

ORDINANCE NO. 093-008

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM COMMERCIAL-1, ON APPLICATION FROM INTERNATIONAL GUARANTY, INC., LOCATED ON 2.67 ACRES ON THE EAST SIDE OF ADDISON ROAD APPROXIMATELY 507 FEET NORTH OF BELT LINE 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:

BEING a tract of land situated in the G.W. Fisher Survey, Abstract No, 482, and being part of QUORUM CENTRE ADDITION, an addition to the City of Addison as recorded in Volume 84067, Page 5718, Map Records, Dallas County, Texas, and being more particularly described as follows:

COMMENCING at a point located at the most northerly point of a corner clip situated in the intersection of the south line of Arapaho Road (60' R.O.W.) and the east line of Addison Road (60' R.O.W.);

THENCE along the east line of said Addison Road the following:

S 45°18'19" W a distance of 21.17 feet to a point:

S 00°17'00" W a distance of 301.50 feet to an "X" cur found for the POINT OF BEGINNING:

THENCE S 89°43'00" E departing the east line of said Addison Road a distance of 284.00 feet to a 5/8" iron rod set for corner;

THENCE S 00°17'00" W a distance of 221.00 feet to a 5/8" iron rod set for corner;

THENCE N 89°43'00" W a distance of 271.50 feet to a 5/8" iron rod set for corner situated in the east line of said Addison Road;

THENCE N 00°17'00" E along the east line of said Addison Road a distance of 413.65 feet to the POINT OF BEGINNING and containing 114,714 square feet or 2.6335 acres of land, more or less.

SECTION 2. This Planned Development district shall be governed by the following zoning regulations:

Section 1. USE REGULATIONS.

Antique shop  
Aquarium  
Art gallery  
Baker  
Bank, office, wholesale sales office or sample room

Barber and beauty shop  
Bird and pet shops  
Book or stationery store  
Camera shop  
Candy, cigars and tobaccos  
Caterer and wedding service  
Cleaning and pressing shops having an area of not more than  
6,000 square feet  
Drug store  
Electrical lighting fixtures and supplies for consumer use  
Exterminating company  
Film developing and printing  
Fix-it shops, bicycle repairs, saw filing, lawn mower  
sharpening,  
Florist  
Furniture repairs and upholstering  
Frozen food lockers  
Gallery, for the display and sale of artworks  
General Services shops for maids, tax preparers, book-  
keeping  
Grocery store  
Hardware, sporting goods, toys, paints, wallpaper, clothing,  
Hotel and Motel  
Health Club, public or private  
Household and office furniture, furnishings and appliances,  
Jewelry, optical goods, photographic supplies  
Laundromat, 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  
Meat market  
Medical and Dental offices  
Mortuary  
Novelty or variety store  
Office building  
Office/service/showroom, the office/showroom component is  
limited to a facility for the regular transaction of  
business and for the display of uncontainerized  
merchandise in a finished building setting, and the  
service component of this use is limited to not more  
than seventy-five percent (75%) of the floor area of  
the use.  
Photographers or artists studio  
Public garage, parking no repairs  
Piano and musical instruments  
Plumbing shop, without warehouse  
facilities (to include storage for ordinary repairs,  
but not storage for materials for contracting work)

Restaurant, without drive-in service (service to be entirely within the building); and restaurants with drive-in facilities, provided that no food or drink may be served to vehicles parked on the public street in any district.\*  
Retail shop for custom work or the making of articles to be sold for retail on the premises  
Sale of alcoholic beverages for on-premises consumption\*  
Seamstress, dressmaker or tailor  
Shoe repair shop  
Studios, dance, music, drama, health, and reducing  
Studio for the display and sale of glass, china, sculpture, art objects, cloth and draperies  
Video equipment and cassettes, sales and rental  
Wearing apparel, including clothing, shoes, hats, millinery, and accessories

\*Requires a Special Use Permit

## Section 2. HEIGHT REGULATIONS

No building or structure 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 story limit. Height of structures is further limited by the Federal Aviation Administration F.A.A.

## Section 3. AREA REGULATIONS

### 1. Front Yard

- (A) The minimum required front yard is twenty-five (25) feet, such distance shall be measured from the property line.
- (B) If a lot runs from one street to another and has double frontage, a required front yard must be provided on both streets, such distance shall be measured from the property line.

### 2. Side Yard

- (A) Except as provided below, there is no minimum required side yard.
- (B) On a corner lot, a minimum required side yard of twenty-five (25) feet must be provided on the side street, such distance shall be measured from the property line.

- (C) If a lot in this district abuts an apartment district, a minimum required side yard of ten (10) feet must be provided. If a corner lot in this district abuts an apartment district, a minimum required side yard of twenty-five (25) feet must be provided on the side street.

3. Rear Yard

- (A) Except as provided below, there is no minimum required rear yard.
- (B) If a rear lot line in this district abuts an apartment district, a minimum required rear yard of ten (10) feet must be provided.

