



**BOARD OF APPEALS AGENDA**

**WEDNESDAY, AUGUST 11, 2021**

**6:00 P.M.**

**ADDISON TREEHOUSE**

**14681 MIDWAY ROAD, SUITE 200, ADDISON, TX 75001**

Notice is hereby given that the Addison Board of Appeals will meet at 6:00 pm on Wednesday, August 11, 2021, at the Addison TreeHouse with a quorum of the Board of Appeals physically present. To facilitate public participation and to mitigate the spread of COVID-19, the Town will also utilize telephonic or videoconferencing capabilities to allow individuals to address the Board. Email comments for Board of Appeals meetings may also be submitted to [kschmidt@addisontx.gov](mailto:kschmidt@addisontx.gov) by 3:00 pm the day of the meeting. Members of the public are entitled to participate remotely via Toll-Free Dial-in Number: 877-853-5247; Meeting ID: 409.327.0683#, Participant ID: #. For more detailed instructions on how to participate in this meeting, please visit our Agenda Page. The meeting will be live-streamed on Addison's website at [www.addisontexas.net](http://www.addisontexas.net).

1. Pledge of Allegiance.
2. Administer the Oath of Office to the Board of Appeals members.
3. Discuss and take action regarding the selection of a Chair for the Board of Appeals.
4. **PUBLIC HEARING** BOA21-001/15003 Inwood Road. Public hearing, discussion, and take action on an appeal of the Building Official's decision for the consideration of an exception to Sec. 18-176 (Setback requirements – Generally), Article XIV (Fences), Chapter 18 (Buildings and Building Regulations), of the Code of Ordinances of the Town of Addison, for the installation of a fence within the required front yard setback line for a property located at 15003 Inwood Road.
5. Adjourn Meeting.

POSTED BY: \_\_\_\_\_  
Irma G. Parker, City Secretary

DATE POSTED: \_\_\_\_\_

TIME POSTED: \_\_\_\_\_

DATE REMOVED FROM BULLETEIN BOARD: \_\_\_\_\_

REMOVED BY: \_\_\_\_\_

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS WITH DISABILITIES. PLEASE CALL  
(972) 450-7017 AT LEAST  
48 HOURS IN ADVANCE IF YOU NEED ASSISTANCE.**

## Board of Appeals

Meeting Date: 08/11/2021

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### Agenda Caption:

**PUBLIC HEARING** BOA21-001/15003 Inwood Road. Public hearing, discussion, and take action on an appeal of the Building Official's decision for the consideration of an exception to Sec. 18-176 (Setback requirements – Generally), Article XIV (Fences), Chapter 18 (Buildings and Building Regulations), of the Code of Ordinances of the Town of Addison, for the installation of a fence within the required front yard setback line for a property located at 15003 Inwood Road.

### Staff Report:

Background: Addison Pet Yard is a multi-tenant pet-anchored commercial development situated on 1.51 acres at the western frontage of Inwood Road, 750 feet south of Belt Line Road (15003 Inwood Road). The property owner, Roger DeGregori recently submitted a fence permit application in order to construct an ornamental fence with masonry columns and an automated gate at the eastern property boundary, where the site fronts onto Inwood Road.

This fence permit application was submitted in response to several recent crimes that occurred after hours at the property. These incidents include multiple thefts of business vehicle catalytic convertors, an attempted break-in, and damaged windows at an adjacent business property. Weapon paraphernalia was left behind during one of these incidents.

On July 7, 2021, this fence permit application was denied by the Town's Building Official due to the proposed fence being fully situated in the required 25-foot front yard setback. This request is an appeal of the Building Official's decision in order to provide for a reasonable exception to the setback requirements specified in the Town's Fence Ordinance.

Town Code Requirements: The denied fence permit application proposes to situate the fence at the eastern property edge, in an area that, as described, would appear to be Town right-of-way. Section 18-178 of the Town's Fence Ordinance prohibits the construction of fences where any portion of the fence extends nearer to the street on which the main building faces than the required front yard setback line. This property is zoned Commercial-1 District and the required front yard setback line is 25 feet from the property boundary. As such, the closest a fence could be constructed to Inwood Road is 25 feet west of the front property boundary.

Appeals Process: Typically, Fence Ordinances are situated in zoning or development codes, and the appeals process is carried out as a zoning variance considered by the Zoning Board of Adjustments (ZBA). The Town's Code is unique in that the Fence Ordinance directs this consideration to be acted on by the Board of Appeals, which is also comprised of the appointed members of the ZBA. The Board of Appeals typically acts on matters related to the International Building and Fire Codes, addressing topics such as alternative construction techniques and materials, and enforcement actions for substandard buildings. Unlike the ZBA, the Board of Appeals procedures do not require compliance with strict rules of evidence; however, the procedures do require that only relevant information be received.

As the Town continues to advance the Unified Development Code project, the Fence Ordinance will be updated and transferred to the development code, with appeal actions being addressed by the ZBA.

