

ORDINANCE NO. 092-037

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM INDUSTRIAL-1 TO PLANNED DEVELOPMENT, ON APPLICATION FROM THE TOWN OF ADDISON, LOCATED ON ONE TRACT OF 14.53 ACRES AT THE NORTHEAST CORNER OF THE INTERSECTION OF BELT LINE ROAD AND MARSH LANE, AND ONE TRACT OF 10.28 ACRES BOUNDED ON THE SOUTH SIDE BY BELT LINE ROAD, ON THE WEST BY BUSINESS AVENUE, ON THE EAST SIDE BY COMMERCIAL DRIVE, AND ON THE NORTH SIDE BY REALTY ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

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 the Comprehensive Zoning Ordinance of the Town of Addison, Texas, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, so as to give the hereinafter described property the zoning district classification, to-wit: Planned Development. Said property being in the Town of Addison, Texas, and being described as follows:

TRACT I

BEING a tract of land situated in the D. Meyers Survey, Abstract No. 923 and the T.L.Chenoweth Survey, Abstract No. 273 and also being part of the Belt Line-Marsh Business Park, an Addition to the City of Addison, Dallas County, Texas, as recorded in Volume 78155, Page 0001, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod set for corner being the most Southerly point on a corner clip situated at the intersection of the North line of Belt Line Road (a 100' R.O.W.) and the East line of Marsh Lane (a 100' R.O.W.);

THENCE North 44 degrees 58 minutes 03 seconds West along said corner clip line a distance of 21.27 feet to an iron rod set for corner situated in the aforementioned East line of Marsh Lane (a 100' R.O.W.);

THENCE North 00 degrees 06 minutes 34 seconds West along said East line of Marsh Lane a distance of 135.00 feet to an "x" set for corner;

THENCE South 89 degrees 49 minutes 34 seconds East departing said Marsh Lane and parallel with Belt Line Road, a distance of 175.00 feet to an iron rod set for corner;

THENCE South 00 degrees 06 minutes 34 seconds East and parallel with Marsh Lane, a distance of 150.00 feet to an iron rod set for corner situated in the aforementioned North line of Belt Line Road;

THENCE North 89 degrees 49 minutes 34 seconds West along said North line of Belt Line Road, a distance of 160.00 feet to the POINT OF BEGINNING.

TRACT II

Being a tract of land situated in the D. Meyers Survey, Abstract No. 923 and the T.L. Chenoweth Survey, Abstract No. 273, and also being part of the Belt Line-Marsh Business Park, an Addition to the City of Addison, Dallas County, Texas, as recorded in Volume 78155, Page 0001, Deed Records, Dallas County, Texas, and further being part of the Replat of Belt Line-Marsh Business Park, an Addition to the City of Addison, Dallas County, Texas, as recorded in Volume 79252, Page 0210, Deed Records, Dallas County, Texas, and being more particularly described as follows:

BEGINNING at an iron rod found for corner being the most Southerly point on a corner clip situated at the intersection of the North line of Belt Line Road (a 100' R.O.W.) and the West line of Business Avenue (a 60' R.O.W.);

THENCE continuing along the North line of said Belt Line Road the following:

North 89 degrees 54 minutes 31 seconds West a distance of 640.05 feet to an iron rod found for corner;

North 89 degrees 52 minutes 23 seconds West a distance of 119.98 feet to an iron rod found for corner;

North 89 degrees 49 minutes 34 seconds West a distance of 293.63 feet to an iron rod found for corner;

THENCE North 00 degrees 06 minutes 34 seconds West departing said North line of Belt Line Road and parallel with the East line of Marsh Lane (a 100' R.O.W.), a distance of 150.00 feet to an iron rod set for corner;

THENCE North 89 degrees 49 minutes 34 seconds West and parallel with aforementioned North line of belt Line Road, a distance of 175.00 feet to an "x" set for corner, being situated in the East line of Marsh Lane;

THENCE along the East line of Said Marsh Lane the following:

North 00 degrees 06 minutes 34 seconds West a distance of 50.25 feet to an iron rod found for corner being the point of curvature to the right;

Along said curve having a central angle of 14 degrees 48 minutes 56 seconds, a radius of 1223.24 feet, and an arc length of 316.31 feet to an "x" found for corner;

THENCE South 89 degrees 55 minutes 22 seconds East departing the East line of said Marsh Lane a distance of 1199.66 feet to an "x" found for corner, said "x" being in the West line of said Business Avenue;

THENCE South 00 degrees 04 minutes 38 seconds West along the West line of said Business Avenue a distance of 504.23 feet to an iron rod found for corner;

THENCE South 45 degrees 05 minutes 03 seconds West along said corner clip line a distance of 14.14 feet to the POINT OF BEGINNING.

