

ORDINANCE NO. 386

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 EAST OF NOELL ROAD AND SOUTH OF BELT LINE ROAD, BEING IN THE ALLEN BLEDSOE SURVEY, ABSTRACT #157, AND CONTAINING 33.619 ACRES OF LAND, WHICH IS PRESENTLY ZONED APARTMENT AND R-1 SINGLE-FAMILY DWELLING DISTRICTS TO BE USED UNDER PLANNED DEVELOPMENT DISTRICT NO. 1, THAT PLANNED DEVELOPMENT DISTRICT NO. 1 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 Montfort

Joint Venture, Case #326, 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 No. 66 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. 1. Said property being in the City of Addison, Dallas County, Texas, and being described in Attachment A and made a part hereof.

SECTION 2. In Tract 1 of the hereinafter described land, no land shall be used and no building shall be used, erected, or converted to any other use other than: professional, administrative, and general offices where services are provided only and no goods are offered for sale on the premises, including, but not limited to, doctors, dentists, attorneys, architects, engineers, insurance, real estate, bank, research laboratories, government agencies, and similar offices.

- (a) No building shall exceed two and one-half (2 1/2) standard stories in height.
- (b) 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.
- (c) Tract 1 and 2 shall be separated by a minimum six (6) foot solid site-barring fence or better which shall be constructed and maintained along or within ten (10)

feet of the boundary or property line of said Tract 1 to serve as permanent screening. All outside lighting features shall be placed and reflected in such a manner so as not to create annoyances, nuisances or hazards. All outside signs shall be of the parapet wall, marquis, ground monument or flat wall type. No pole signs will be allowed.

- (d) All businesses in this article shall provide off-street parking at a ratio of one (1) space for each 300 square of floor area. No structures with loading docks shall be allowed in this area.
- (e) All refuse and refuse containers shall be screened from view of all public streets adjacent to the property.
- (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) In office buildings or in office center complexes which exceed 5,000 square feet in area, certain related uses may be permitted where such uses are integrated within and clearly incidental to a primary use structure. Such related uses shall not exceed ten percent (10%) of the building area. Such related uses which may be permitted are as follows:

Barber and/or beauty shops; drafting and/or reproduction services; medical and/or dental laboratory, prescription pharmacy, restaurant and/or coffee shop, excluding drive-in window service; secretarial and/or telephone service; tobacco, candy, newspaper and magazine counter; and specialty shop.

Section 3. In Tract 2 of the hereinafter described land, no land shall be used and no building shall be used, erected, or converted to any other use other than: Single-family residence and uses customarily incidental thereto when situated in the same dwelling and not involving the conduct of a business, including customary home occupations engaged in by occupants of the dwelling, but said incidental use shall never be permitted as a principal use, rather only as a secondary use engaged in by persons of the immediate family.

- (a) No building shall exceed two and one-half (2 1/2) stories in height.
- (b) 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. More particularly, the building lines as set forth on the preliminary plat attached hereto and comprising a part of the development plan are hereby specifically incorporated in this ordinance and shall become a part hereof as though set out in verbatim herein as minimum requirements.
- (c) Off-street parking shall be provided on the lot to accomodate at least two (2) automobiles for each dwelling unit; however, no supporting member of any garage shall be located in the required front yard.
- (d) Each dwelling constructed on any residential lot in Tract 2 shall contain a minimum living area of 2,000 square feet, exclusive of all porches, garages or breeze-ways attached to the main dwelling. Notwithstanding the foregoing, a dwelling may be constructed containing 1,800 square feet of living area exclusive of all porches, garages or breeze-ways attached to the main dwelling if each and every one of the following requirements are complied with.
 - 1. The dwelling shall be a custom designed home.
 - 2. Prior to the issuance of a building permit, the lot on which the dwelling is to be constructed shall be covered by a contract of sale or owned by the individual who shall ultimately reside in said home.
 - 3. Application for a building permit for a home under this provision shall contain certified copy of the contract of sale or deed or other instrument evidencing the conveyance of such lot, together with all plans and other documentation required under the building codes of the City of Addison.
- (e) At least fifty percent (50%) of the exterior walls of all structures shall be of masonry construction.

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. 1.

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 attached 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, on this the 9th day of May, 1978.