Infrastructure Conflicts: Besides the code issues noted above, the most significant conflict with this request is the location of the fence in relation to Town wet utilities and franchise utilities in the Inwood corridor. As the fence is currently proposed, it would traverse a Town utility easement which contains an 8-inch sanitary sewer line. This condition would significantly inhibit the Town's ability to maintain this infrastructure and would not be a feasible condition for Public Works staff. If this fence were to be constructed, it would need to be situated closer to the parking, within the property's landscape buffer.

Access and Visibility Considerations: As the fence is currently situated, there would be concerns with hindering site visibility for vehicles and pedestrians traversing this site and Inwood Road. At the site driveway, the fence would need to be situated deeper into the property and further away from the driveway to mitigate these concerns.

The proposed gate would need to have a Knox Box to allow for emergency services access.

## **RECCOMENDATION: DENIAL OF THE REQUEST AS SUBMITTED**

Due to likely conflicts with public and franchise utilities at the Inwood Road frontage, the proposed fence alignment is not technically feasible, and this request should be denied as submitted or approved based on additional conditions placed on the applicant.

While not a hardship as strictly defined, a reasonable exception to setback provisions of the Fence Ordinance may be appropriate given the high-quality design aesthetic of the proposed fence and the potential for this feature to

enhance the aesthetic quality of the Inwood Road streetscape. If this exception were to be granted, it should be conditioned upon the alignment remaining completely outside of Town right-of-way and outside of Town utility easements as much as possible, mitigating any impacts on Town utility maintenance needs. Additionally, the provision of this fence should not result in a reduction of site landscape or a degradation of site visibility for vehicles and pedestrians traversing this site and Inwood Road.

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### **Attachments**

Town Ordinances Applicable to Appeal  
Addison Pet Yards Appeal Narrative  
Addison Pet Yards Fence Layout  
Addison Pet Yards Fence Character Imagery  
15003 Inwood Road Public Utility Layout  
15003 Inwood Road Site Photos

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**ADDISON** **PET YARDS**  
15003 INWOOD ROAD

July 26, 2021

Good Afternoon Ken and Bill – I am writing in regard to my recent fence permit and subsequent denial. The issue we are having is the permit requires the 25' set back will be right down the middle of many existing parking spots. My request to set the fence just inside of the sidewalk and my property line is simple. From a function and aesthetics viewpoint, it's definitely the right location. The denied permit calls for a professionally built 4' iron fence with brick columns that matches the completely remodeled building. The purpose along with the double driveway rolling gates is to secure the property after hours and impede foot and vehicle traffic.

Let me back up a little and explain why I am writing this request. In 2018 when surveying sites around DFW to move my existing business – Fish Gallery – and while looking for the right building/location to redevelop into a new concept that would become Addison Pet Yards - a multi-tenant retail and service pet-related destination I found 15003 Inwood Rd. All it took was one drive thru the parking lot of the old Seigels building and I saw the opportunity, loved the location as well as I have always admired the City of Addison. It checked all of the boxes, so I proceeded with the purchase. Fast forward to 2021, I would never have thought I would be back in a position to request further considerations such as a fence location. The determining factor that none of us saw coming was 3 different theft issues in a 60-day period (police reports are available for all (3) three. From catalytic convertors stolen twice off our service vans to property vandalism and destruction. I am now in a precarious position after doing so much to bring my project to life... Currently, I can't even leave my service vehicles unsecured. I have to store them in the empty tenant space which is now at permitting to become a Vet Clinic/Animal Hospital. This is very temporary. Without the fence in place, I can only assume I will be targeted again...

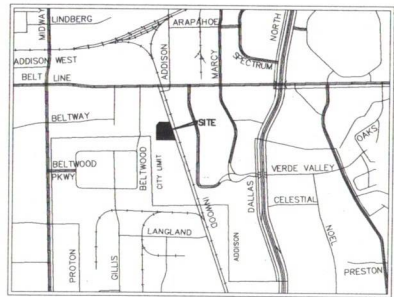
While I have built the entire project to the Addison required code and respect the criteria by which we all want Addison developed I think that my request of moving a fence to a better aesthetic location and for better utilitarian purposes is reasonable and my hope is that w/out delay I can get approved as my predicament is very time sensitive...

Thanks in advance for reading my request and I look forward to discussing everything further in the near future...

