

ORDINANCE NO. 5229
File No. Z0425-0392

AN ORDINANCE OF THE CITY OF MESQUITE, TEXAS, AMENDING THE MESQUITE ZONING ORDINANCE BY CHANGING THE ZONING FROM PLANNED DEVELOPMENT, ORDINANCE NO. 1110, TO PLANNED DEVELOPMENT, ORDINANCE NO. 1110 WITH A CONDITIONAL USE PERMIT TO ALLOW THE CONTINUED USE OF A TEMPORARY CONCRETE BATCH PLANT FOR THE PROPERTY LOCATED AT 3220 EAST US HIGHWAY 80 WITH CERTAIN STIPULATIONS; REPEALING ALL ORDINANCES IN CONFLICT WITH THE PROVISIONS OF THIS ORDINANCE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00; PROVIDING PUBLICATION OF THE CAPTION HEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission and the City Council, in compliance with the Charter of the City of Mesquite, state laws and the zoning ordinance, have given the required notices and held the required public hearings regarding the rezoning of the subject property; and

WHEREAS, the City Council finds that it is in the public interest to grant this change in zoning.

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

SECTION 1. The subject property is approximately 9.995 acres located at 3220 East US Highway 80, Mesquite, Dallas County, Texas (the “**Property**”).

SECTION 2. The Temporary Use Permit (“**TUP**”) previously issued for the Property to allow a temporary concrete batch plant is hereby terminated, and the Conditional Use Permit (“**CUP**”) authorized by this ordinance replaces the TUP to allow the continued use of said temporary concrete batch plant.

SECTION 3. The Mesquite Zoning Ordinance (“**MZO**”) is amended by changing the zoning for the Property from Planned Development, Ordinance No. 1110, to Planned Development, Ordinance No. 1110 with a CUP to allow the continued use of a temporary concrete batch plant with the following stipulations:

- a. The CUP is approved solely for Austin Bridge & Road, L.P., as operator of a Temporary Concrete Batch Plant on the Property and is not transferable or assignable to a different owner or business. A different business applicant desiring

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to continue this use must submit a new application requesting to continue the CUP and any such application shall require the procedures outlined in the MZO for initial approval of a CUP.

- b. The CUP is granted and shall expire and terminate on June 30, 2029. In the event the holder of the CUP desires to continue the temporary use and prior to expiration of the CUP, the holder must submit a new application requesting to continue the CUP. Any such application shall require the procedures outlined in the MZO for initial approval of a CUP and City Staff shall present a report on Property conditions during the time period of the CUP.
- c. Any inoperative or unused equipment shall be removed from the site within thirty (30) days of discontinuance. All equipment areas shall remain in good repair, and the site must be maintained free of debris.
- d. When the CUP expires or operations have ceased, the site shall be returned to the original conditions and grades, including restoration of vegetative ground cover as approved by the City Engineer.
- e. Upon conviction of at least three (3) violations of the City's Code of Ordinances, including but not limited to the MZO which includes this Ordinance, during any consecutive twelve (12) month period, then Austin Bridge & Road, L.P. shall automatically forfeit the CUP granted by this Ordinance without further action by the Planning and Zoning Commission or City Council.

SECTION 4. All other 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; otherwise, they shall remain in full force and effect.

SECTION 5. The Property shall be used only in the manner and for the purposes provided for by the Mesquite Zoning Ordinance, as amended.

SECTION 6. 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 7. Any violation of the provisions or terms of this Ordinance by any "person," as defined in Mesquite City Code, Chapter 1, [Section 1-2](#), shall be deemed a Class C Misdemeanor criminal offense, and upon conviction thereof, shall be subject to a penalty of fine, or any other general penalties, as provided in Mesquite Zoning Ordinance, Part 5, 5-100, [Section 5-103](#) (General Penalties), or successor and as amended.

SECTION 8. This Ordinance shall be published in the City's official newspaper in accordance with Mesquite City Charter, Article IV, [Section 24](#).

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SECTION 9. 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 16th day of February 2026.

Signed by:

Daniel Alemán, Jr.

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Daniel Alemán, Jr.
Mayor

ATTEST:

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Sonja Land

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Sonja Land
City Secretary

APPROVED AS TO LEGAL FORM:

Signed by:

David L. Paschall

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David L. Paschall
City Attorney