

ORDINANCE NO. 339

AN ORDINANCE AMENDING ORDINANCE NO. 120 ENACTED BY THE CITY COUNCIL ON MAY 3, 1955, BY PERMITTING THE HEREINAFTER DESCRIBED PROPERTY TO BE USED UNDER A SPECIAL PERMIT TO ALLOW THE OPERATION OF A DENTAL CLINIC, 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 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 dental clinic, as designated and approved by the City Planning and Zoning Commission, subject to the special conditions contained herein:

TRACT 1

Situated in Dallas County, Texas and being out of the M. L. Swing Survey, Abstract No. 170, and also being out of that tract conveyed by Florence Hanby, O. C. Hanby and others to Mrs. Ruth L. Hanby, by deed dated January 27, 1947 recorded Vol. 2326 page 176 Deed records of Dallas County, Texas, and the tract conveyed herein being more fully described by metes and bounds as follows:

BEGINNING at a point on the East line of Gus Thomasson Road, said point also being the intersection of the East line of the said Gus Thomasson Road with the North line of the said Hanby tract;
THENCE East along the North line of the said Hanby tract, a distance of 170 feet to a point for corner;
THENCE Southerly parallel to the East line of the said Gus Thomasson Road 84 feet to a point for corner;

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THENCE Westerly parallel with the North line of said Hanby tract, 170 feet more or less to a point for corner and the East line of Gus Thomasson Road;

THENCE Northerly along the East line of Gus Thomasson Road 84 feet, more or less to the place of beginning;

TRACT 2

Situated in Dallas County, Texas, and being out of the M. L. Swing Survey Abstract No. 1397 and out of the Robert Bethurum Survey, Abstract No. 170 and also being out of that tract conveyed by Florence Hanby, O. C. Hanby and others to Mrs. Ruth L. Hanby by Deed dated January 27, 1947 recorded in Volume 2826 page 176 Deed records of Dallas County, Texas, and the tract conveyed herein being more particularly described by metes and bounds as follows:

BEGINNING at a point on the East line of Gus Thomasson Road, said point of beginning being 84 feet South of the intersection of the East line of Gus Thomasson Road, with the North line of said Hanby tract;

THENCE East parallel with the North line of said Hanby tract 170 feet to point for corner;

THENCE Southerly parallel to the East line of Gus Thomasson Road, 84.1 feet to point for corner in the North line of Park Avenue;

THENCE Westerly along the North line of Park Avenue, 170 feet to point for corner in the East line of Gus Thomasson Road, said point being the intersection of the East line of Gus Thomasson Road, and the North line of Park Avenue;

THENCE Northerly along the East line of Gus Thomasson Road, 84.1 feet, more or less to the place of beginning;

Section 2. That this Special Permit allowing the operation of a dental clinic, as designated and approved by the City Planning and Zoning Commission on the hereinabove 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 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 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 Mesquite 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's 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 or commodities sold thereon 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 shall be first approved by the Planning and Zoning Commission.


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

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

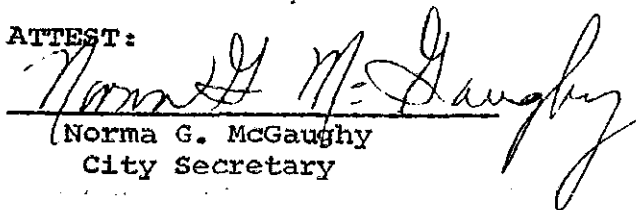
Section 3. That any person, firm or corporation violating any of the terms and provisions of this ordinance shall be subject to a fine not to exceed Two Hundred (\$200.00) Dollars, and each violation shall constitute a separate offense.

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 dental clinic, 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 7th day of November, 1960.


James Fontenot
Mayor

ATTEST:


Norma G. McGaughy
City Secretary