

ORDINANCE NO. 089-015

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 087-070 BY DELETING ALL USES, RESTRICTIONS AND SITE PLANS AND ADDING NEW USES AND RESTRICTIONS, ON APPLICATION WITH SANDIA FEDERAL SAVINGS LOCATED ON ABOUT 11.66 ACRES OF LAND ON THE NORTH SIDE OF BELT LINE ROAD IN THE 4500 BLOCK; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING FOR A SEVERABILITY CLAUSE, AND DECLARING AN EMERGENCY.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the Town of Addison, Texas, does find that there is a public necessity for the zoning change, that the public demands it, that the public interest clearly requires the amendment, and it is in the best interest of the public at large, the citizens of the Town of Addison, Texas, and helps promote the general welfare and safety of this community, now, therefore,

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

SECTION 1. That Ordinance No. 087-070 passed by the City Council on the 27th day of October, 1987, is hereby amended by amending Section #1 to read as follows:

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

1. Antique shop
2. Aquarium
3. Art Gallery
4. Auto seat covers, covering
5. Baker, retail sales only
6. Bank, office, wholesale sales office or sample room
7. Barber and Beauty shop
8. Bird and Pet shops, retail
9. Book or Stationery store
10. Bowling Alley - if air-conditioned and soundproofed
11. Camera shop
12. Candy, cigars and tobaccos, retail sales only
13. Caterer and wedding service
14. 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
15. Cleaning and pressing shops having an area of not more than 6,000 square feet
16. Curtain cleaning shop having an area of not more than 6,000 square feet
17. Department store, novelty or variety shop, retail sales
18. Drug store, retail sales
19. Electrical goods, retail sales
20. Electrical repairing - domestic equipment and autos, retail sales
21. Electric substation
22. Exterminating company, retail
23. Film developing and printing
24. Fix-it shops, bicycle repairs, saw filing, lawn mower sharpening, retail only but without outside storage
25. Florist, retail sales only
26. Furniture repairs and upholstering, retail sales only and where all storage and display is within the building
27. Frozen food lockers, retail
28. Grocery store, retail sales only
29. Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
30. Hotel/motel
31. Household and office furniture, furnishings and appliances, retail
32. Ice delivery station
33. Job printing
34. Jewelry, optical goods, photographic supplies

35. Letter and mimeograph shop
36. Library, rental
37. Meat market, retail sales only
38. Mortuary
39. Office building
40. Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
41. Photographers or artists studio
42. Professional offices for architect, attorney, engineer and real estate
43. Public garage, parking, no repairs
44. Piano and musical instruments, retail sales only
45. Plumbing shop, retail sales only, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)
46. Retail store or shop for custom work or the making of articles to be sold for retail on the premises
47. Seamstress, dressmaker or tailor
48. Seed store
49. Shoe repair shop, retail sales only
50. Studios, dance, music, drama, health, and reducing
51. Studio for the display and sale of glass, china, art objects, cloth and draperies
52. Taxi stand
53. 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 their laundry
54. Wearing apparel, including clothing, shoes, hats, millinery and accessories

SECTION 2. That Section 2 of Ordinance 087-070 passed by the City Council on the 27th October, 1987, is hereby amended by amending Section #2 to read as follows:

That the following development standards and special conditions shall apply to this property:

1. No building shall exceed forty-five (45) feet in height.
2. There shall be a front yard having a minimum depth of not less than twenty-five (25) feet.
3. There shall be a side yard of ten (10) feet required on a side street.
4. There shall be no rear yard depth required.

5. Refuse Containers: all refuse and refuse containers shall be screened from all public right-of-way. (Such containers shall be set on a designed reinforced concrete pad and approach). Screening walls must be of aesthetic material.
6. All ice boxes, ice machines and vending machines are to be placed inside the principal building or located behind a screening wall where such walls are permitted.
7. Off-street parking spaces shall be provided for the appropriate building use classification according to the following ratio:
 - A. General Retail: (1/200 sq ft). One space per each two hundred square feet of floor area.
 - B. Furniture Store: (1/1000 sq ft). One space per each one thousand square feet of floor area.
 - C. Medical or Dental clinics: (1/200 sq ft). One space per each two hundred square feet of floor area.
 - D. Banks or Savings & Loans: (1/300 sq ft). One space per each three hundred square feet of floor area.
 - E. Office: One space per each three hundred square feet of floor area. An office complex of 50,000 square feet or more: (1/300) square feet of gross leasable area.
 - F. Motion Picture Theatre: (1/4 seats). One space per each four seats based on maximum occupancy load.
 - G. (1) Parking Regulations/Free Standing Restaurants.
 - a. Restaurants: (1/70 sq ft). One space for seventy (70) square feet of floor area for all free standing buildings unless it is part of a shopping center or mixed use development.
 - (2) Parking Regulations/Mixed Use Developments.
 - a. If all buildings which are part of the development total less than 30,000 square feet in area, and the development has more than 40% of its floor area devoted to restaurant uses, the parking for the restaurant uses shall be provided at the ratio of one (1) space for every seventy (70) square feet of gross restaurant floor area.

