### ORDINANCE NO. 094-076

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM COMMERCIAL-2 TO PLANNED DEVELOPMENT, ON APPLICATION FROM SUMMERFIELD SUITES HOTEL CORPORATION, LOCATED ON 4.00 ACRES ON THE SOUTH SIDE OF ARAPAHO ROAD, 216.00 FEET EAST OF THE INTERSECTION OF ARAPAHO ROAD AND ADDISON ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR SPECIAL CONDITIONS; 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,

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 094-076

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 or parcel of land situated in the G.W. Fisher Survey, Abstract No. 482, Dallas County, Texas, and being part of Quorum Centre Addition, an addition to the Town of Addison as recorded in Volume 84067, Page 5718 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point, said point being the northeast corner of a corner clip of the intersection of the east line of Addison Road (60;R.O.W.) with the south line of Arapaho Road (60'R.O.W.);

THENCE South 89° 35'00" East, along the south line of Arapaho Road, a distance of 289.13 feet to a point, said point being the point of curvature of a curve to the left having a central angle of 10° 32'40", a radius of 359.39 feet, a chord bearing of North 85° 08'40" East; 66.05 feet;

THENCE Easterly, along the south line of Arapaho Road and said curve to the left, an arc distance of 66.14 feet to a point for corner;

THENCE South 00° 17'00" West, leaving the south line of Arapaho Road and said curve to the left, a distance of 354.91 feet to a point for corner;

THENCE North 89°43'00" West, a distance of 354.91 feet to a point for corner;

THENCE North 00° 17;00" East, a distance of 490.98 feet to the POINT OF BEGINNING and containing 174,240 square feet or 4.00 acres of land, more or less.

SECTION 2. The following development regulations shall apply to the above-described planned development district.

#### Allowed Uses

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, bookkeeping 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)

Retail shop for custom work or the making of

articles to be sold for retail on the premises

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

## Allowed Heights

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.

# 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.

#### 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) Hotel and Motel: (1/room) One space per each room

#### 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. Glass tile, glass block, plate glass, 3/8" (or greater) stucco, and E.I.F.S. shall count as masonry.

# 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.

# 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.

### 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.

# Landscaping.

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

SECTION 3. As provided in Planned Development District Article of the Comprehensive Zoning Ordinance, said property shall be improved with a hotel use which shall be constructed in accordance with the development plans which are attached hereto and made a part hereof for all purposes.

SECTION 4. The following special conditions are placed on the above described property and on the development proposed for the property:

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-The utility, access and drainage plans for the entire parcel shall be amended to reflect the placement of the proposed hotel.

-The Addison Road driveway shall be widened to 30 feet to provide for easier access.

-The property owner shall grant an avigation easement to the city.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 30 dB is provided through the proposed construction. Such certification shall be provided prior to the issuance of a building permit.

-The applicant shall provide certification, by an acoustical expert, that a noise level reduction of 30 dB was achieved with the construction. Such certification shall be provided prior to the issuance of a Certificate of Occupancy.

-The landscape plan submitted by the applicant shall be revised to provide a 20-feet minimum landscape buffer strip along Arapaho Road.

-The landscape plan shall show the overall landscaped square footage compared to the gross site area, with 20% of the site in landscaping as a minimum requirement.

-The applicant shall satisfy the Fire Department with regard to access for emergency vehicles into the interior courtyard of the project.

SECTION 5. 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 6. 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 7. 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 8. 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 8th day of November, 1994.

MAYOR

ATTEST:

CITY SECRETARY

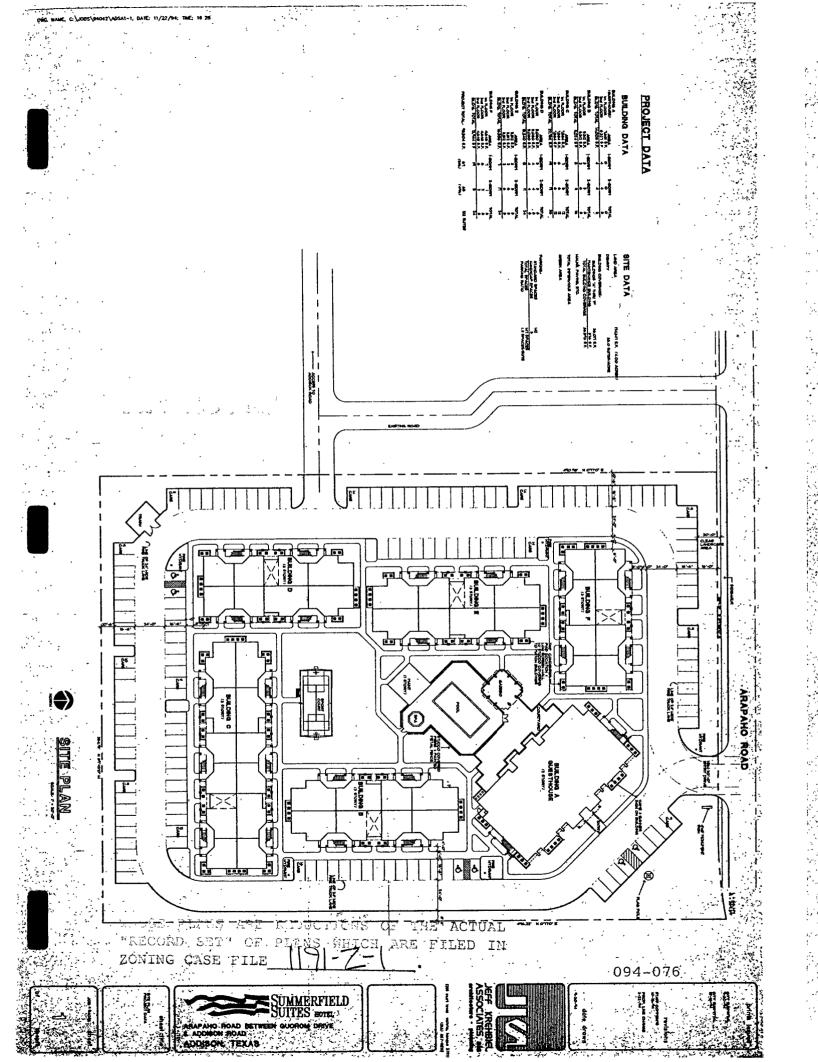
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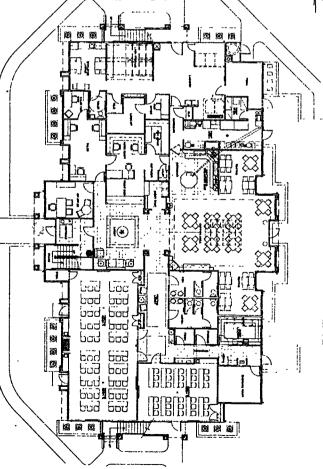
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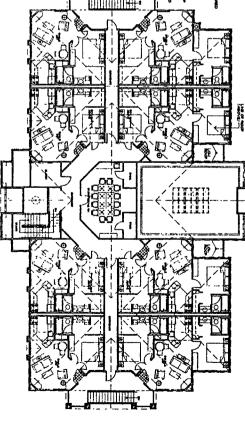
