

ORDINANCE NO. 477

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 CHANGE THE HEREINAFTER DESCRIBED PROPERTY BEING SITUATED IN DALLAS COUNTY, TEXAS, AND GENERALLY LOCATED SOUTH OF BELT LINE ROAD AND WEST OF MIDWAY ROAD, BEING IN THE THOMAS L. CHENOWETH SURVEY, ABSTRACT NO. 273, AND CONTAINING 18.9936 ACRES OF LAND, WHICH IS PRESENTLY ZONED COMMERCIAL AND LOCAL RETAIL TO BE USED UNDER PLANNED DEVELOPMENT #7, THAT PLANNED DEVELOPMENT DISTRICT NO. 7 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 Gene McCutchin & McCutchin Joint Venture #1, Case #413, 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 so as to give the hereinafter described property the following zoning district classification, to-wit: Planned Development District No. 7. Said property being in the City of Addison, Dallas County, Texas, and being more fully described as follows:

TRACT 1

Beginning at a point, said point being the southeast corner of Addison Plaza Addition, an addition to the City of Addison, Texas, as recorded in Volume 78187, Page 1307 of the Map Records of Dallas County, Texas, and being more particularly described as follows:

THENCE, South, 31.42 feet along the west R.O.W. line of Midway Road to a point for a corner;

THENCE, N 89°35'00"W, 371.22 feet to a point for a corner in the south R.O.W. line of Belt Way Drive (a 60' R.O.W.), said corner being on a circular curve to the right having a central angle of 14°09'43", and a radius of 945.00 feet;

THENCE, in a northeasterly direction with said curve along the south R.O.W. of Belt Way Drive, 233.58 feet to a point for a corner;

THENCE, East, 140.00 feet along the south R.O.W. of Belt Way to the Point of Beginning and containing .206 acres (8973.36 square feet) of land, more or less.

TRACT 2

Commencing at a point, said point being the southeast corner of the Addison Plaza Addition, an addition to the City of Addison as recorded in Volume 78187, Page 1307 of the Map Records of Dallas County, Texas, thence, South along the west R.O.W. of Midway Road, 31.42 feet to the Point of Beginning;

THENCE, South 1012.50 feet along the west R.O.W. of Midway Road to a point for a corner;

THENCE, N 89°35'00"W, 884.94 feet to a point for a corner;

THENCE, North, 885.74 feet to a point for a corner in the south R.O.W. of Belt Way Drive (a 60' R.O.W.);

THENCE, East, 63.12 feet along the south R.O.W. of Belt Way Drive to a point for a corner, said corner being in a circular curve to the left having a central angle of 17°30'00", and a radius of 1005.00 feet;

THENCE, in a northeasterly direction with said curve along the south R.O.W. of Belt Way Drive, 306.96 feet to a point for a corner;

THENCE, N 72°30'00"W, 100.00 feet along the south R.O.W. of Belt Way Drive to a point for a corner, said corner being in a circular curve to the right having a central angle of 03°20'11", and a radius of 945.00 feet;

THENCE, in a northeasterly direction with said curve along the south R.O.W. of Belt Way Drive, 55.56 feet to a point for a corner;

THENCE, S 89°35'00"E, 371.22 feet to the Point of Beginning and containing 19.172 acres (835,132.32 square feet) of land, more or less.

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

Antique shop
Aquarium
Art gallery
Bakery, retail sales only
Bank, office, wholesale sales office or sample room
Barber and beauty shop
Bird and pet shops, retail
Book or stationery store
Cafeteria, cafe with drive-in facilities or curb service
Camera shop
Candy shop
Caterer and wedding service
Cleaning, dyeing and laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual work to be done on premises
Cleaning and pressing shops having an area of not more than 6000 square feet
Curtain cleaning shop having an area of not more than 6000 square feet
Department store, novelty or variety shop, retail sales only
Drug store, retail sales only
Electrical goods, retail sales only
Film developing and printing
Florist-retail sales only
Furniture store retail only
Frozen food lockers, retail
Grocery store, retail sales only
Hardware, sporting goods, toys, paints, wall paper, clothing, retail sales only
Household and office furniture, furnishings and appliances, retail
Job printing
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
Letter and mimeograph shop
Library, rental
Meat market, retail sales only
Moving picture theatre
Nursery, retail sale of plants and trees
Office building
Office showroom/warehouse (no outside storage)
Office/warehouse (no outside storage)
Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
Photographers or artists studio
Professional offices for architect, attorney, engineer and real estate
Piano and musical instruments, retail sales only
Retail store or shop for custom work or the making of articles to be sold for retail on the premises

Seamstress, dress maker or tailor
Shoe repair shop, retail sales only
Studios, dance, music, drama, health, massage, and
reducing
Studio for the display and sale of glass, china, art
objects, cloth and draperies
Taxi stand
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
Wearing apparel including clothing, shoes, hats, millinery
and accessories
Accessory buildings and uses customarily incident to the
above uses
Hotel/Motel

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

- (1) As provided in Planned Development 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.
- (2) No building shall exceed two stories or thirty-five feet in height.
- (3) No building within 100 feet of a residential area.
- (4) With regards to area regulations and parking regulations, unless contrary to specific provisions herein, shall be governed by those regulations set forth in the Local Retail District Classification of the Comprehensive Zoning Ordinance of the City of Addison.
- (5) All refuse and refuse containers shall be screened from the public streets adjacent to the property by a solid fence or wall of at least eight (8) feet in height.
- (6) All yard, set back, parking, service and recreational areas shall be landscaped and maintained in a neat and orderly manner.
- (7) A minimum of 5% of all parking areas landscaped with at least 1/2 of the landscaping internal to the lot.
- (8) There shall be berms and planting adjacent to areas prescribed for single-family residences.
- (9) No mechanical equipment shall be constructed to permit the keeping of articles, goods, or materials in the open or exposed to public view.

SECTION 4. 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 5. 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. 7.

SECTION 6. 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 7. 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 8. 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 9. 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 caption as the law in such cases provides.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 27th day of February, 1979.


MAYOR PRO-TEM

ATTEST:


CITY SECRETARY