herein to the Zoning Ordinance and: (1) determined that all legal requirements of notice and hearings were met; (2) considered the recommendations of the Planning and Zoning Commission; (3) provided the public an opportunity to provide input; (4) considered public input; (5) considered the compatibility of the proposed amendments with the goals and objectives of the Comprehensive Zoning Ordinance and Zoning Map of the City; and (6) determined that the proposed amendment to the Zoning Ordinance as set forth herein below is consistent with the goals of the City Council and would serve the best interest of the health safety, and general welfare of the public.

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

SECTION 1. INCORPORATION OF PREMISES. That the above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2. AMENDMENT. That subsection 44.4, "Administration", of Section 44, "Sign Regulations", of the City of Kaufman Comprehensive Zoning Ordinance O-02-07, as amended, codified as Chapter 118 of the City of Kaufman Code of Ordinances is hereby amended to add a new subsection, subsection "N", to be entitled "Compliance Required; Exceptions", which shall be and read as follows with all other provisions of subsection 44.4 of the Zoning Ordinance to remain in full force and effect without amendment:

N. Compliance Required; Exceptions.

1. It shall be unlawful for any person to violate the provisions of this section or the size, location, and setback requirements in section 44.7, except as permitted by subsection 2, below.
2. This section and the size, location, and setback requirements in section 44.7 shall not apply to:
 - a. Signs erected by or on behalf of the City that contain a portion of messaging dedicated to the operation of City services, public safety, and/or health and the general welfare, regardless of whether such sign contains off-premises messaging;
 - b. Signs required by federal, state or local law;
 - c. Signs containing government messages that are approved by the City on any sign, both on and off City property;
 - d. Signs related to City activities and/or sponsorship. These include but are not limited to municipal banners, special event signs, kiosks, monument signs, government awareness signs, etc.;
 - e. Any sign specifically authorized by the City Council as a result of a compromise of litigation or other lawful disputed claim; and
 - f. A sign required to be located by federal, state or local law in order to enforce a property owner's rights.

SECTION 3. CUMULATIVE/REPEALER CLAUSE. This Ordinance shall be cumulative of all other Ordinances of the City of Kaufman and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances or parts thereof in force at the time this Ordinance shall take

effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance.

SECTION 4. SEVERABILITY CLAUSE. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

SECTION 5. PUBLICATION/EFFECTIVE DATE. This Ordinance shall take effect immediately from and after its passage and the publication of the caption, as the law and City Charter in such cases provide.

PASSED AND APPROVED this ____ day of _____ 2021.

JEFF JORDAN
MAYOR

ATTEST:

JESSIE HANKS
CITY SECRETARY

APPROVED AS TO FORM:

PATRICIA A. ADAMS
CITY ATTORNEY



Meeting Date: April 6, 2021

Consent: Yes

Discussion/Action: No

SUBJECT: Consider and take appropriate action on the Land Study and Preliminary Plat of South Pointe at Kaufman Sports Village Addition. The 53.871-acre tract is generally located at the northwest corner of South Houston Street and State Highway 34 Bypass. A proposed mixed-use development that includes retail, office, restaurants, indoor sports facility, multi-family, and single-family townhouse development. A 101 lot subdivision is proposed. (Case No. PP-01-21)

BACKGROUND/PURPOSE:

A preliminary plat is an overall plan for developing property by showing the lot layout over a topographic map, showing all the existing and proposed drainage features and facilities, street layout, and direction of curb flow.

Land Study approval is required in conjunction with a preliminary plat for any tract over 25 acres in size. The purpose is to allow the Commission and City Council to review proposed major thoroughfares and collector street patterns, land use, environmental issues, the property's relationship to adjoining subdivisions or properties, to assist in evaluating the impacts of developing the land and conformance to adopted plans and ordinances. The land study matches the approved concept plan of Planned Development-18

PHASING:

There are 6 phases to this development. The chart below is the information that is shown on the Phasing Plan of the development.

Phases	Type of Use	Projected Start	Number of Lots in Dev	Block	Lot Number
1	Public Improvement	2021			
2	Sportplex	2021	1	B	Lot 1
3	Retail and Office	2022	6	A B	Lots 1-5 Lot 2
4	Hotel	2023	1	C	Lot 1
5	Mixed Use	2023	2	C	Lots 2 and 3
6	Residential	2023	91	D	Lots 1-91

THOROUGHFARE PLAN: All the right-of-ways necessary for State Highway 34 Bypass have been dedicated by separate instruments. The required five feet (5') right-of-way dedication for South Houston Street, per the Kaufman Thoroughfare Plan, is shown on the Preliminary Plat. However, staff has not compared the Preliminary Plat to the Traffic Impact Analysis (TIA) to see

if any additional right-of-way is necessary. Staff will have a determination by Tuesday and present the Commissioners with the findings.

