

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED SO AS TO ALLOW THE USE OF WOOD EXTERIOR ON THE FRONT OF PATSY ANN'S RESTAURANT, CASE #284, INSTEAD OF THE 80% MASONRY REQUIREMENT IN LOCAL RETAIL ZONING; AND BEING LOCATED AT 4201 BELT LINE ROAD; BEING SITUATED IN DALLAS COUNTY AND BEING PART OF THE W. H. WITT SURVEY, ABSTRACT 326, AND ALL OF THE J. R. MAXFIELD 0.660 ACRE TRACT AND ALSO BEING PART OF THE ORIGINAL DOOLEY ROAD R.O.W. ABANDONED BY CITY ORDINANCE #138; AND CONTAINING 1.0582 ACRES OF LAND, MORE OR LESS; 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 284, 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 to grant a variance 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 part of the W.H. WITT SURVEY, ABSTRACT NO. 1609, and the EDWARD COOK SURVEY, ABSTRACT NO. 326, and all of the J. R. Maxfield 0.660 acre tract and also being part of the original Dooley Road R.O.W. abandoned by City Ordinance NO. 138, Volume 73247, Page 1028, and being described in one tract by metes and bounds as follows:

BEGINNING at the point of intersection of the present North line of Belt Line Road, a 100 foot right-of-way, and the present East line of Dooley Road (as relocated) visibility clip, said point being N 89 degrees 49' 00" W 27.07 feet from the original center line of Dooley Road, a 60 foot right-of-way, said center line being the common line between said WITT & COOK SURVEYS:

THENCE N 45 degrees 00' 00" W 42.56 feet along the East line of said Dooley Road visibility clip to a point for corner, said point being 30 feet perpendicular distance from the relocated center line of Dooley Road;

THENCE N 00 degrees 11' 00" W 22.15 feet along the said present East R.O. W. of Dooley Road, (as relocated) to a point, the beginning of a curve to the right;

THENCE Along a circular curve to the right having a central angle of 10 degrees 2' 22", and a radius of 904.93 feet, an arc distance of 158.55 feet to a point for corner.

THENCE S 89 degrees 49' 00" E 210.32 feet to an iron rod for corner, the Northeast corner of the said Maxfield tract;

THENCE S 00 degrees 42' 00" E 210.00 feet along the East line of said Maxfield tract to an iron rod for corner in the said present North line of Belt Line Road;

THENCE N 89 degrees 49' 00" W 196.07 feet along the said present North line of Belt Line Road to the point of beginning and containing 1.0582 acres (46,093.16 sq. ft.) of land, more or less.

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 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 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 i be given the 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 the 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

ATTEST:


CITY SECRETARY

APPROVED AS TO FORM:


CITY ATTORNEY