

ORDINANCE NO. 568

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, PASSED BY THE CITY COUNCIL ON MAY 11, 1965, TO AMEND ARTICLE IV, R-1, SINGLE-FAMILY DWELLING DISTRICT CLASSIFICATION, SECTION 3. 8. PARKING REGULATIONS; TO AMEND ARTICLE V, R-2 SINGLE-FAMILY DWELLING DISTRICT CLASSIFICATION, SECTION 3. 8. PARKING REGULATIONS; TO AMEND ARTICLE VI, R-3 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS, SECTION 3. 8. PARKING REGULATIONS; TO ADD ARTICLE VI-A TO PROVIDE FOR R-16 SINGLE-FAMILY DWELLING REGULATIONS; TO AMEND ARTICLE XX, CHANGES AND AMENDMENTS, TO PROVIDE FOR FEES AND PROCEDURAL STEPS OF ZONING APPLICATIONS; 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 Planning and 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 Comprehensive Zoning Ordinance should be amended, now, therefore,

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

SECTION 1. That Article IV, R-1 Single-Family Dwelling District Regulations, Section 3. 8. of the Comprehensive Zoning Ordinance is amended to read as follows:

8. Parking Regulations

Off-street parking space shall be provided on the lot to accommodate two (2) motor cars for each dwelling unit; however, no supporting member of any garage, carport, or other automobile storage structure shall be located within the required front yard.

Parking in assembly areas such as theaters, auditoriums, gymnasiums, stadiums, field houses and bowling alleys shall be based on the following ratios: (1) In soccer fields, baseball fields and stadiums, one parking space for every four seats. (2) Theaters, auditoriums, gymnasiums and field houses, public or private, one space for every three seats. (3) Bowling alleys will be six spaces for each lane.

SECTION 2. That Article V, R-2 Single-Family Dwelling District Regulations, Section 3. 8. of the Comprehensive Zoning Ordinance is amended to read as follows:

8. Parking Regulations

The same regulations as in SECTION 1.

SECTION 3. That Article VI, R-3 Single Family Dwelling District Regulations, Section 3. 8. of the Comprehensive Zoning Ordinance is amended to read as follows:

8. Parking Regulations

The same regulations as in SECTION 1.

SECTION 4. That Article VI-A, R-16 Single-Family Dwelling Regulations is added to the Comprehensive Zoning Ordinance to read as follows:

ARTICLE VI-A

R-16 SINGLE FAMILY DWELLING REGULATIONS

Section 1. USE RESTRICTIONS

In an R-16 Single-Family Dwelling District, no land shall be used and no building shall be erected for or converted to any use other than:

1. A single family residence.
2. Public park, playgrounds or neighborhood recreation center owned and operated by the City of Addison, all others by special use permit only.
3. Fire stations.
4. Water wells, water storage and pumping facilities owned by the City of Addison, all other above ground facilities by special use permit only.
5. Private swimming pools.
6. Farm, truck, garden orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail or wholesale business is maintained on the premises.
7. Temporary buildings to be used for construction purposes, only and which shall be removed upon completion or abandonment of construction work. Field offices for the sale of real estate shall be removed upon request of the building inspector.
8. The uses customarily incidental to any of the above uses 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.
9. A private home of any person or persons, where four (4) or fewer children under sixteen (16) years of age are received for care, custody or maintenance for all or part of a day.

Section 2. HEIGHT REGULATIONS

No building shall exceed two and one half (2 1/2) stories in height.

Section 3. AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard having a minimum depth of not less than thirty-five (35) feet, except hereinafter provided in the article on exceptions and variances.

B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

C. No more than thirty-five percent (35%) of the front yard area shall be paved.

2. Side Yard

There shall be two side yards, one on each side of the building having a combined width of not less than ten percent (10%) of the lot width, provided that in no case shall one side yard be less than ten (10) feet. The side yard of corner lots adjacent to a side street shall not be less than twenty (20) feet. The side yard of corner lots having adjoining structures fronting on two adjacent property lines shall have a forty (40) foot side yard.

3. Rear Yard

There shall be a rear yard having a depth of not less than twenty percent (20%) of the depth of the lot provided that in no case shall the rear yard be less than twenty (20) feet.

4. Area of Lot

The minimum area of the lot shall be sixteen thousand (16,000) square feet; however, a lot having an area of less than sixteen thousand (16,000) square feet that was of record prior to passage of this ordinance may be used for any use permitted in this Article.

5. Width of Lot

The minimum width of the lot shall be one hundred (100) feet.

6. The above area regulations apply to R-16 Single Family Dwelling District and do not apply to lots which may be of sixteen thousand (16,000) square feet or larger in other districts.

7. Minimum Depth of Lot

The minimum depth of the lot shall be one hundred thirty (130) feet.

8. Parking Regulations

Off-street parking space shall be provided on the lot to accommodate two (2) automobiles for each dwelling unit; however, no supporting member of any garage, carport or other automobile storage structure shall be located in the required front yard.