TRACT III

BEING a tract of land situated in the D. Myers Survey, Abstract No. 923, and the T.L. Chenoweth Survey, Abstract No. 273, said tract also being all of Block 3 of Belt Line - Marsh Business Park, an addition to the City of Addison according to the replat recorded in Volume 81060, Page 0170, Deed Records, Dallas County, Texas and being more particularly described as follows:

BEGINNING at an iron rod found for corner being North 00 degrees 04 minutes 38 seconds East, a distance of 10.00 feet from the North line of Belt Line Road (a 100' R.O.W.) said point also being in the East line of Business Avenue (a 60' R.O.W.);

THENCE North 00 degrees 04 minutes 38 seconds East, along the East line of Business Avenue, a distance of 816.01 feet to an iron rod found for corner being the point of curvature to the right;

THENCE along said curve, having a central angle of 102 degrees 07 minutes 23 seconds, a radius of 60.00 feet, and an arc distance of 106.94 feet to an iron rod found for corner in the South line of Realty Road (a 60' R.O.W.);

THENCE South 77 degrees 47 minutes 59 seconds East along the South line of Realty Road a distance of 409.12 feet to an iron rod found for corner being the point of curvature to the right;

THENCE along said curve, having a central angle of 77 degrees 52 minutes 37 seconds, a radius of 60.00 feet, and an arc distance of 81.55 feet to an iron rod found for corner being in the West line of Commercial Drive (a 60' R.O.W.);

THENCE South 00 degrees 04 minutes 38 seconds West along the West line of Commercial Drive a distance of 719.94 feet to an iron rod found for corner;

THENCE South 42 degrees 08 minutes 50 seconds West a distance of 14.85 feet to an iron rod found for corner being in the North line of Belt Line Road, said iron rod also being a point of curvature in a Southwesterly direction and along a radial bearing of North 05 degrees 37 minutes 35 seconds West a distance of 1860.00 feet the point of radius;

THENCE along said curve, having a central angle of 05 degrees 43 minutes 04 seconds, a radius of 1860.00 feet, and an arc length of 185.62 feet to an iron rod found for corner situated in the North line of Belt Line Road.

THENCE North 89 degrees 54 minutes 31 seconds West along the North line of belt Line Road a distance of 314.74 feet to an iron rod found for corner;

THENCE North 44 degrees 54 minutes 56 seconds West along the East corner clip cut off of Business Avenue a distance of 14.14 feet to the POINT OF BEGINNING and containing 10.0241 acres or 436,651 square feet of land, more or less.

SECTION 2. In the herein above described land, no land shall be used, erected or converted to any use other than:

- Antique Shop
- Aquarium
- Art Gallery
- Baker, retail sales only
- Bank, office, wholesale sales office or sample room
- Barber and beauty shop
- Bird and pet shops, retail sales only
- Book or stationery store
- Camera shop
- Candy, cigars and tobaccos, retail sales only
- Catering office and wedding service
- 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
- Cleaning and pressing shops, having an area of not more than 6,000 square feet
- Curtain cleaning shop having an area of not more than 6,000 square feet
- Drug store, retail sales
- Electrical goods and lighting fixtures, retail sales only
- Electrical repairing
- Exterminating company, retail
- Film developing and printing