A traffic impact analysis (TIA) has been reviewed to determine if the street system will accommodate the development or if additions are necessary. South Houston Street has a high volume of traffic that travels both North and South during the morning and evening work commute times, and also with the area High School and JR High School traffic before and after school times. The South Pointe entrance is approximately 500 feet north of the South Houston Street and the Hwy 34 Bypass intersection light, so any backup into that intersection is a safety concern at this time.

RECOMMENDATIONS:

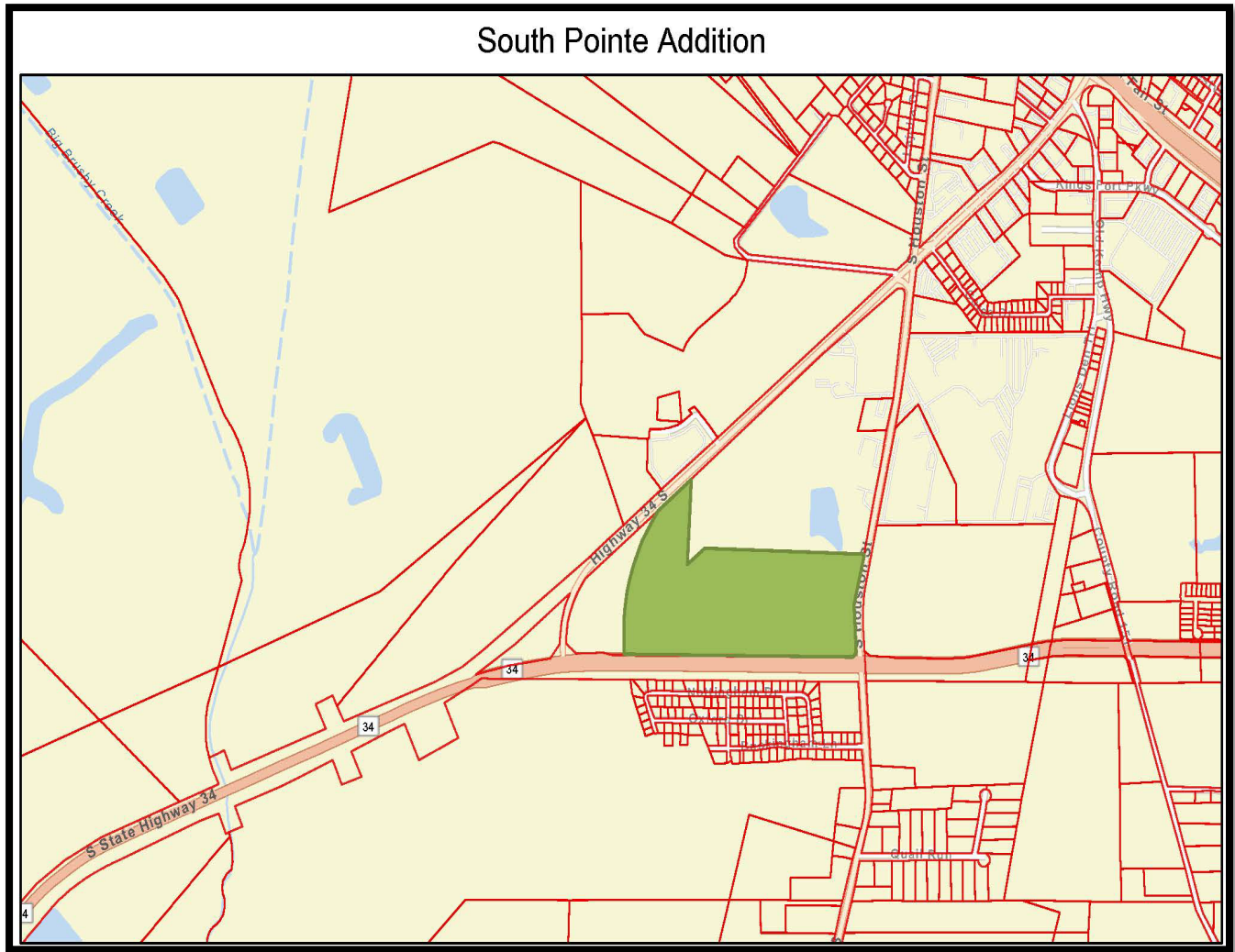
Staff, received the revised Land Study and Preliminary Plat of the South Pointe At Kaufman Sports Village Addition at the time of producing this packet, had only 2 hours to review the revisions that were submitted, and is unable to tell if all the necessary changes and requirements were met. Staff will give a formal recommendation on Tuesday at the Planning and Zoning Commission meeting.

