

ORDINANCE NO. 004- 001

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM LOCAL RETAIL (LR) TO PLANNED DEVELOPMENT (PD), ON APPLICATION FROM DIRECT DEVELOPMENT, LOCATED ON 6.8907 ACRES AT 5000 BELT LINE ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; AND DECLARING AN EMERGENCY.

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:

ABSTRACT NO. 1146, AND THE G.W. FISHER SURVEY, ABSTRACT NO. 482, TOWN OF ADDISON, DALLAS, COUNTY, TEXAS SAME BEING PART OF PLAZA AT THE QUORUM, AN ADDITION TO THE TOWN OF ADDISON, ACCORDING TO THE PLAT THEREOF RECORDED IN VOLUME 80022, PAGE 1235, MAP RECORDS, DALLAS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEING Lot 1 (6.8907 acres only) of a tract, beginning at an "x" set in concrete in the South line of said Plaza At The Quorum addition, same being at the Southwest corner of that certain 0.314 acre tract of land awarded to the Texas Turnpike Authority by Condemnation Proceeding Cause No. 86-17063, recorded in Volume 87036, Page 899, Deed Records, Dallas County, Texas, and being in the present West line of Dallas Parkway, a variable width public right-of-way, as widened;

THENCE South 89° 46' 47" West, along the South line of said Plaza At The Quorum addition, a distance of 1004.76 feet to a 5/8" iron rod set for corner in the East line Quorum Drive, a variable width public right-of-way, same being at the Southerly Southeast corner of that certain 0.1871 acre tract of land conveyed to the Town of Addison for right-of-way purposes by instrument recorded in Volume 97091, Page 2961, Deed Records, Dallas County, Texas, and being in the arc of a non-tangent curve to the right;

THENCE along the East line of said Quorum Drive, as widened, and along the common line of said Town of Addison 0.1871 acre tract, the following courses and distances numbered (1) through (4);

- (1) 91.18 feet in a Northwesterly direction along the arc of said curve to the right, having a radius of 791.50 feet, a delta angle of 06° 36' 01" and a chord which bears North 12° 08' 19" West, a distance of 91.13 feet to a 5/8" iron rod set for corner at the beginning of the arc of a second curve to the right;
- (2) 80.60 feet in a Northwesterly direction along the arc of said second curve to the right, having a radius of 291.50 feet, a delta angle of 15° 50' 30" and a chord which bears North 00° 55' 03" West, a distance of 80.34 feet to a 5/8" iron rod set for corner at the beginning of the arc of a curve to the left;
- (3) 33.24 feet in a Northeasterly direction along the arc of said curve to the left, having a radius of 258.50 feet, a delta angle of 07° 22' 05" and a chord which bears North 03° 19' 14" East, a distance of 33.22 feet to a 5/8" iron rod set for corner at the end of said arc;
- (4) North 00° 21' 51" West, a distance of 101.98 feet to a 5/8" iron rod set for corner at a corner clip at the intersection of said East line of Quorum Drive,

with the South line of Belt Line Road, a variable width public right-of-way, as widened;

THENCE along the South line of said Belt Line Road, as widened, and continuing along the common line of said Town of Addison 0.1871 acre tract, the following courses and distances numbered (1) through (4):

- (1) North 44° 44' 41" East, along said corner clip, a distance of 30.46 feet to a 5/8" iron rod set for corner;
- (2) North 89° 49' 15" East, a distance of 117.01 feet to a 5/8" iron rod set for corner at the beginning of the arc of a curve to the left;
- (3) 100.83 feet in a Northeasterly direction along the arc of said curve to the left, having a radius of 1810.50 feet, a delta angle of 03° 11' 28" and a chord which bears North 88° 15' 31" East, a distance of 100.82 feet to a 5/8" iron rod set for corner at the beginning of the arc of a curve to the right;
- (4) 74.60 feet in a Northeasterly direction along the arc of said curve to the right, having a radius of 1793.50 feet, a delta angle of 02° 23' 00" and a chord which bears North 87° 51' 71" East, a distance of 74.60 feet to a 5/8" iron rod set for corner at the most Easterly corner of said Town of Addison 0.1871 acre tract, same being in the North line of said Plaza At The Quorum addition and being in the original common South line of Belt Line Road, 100 foot right-of-way;

