

ORDINANCE NO. 446

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 66 OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED SO AS TO CHANGE THE HEREINAFTER DESCRIBED PROPERTY BEING SITUATED IN DALLAS COUNTY, TEXAS, AND GENERALLY LOCATED WEST OF MIDWAY ROAD AND SOUTH OF BELT LINE ROAD, BEING IN THE THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273, AND CONTAINING 17.5799 ACRES OF LAND, WHICH IS PRESENTLY ZONED LOCAL RETAIL AND COMMERCIAL TO BE USED UNDER PLANNED DEVELOPMENT DISTRICT NO. 3, ALLOWING LOCAL RETAIL USES; AND, THAT PLANNED DEVELOPMENT DISTRICT NO. 3 SHALL BE GRANTED WITH REFERENCE TO THE HEREIN DESCRIBED PROPERTY, SUBJECT, HOWEVER, TO THE SPECIAL CONDITIONS HEREINAFTER MORE FULLY EXPRESSED; PROVIDING FOR A PENALTY NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Zoning Commission of the City of Addison, Texas, and the City Council 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 change of zoning on application of McCutchin Brothers, Case #404, 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, by amending the Zoning Map of the City of Addison so as to give the hereinafter described property the following zoning district classification, to-wit: Planned Development District #3, allowing Local Retail uses as provided herein. Said property being in the City of Addison, Dallas County, Texas, and being described as follows:

TRACT I

Whereas, Gene McCutchin being the sole owner of a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, City of Addison, Dallas County, Texas, and being particularly described as follows:

Beginning at a point in the south line of Belt Line Road, said point being N. $89^{\circ} 25' 00''$ W, 60.00 feet and south 50.00 feet from the intersection of the centerline of Belt Line Road with the centerline of Midway Road;

THENCE, S $44^{\circ} 42' 27''$ E, 42.64 feet to a point for corner in West line of Midway Road;

THENCE, South with west line of Midway Road, 145.00 feet to a point for a corner;

THENCE, South 659.53 feet to a point for a corner;

THENCE West 140.00 feet to the beginning of a curve to the left having a central angle of $13^{\circ} 14' 01''$ and a radius of 945.00 feet;

THENCE along said curve 218.27 feet to the point of beginning of Tract 1;

THENCE, West 528.66 feet to a point for a corner;

THENCE, South 95.23 feet to a point for a corner;

THENCE, East 63.25 feet to the beginning of a curve to the left having a central angle of $17^{\circ} 30'$ and a radius of 1005.00 feet;

THENCE, along said curve 306.96 feet to a point for a corner;

THENCE, N. 72° 30" E, 100.00 feet to the beginning of a corner to the right having a central angle of 4° 15' 59" and a radius of 945.00 feet;

THENCE, along said curve 70.36 feet to the Point of Beginning and containing 33,974 square feet or 0.7799 acres of land, more or less.

TRACT II

Whereas, McCutchin Joint Venture #1, are the sole owners of a tract of land situated in the Thomas L. Chenoweth Survey, Abstract No. 273, City of Addison, Dallas County, Texas, and being particularly described as follows:

Beginning at a point in the south line of Belt Line Road, said point being N 89° 25' 00" W, 60.00 feet and south 50.00 feet from the intersection of the centerline of Belt Line Road with the centerline of Midway Road;

THENCE, S. 44° 42' 27" E, 42.64 feet to a point for a corner in the west line of Midway Road;

THENCE South with west line of Midway Road, 145.00 feet to the Point of Beginning;

THENCE South with west line of Midway Road, 659.53 feet to a point for a corner;

THENCE West 140.00 feet to the beginning of a curve to the left having a central angle of 13° 14' 01" and a radius of 945.00 feet;

THENCE, along said curve 218.27 feet to a point for a corner;

THENCE, West 528.66 feet to a point for a corner;

THENCE, North 868.63 feet to a point for a corner;

THENCE, S 89° 25' 00" E., 740.00 feet to a point for a corner;

THENCE, S 00° 35' 00" W., 176.48 feet to a point for a corner;

THENCE, East 146.79 feet to the POINT OF BEGINNING and containing 16.80 acres of land, more or less.

