

ORDINANCE NO. 451

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED TO ALLOW A VARIANCE FROM THE 80% MASONRY REQUIREMENT IN "LR" LOCAL RETAIL DISTRICT CLASSIFICATION AT A PROPOSED RESTAURANT, CRAZY CRAB, CASE #399; BEING SITUATED IN DALLAS COUNTY AND BEING OUT OF THE ELISHA FIKE SURVEY, ABSTRACT 478, AND CONTAINING 57,721 SQUARE FEET OF LAND; 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, 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 #399, should be granted and the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative direction:

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 from 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 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 part of Beltway Office Park, Tract III; and addition to the City of Addison as recorded in Volume 77086, Page 0026 of the Deed Records of Dallas County, Texas; and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the southerly line of Belt Line Road (100 feet wide) and the westerly line of Beltway Drive (80 feet wide at this point), said point also being the most easterly north-east corner of said Beltway Office Park, Tract III;

THENCE South 0° 03' 00" East along the westerly line of said Beltway Drive a distance of 233.49 feet to an angle point;

THENCE South 5° 47' 21" East continuing along the westerly line of Beltway Drive a distance of 100.00 feet to an angle point;

THENCE South 0° 03' 00" East along the westerly line of said Beltway Drive a distance of 25.49 feet to a point for corner;

THENCE South 89° 58' 36" West along the northerly line of a 10 foot Utility Easement a distance of 169.05 feet to a point for corner at the southwest corner of a 1.153 acre tract conveyed to the City of Addison by deed dated October, 4, 1971;

THENCE North 89° 53' 51" East along the southerly line of said Belt Line Road a distance of 158.88 feet to the POINT OF BEGINNING, and containing 57.721 square feet, more or less, or 1.3251 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 of 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 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, this the 28th day of November, 1978.

Jay Bedding
MAYOR

ATTEST:

Jacquie Sharp
CITY SECRETARY