

ORDINANCE NO. 322

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED TO BE ALLOWED TO USE WOOD EXTERIOR INSTEAD OF THE 80% MASONRY REQUIREMENT IN LOCAL RETAIL ZONING AT A PROPOSED RESTAURANT WEST OF CITY HALL ON BELT LINE ROAD, CASE #283, HUSH PUPPIES, INCORPORATED; ON THE HEREINAFTER DESCRIBED PROPERTY; BEING SITUATED IN DALLAS COUNTY AND BEING PART OF THE ELISHA FIKE SURVEY, ABSTRACT 478, AND ALSO BEING PART OF A 26.1091 ACRE TRACT OF LAND CONVEYED TO ROBERT W. COLLINS; AND CONTAINING 2.295 ACRES OF LAND; PROVIDING FOR A PENALTY NOT TO EXCEED TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE: PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison, and the Governing Body of the City of Addison, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning changes under the zoning ordinance and zoning map, have given 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 all persons interested and situated in the area, the City of Addison, Texas, is of the opinion that the said variance on application of Case #283, should be granted and the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative direction:

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

SECTION 1. That the Comprehensive Zoning Ordinance of the City of Addison, Texas, be, and the same is hereby amended to grant a variance to Case #283, to be allowed to use wood exterior instead of the 80% masonry requirement in Local Retail zoning on the hereinafter described property. Such variance shall be noted on the official zoning map of the City of Addison. Said property being in the City of Addison, Dallas County, Texas, and described as follows:

Being a tract or a parcel of land situated in the City of Addison, Dallas County, Texas; and being part of the Elisha Fike Survey, Abstract 478, and also being a part of a 26.1091 acre tract of land conveyed to Robert W. Collins, Trustee, by deed dated June 21, 1973, and recorded in Volume 73122, Page 0836, of the Deed Records of Dallas County, Texas, and being more particularly described as follows:

BEGINNING at a point for corner in the south line of Belt Line Road (100 foot wide) said point being the northwest corner of a 1.153 acre tract conveyed to the City of Addison by deed recorded in Volume 71193, Page 1455, of the Deed Records of Dallas County, Texas;

THENCE South 0 degrees 03' East along the west line of said 1.153 acre tract conveyed to the City of Addison, passing at 368.22 feet the southwest corner of said 1.153 acre tract a total distance of 489.51 feet to a point for corner;

THENCE West a distance of 200.60 feet to a point for corner;

THENCE North 0 degrees 03' West a distance of 507.62 feet to a point for corner in the south line of Belt Line Road (100 feet wide);

THENCE South 84 degrees 48' 45" East along the south line of Belt Line Road (100 feet wide) a distance of 176.12 feet to the beginning of a curve to the left;

THENCE in an easterly direction along the south line of Belt Line Road and along said curve to the left having a central angle of 0 degrees 29' 51", a radius of 2914.93 feet, and an arc length of 25.31 feet to the POINT OF BEGINNING and containing 100,000 square feet, more or less, or 2.2957 acres.

SECTION 2. That all ordinances of the City in conflict with the provisions of this Ordinance be, and the same are, hereby repealed and all other ordinances of the City not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 3. That the above described property shall be used only in the manner and for the purposes for in the Comprehensive Zoning Ordinance of the City as amended herein by the granting of this zoning classification with variance.

SECTION 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional and the same shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Addison as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 6. Whereas, the above described property requires that it be given this variance in order to permit its proper development, and in order to protect the public interest, comfort and general

welfare of the City and creates an urgency and an emergency for the preservation of public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, on this the 19th day of April, 1977.

APPROVED:



MAYOR

Jerry Hedding

ATTEST:


Joyce J. Demers

CITY SECRETARY

APPROVED AS TO FORM:

Robert L. McCall

CITY ATTORNEY