THENCE North 89° 46' 47" East, along the South line of said Belt Line Road and the common North line of said Plaza At The Quorum addition, a distance of 214.60 feet to a 5/8" iron rod set for corner at the most Westerly or Northwest corner of that certain 0.123 acre tract of land conveyed to the Town of Addison for right-of-way purposes by instrument recorded in Volume 95170, Page 750, Deed Records, Dallas County, Texas;

THENCE along the South line of said Belt Line Road, as widened, and along the common line of said Town of Addison 0.123 acre tract, the following courses and distances numbered (1) through (3):

- (1) South 78° 04' 37" East, a distance of 66.54 feet to a 5/8" iron rod set for corner;
- (2) North 89° 46' 47" East, a distance of 147.68 feet to a 5/8" iron rod set for corner;
- (3) South 89° 24' 30" East, a distance of 203.37 feet to a 5/8" iron rod set for corner in an East line of said Plaza At The Quorum addition, same being in the common West line of the Dalbelt Addition, an addition to the Town of

Addison according to the plat thereof recorded in Volume 86234, Page 4688, Map Records, Dallas County, Texas;

THENCE South 00° 01' 14" East, along an East line of said Plaza At The Quorum addition and the common West Line of said Dalbelt Addition, a distance of 161.00 feet to an "x" found for corner in the top of a masonry wall at the Southwest corner of said Dalbelt Addition;

THENCE South 89° 58' 48" East, along a North line of said Plaza At The Quorum addition, a distance of 123.06 feet to an "x" in concrete set for corner in the West line of aforesaid Dallas Parkway, as widened, same being at the Northwest corner of aforesaid Texas Turnpike Authority 0.314 acre tract, and being in the arc of a non-tangent curve to the right;

THENCE 159.70 feet in an Southwesterly direction along the West line of said Texas Turnpike Authority 0.314 acre tract, the West line of said Dallas Parkway, as widened, and along the arc of said curve to the right, having a radius of 567.97 feet, a delta angle of 16° 06' 38" and a chord which bears South 15° 56' 09" West, a distance of 159.18 feet to the POINT OF BEGINNING and CONTAINING 7.3760 ACRES OF LAND, more or less.

SECTION 2. The following regulations shall govern the development of all land within this Planned Development District:

1. USE REGULATIONS

In this Planned Development district, no land shall be used and no building shall be used, erected, or converted to any use other than:

- Antique Shop
- Aquarium
- Art Gallery
- Auto seat covers, covering
- Baker, retail sales only
- Bank, office, wholesale sales office or sample room
- Barber and beauty shop
- Bird and pet shops, retail
- Book or stationery store
- Camera shop
- Candy, cigars and tobaccos, retail sales only
- Caterer and wedding service, offices only
- 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
Department store, novelty or variety shop, retail sales
Drug store, retail sales
Electrical good, retail sales
Electrical repairing – domestic equipment and autos, retail sales
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 upholstery, 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
Ice delivery station
Job printing
Jewelry, optical goods, photographic supplies, retail sales only
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 but not storage
for materials for contracting work)
Restaurant, subject to the approval of a Special Use Permit
Retail store or 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 the home and where the customers may personally supervise the
washing and handling of their laundry
Wearing apparel, including clothing, shoes, hats, millinery and accessories

2. HEIGHT REGULATIONS

No building or structure shall exceed two and one half (2 1/2) stories in height.

3. AREA REGULATIONS

1. Front Yard

The minimum required front yard is twenty-five (25) feet, such distance shall be measured from the property line.

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

(A) There is no minimum required rear yard.

4. PARKING REGULATIONS

Off-street parking shall be provided in accordance with Appendix A – Zoning, Article IX, Local Retail District Regulations, Section 5, Parking Regulations, with the following exceptions:

Restaurant:	1 space per 160 square feet
Restaurant with designated valet parking:	1 space per 100 square feet

5. TYPE OF CONSTRUCTION

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

6. OUTSIDE SALES 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.
5. 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.

7. LOADING AND UNLOADING FACILITIES

All loading facilities shall be screened in accordance with the provisions of Article XVIII- Landscaping Regulations, Section 7b.

8. 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.

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.

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.

11. 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 in accordance with the development plans which are attached hereto and made a part hereof for all purposes.

SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose

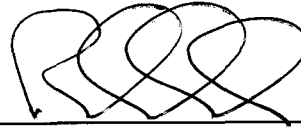
SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the city, as heretofore amended, and upon conviction shall be punished by a fine set in accordance 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 6. 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 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.

SECTION 8. The importance of this ordinance creates an emergency and an imperative public necessity and the ordinance shall take effect and be in force from and after its adoption.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 13th day of January, 2004.



MAYOR

ATTEST:



CITY SECRETARY

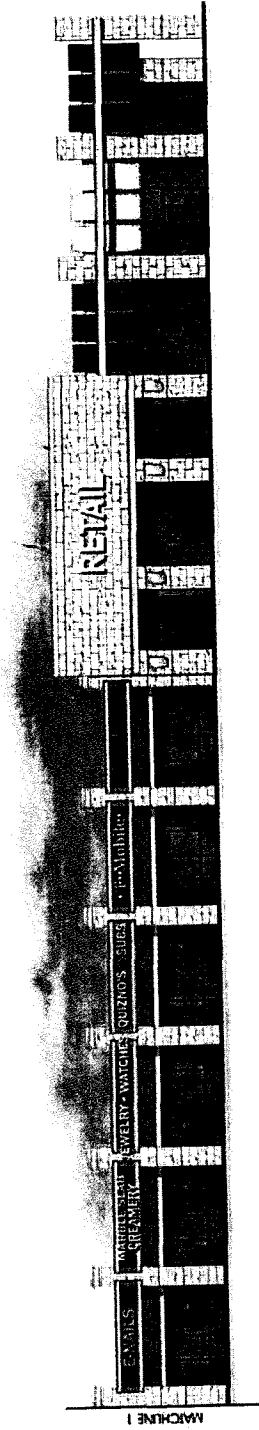
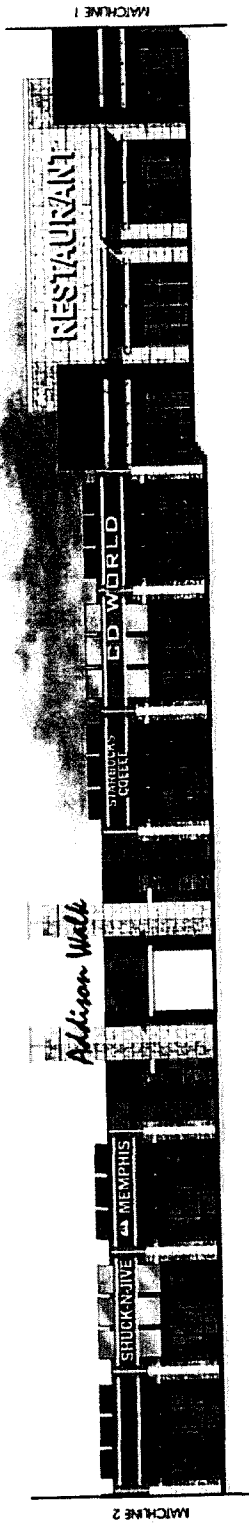
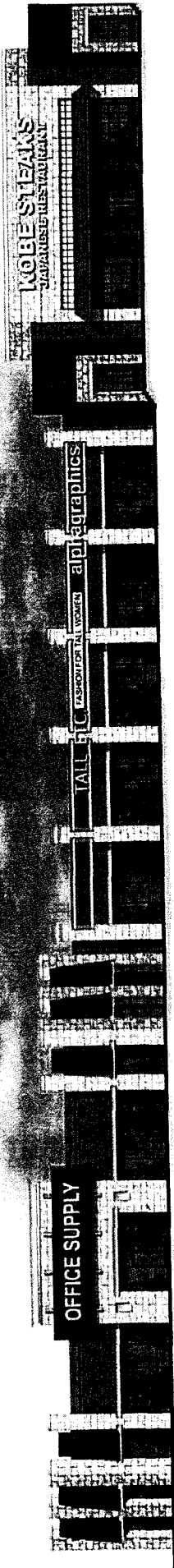
CASE NO. 1444-Z

APPROVED AS TO FORM:



DIRECTOR OF DEVELOPMENT SERVICES

PUBLISHED ON: U.I.C. Morning News 4-30-04



ADDISON WALK DEVELOPMENT Addison Walk - Proposed Exterior Elevations

