

ORDINANCE NO. 408

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 BE ALLOWED TO WAIVE THE 80% MASONRY REQUIREMENT IN "LR" LOCAL RETAIL DISTRICT CLASSIFICATION AT A PROPOSED RESTAURANT TO BE KNOWN AS SUMMERHOUSE RESTAURANT, BEING 1.378 ACRES OF LAND LOCATED SOUTH OF BELT LINE ROAD ON MIDWAY ROAD, CASE #346-DOVIE BAKER; BEING SITUATED IN DALLAS COUNTY, TEXAS, OUT OF THE THOMAS L. CHENOWETH SURVEY, ABSTRACT #273, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF 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, in compliance with the laws of the State of Texas and the ordinance of the City of Addison, 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 affected area and in the vicinity thereof, and in the exercise of its legislative direction, is of the opinion that the said variance on application of Case #346, should be granted and the Comprehensive Zoning Ordinance should be amended.

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 #346, to waive the 80% masonry requirement in "LR" Local Retail District Classification 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 of land out of the Thomas L. Chenoweth Survey, Abstract No. 273, and being in the City of Addison, Dallas County, Texas, said tract being more particularly described as follows:

COMMENCING at a point for a corner in the Westerly right-of-way line of Midway Road (80.0 feet wide) said point being Southerly 1903.20 feet from the center-line of Belt Line Road, said point also being in the Southerly line corner of a tract of land as conveyed to Gene McCutchin by deed dated September 24, 1964;

THENCE N. 89° 55' 31" W., 320.00 feet;

THENCE S. 0° 16' E., 170.00 feet to the POINT OF BEGINNING:

THENCE S. 0° 16' E., 244.00 feet to a point for a corner;

THENCE S. 89° 44' W., 246.00 feet to a point for a corner;

THENCE N. 0° 16' W., 244.00 feet to a point for a corner;

THENCE N. 89° 44' E., 246.00 feet to the POINT OF BEGINNING AND CONTAINING 60,024 square feet or 1.378 acres of land.

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 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 11<sup>th</sup> day of July, 1978.

ATTEST:

Jacque Sharp  
CITY SECRETARY

Jim Redding  
MAYOR