

## **ORDINANCE NO. 021-16**

### **AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING APPENDIX A (ZONING), ARTICLE XXIII (NONCONFORMING USES) OF THE CODE OF ORDINANCES OF THE TOWN OF ADDISON, TEXAS TO ADD SECTION 11 - NONCONFORMITY DUE TO OUTSIDE ACTION; PROVIDING FOR SAVINGS/REPEALING, SEVERABILITY AND AN EFFECTIVE DATE.**

#### **BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS:**

**SECTION 1.** Appendix A (Zoning), Article XXIII (Nonconforming Uses) of the Code of Ordinances, Addison, Texas is hereby amended to add Section 11 which shall read in its entirety as follows:

##### **Section 11. - Nonconformity Due to Outside Action.**

Where a lot, tract, or parcel is occupied by a lawful structure, and where the acquisition of right-of way or a portion of the property, by eminent domain, dedication or purchase, by a city, county, state, or federal agency creates noncompliance of the structure regarding any requirement of this ordinance, such structure and site improvements shall be deemed lawful despite a deficiency in required development standards created by the acquisition. Such designation shall apply only to noncompliance that results directly from the acquisition of right-of-way. In the event that such structure or site is partially or totally destroyed by fire or other causes, the structure may be rebuilt upon approval of a building permit by the City Manager or Designee. Any redevelopment or new construction on the lot, tract, or parcel, including expansion of any existing structure, shall comply with all applicable zoning and development standards, and building setbacks of the expansion or new construction shall be measured relative to the new right-of-way line or property line.

**SECTION 2. Savings; Repealing.** Save and except as amended by this ordinance, the Code of Ordinance shall remain in full force and effect. This Ordinance shall be cumulative of all other ordinances of the Town and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those ordinances are in direct conflict with the provisions of this Ordinance. Provided, however, that the repeal of such ordinances or parts of such ordinances, and the amendments and changes made by this Ordinance, shall not affect any right, property or claim which was or is vested in the Town, or any act done, or right accruing or accrued, or established, or any suit, action or proceeding had or commenced before the time when this Ordinance shall take effect; nor shall said repeals, amendments or changes affect any offense committed, or any penalty or forfeiture incurred, or any suit or prosecution pending at the time when this Ordinance shall take effect under any of the ordinances or sections thereof so repealed, amended or changed; and to that extent and for that purpose the provisions of such ordinances or parts of such ordinances shall be deemed to remain and continue in full force and effect.

**SECTION 3. Severability.** The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

**SECTION 4. Effective Date.** This Ordinance shall take effect upon its passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, on this the 27<sup>th</sup> day of APRIL 2021.**

**TOWN OF ADDISON, TEXAS**



**APPROVED AS TO FORM:**  
Brenda N. McDonald, City Attorney

Irma G. Parker, City Secretary

**NOTE:**

This ordinance was incorrectly shown in the WRONG SECTION and needs to be corrected. This ordinance shall serve as authorization to include in the next supplement in the correct section as noted above.

Date: 8/31/2022

Authorized via telephone/email

Irma G. Parker, City Secretary