Fix-it shops, bicycle repairs, saw filing, lawn mower sharpening, retail only, but without outside storage
Florist, retail sales only
Furniture repairs and upholstering, retail sales only, and where all storage and display is within the building
Frozen food lockers, retail
Grocery store, retail sales only
Hardware, sporting goods, toys, paints, wallpaper, clothing, retail sales only
Household and office furniture, furnishings and appliances, retail
Job printing
Jewelry, optical goods, photographic supplies, retail sales only
Library, rental
Meat market, retail sales only
Mortuary
Office building
Parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one (1) ton capacity only
Photographers or artists studio
Professional offices for architect, attorney, engineer and real estate
Public garage, parking, no repairs
Piano and musical instruments, retail sales only
Plumbing shop, retail sales only, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)
Restaurant (with a special use permit)
Restaurant with alcohol (with a special use permit)
Retail shop for custom work or the making of articles to be sold for retail on the premises
Seamstress, dressmaker, or tailor
Seed store
Shoe repair shop, retail sales only
Studios, dance, music, drama, health, and reducing
Studio for the display and sale of glass, china, art objects, cloth and draperies
Taxi Stand
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
Wearing apparel, including clothing, shoes, hats, millinery and accessories

SECTION 3. The following special conditions are placed upon the above-described property:

1. HEIGHT REGULATIONS

No building or structure shall exceed six (6) standard stories in height unless set back from all lot lines one (1) foot for each one (1) foot above such height limit. Height of structures is further limited by the Federal Aviation Administration.

2. AREA REGULATIONS

1. Front Yard

- A. There shall be a front yard having a minimum depth of not less than twenty-five (25) feet except as hereinafter provided in the Article on Variances and Exceptions.
- B. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.

2. Side Yard

On a corner lot, a side yard of twenty-five (25) feet shall be required on the side street.

3. Rear Yard

There shall be no rear yard depth required unless the PD District adjoins a single family or an apartment district. In this case, a ten (10) foot rear yard will be required.

3. MISCELLANEOUS REGULATIONS

1. Wherever this PD 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 PD 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.
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 the same material as the building.

3. 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.

4. PARKING REGULATIONS

Off-street parking space shall be provided for the appropriate building use classification according to the following ratio:

- A. General retail: (1/200 s.f.) One space per each two hundred square feet of floor area.
- B. Furniture Store: (1/1000 s.f.) One space per each one thousand square feet of floor area.
- C. Medical or Dental Clinics: (1/200 s.f.) One space per each two hundred square feet of floor area.
- D. Banks or Savings and Loans: (1/300 s.f.) One space per each three hundred square feet of floor area.
- E. Office: (1/300 s.f.) One space per each three hundred square feet of floor area. An office complex of 50,000 square feet or more: (1/300 s.f.) square feet of net 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 ration 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. 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 private 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.

5. TYPE OF CONSTRUCTION

At least eighty (80%) per cent of the exterior walls of all structures shall be of masonry construction. Front and side walls shall be of brick or stone veneer construction.

6. EMERGENCY ACCESS EASEMENT

Where a building is located more than one hundred (100) feet from 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; corner 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.

7. OUTSIDE SALES AND/OR COMMERCIAL PROMOTIONS

1. Any outside sales and/or commercial promotions 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.

8. 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.

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.

10. SITE LANDSCAPING

All landscaping within this Planned Development district shall be subject to the standards contained in Article XVIII, Landscaping Regulations, of Ordinance #66.

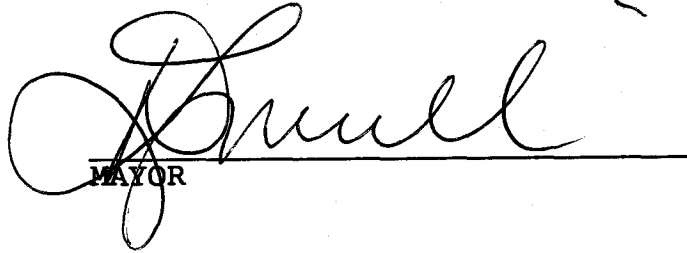
SECTION 4. All paved areas, permanent drives, streets and drainage structures shall be constructed in accordance with standard City of Addison specifications adopted for such purpose, and the same shall be done to the satisfaction of the City Engineer.

SECTION 5. 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 6. 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 7. 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,
TEXAS, on this the 9th day of June, 1992.


MAYOR

ATTEST:


CITY SECRETARY

CASE # 1106-Z

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