ATTACHMENTS:

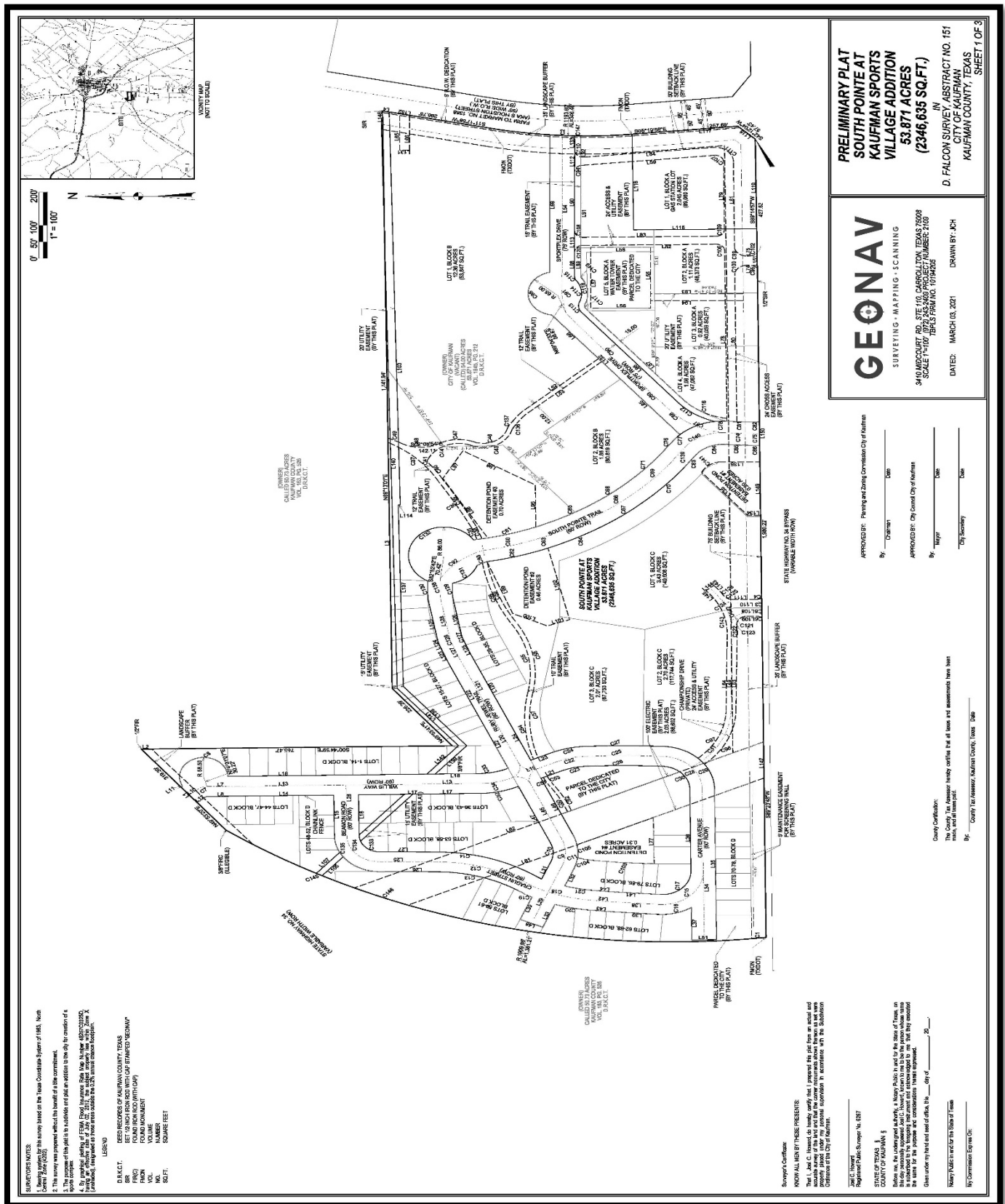
1. Location Map
2. Preliminary Plat
3. Land Study
4. Phasing Plan

Marcy Ratcliff, Development Services Director
972-932-2216 ext. 117 Kaufmanplanning@kaufmantx.org