MAYOR

Jerry Redding

ATTEST:

Jacque Sharp
ACTING CITY SECRETARY

TRACT 1

FIELD NOTES
OFFICE P D

BEING a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northerly line of Celestial Road with the present Northeast line of Montfort Drive, (a 50' R.O.W.);

THENCE, N. 73°22'E, along the said Northerly line of Celestial Road, a distance of 15.13 feet to its intersection with the proposed Northeast line of Montfort Drive;

THENCE, N. 23°49'41"W, along said proposed Northeast line of Montfort Drive, a distance of 820.23 feet to the PLACE OF BEGINNING, a point for corner;

THENCE, N. 23°49'41"W, continuing along said proposed Northeast line of Montfort Drive, a distance of 295.00 feet to a point for corner;

THENCE, N. 66°36'E, leaving said proposed Northeast line of Montfort Drive, a distance of 75.00 feet to a point for corner;

THENCE, N. 20°51'20"E, a distance of 390.71 feet to a point for corner;

THENCE, N. 47°39'12"E, a distance of 58.00 feet to a point for corner;

THENCE, S. 42'20'48"E, a distance of 98.00 feet to a point for corner;

THENCE, S. 34°18'E, a distance of 54.10 feet to a point for corner;

THENCE, S. 47°15'E, a distance of 125.00 feet to a point for corner;

THENCE, S. 31°50'E, a distance of 185.00 feet to a point for corner;

THENCE, S. 40°35'W, a distance of 340.00 feet to a point for corner;

THENCE, S. 66°10'19"W, a distance of 215.00 feet to the PLACE

OF BEGINNING and containing 4.540 Acres of Land.

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REGISTERED
CIVIL, SANITARY, STRUCTURAL
ENGINEER

JOHN C. GIBSON COMPANY, INC.

Consulting Engineers

9510 MILITARY PARKWAY
DALLAS, TEXAS 75227
PHONE 388-3411

MUNICIPAL ENGINEERING
SUBDIVISIONS
SURVEYING

JOHN C. GIBSON, P.E.
PRESIDENT

DON A. TIPTON, P.E.
VICE PRESIDENT

FIELD NOTES
RESIDENTIAL P D

TRACT 2

BEING a tract of land situated in the Allen Bledsoe Survey, Abstract No. 157, City of Addison, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at the point of intersection of the Northerly line of Celestial Road with the present Northeast line of Montfort Drive, (a 50' R.O.W.);
THENCE, N. 73°22'E, along the said Northerly line of Celestial Road, a distance of 15.13 feet to its intersection with the proposed Northeast line of Montfort Drive and the PLACE OF BEGINNING, a point for corner;
THENCE, N. 23°49'41"W, along said proposed Northeast line of Montfort Drive, a distance of 820.23 feet to a point for corner;
THENCE, N. 66°10'19"E, leaving said proposed Northeast line of Montfort Drive, a distance of 215.00 feet to a point for corner;
THENCE, N. 40°35'E, a distance of 340.00 feet to a point for corner;
THENCE, N. 31°50'W, a distance of 185.00 feet to a point for corner;
THENCE, N. 47°30'W, a distance of 125.00 feet to a point for corner;
THENCE, N. 34°18'W, a distance of 54.10 feet to a point for corner;
THENCE, N. 42°20'48"W, a distance of 98.00 feet to a point for corner;
THENCE, N. 47°39'12"E, a distance of 277.00 feet to a point for corner;
THENCE, S. 41°57'E, a distance of 69.00 feet to a point for corner;
THENCE, N. 64°38'E, a distance of 136.00 feet to a point for corner;
THENCE, N. 44°45'E, a distance of 348.00 feet to a point for corner;
THENCE, N. 5°30'W, a distance of 56.00 feet to a point for corner;
THENCE, N. 43°53'E, a distance of 65.00 feet to a point for corner;
THENCE, N. 88°05'E, a distance of 162.62 feet to a point for corner;
THENCE, S. 0°14'28"E, a distance of 1940.07 feet to a point on the Northerly line of Celestial Road, a point for corner;
THENCE, along the Northerly lines of Celestial Road, the following:
N. 71°12'W, a distance of 206.96 feet to a point for corner;
S. 73°22'W, a distance of 452.38 feet to the PLACE OF BEGINNING, and containing 29.063 Acres of Land.