SECTION 2. In the herein above described land or building,
no land shall be used, erected or converted to any use other than:

1. Antique shop;
2. Aquarium;
3. Art gallery;
4. Bakery, retail sales only;
5. Bank, office, wholesale sales office or sample room,
barber and beauty shops;
6. Bird and pet shops, retail;
7. Book or stationery store;
8. Cafeteria;
9. Camera shop;
10. Candy, cigars and tobaccos, retail sales only;
11. Caterer and wedding service;
12. Cleaning, dyeing and laundry pick-up station for
receiving and delivery of articles to be cleaned;
13. Cleaning and pressing shops having an area of not
more than 6000 square feet;
14. Curtain cleaning shop having an area of not more
than 6000 square feet;
15. Department store, novelty or variety shop, retail
sales only;
16. Drug store, retail sales only;
17. Florist, retail sales only;
18. Furniture store, retail only;
19. Grocery store, retail sales only;
20. Hardware, sporting goods, toys, paints, wall paper,
clothing, retail sales only;
21. Household and office furniture, furnishings and
appliances, retail;
22. Job printing;
23. Jewelry, optical goods, photographic supplies, retail
sales only in the home where custom laundering and
finishing may be done. The shop shall not exceed 6000
square feet in area and no pick-up and delivery shall
be operated;
24. Letter and mimeograph shop;
25. Library, rental;
26. Meat market, retail sales only;
27. Moving picture theater;
28. Nursery, retail sale of plants and trees;
29. Office building;
30. Photographers or artists studio;
31. Parking lot without public garage or automobile facilities
for the parking of passenger cars and trucks of less than
one (1) ton capacity only;

32. Professional offices for architect, attorney, engineer and real estate;
33. Public garage, parking, no repairs;
34. Piano and musical instruments, retail sales only;
35. Restaurant without curb or drive-in service (service to be entirely within the building);
36. Retail store or shop for custom work or the making of articles to be sold for retail on the premises;
37. Seamstress, dressmaker or tailor;
38. Shoe repair shop, retail sales only;
39. Studios, dance, music, drama, health, massage, and reducing;
40. Studio for the display and sale of glass, china, art objects, cloth and draperies;
41. Taxi stand;
42. Washateria, equipped with automatic washing machines of the type customarily found in a home and where the customers may personally supervise the washing and handling of his laundry;
43. Wearing apparel, including clothing, shoes, hats, millinery and accessories;
44. Accessory buildings and uses customarily incident to the above uses;

SECTION 3. The following special conditions are placed upon the above described property:

- (a) As provided in Planned Development District Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with the development plans which are attached hereto and made a part hereof for all purposes.
- (b) No building shall exceed two stories or thirty-five feet in height.
- (c) No building within 100 feet of a residential area shall exceed one story or (25) twenty-five feet in height.
- (d) All general retail businesses shall provide off-street parking at a ratio of one (1) space for each 200 square feet of floor area. Establishments for the sale and consumption on the premises of food and refreshments shall provide off-street parking at a ratio of one (1) space for each one hundred (100) square feet of floor area. Motion picture theaters shall provide off-street parking at a ratio of one space for each four (4) seats based on maximum occupancy load. All other businesses shall provide off-street parking at a ratio of one space for each (300) three hundred feet of floor area.

- (e) All yard, set-back, parking, service and recreational area shall be landscaped and maintained in a neat and orderly manner.
- (f) At least eighty percent (80%) of the exterior walls of all structures shall be of masonry construction. The front and side walls shall be brick or stone veneer, tilt wall or stucco finish to blend with the adjacent structure. Wood-frame construction of exterior walls shall be prohibited, although wood veneer placed over masonry will be allowed.
- (g) All outside lighting features shall be placed and reflected in such a manner so as not to create annoyance, nuisances or hazards.
- (h) Lighting shall be provided along all driveways and emergency access easements and parking areas.
- (i) Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and response of the occupants of any adjoining building or residence.
- (j) All refuse and refuse containers shall be screened from the view of all public streets adjacent to the property by a solid fence or wall of at least (6) six feet in height.
- (k) No accessory use shall be constructed to permit the keeping of articles, goods, or materials in the open or exposed to public view.
- (l) A minimum of eight (8) feet in height solid masonry site-barring wall or better shall be constructed and maintained between higher-density and lower-density areas.

SECTION 3. All paved areas, permanent drives, streets and drainage structures shall be constructed in accordance with standard City of Addison specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 4. This Planned Development District is established pursuant to the Comprehensive Zoning Ordinance of the City of Addison as amended, and the provisions thereof unless directly conflict herewith, shall be applicable to the Planned Development District No. 3.

SECTION 5. 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.

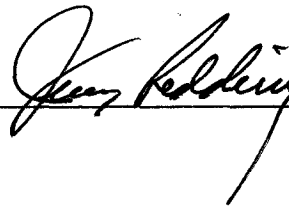
SECTION 6. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal, or unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 7. 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 8. Whereas, the above described property requires that it be given the above zoning classification 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 ordinance as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF
ADDISON, TEXAS, this the 28th day of November, 1978.

MAYOR



ATTEST:



CITY SECRETARY