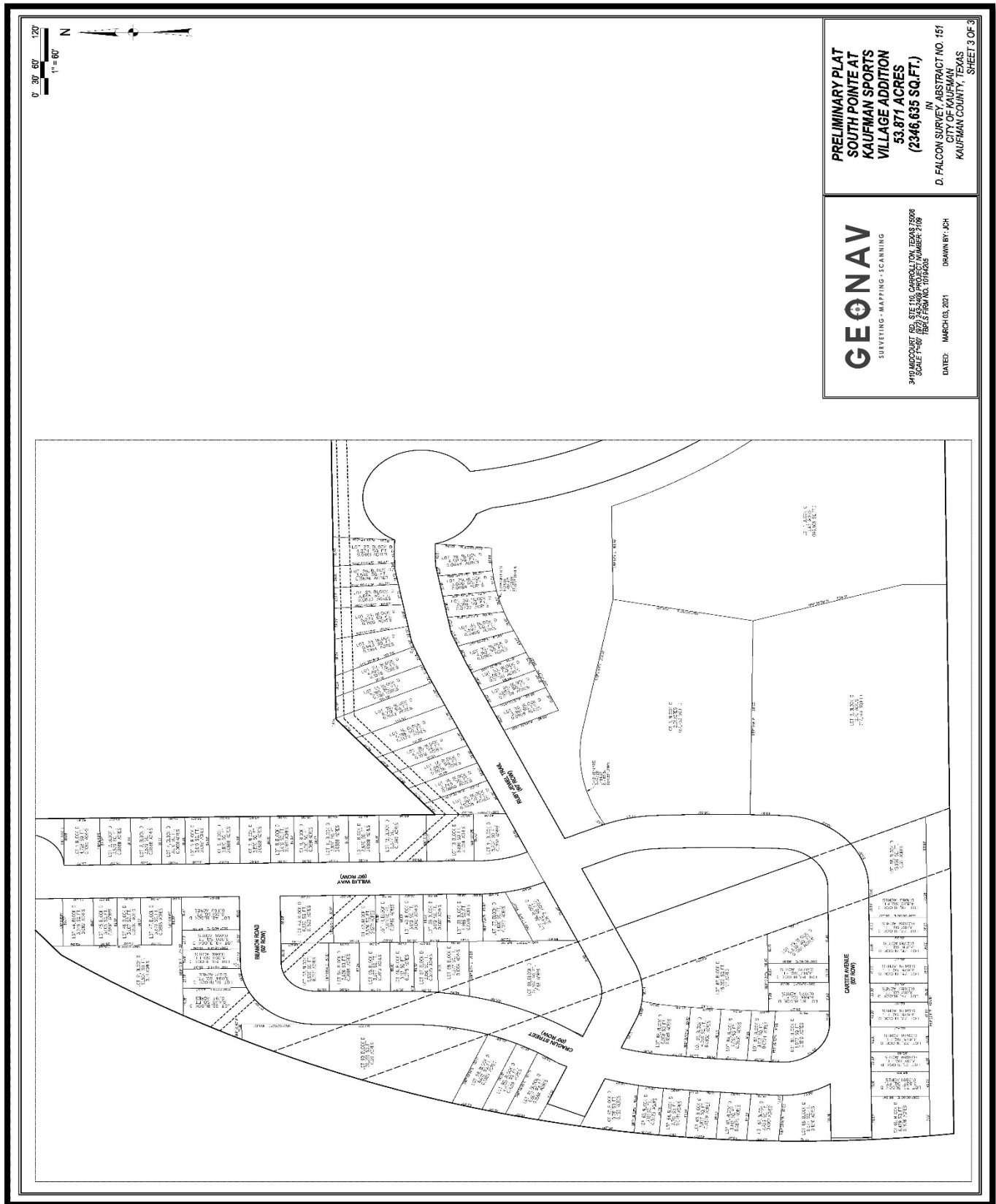
Location Map



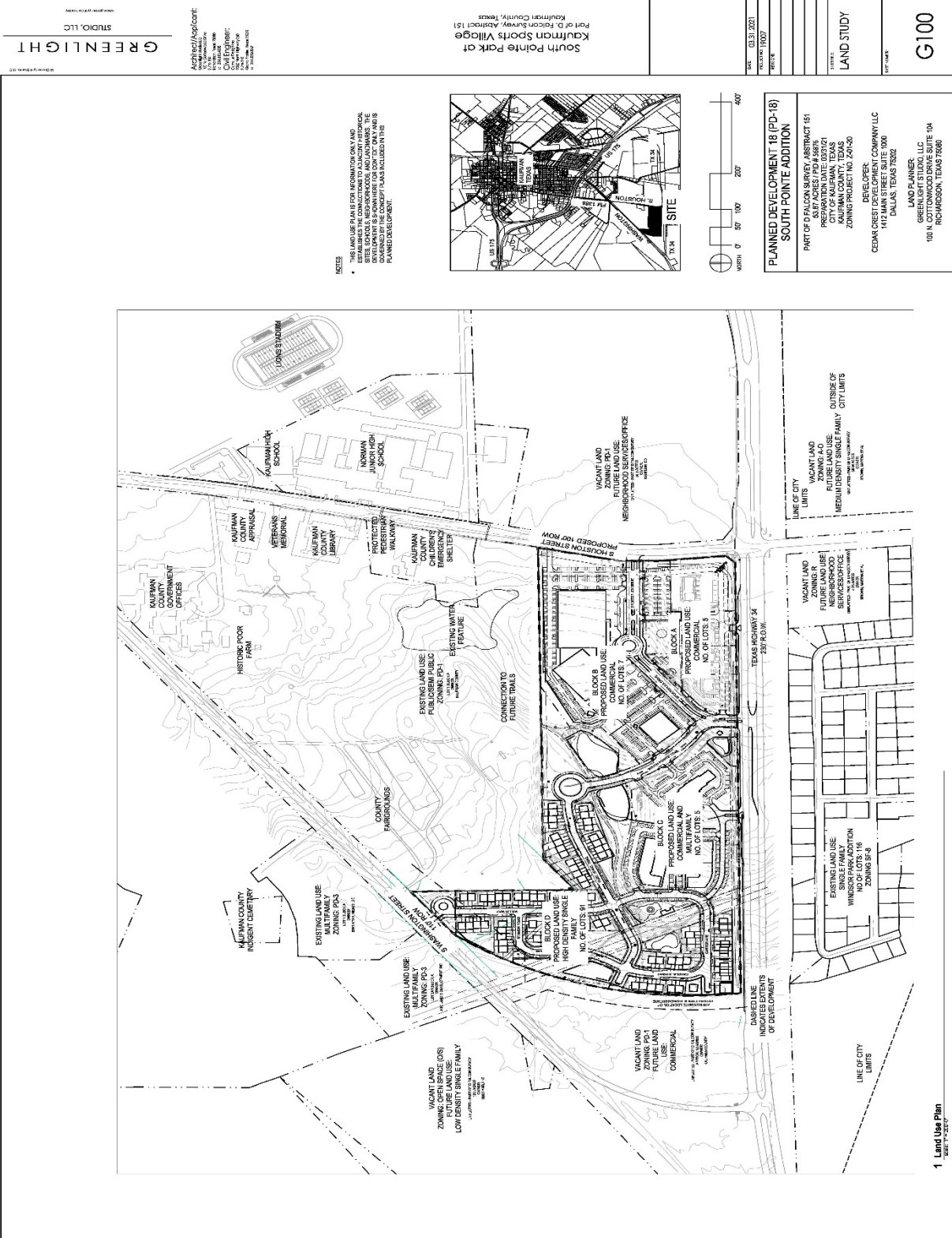
Preliminary Plat



Preliminary Plat Section Enlarged



Land Study



At the March 3rd Planning and Zoning meeting, Commissioner Snow asked for the policy on starting projects without permits. These types of cases are usually issued stop work orders and given a letter by the Code Enforcement Officer.

Ordinance O-28-19 was adopted to amend the construction codes that the City of Kaufman uses.

- National Electric Code, 2014 edition (NEC);
- International Building Code, 2015 edition (IBC);
- International Residential Code, 2015 edition (IRC);
- International Fire Code, 2015 edition (IFC);
- International Plumbing Code, 2015 edition (IPC);
- International Mechanical Code, 2015 edition (IMC);
- International Fuel Gas Code, 2015 edition (IFGC);
- International Energy Conservation Code, 2015 edition (IECC);
- International Existing Building Code, 2015 edition (IEBC);
- International Swimming Pool and Spa Code, 2015 edition (ISPSC);
- International Property Maintenance, 2015 edition (IPM)

In the ordinance, it has wording for the requirements and for the penalty, which are listed below.

WHEREAS, the City Council of the City of Kaufman has determined that the Technical Codes adopted in the Code Ordinances of the City as amended by this Ordinance serve the best interest of the City and its' citizens and that it is necessary to require that appropriate building standards and codes be applied to all persons who construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system in order to eliminate detrimental and negative impacts upon the public health, safety, or welfare;

SECTION 6. PENAL TY. Any person who violates any provision of this Ordinance, upon conviction, shall be deemed guilty of a misdemeanor and shall be fined a sum not to exceed two thousand dollars (\$2,000.00) for each offense, and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

Each of the codes listed above in Ordinance O-28-19, have a section pertaining to permits and to violations.

