

ORDINANCE NO. 092-023

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, (ORDINANCE NO. 66) BY ADDING A NEW ARTICLE, ARTICLE IX-A, COMMERCIAL - 2 DISTRICT; BY AMENDING ARTICLE XXI, DEFINITIONS, TO PROVIDE FOR ADDITIONAL DEFINITIONS; PROVIDING FOR ALLOWED USES AND DEVELOPMENT STANDARDS WITHIN THE COMMERCIAL - 2 DISTRICT; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE;.

WHEREAS, the city council finds that the changes made by this ordinance are in the best interest of the citizens of the Town of Addison, Texas and are necessary to promote the general welfare and safety of the community; and

WHEREAS, the city planning commission and the city council, in accordance with the provisions of the Charter of the Town of Addison, the state law, and the applicable ordinances of the city, have given the required notices and have held the required public hearings regarding these amendments to the Comprehensive Zoning Ordinance of the Town of Addison; Now, Therefore,

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

SECTION 1. That Article XXI, Definitions, of the Comprehensive Zoning Ordinance, is amended to add the following definitions and to renumber existing definitions accordingly:

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- A. Accessory Building: [text unchanged]
- B. Alley: [text unchanged]
- C. Apartment: [text unchanged]
- D. Apartment House: [text unchanged]
- E. Apartment Hotel: [text unchanged]
- F. Area of the Lot: [text unchanged]
- G. Basement: [text unchanged]
- H. Berm: an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
- I. Block: an area within the City enclosed by streets and occupied by or intended for buildings.
- J. Block Length: the distance along a side of a street between the nearest two streets which intersect said street on said side.
- K. Boarding House: [text unchanged]
- L. Boulevard: A street conforming to the standards shown in Appendix D of Article VIII-D.
- M. Breezeway: [text unchanged]
- N. Building: [text unchanged]
- O. Building, End of: [text unchanged]
- P. Building Line: [text unchanged]
- Q. Building Width: The mean horizontal distance between the side walls of a building.
- R. Build-to Line: A line measured from and parallel to the street line, with which seventy-five (75%) percent of the facade of a building facing the street shall be co-extensive.
- S. Business: [text unchanged]
- T. Cellar: [text unchanged]
- U. City Home: For the purposes of VIII-D only, any building, or portion thereof, consisting of five (5) or more dwelling

units to be occupied as the home or residence of five (5) or more families living independently of each other and maintaining separate cooking facilities, whether owner occupied or for lease, and having a density of not more than twelve (12) units per gross acre.

- V. Court: [text unchanged]
- W. Customary Home Occupations: [text unchanged]
- X. Day Nursery: [text unchanged]
- Y. Decorative Paving: Paving that is made up of solid, precast, modular units, stamped concrete, seeded concrete, colored concrete or any combination of the above.
- Z. Depth of Rear Yard: [text unchanged]
- AA. Depth of Lot: [text unchanged]
- AB. Development: The erection, alteration, or extension of any building or part thereof, or the change of use or occupancy of any building or land for which a building permit or certificate of occupancy is required under this Ordinance or the project involving such activity.
- AB. District: [text unchanged]
- AC. Dwelling, One-Family: [text unchanged]
- AD. Dwelling, Two-Family: [text unchanged]
- AE. Dwelling Unit: [text unchanged]
- AF. Efficiency Apartment: [text unchanged]
- AG. Family: [text unchanged]
- AH. Farm: [text unchanged]
- AI. Four Plex: For the purposes of Article VIII-D only, a detached building having separate accommodations for and occupied by not more than four (4) families.
- AJ. Front Yard: [text unchanged]
- AK. Grade: [text unchanged]
- AL. Gross Floor Area: [text unchanged]
- AM. Gross Leasable Area: [text unchanged]

- AN. Height: [text unchanged]
- AO. Hobby Shop: [text unchanged]
- AP. Home Occupations: [text unchanged]
- AQ. Home Work Shop: [text unchanged]
- AR. Hospital: [text unchanged]
- AS. Hotel or Motel: [text unchanged]
- AT. House Trailer: [text unchanged]
- AU. Housing Project: [text unchanged]
- AV. Kindergarten: [text unchanged]
- AW. Landscape buffer: a combination of physical space and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
- AX. Landscaped open area or landscaped area: any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials).
- AY. Large Street: A street conforming with the standards shown in Appendix C of Article VIII-D.
- AZ. Living Area: [text unchanged]
- BA. Lodging House: [text unchanged]
- BB. Lot: [text unchanged]
- BC. Lot Coverage: The area of a lot covered by buildings or roofed areas, determined by dividing that area of the lot occupied or covered by the total horizontal projected surface of all buildings (excluding porches and arcades fronting a public street) by the usable area of the lot.
- BD. Lot Lines: [text unchanged]
- BE. Lot of Record: [text unchanged]
- BF. Masonry Construction: [text unchanged]

