

ORDINANCE NO. 095-010

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS AMENDING ORDINANCE NO. 66 OF THE TOWN, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, BY: (1) AMENDING ARTICLE IX ("C-1 COMMERCIAL-1 DISTRICT REGULATIONS" AND ARTICLE IX-A ("C-2 COMMERCIAL-2 DISTRICT REGULATIONS") BY DELETING THEREFROM AS AN ALLOWED USE A HOTEL AND MOTEL, AND BY (2) AMENDING ARTICLE XII ("SPECIAL USES") BY AMENDING PARAGRAPH (10) THEREOF BY ADDING HOTEL AND MOTEL AS A SPECIAL USE AND BY DELETING SATELLITE EARTH STATIONS AS A SPECIAL USE; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council, in accordance with a comprehensive plan, heretofore adopted Ordinance No. 66, the same being the Comprehensive Zoning Ordinance (the "Comprehensive Zoning Ordinance"); and

WHEREAS, the City Council is authorized, pursuant to Chapter 211, Tex. Loc. Gov. Code (Vernon), as amended, to amend the Comprehensive Zoning Ordinance; and

WHEREAS, after public notices were given in compliance with State law and public hearings were conducted, and after considering the evidence and information submitted at the said public hearing and all other relevant information and materials, the Planning and Zoning Commission of the City has recommended to the City Council the adoption of the amendments to the Comprehensive Zoning Ordinance as set forth in this Ordinance; and

WHEREAS, after due deliberations and consideration of the recommendation of the Planning and Zoning Commission and the evidence, information and other materials submitted and received at the public hearing and in connection therewith, the City Council has concluded that the adoption of this Ordinance is in the best interests of the City and of the public health, safety and welfare.

Now, therefore,

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

Section 1. Incorporation of Premises. The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Amendment. The Code of Ordinances of the Town of Addison, Texas is hereby amended in the following particulars, and all other articles, sections, paragraphs,

sentences, phrases and words are not amended but are hereby ratified, verified, approved and affirmed:

A. Article IX ("C-1' Commercial-1 District Regulations") is hereby amended by amending Section 1 ("Use Regulations") thereof to read as follows:

"Section 1. USE REGULATIONS

"In the 'C-1' Commercial district no land shall be used and no building shall be erected for or converted to any use other than:

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"

B. Article X ("C-2' Commercial-2 District Regulations") is hereby amended by amending Section 1 ("Use Regulations") thereof to read as follows:

"Section 1. USE REGULATIONS

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

Antique shop

Aquarium

Art gallery

Ambulance service

Auto laundry

Baker

Bank, office, wholesale sales office or sample room

Barber and beauty shop

Bird and pet shops

Book or stationery store

Bus or truck terminal

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

Commercial laundry and cleaning plants

Drug store

Dyeing plant

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
 Machine shop
 Meat market
 Medical and Dental offices
 Mortuary
 News printing and publishing
 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
 Paint shop
 Pawn shop
 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
 Sales and installation of automotive tires
 Sales and installation of automotive batteries
 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
 Sexually oriented business
 Upholstery shops

Video equipment and cassettes, sales and rental
Wearing apparel, including clothing, shoes, hats, millinery, and accessories"

C. Article XII ("Special Uses") is hereby amended by amending paragraph (10) so that it shall hereafter read as follows:

"(10) Hotel and Motel

~~A satellite earth station, which cannot meet all of the following conditions for installation, in any district:~~

~~A satellite earth stations:~~

- ~~a. Shall not exceed 10' in height from the ground to highest point of station.~~
- ~~b. Shall not exceed 10' in diameter.~~
- ~~c. Shall be installed in the back 1/2 of the lot.~~
- ~~d. Shall be screened on all sides by a solid fence or wall to a minimum height that shall be equal to the tallest point of the structure at its operating height. Such screening shall be of a material that is compatible with the building materials used in the area.~~
- ~~e. Shall conform to all building and electrical codes, including proper grounding.~~
- ~~f. Shall not be portable or moveable.~~

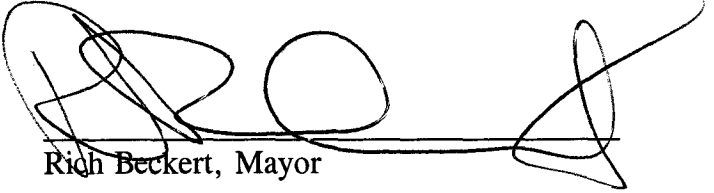
~~A satellite earth station that can meet all of the above listed conditions for installation may be installed with a building permit in any district."~~

Section 2. Savings. This Ordinance shall be cumulative of all other ordinances of the City affecting zoning, hotels and motels, and satellite earth stations and shall not repeal any of the provisions of those ordinances except in those instances where the provisions of those Ordinances are in direct conflict with the provisions of this Ordinance.

Section 3. Severability. The sections, paragraphs, sentences, phrases, clauses and words of this Ordinance are severable, and if any section, paragraph, sentence, phrase, clause or word in this Ordinance or application thereof to any person or circumstance is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance, and the City Council hereby declares that it would have passed such remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

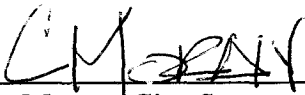
Section 4. Effective date. This Ordinance shall become effective from and after its date of passage as provided by law.

PASSED AND APPROVED by the City Council of the Town of Addison, Texas this the 14th day of March, 1995.



Rich Beckert, Mayor

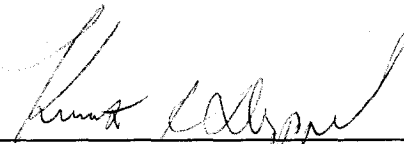
ATTEST:



Carmen Moran, City Secretary

[SEAL]

APPROVED AS TO FORM:



Ken Dippel, City Attorney