

ORDINANCE NO. 4275
File No. 1636-11A-2013

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 AMENDMENTS TO PLANNED DEVELOPMENT – INDUSTRIAL ORDINANCE NO. 3844 THEREBY ALLOWING STORAGE OF UNMOUNTED SHIPPING CONTAINERS AND TRUCK PARKING SUBJECT TO CERTAIN STIPULATIONS; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR 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 amendments to Planned Development – Industrial Ordinance No. 3844 to allow the storage of unmounted shipping containers and truck parking subject to the following stipulations:

1. Development shall be in accordance with the concept plan, attached hereto as Exhibit “A.” However, where the concept plan and Planned Development text conflict, the text controls.
2. All uses permitted-by-right in the Commercial District as indicated in the Schedule of Permitted Uses shall be permitted in the district and SIC 4231, Terminal and Joint Terminal Maintenance Facilities for Motor Freight Transportation. Storage of containers mounted on a chassis shall also be permitted.
3. The exterior of all buildings must be 100 percent masonry.
4. Fencing on the street sides must be wrought iron or black powder-coated.
5. Evergreen landscape screening with irrigation must be provided on the street frontages.

6. No repairs are allowed outside of enclosed buildings.
7. No overnight sleeping is permitted.
8. Ingress and egress must be restricted and/or secured.
9. No stacking of containers is allowed.

That the subject property is a 10.194-acre tract in the Henry J. Webb Survey, Abstract No. 1636, located at 1636 Big Town Boulevard and is more fully described in the approved field notes in Exhibit "B" attached hereto.

SECTION 2. 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 3. 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 4. 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 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.

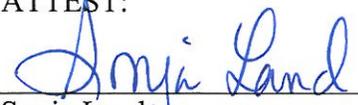
SECTION 6. That any person (as defined in Chapter 1, Section 1-2 of the Code of the City of Mesquite, Texas, as amended) violating any of the provisions or terms of this ordinance shall be deemed to be guilty of a Class C Misdemeanor and upon conviction thereof, shall be subject to a fine not to exceed \$2,000.00 for each offense, provided, however, if the maximum penalty provided for by this ordinance for an offense is greater than the maximum penalty provided for the same offense under the laws of the State of Texas, the maximum penalty for violation of this ordinance for such offense shall be the maximum penalty provided by the laws of the State of Texas. Each day or portion of a day any violation of this ordinance continues shall constitute a separate 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.

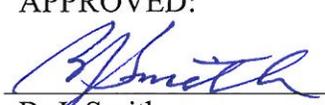
DULY PASSED AND APPROVED by the City Council of the City of Mesquite, Texas,
on the 3rd day of September 3, 2013.



John Monaco
Mayor

ATTEST:


Sonja Land
City Secretary

APPROVED:


B. J. Smith
City Attorney

Field Notes
File No. 1636-11

BEING a called 10.194 acre tract of land situated in the HENRY J. WEBB Survey, Abstract No. 1636, Dallas County, Texas, and being the same tract of land described in a deed to Buckner Baptist Benevolences recorded in Volume 2600, Page 581 D.R.D.C.T. and being more particularly described as follows:

BEGINNING at a point for corner at the Southeast intersection of Samuel Blvd. And Big Town Blvd., same being the northwest corner of said Buckner Baptist Benevolences tract;

THENCE S 89 deg. 50 min. 15 sec. E a distance of 561.61 feet along the northerly line of said tract and the southerly line of said Samuel Blvd. to a point for corner at the northeast corner of said;

THENCE S 01 deg. 32 min. 59 sec. W a distance of 552.99 feet along the easterly line of said tract to a point for corner at the southeasterly corner of tract, same being a common corner of the Austin Addition Block B, Lot 1;

THENCE N 89 deg. 41 min. 23 sec. W a distance of 858.84 feet along the southerly line of said tract and the northerly line of said Austin Addition to a point for corner, same being the southwest corner of said tract and in the easterly line of aforesaid Big Town Blvd.;

THENCE N 01 deg. 03 min. 09 sec. E a distance of 550.68 feet along the westerly line of said tract and the easterly line of said Big Town Blvd. the POINT OF BEGINNING, and containing a computed area of 10.194 acres (per deed) or (444,050 sq. ft.) of land more or less.