Parking in assembly areas such as theaters, auditoriums, gymnasiums, stadiums, field houses and bowling alleys shall be based on the following ratios: (1) In soccer fields, baseball fields and stadiums, one parking space for every four seats. (2) Theaters, auditoriums, gymnasiums and field houses, public or private, one space for every three seats.

9. Area of Dwelling

The maximum coverage of the lot by the main building shall not exceed forty percent (40%) of the lot area.

10. Type of Construction

At least eighty percent (80%) of the exterior walls of all structures shall be of masonry construction. Construction of less than minimum masonry may be granted upon request for variance.

SECTION 5. That Article XX, Changes and Amendments, of the Comprehensive Zoning Ordinance is amended to add the following:

- (6) Each application for permanent zoning or for an amendment or change to the existing provisions of this zoning ordinance shall be made in writing on a form suitable to the Building Inspection Department and shall be filed with the Building Inspection Department with the appropriate fee to be charged to the City of Addison, Texas, for administration of the zoning application. The fee for one (1) lot to one (1) acre shall be one hundred and fifty dollars (\$150.00), the fee for one and one-tenth (1.1) acres to five (5) acres shall be three hundred dollars (\$300.00) and the fee for more than five (5) acres shall be five hundred dollars (\$500.00). The fee for any special uses request shall be four hundred twenty-five dollars (\$425.00). If a request is made, the above costs include the first request. Each additional request is twenty-five dollars (\$25.00).
- (7) Upon receipt of a written application for permanent zoning or for a change or for an amendment to an existing provision of this zoning ordinance, a date will be set for public hearing before the Planning and Zoning Commission. Notice of such public hearing will be given as required by the General Laws of the State of Texas.
- (8) The applicant will be required to furnish:
 - (a) Legal description of the property sought to be changed. The legal description must be sufficient so as to allow a qualified surveyor to take the description and locate and mark off the tract on the ground, if necessary.
 - (b) Five plats showing the area of the requested zone change.
 - (c) Zoning change desired.
 - (d) Reasons for change.
 - (e) Deed restrictions on the property, if any.
 - (f) Status of applicant - owner, tenant, or prospective purchaser.

- (9) The Planning and Zoning Commission may establish such regulations and restrictions regarding the presentation of a zoning case at the public hearing as they may deem necessary.
- (10) When an application is denied by the Planning and Zoning Commission, the Planning and Zoning Commission should offer reasons to the applicant for such denial.
- (11) After a public hearing before the Planning and Zoning Commission, the Planning and Zoning Coordinator shall notify the City Secretary and the City Council of any action taken by the Planning and Zoning Commission on the application, and if the application be approved by the Planning and Zoning Commission, the City Secretary shall automatically schedule a public hearing regarding said application to be held before the City Council, giving notice as required by the General Laws of the State of Texas.
- (12) After a public hearing is held before the City Council regarding the zoning application, the City Council shall either approve or deny said application, and if said application be approved, an appropriate ordinance shall be prepared for execution by the Mayor.
- (13) City Council may deny said application with or without prejudice. If City Council shall deny the application and fail to clearly state that the same is being denied without prejudice, then it shall be deemed that said application is denied with prejudice against refiling.
- (14) If the application be denied by the Planning and Zoning Commission, the applicant may, upon his own motion, file with the City Secretary, on a form suitable to the City Secretary, a written request that a public hearing be scheduled and held before the City Council regarding the said application. Upon receipt of said written request, the City Secretary shall automatically schedule a public hearing, regarding said application to be held before the City Council, giving notice as required by the General Laws of the State of Texas.
- (15) If an application is denied with prejudice against refiling, the applicant may not refile the same zoning application for a period of one (1) year from the date of filing the original application. However, a revised zoning application may be filed before the expiration of one (1) year, and in such event, the City Council shall be charged with the responsibility of determining whether or not a sufficient change has been made in the zoning application so that the one (1) year waiting period may be waived.

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. Any person, firm or corporation violating any provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction in Municipal Court shall be subject to a fine not to exceed the sum of \$200.00 for each offense, and each and every day said violation continues shall constitute a separate offense.

SECTION 8. Should any word, phrase, clause, sentence, paragraph, or portion of this ordinance be held to be invalid or unconstitutional, the same shall not affect that portion of the ordinance not held to be invalid or unconstitutional, and the remaining portion shall continue in full force and effect the same as if no portion of the ordinance was held to be void or unconstitutional.

SECTION 9. The fact that the present zoning ordinance of the City of Addison does not adequately regulate these provisions which creates an urgency and an emergency in the preservation of public health, safety and welfare and requires that this ordinance shall take effect immediately from and after its passage and the publication of the caption of said ordinance, as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS,
this the 11 day of March, 1980

MAYOR



ATTEST:


CITY SECRETARY