PERMITS

Any owner or owner's authorized agent who intends to repair, add to, alter, relocate, demolish, or change the occupancy of a building or to repair, install, add, alter, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the *code official* and obtain the required permit.

VIOLATIONS

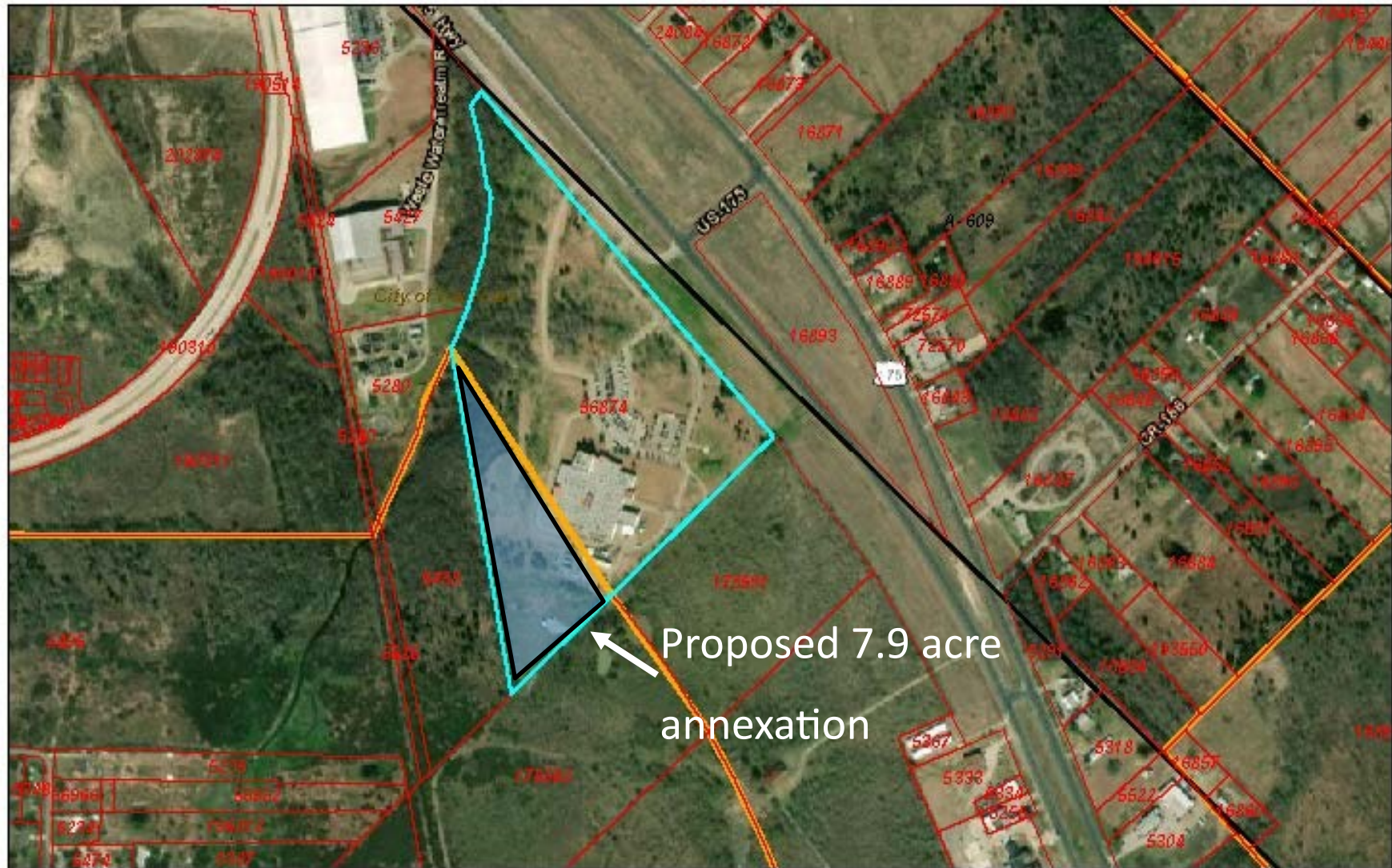
[A] 113.1 Unlawful acts. It shall be unlawful for any person, firm, or corporation to *repair*, alter, extend, add, move, remove, demolish, or change the occupancy of any building or equipment regulated by this code or cause same to be done in conflict with or in violation of any of the provisions of this code.