- BG. Net Density: The density of residential units expressed as the number of dwelling units per net acre, calculated by multiplying the number of units permitted per gross acre by a fraction, the numerator of which is the number of gross acres and the denominator of which is the number of acres in the net development site.
- BH. Net Development Site: That area of a development determined by deducting land dedicated or conveyed to the City for:
1. Any public facility other than a park, recreational area or floodplain area, or
 2. Any street right-of-way for a proposed street when such street is not necessitated by the development of the subject lot.
- BI. Nonconforming Uses: [text unchanged]
- BJ. Non-permeable: any surface lacking the ability for air and water to pass through to the root zone of plants.
- BK. One-Family Dwelling: [text unchanged]
- BL. Open Space: [text unchanged]
- BM. Ornamental tree: a deciduous or evergreen tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.
- BN. Parking Plaza: A street conforming to the standards shown in Appendix E of Article VIII-D.
- BO. Parking Space: [text unchanged]
- BP. Place: [text unchanged]
- BQ. Porch: Any gallery, veranda, terrace, piazza, portico or similar projection from the main wall of a building and covered by a roof, other than a carport, as defined herein, with no side enclosures (except screens and handrails) that is more than eighteen (18) inches in height other than the side of the building to which the porch is attached.
- BR. Private Garage: [text unchanged]
- BS. Private Stables: [text unchanged]

- BT. Public Garage: [text unchanged]
- BU. Public Stables: [text unchanged]
- BV. Rear Yard: [text unchanged]
- BW. Restaurant: [text unchanged]
- BX. Rowhouse: For purposes of Article VIII-D only, a one family dwelling, both sides of which typically rest directly on the side lot lines.
- BY. Screen: A method of reducing the impact of noise and unsightly visual intrusions will less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.
- BZ. Servants Quarters: [text unchanged]
- CA. Sexually Oriented Business: an Adult Arcade, Adult Bookstore or Adult Video Sotre, Adult Cabaret, Adult Motel, Adult Motion Picture Theater, Adult Theater, Escort Agendy, Nude Model Studio or Sexual Encounter Center.
- CB. Shade tree: sometimes evergreen, usually deciduous tree planted for its high crown of foliage or overhead canopy; a large woody perennial having one or more self-supporting stems and numerous branches reaching a mature height of at least 25 feet and a mature spread of at least 20 feet.
- CC. Shopping Center: [text unchanged]
- CD. Shrub: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.
- CE. Side Street: A street conforming to the standards shown in Appendix B of Article VIII-D.
- CF. Side Yard: [text unchanged]
- CG. Sight Barring Fence: [text unchanged]
- CH. Storage Garage: [text unchanged]
- CI. Story, Half: [text unchanged]
- CJ. Street: [text unchanged]
- CK. Street Line: [text unchanged]

- CL. Structural Alterations: [text unchanged]
- CM. Thoroughfare: A street conforming to the standards shown in the Thoroughfare Plan of the City.
- CN. Three Plex: For the purposes of Article VIII-D only, a detached building having accommodations for and occupied by not more than three (3) families.
- CO. Tourist Court: [text unchanged]
- CP. Townhouse/Condominium: For the purposes of VIII-D only, any building, or portion thereof, consisting of five (5) or more dwelling units to be occupied as the home or residence of five (5) or more families living independently of each other and maintaining separate cooking facilities, whether owner-occupied or for lease, and having a density of not more than Twenty-four (24) units per gross acre.
- CQ. Trailer Camp or Park: [text unchanged]
- CR. Two-Family Dwelling: [text unchanged]
- CS. Used Car Lots: [text unchanged]
- CT. Visibility triangle: that area within the curb lines of two intersecting such curb lines at points thirty-five feet back from their intersection.
- CU. Width of Side Yard: [text unchanged]
- CV. Yard: [text unchanged]
- CW. Zero Lot Line-Detached: For purposes of Article VIII-D only, a one family dwelling, one side of which typically rests directly on a side lot line.

