

ORDINANCE NO. 3579

File No. TC-15

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE ADOPTED ON SEPTEMBER 4, 1973, AND RECODIFIED ON NOVEMBER 21, 1988, SO AS TO APPROVE AN ADDITIONAL CONDITIONAL USE PERMIT ON PROPERTY ZONED COMMERCIAL WITH A CONDITIONAL USE PERMIT FOR GAMEROOM AND INDOOR AND OUTDOOR RECREATON WITH CERTAIN STIPULATIONS THEREBY ALLOWING AN OUTDOOR RECREATION KNOWN AS PAINT BALL WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00) FOR EACH OFFENSE; AND DECLARING AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission of the City of Mesquite and the governing body of the City of Mesquite, in compliance with the Charter of the City of Mesquite and State laws with reference to granting of zoning changes under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to the persons interested and situated in the area, the City of Mesquite is of the opinion that the change of zoning may be granted herein.

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

SECTION 1. That the Mesquite Zoning Ordinance adopted on September 4, 1973, and recodified on November 21, 1988, be and the same is hereby amended by amending the Zoning Map of the City of Mesquite so as to approve an additional Conditional Use Permit on property zoned Commercial with a Conditional Use Permit for Gameroom and Indoor and Outdoor Recreation with certain stipulations thereby allowing an outdoor recreation known as paint ball on property located at 4040 Towne Crossing Boulevard subject to the following stipulations:

1. The location of the paint ball facilities shall be limited to the areas shown on the site plan in Exhibit "A" attached hereto.
2. Screening fences or walls shall be nine feet high around the entire perimeter of the paint ball facility.
3. The entire paint ball facility, including the top, shall be covered by netting specifically designed for such facilities. Such netting should have the following minimum specifications:

- a. Shade: 70 percent heat set and callendered.
  - b. Color: Black.
  - c. Weight per Square Yard: 7.6 ounces.
  - d. Tensile Wales: 251 pounds.
  - e. Strength Courses: 76 pounds.
  - f. Construction: Raschel Knit.
  - g. Fabric: 100 percent polypropylene cloth or 100 percent polyethylene cloth.
4. Any portion of the facility within 20 feet of the property line shall be vertically screened by a second layer of netting comprised of the same specifications listed in Item No. 3 above.
  5. Netting must be maintained in good condition and free of defects at all times and no "paint" shall be able to exit the property at any time.
  6. The facility must adhere to all additional city codes and ordinances, including building and fire safety codes.
  7. The Conditional Use Permit is granted specifically for Celebration Station.
  8. There can be no assignment, transfer or alienation of the Conditional Use Permit.
  9. Should Celebration Station terminate operations at this location for any reason, the Conditional Use Permit would likewise be terminated.

That the subject property is a 6.27-acre tract, platted as Lot 1BR, Block B, Towne Crossing Addition.

SECTION 2. That all ordinances, or portions thereof, of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed. To the extent that such ordinances or portions thereof are not in conflict herewith, the same shall remain in full force and effect.

SECTION 3. That the property described in Section 1 of this ordinance shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance.

SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of the Mesquite City Code.

SECTION 5. That should any word, sentence, clause, paragraph or provision of this ordinance be held to be invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

SECTION 7. That the property described in Section 1 of this ordinance requires that it be given the above classification in order to permit its proper development and in order to protect the public interest, comfort and general welfare of the City of Mesquite, creates an urgency and emergency for the preservation of the public health, safety and welfare, and requires that this ordinance shall take effect immediately from and after its passage and publication of said ordinance as the law in such cases provides.

DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas, on the 19th day of May, 2003.



Mike Anderson  
Mayor

ATTEST:



Judy Womack  
City Secretary

APPROVED:



B. J. Smith  
City Attorney