[B] 113.2 Notice of violation. The *code official* is authorized to serve a notice of violation or order on the person responsible for the *repair, alteration*, extension, *addition*, moving, removal, demolition, or change in the occupancy of a building in violation of the provisions of this code or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[C] 113.3 Prosecution of violation. If the notice of violation is not complied with promptly, the *code official* is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[D] 113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who *repairs* or alters or changes the occupancy of a building or structure in violation of the approved construction documents or directive of the *code official* or of a permit or certificate issued under the provisions of this code shall be subject to penalties as prescribed by law.

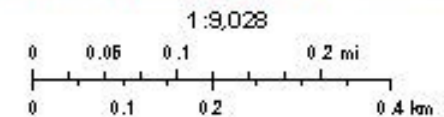
Location Map A-01-21



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Abstracts
 Parcels
 City Limits

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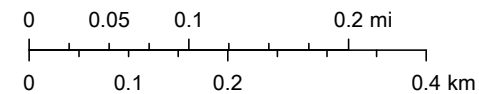
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World Transportation

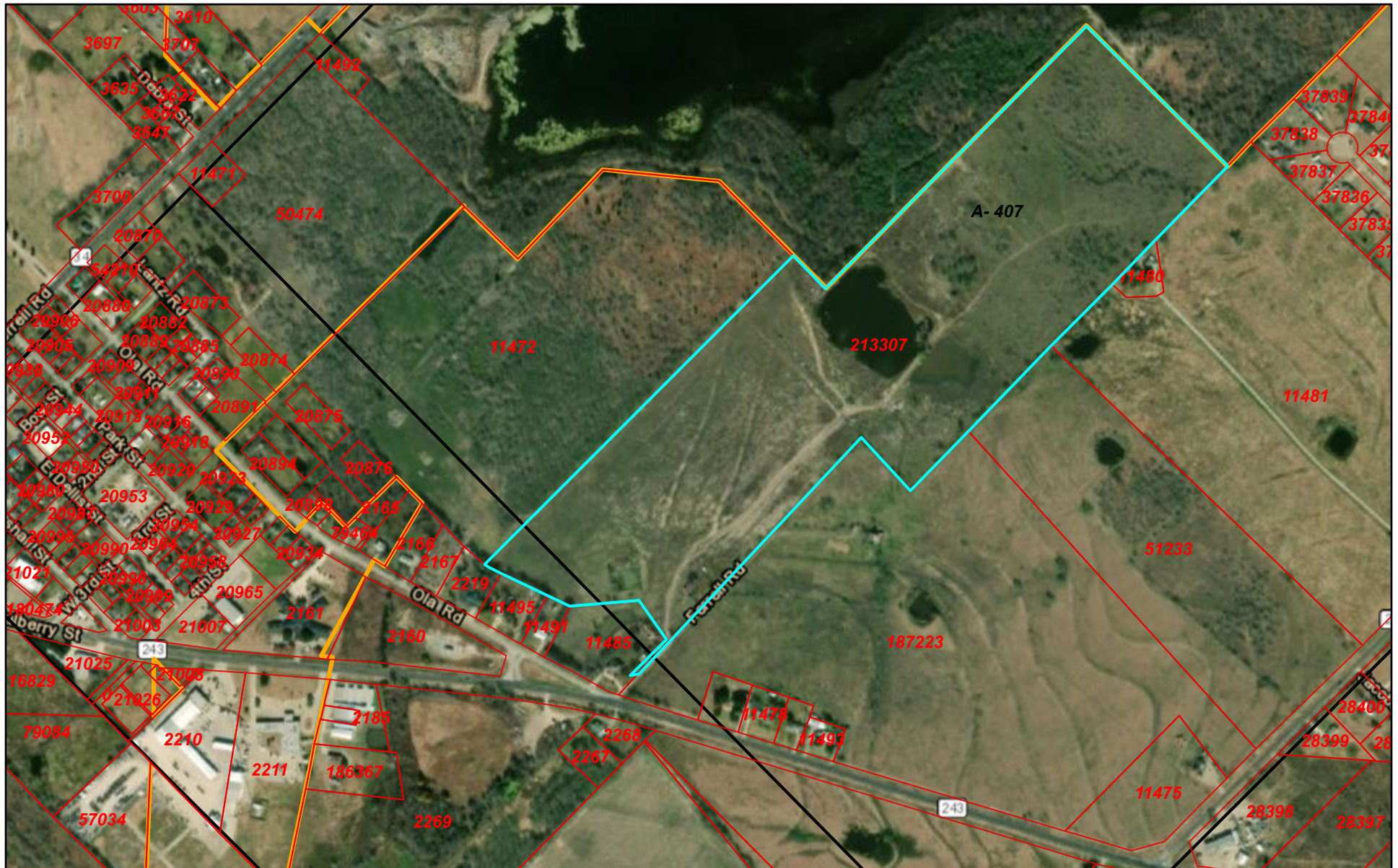
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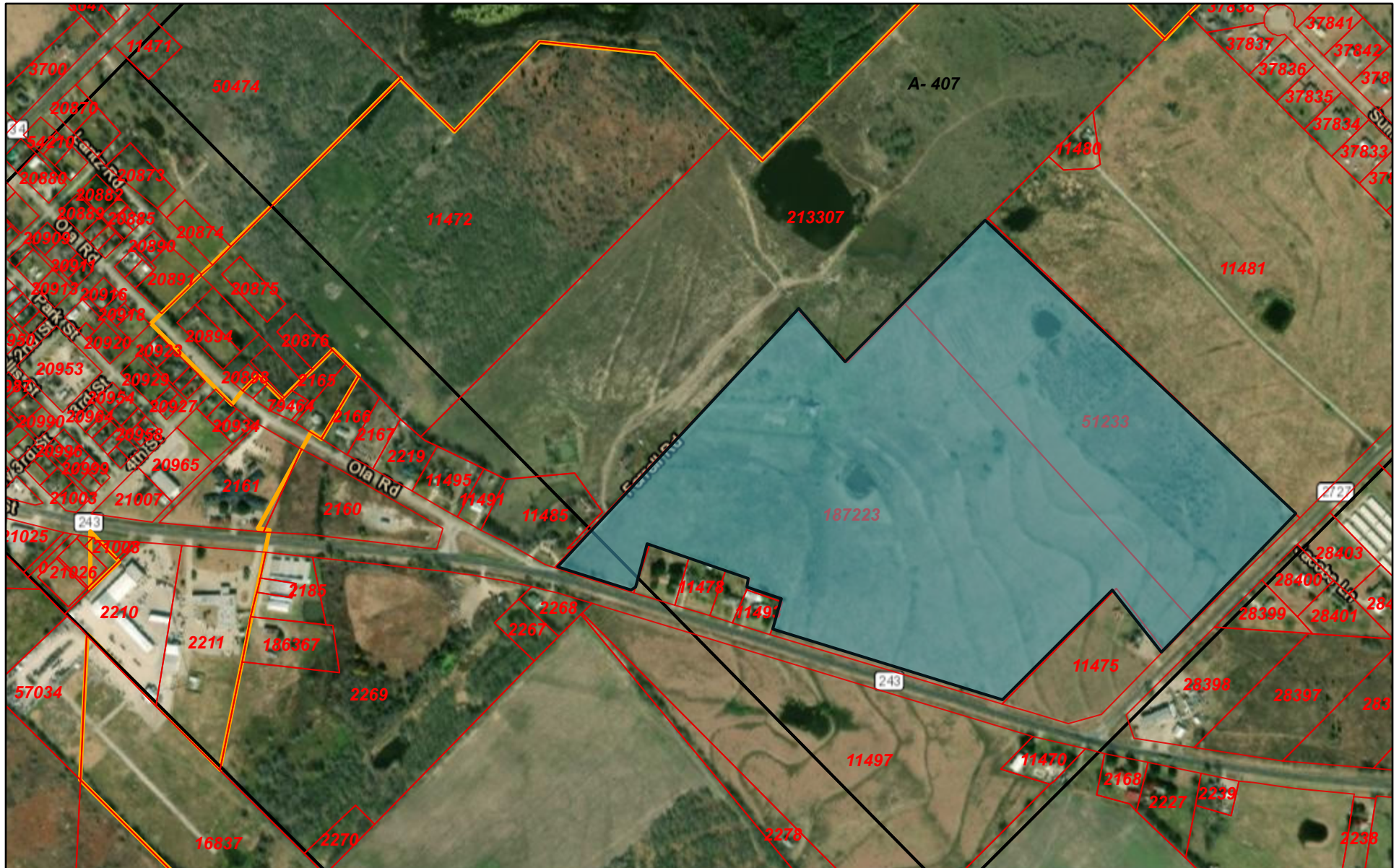
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A-03-21 Location Map

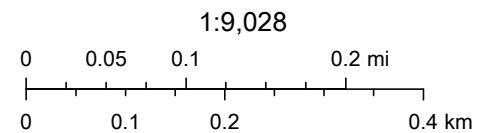


Location Map A-04-21



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Abstracts
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 City Limits



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