Section 4. PARKING REGULATIONS

Off-street parking must be provided for the appropriate building use classification according to the following ratios:

- (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 gross floor area. An office building or group of buildings which shall total fifty thousand (50,000) square feet or more: (1/300 s.f.) One space per 300 square feet of net usable area.
- (F) Service: (1/1,000 s.f.) one space per each one thousand square feet of floor area.
- (G) Health Club or Studio for dance, music, drama, health, and reducing: (1/100 s.f.)
- (H) Free-Standing Restaurants: (1/70 s.f) 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.

(I) Restaurants in 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 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.

Section 5. TYPE OF CONSTRUCTION

At least eighty (80) per cent of the exterior walls of all structures shall be of masonry construction, exclusive of door and window openings. All facades visible from a divided thoroughfare must be of brick or stone construction. Glass tile, glass block and plate glass may count as masonry.

Section 6. OUTSIDE SALES OR COMMERCIAL PROMOTIONS

1. All persons conducting outside sales or commercial promotions must obtain a permit.
2. Outside sales or commercial promotions are permitted for a period of fourteen (14) days each calendar year with a maximum of two (2) permits per business per year.

3. All goods, products or merchandise must be displayed on a sidewalk within ten (10) feet of the business building.
4. Merchandise dispensing units placed adjacent to an outside of a business building shall be construed as outside sales or commercial promotion.

Section 7. LOADING AND UNLOADING FACILITIES

1. All loading facilities shall be screened in accordance with the provisions of Article XVIII- Landscaping Regulations, Section 7b.
2. For lots that abut a 4-lane divided thoroughfare, no loading facilities shall face the thoroughfare, or be located on the side of the building which is adjacent to the thoroughfare.

Section 8A. 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.
- 5a. 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 forth in this section.

5b. In order to qualify for a permit, the applicant must:

1. provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
2. 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;
3. if the event chooses to serve food, provide food service facilities in accordance with the Addison Food and Food Establishments ordinance;
4. provide for adequate trash and waste removal and clean-up of the area;
5. comply with all requirements of the Addison Noise ordinances;
6. submit a check in the amount of \$50.00 to the Planning and Zoning Office; and
7. comply with all other reasonable conditions imposed by the Planning and Zoning Office.

5c. 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 setting up, removing and cleaning the area, tents and other items used during the sale or promotions.

#### Section 8B. OUTSIDE STORAGE.

Except for the equipment or materials stored on a construction site and used for a temporary construction project, the long term outside storage of equipment, buildings or other materials, goods and products is prohibited.

#### Section 9. MECHANICAL EQUIPMENT

All mechanical equipment must be constructed located and screened so as to not interfere with the peace, comfort and repose of the occupants of any adjoining building or residence and not be visible from any public street.



Section 10. REFUSE CONTAINERS

All refuse and refuse containers must be screened from all public rights-of-way. Refuse containers must be placed on a designed, reinforced concrete pad and approach. Screening walls must be of an aesthetic material.

Section 11. LANDSCAPING

All landscaping in this district shall be governed by the standards set forth in Ordinance #66, Article XII-A, Landscaping Regulations.

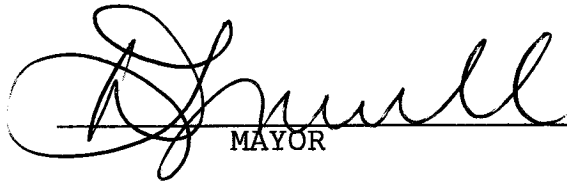
SECTION 3. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose.

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 set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 5. 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 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. 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 February, 1993.

  
MAYOR

ATTEST:

  
CITY SECRETARY

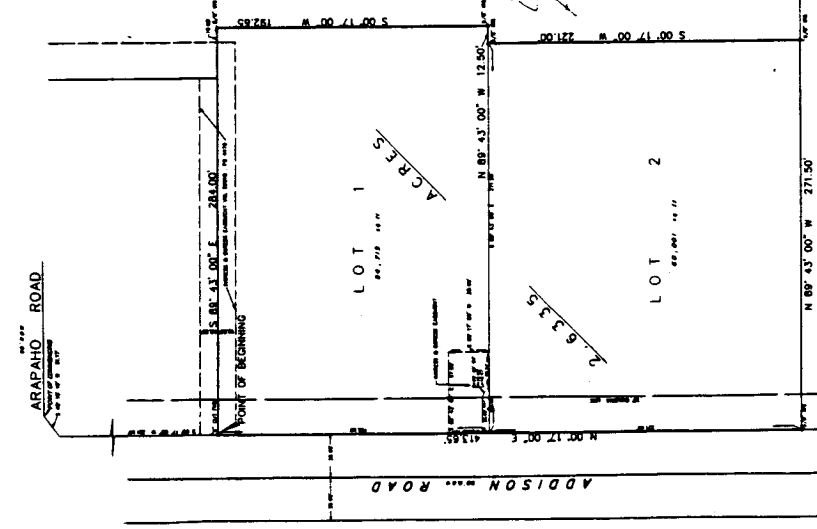
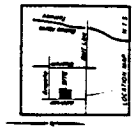
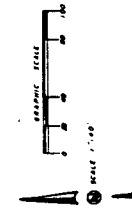
CASE NO. 1030-Z