- b. Free standing restaurants which occur within the mixed-use developments shall be required to provide parking at the ratio of one (1) parking space for every one hundred (100) square feet of gross floor area if the property is deed restricted or if covenants exist which allow the restaurant the use of the entire on-site parking provided by the development. Such on-site parking must adjoin and/or be contiguous to the restaurant use. When there are no deed restrictions or covenants allowing restaurants the use of on-site parking, free-standing restaurants in mixed-use developments shall be required to provide parking at the ratio of one (1) parking space for every seventy (70) square feet of gross floor area.
- c. In the case of a restaurant development occurring in an unfinished center, the center must provide enough parking so as to give the restaurant use a parking requirement of one (1) space for every seventy (70) square feet.

H. Bowling Alleys: (5/1 alley). Five spaces per each alley.

I. Retail and service buildings shall provide and maintain off-street facilities for the loading and unloading of merchandise and goods, within the building or on the lot adjacent to a public alley or private service drive to facilitate the movement of traffic on the public streets. Such space shall consist of a minimum area ten (10) feet by twenty-five (25) feet for each twenty thousand (20,000) square feet of floor space or fraction thereof in excess of three thousand (3,000) square feet in the building or on the lot used for retail, storage or service purposes.

- 8. Exterior Construction: At least eighty (80%) percent of the exterior walls of all structures shall be of masonry construction. Front and side walls shall be brick or stone veneer construction.
- 9. Where a building is located more than one hundred (100) feet from a dedicated public street, there shall be provided an emergency access easement situated not further than thirty (30) feet from such building. Each emergency access easement shall allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services. Each such easement shall have a clear unobstructed width of twenty-four (24) feet, shall connect at each end to a dedicated public street, or shall have a turn-around of eighty (80) feet in diameter; corners of emergency access easements and their intersections with public streets shall have a sufficient turning area to permit the free movement of emergency vehicles.

Emergency access easements shall be marked by permanent signs, as required for designation of visitor parking spaces, and such signs shall have dimensions of not less than two (2) square feet nor greater than four (4) square feet in face area. Emergency access easements shall be clearly posted to prohibit parking or standing of vehicles except for emergency purposes.

10. Outside sales and commercial promotions.

- A. Any outside sales and commercial promotion shall be required to obtain a permit.
- B. The above outside sales and/or commercial promotion may be permitted for a period of fourteen (14) days each calendar year with a maximum of two permits per business per year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
- C. The above outside sales and/or commercial promotion shall be construed to apply to merchandise dispensing units placed adjacent to and outside of a business building.
- D. The above outside sales and/or commercial promotion shall not be construed to prohibit the display of merchandise normally placed on gasoline pumps and/or gasoline pump islands.
- E. (1) Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the Event. Such outside sales and commercial promotions may involve the use of tents and the provision of food, alcohol and entertainment if the sponsors comply with the terms of this ordinance set in this section.

(2) In order to qualify for a permit, the applicant must:
 - a. provide the Planning & Zoning Office with a flammability certificate for each tent to be used;
 - b. provide a map, plan or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion;

- c. if it chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
- d. provide for adequate trash and waste removal and clean-up of the area;
- e. comply with all requirements of the Addison Noise ordinances;
- f. submit a check in the amount of \$50.00 to the Planning & Zoning Office; and
- g. comply with all other reasonable conditions imposed by the Planning & Zoning Office.

(3) The duration of the outside sales and commercial promotions allowable under this section shall be limited to the actual days and times of the Event, with a time period of 48 hours allowed before the Event and 24 hours after the Event for removing tents and other items used during the sale or promotion and cleaning the area.

- 11. Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and repose of the occupants of any adjoining building or residence and shall not be visible from any public street.
- 12. As provided in Article VIII-A, Planned Development, of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with development plans which shall be submitted prior to the issuance of any building permit for the property.


SECTION 3. 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 4. 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 Thousand Dollars (\$2,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 5. That should any paragraph, sentence, sub-division, 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 provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 6. Whereas, the above described property required 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 13th day of June, 1989.



MAYOR PRO TEMPORE


ATTEST:



CITY SECRETARY

CASE NO. 1004-Z-1

APPROVED AS TO FORM:



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