

ORDINANCE NO. 4119  
File No. 1461-111A-2010

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 A CHANGE OF THE STIPULATIONS ON PROPERTY CURRENTLY ZONED PLANNED DEVELOPMENT WITH A CONDITIONAL USE PERMIT BY DELETING ALL PREVIOUS STIPULATIONS AND ADDING NEW STIPULATIONS TO ALLOW FOR SPORTS AND RECREATION USES; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND (\$2,000.00) DOLLARS 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 a change of the stipulations on property currently zoned Planned Development with a Conditional Use Permit by deleting all previous stipulations and adding the following stipulations to allow sports and recreation uses:

1. Permitted uses: In addition to all uses permitted in the R-1 Single-Family Residential Zoning District, the following uses shall be permitted:
  - a. Commercial sports with the exception that no motor sports shall be permitted
  - b. Indoor sports, athletic clubs
  - c. Sports instruction
  - d. Concessions incidental to other permitted uses
2. No separation requirements from adjacent uses or zoning districts shall be applicable.

3. Buildings must be setback a minimum of 25 feet from all property lines.
4. One monument sign shall be permitted in the PD in compliance with regulations for monuments signs as found in the Mesquite Sign Regulations.
5. Wall signs shall be permitted on permanent buildings only.
6. Banner signs shall be permitted on ball field walls or fences promoting a particular event and/or acknowledging official sponsors of that particular event. Such banners may be installed no more than 48 hours prior to the event and must be removed within 24 hours following the event.
7. All lighting shall be in compliance with Section 3-408 of the Mesquite Zoning Ordinance.

That the subject property is a 26.246-acre tract located at 1410 Wooded Lake.

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of the City of Mesquite in conflict with the provisions of this ordinance, to the extent of such conflict are hereby repealed.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

SECTION 3. That 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.

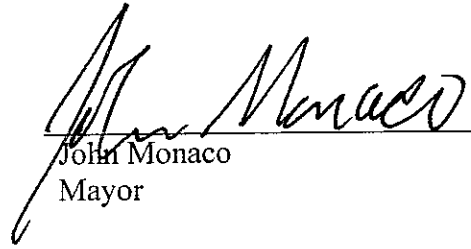
SECTION 4. That the foregoing change shall be, and it is, granted subject to any development of the land herein being developed in conformity with the requirements of current and/or future drainage improvement ordinances of the City of Mesquite, including Ordinance No. 3042, codified in Chapter 11 of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

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.

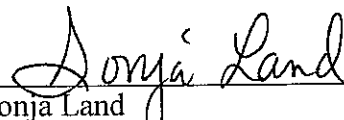
SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction in the Municipal Court, shall be punished by a fine not to exceed Two Thousand (\$2,000.00) Dollars for each offense.

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.

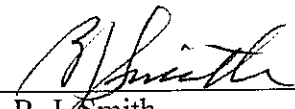
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,  
on the 1st day of November, 2010.

  
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John Monaco  
Mayor

ATTEST:

  
\_\_\_\_\_  
Sonja Land  
City Secretary

APPROVED:

  
\_\_\_\_\_  
B. J. Smith  
City Attorney