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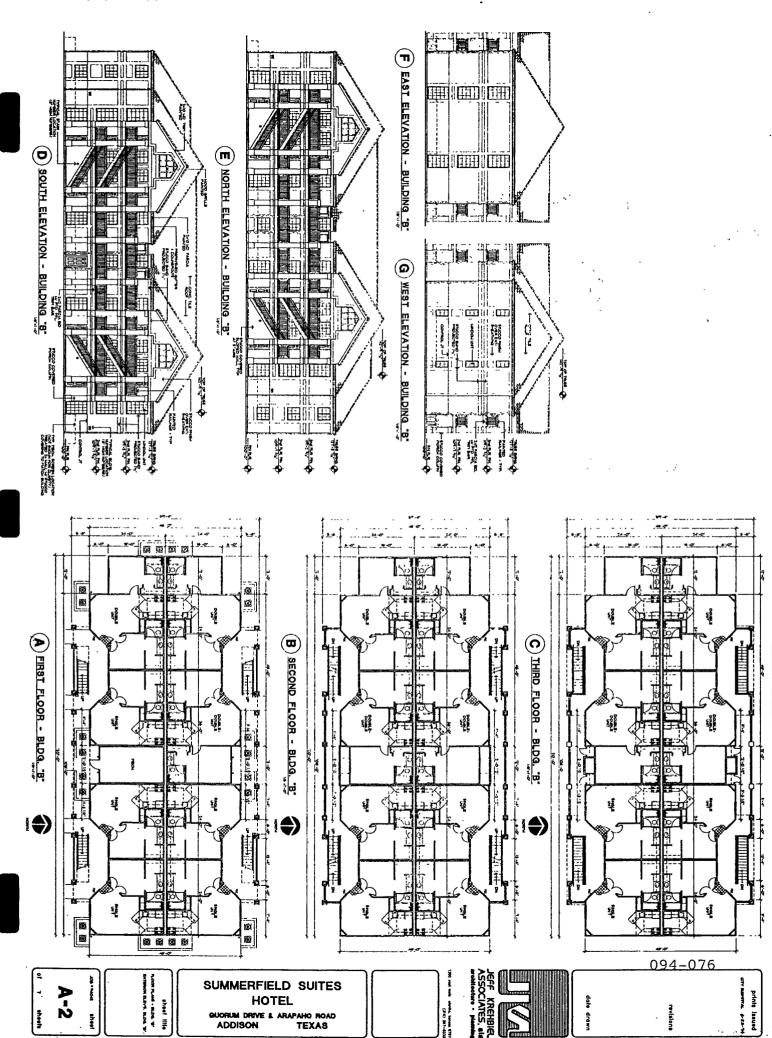
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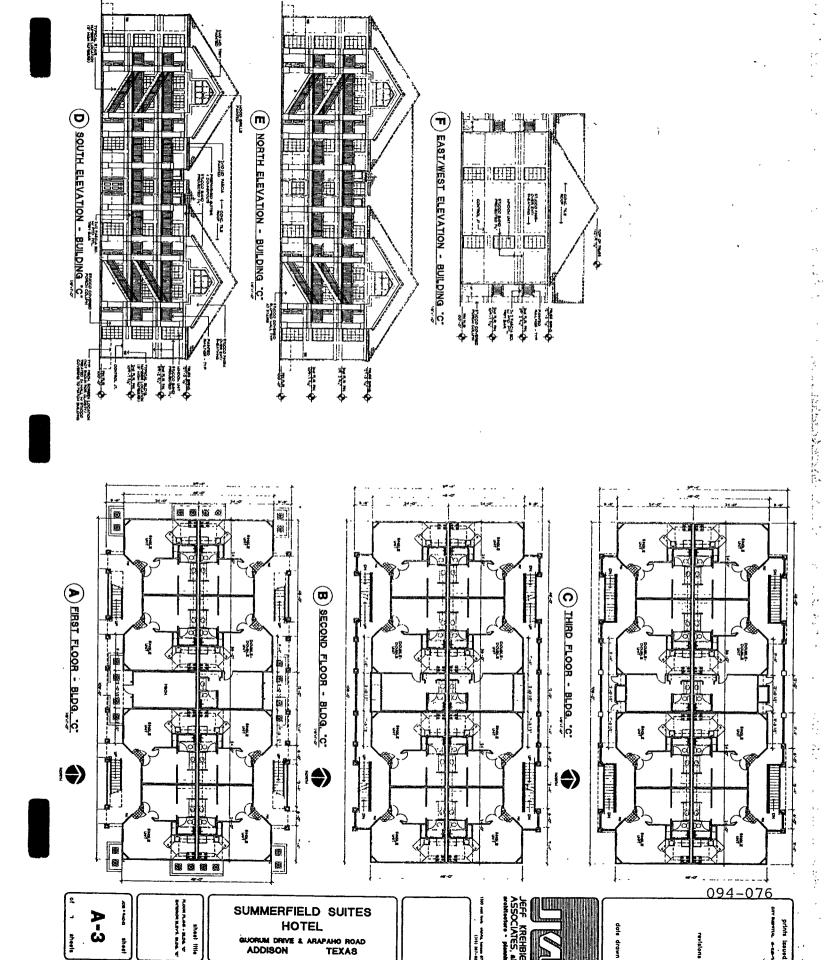
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