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ORDINANCE NO. 302

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE FOLLOWING DESCRIBED PROPERTY, NOW ZONED RESIDENTIAL "R" TO BE USED UNDER A SPECIAL PERMIT ALLOWING THE OPERATION OF A DAY NURSERY: A TRACT OF LAND OUT OF THE THEOPHELIUS THOMAS SURVEY, ABSTRACT 1461, AND BEING 80 FEET OFF THE ENTIRE NORTHEAST SIDE OF A ONE-ACRE TRACT OF LAND IN THE SOUTHEAST CORNER OF THE 90 ACRES CONVEYED OF JOHN S. BYRD BY DEED FROM LYNN S. BYRD, DATED DEC. 1, 1937 AND RECORDED IN VOLUME 2052, PAGE 38 OF THE DEED RECORDS OF DALLAS COUNTY, TEXAS; THE SAID A. C. WALKER TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS: BEGINNING AT THE EAST CORNER OF SAID ONE-ACRE TRACT WHICH POINT IS LOCATED ON THE NORTH RIGHT-OF-WAY LINE OF OATES DRIVE; THENCE WEST 544 DEGREES 43 MINUTES WEST 80 FEET ALONG THE NORTH RIGHT-OF-WAY LINE OF OATES DRIVE TO A POINT FOR CORNER; THENCE NORTH 45 DEGREES 12 MINUTES WEST 208.75 FEET TO A POINT FOR CORNER; THENCE NORTH 44 DEGREES 43 MINUTES EAST 80 FEET; THENCE SOUTH 45 DEGREES 12 MINUTES EAST 208.75 FEET TO THE PLACE OF BEGINNING, AND CONTAINING 0.38 ACRES, MORE OR LESS; AS DESIGNATED AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREAFTER MORE FULLY EXPRESSED; AND THAT THE PROPERTY SHALL BE IMPROVED ACCORDING TO THE PLANS AND SPECIFICATIONS SUBMITTED THEREFOR AND APPROVED BY THE CITY PLANNING AND ZONING COMMISSION AND THE CITY COUNCIL; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS; AND DECLARING AN EMERGENCY.

WHEREAS, the City 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 the State Law with reference to the granting of Special Permits under the Zoning Ordinance regulations and zoning map have given the requisite notices by publications and otherwise and after holding due hearing and affording a full and fair hearing to all property owners, generally, and to the persons interested situated in the affected area and in the vicinity thereof, the governing body of the City of Mesquite is of the opinion that said Special Permit should be granted, subject to the conditions set out herein.

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

Section 1. That Ordinance No. 120 enacted by the City Council on May 3, 1955 be and is hereby amended insofar as the hereinafter described property is concerned and said property shall be used under a Special Permit allowing the operation of a Day Nursery, as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

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A tract of land out of the Theophilus Thomas Survey, Abstract 1461, and being 80 feet off the entire Northeast side of a one-acre tract of land in the Southeast corner of the 90 acres conveyed of John S. Byrd by Deed from Lynn S. Byrd, dated Dec. 1, 1937 and recorded in Volume 2052, Page 38 of the Deed Records of Dallas County, Texas; the said A. C. Walker tract being more particularly described by metes and bounds as follows: Beginning at the East corner of said one-acre tract which point is located on the North right-of-way line of Oates Drive; Thence West 544 degrees, 43 minutes West 80 feet along the North right-of-way line of Oates Drive to a point for corner; Thence North 45 degrees 12 minutes West 208.75 feet to a point for corner; Thence North 44 degrees 43 minutes East 80 feet; Thence South 45 degrees 12 minutes East 208.75 feet to the place of beginning, and containing 0.38 acres, more or less.

Section 2. That this Special Pwrmitt allowing the operation of a Day Nursery as designated and approved by the City Planning and Zoning Commission on the herein above described property is approved and granted upon the following express conditions and in accordance with Section 4 of the Zoning Ordinance.

(1) That prior to any construction or change in use a site plan shall be submitted and shall be approved by the City Planning and Zoning Commission and development shall be generally in conformance therewith. Such approved site plan may be revised or amended if such revision or amendment thereof is first approved by the City Planning and Zoning Commission.

(2) That all on-site improvements shall be specified on approved site plan.

(3) That all adjacent uses of property shall be indicated on approved site plan.

(4) That all means of ingress and egress shall be as indicated on the approved site plan.

(5) That all streets, service drives, parking areas and alleys shall be paved and drainage structures and curbs and gutters installed in accordance with the City of Masquite requirements and as indicated on the approved site plan; and that the developer shall bear the total cost of all such improvements.

(6) That off-street parking facilities shall be provided as indicated on the approved site plan, and shall not be less than the requirement of Ordinance No. 120 for each use and occupancy.

(7) That the width of all streets and rights-of-way shall be in conformance with the City of Mesquite thoroughfare and street plan and shall be indicated on the approved site plan, dedicated and improved to the minimum requirements of the City.

(8) That all utility services shall be shown on site plan and shall conform to the City's specifications and be as approved by the City Engineer.

(9) The City of Mesquite water and sanitary sewer lines shall be extended to and service shall be made available at the cost of the owner and developer and shall be in accordance with the City's specifications and regulations.

(10) That no signs or billboards other than those pertaining to the occupancy of the premises shall be permitted, and such allowable signs shall be of the parapet wall, marquee or flat wall type. No sign or billboard shall be permitted of a flashing or intermittently lighted type. That the location of any sign other than as stated above shall be first approved by the City Planning and Zoning Commission.

(11) That screening consisting of fencing and/or shrubs shall be as required by the City Planning and Zoning Commission, and shown on approved site plan.

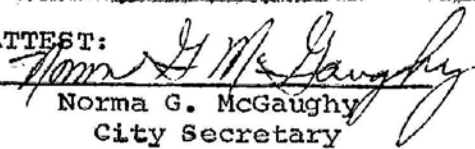
(12) That all storage facilities, whether inside or outside, shall be designated on approved site plan.

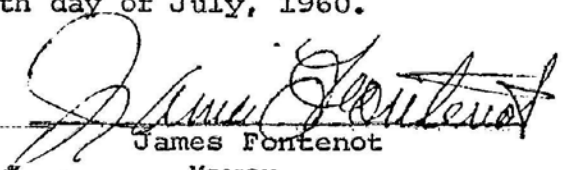
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

Section 4. WHEREAS, it appears that the subject property of this ordinance is to be used under a Special Permit allowing the operation of a Day Nursery, as designated and approved by the City Planning and Zoning Commission, subject to certain conditions and will serve the public interest, comfort, and general welfare and requires that this ordinance shall take effect immediately from and after its passage and it is accordingly so ordained.

PASSED AND ADOPTED this the 5th day of July, 1960.

ATTEST:


Norma G. McGaughy
City Secretary


James Fontenot
Mayor