APPROVED AS TO FORM:

  
DIRECTOR OF DEVELOPMENT SERVICES

Published  
5/6/93





**OWNER'S CERTIFICATE**

BEFORE ALL MEET BY THESE PRESENTS:

THAT BELLEVUE DEVELOPMENT COMPANY IS THE OWNER OF THE FOLLOWING DESCRIBED PROPERTY LOCATED:

BEING A TRACT OF LAND SITUATED IN THE G.W. FISHER SURVEY, ADJACENT TO THE EAST AND SOUTHWEST CORNERS OF THE INTERSECTION OF ADDISON ROAD AND ARAPAHO ROAD, BELLEVUE COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE MOST Westerly POINT OF A CURVE OF 140' RADIUS IN THE INTERSECTION OF THE SOUTH LINE OF ARAPAHO ROAD (40' R.W.S.) AND THE EAST LINE OF ADDISON ROAD (40' R.W.S.);

THENCE ALONG THE EAST LINE OF SAID ADDISON ROAD THE FOLLOWING:

- S 07°19'10" W a distance of 81.17 feet to a point;
- S 00°17'00" W a distance of 301.50 feet to an "x" cut found for the POINT OF BEGINNING;
- THENCE S 07°19'10" W a distance of 200.00 feet to the WEST LINE OF SAID ADDISON ROAD (40' R.W.S.);
- THENCE S 00°17'00" W a distance of 102.45 feet to a 5/8" iron rod set for corner;
- THENCE S 07°43'00" W a distance of 15.90 feet to a 5/8" iron rod set for corner;
- THENCE S 00°17'00" W a distance of 221.00 feet to a 5/8" iron rod set for corner;
- THENCE S 07°43'00" W a distance of 451.50 feet to a 5/8" iron rod set for corner situated in the north line of SAID ADDISON ROAD;
- THENCE S 07°43'00" W a distance of 284.00 feet to the POINT OF BEGINNING; BEING 144,719 square feet of 3.5339 acres of land, more or less.

**PAYLESS CASHWAYS**

STATE OF TEXAS ( )  
 COUNTY OF DALLAS ( )

BEFORE ME, the undersigned, a Notary Public in and for said County and State on this day personally appeared John E. Fisher, Jr., known to me to be the person whose name is subscribed to the foregoing instrument for the purpose and considerations therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_ 1993.

By Commission Expires \_\_\_\_\_

**SURVEYOR'S CERTIFICATE**

BEFORE ALL MEET BY THESE PRESENTS:

THAT I, JOHN E. FISHER, JR., do hereby certify that I prepared this plat from an actual and correct survey made of property placed under my present supervision, in accordance with the practice followed by me in the planning and laying out of subdivisions of the town of ADDITION, TEXAS.

By Commission Expires \_\_\_\_\_

THAT BELLEVUE DEVELOPMENT COMPANY ("Owner") has hereby deposited this plat with the County Clerk of Dallas County, Texas, and subject to the conditions of the public use forever, the streets and alleys thereon.

The instrument shown on this plat was duly prepared for the purposes of the subdivision of the land shown thereon, and the same is subject to the provisions of the Public Use Forever, the Streets and Alleys thereon.

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The instrument shown on this plat was duly prepared for the purposes of the subdivision of the land shown thereon, and the same is subject to the provisions of the Public Use Forever, the Streets and Alleys thereon.

THE MATTER OF THE PLAT OF THE CITY OF ADDITION, TEXAS, IS HEREBY CERTIFIED TO BE TRUE AND CORRECT BY THE NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE ON THIS DAY PERSONALLY APPEARING JOHN E. FISHER, JR., KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT FOR THE PURPOSE AND CONSIDERATIONS THEREIN EXPRESSED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_\_ day of \_\_\_\_\_ 1993.

By Commission Expires \_\_\_\_\_

**FINAL PLAT**  
**ADDISON ROAD - QUORUM ADDITION**  
 REPEAT OF  
 QUORUM CENTRE ADDITION  
 SITUATED IN THE G. W. FISHER SURVEY A-482  
 CITY OF ADDISON, DALLAS COUNTY, TEXAS

OWNER:  
 BELLEVUE DEVELOPMENT CO  
 15200 ADDISON ROAD, SUITE 300  
 DALLAS, TEXAS 75204  
 TEL. NO. (214) 951-3200  
 FAX NO. (214) 951-3200

NOTARY PUBLIC: JOHN E. FISHER, JR.  
 15200 ADDISON ROAD, SUITE 300  
 DALLAS, TEXAS 75204  
 TEL. NO. (214) 951-3200  
 FAX NO. (214) 951-3200