SECTION 2. That the Comprehensive Zoning Ordinance of the Town of Addison, Texas, is amended by adding Article IX-A "C-2" Commercial - 2 District, to read as follows:

ARTICLE IX - A
"C-2" COMMERCIAL - 2 DISTRICT

Section 1. USE REGULATIONS

In the "C-2" Commercial-2 district no land shall be used and no building shall be erected for or converted to any use other than:

Any use permitted in the C-1 district
Ambulance service
Auto laundry
Bus or truck terminal
Commercial laundry and cleaning plants
Dyeing plant
Machine shop
News printing and publishing
Paint shop
Pawn shop
Sales and installation of automotive tires
Sales and installation of automotive batteries
Sexually Oriented Business
Upholstery shops
Wholesale house

Section 2. HEIGHT REGULATIONS

No building shall exceed six (6) standard stories in height unless additional height is set back from the street lines one (1) foot for each two (2) feet of height above each six (6) story limit. Height of structures are further limited by the airport zoning ordinance.

Section 3. AREA REGULATIONS

1.

Front Yard

Same as Article IX, "C-1"
Commercial - 1 District.

2. Side Yards
Same as Article IX, "C-1"
Commercial - 1 District.
3. Rear Yard
Same as Article IX, "C-1"
Commercial - 1 District.

Section 4. MISCELLANEOUS REGULATIONS.

(1)
Where a "C - 2" District adjoins a more restricted District (R-1, R-2, R-3 or A) and is not separated by a street, a six (6) foot solid, sight-barring fence, or better, shall be constructed and maintained along or within one (1) foot of the boundary or property line of said "C - 2" District 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. Failure to comply with these requirements shall constitute a violation of the zoning ordinance and shall be subject to the penalties that are hereinafter provided.

(2)
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.

Section 5. PARKING REGULATIONS

(A)
The parking regulations for all "C - 2" uses are the same as those in the "C - 1" District.

(B)
All other "C - 2" uses are to provide parking at the ratio of one (1) space for each five (5) employees on duty at any time. Where the number of employees is indeterminate, off-street parking shall be provided at a ratio of one (1) square feet of floor area.

(C)
All business uses shall maintain and provide off-street loading and unloading facilities in accordance with the requirements set forth in the LR District.

Section 6. TYPE OF CONSTRUCTION

At least eighty (80) percent of the exterior walls of all structures shall be of masonry construction. Front and side walls shall be of brick or stone construction. Wood frame construction of exterior walls shall be prohibited.

Section 7. EMERGENCY ACCESS EASEMENT

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 no 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.

Section 8A. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS.

1.
Any outside sales and/or commercial promotion shall be required to obtain a permit.
2.
The above outside sales and/or commercial promotion may be permitted for a period of 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
3.
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.

4.

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.

Section 8B. OUTSIDE STORAGE.

1.

Except for the equipment and/or the materials stored on a construction site and used for a temporary construction project, the long term outside storage of equipment,

building and/or other materials, goods and products shall be prohibited within this district.

Section 9. MECHANICAL EQUIPMENT

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.

Section 10. SITE LANDSCAPING

All landscaping within the "C-2" district shall conform to the standards contained in Article XVIII, Landscaping Regulations, of this ordinance.

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable 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.

SECTION 4. That the Comprehensive Zoning Ordinance for the Town of Addison, Texas, shall remain in full force and effect, save and except as amended by this ordinance, and ordinances of the city in conflict with the provisions of this ordinance are hereby repealed.

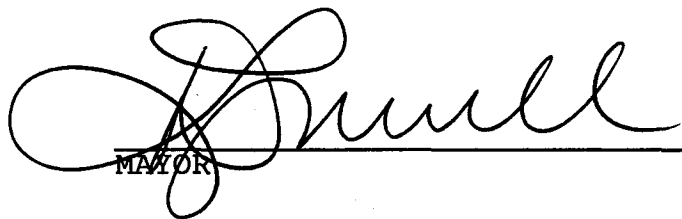
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SECTION 5. That the terms and provisions of this ordinance are severable and should any paragraph, sentence, subdivision, clause, phrase or section be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provision thereof other than the part so decided to be invalid, illegal or unconstitutional.

SECTION 6. That this ordinance shall take effect in accordance with the provisions of the Charter of the Town of Addison, Texas, and it is accordingly so ordained.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 14th day of April, 1992.


MAYOR

ATTEST:


CITY SECRETARY

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4/23/92