Best Regards,



Roger DeGregori  
Addison Pet Yards  
713-875-3898



This is to certify that I have, this date, made an on the ground survey of the property located on 15003 Inwood Road in the Town of Addison, Texas, described as follows:

Being a 1.506 acre tract of land situated in the Josiah Ponceast Survey, Abstract No. 1146, and being a portion of Lot 1, Block 1, of the Rinehart Inwood Addition, an Addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 77012, Page 1563, Map Records of Dallas County, Texas, and being all of Lot 1, Block 1, O'Dwyer Inwood Addition, an unrecorded plat, and being all of that certain tract of land to 15003 Inwood LLC, by deed recorded in Instrument Number 20190202660, of the Official Public Records of Dallas County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch iron rod found with "Peiser & Mankin Surv" red plastic cap (previously set) for the northeast corner of the herein described tract, same being in the southeasterly right-of-way line of Inwood Road (a 100' right-of-way), same being the most westerly southeast corner of The ATLC, an addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 77197, Page 1570, said Map Records;

THENCE South 17 deg 15 min. 00 sec. East, along the southwest right-of-way line of said Inwood Road, passing the southeast corner of said Lot 1, Block 1, O'Dwyer Inwood Addition, same being the northeast corner of aforesaid Lot 1, Block 1, Rinehart Inwood Addition, and continuing a total distance of 295.63 feet to a 1/2 inch iron rod found for the southeast corner of the herein described tract, same being North 17 deg 15 min. 00 sec. West, 11.31 feet from the southeast corner of said Lot 1, Block 1, Rinehart Inwood Addition, same being the northeast corner of that certain tract of land to 14885 Inwood Road LLC, by deed recorded in Instrument Number 200600478170, Official Public Records, Dallas County, Texas, same being the northeast corner of that certain tract of land to Inwood North Partners, by deed dated March 24, 1983, as recorded in Volume 85063, Page 3846, aforesaid Deed Records;

THENCE along the common line of said 15003 tract, and said 14885 Inwood Road tract as follows:

South 90 deg 00 min. 00 sec. West, a distance of 263.69 feet to an angle point;

South 37 deg 11 min. 42 sec. West, a distance of 13.58 feet to an 'X' cut found in concrete for an angle point, same being in the south line of said Lot 1, Block 1, Rinehart Inwood Addition;

South 90 deg 00 min. 00 sec. West, a distance of 5.40 feet to an 'X' cut found in concrete for the southwest corner of the herein described tract, same being the southwest corner of said Lot 1, Block 1, Rinehart Inwood Addition, same being the northwest corner of said 14885 Inwood Road tract, same being in the east line of Lot 2, Inwood West Addition, an addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 91199, Page 3395, aforesaid Deed Records.

THENCE North 00 deg 00 min. 00 sec. East, along the common line of said Thompson tract, said Lot 1, Block 1, Rinehart Inwood Addition, and said Lot 2, passing of a distance of 95.50 feet the northwest corner of said Lot 1, Block 1, Rinehart Inwood Addition, same being the northeast corner of said Lot 2, same being the most southerly southeast corner of aforesaid The ATLC, and continuing along the common line of said 15003 tract, and said The ATLC, a total distance of 263.84 feet to an 'X' cut found in concrete for the most westerly northwest corner of said 15003 tract, same being an angle point in said The ATLC;

THENCE North 45 deg 00 min. 00 sec. East, a distance of 41.43 feet to an 'X' cut found (faded) for the most northerly northwest corner of said 15003 tract;

THENCE North 90 deg 00 min. 00 sec. East, continuing along the common line of said 15003 tract, and said The ATLC, a distance of 160.32 feet to the POINT OF BEGINNING and containing 65,583 square feet or 1.506 acres of computed land, more or less.

NOTES:

1. IRF - Iron Rod Found
2. IRS - Iron Rod Set w/ "PEISER & MANKIN SURV" red plastic cap
3. Basis of Bearing - Based on the east line (South 17 deg 15 min. 00 sec. East of Lot 1, Block 1, of the Rinehart Inwood Addition, an Addition to the Town of Addison, Dallas County, Texas, according to the plat thereof recorded in Volume 77012, Page 1563, Map Records of Dallas County, Texas;
4. There are no observable evidence of cemeteries on site.
5. There are no observable evidence of earth moving work, building construction or building additions within the recent months, the site is newly renovated.
6. There are no observable markings delineating wetlands on site.
7. There are no changes in street right-of-way lines or proposed, and available from the controlling jurisdiction. There is observable evidence of recent street or sidewalk construction or repairs.
8. There are no observable evidence of site use as a solid waste dump, sump or sanitary landfill.

FLOOD CERTIFICATE

As determined by the FLOOD INSURANCE RATE MAPS for Dallas County, the subject property Does Not appear to be within a Special Flood Hazard Area (100 Year Flood), Map date 07/07/2014 Community Panel No. 48113CD180K subject lot is located in Zone 'X'. If this site is not within an identified flood hazard area, this Flood Statement does not imply that the property and/or structures thereon will be free from flooding or flood damage. On rare occasions, greater floods can and will occur and flood heights may be increased by man-made or natural causes. This Flood Statement shall not create liability on the part of the Surveyor.

To: \_\_\_\_\_

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1-4, 7(a), 8, 9, and 16, 17, 18 of Table A thereof. The latest field work was completed on 01/22/2021.

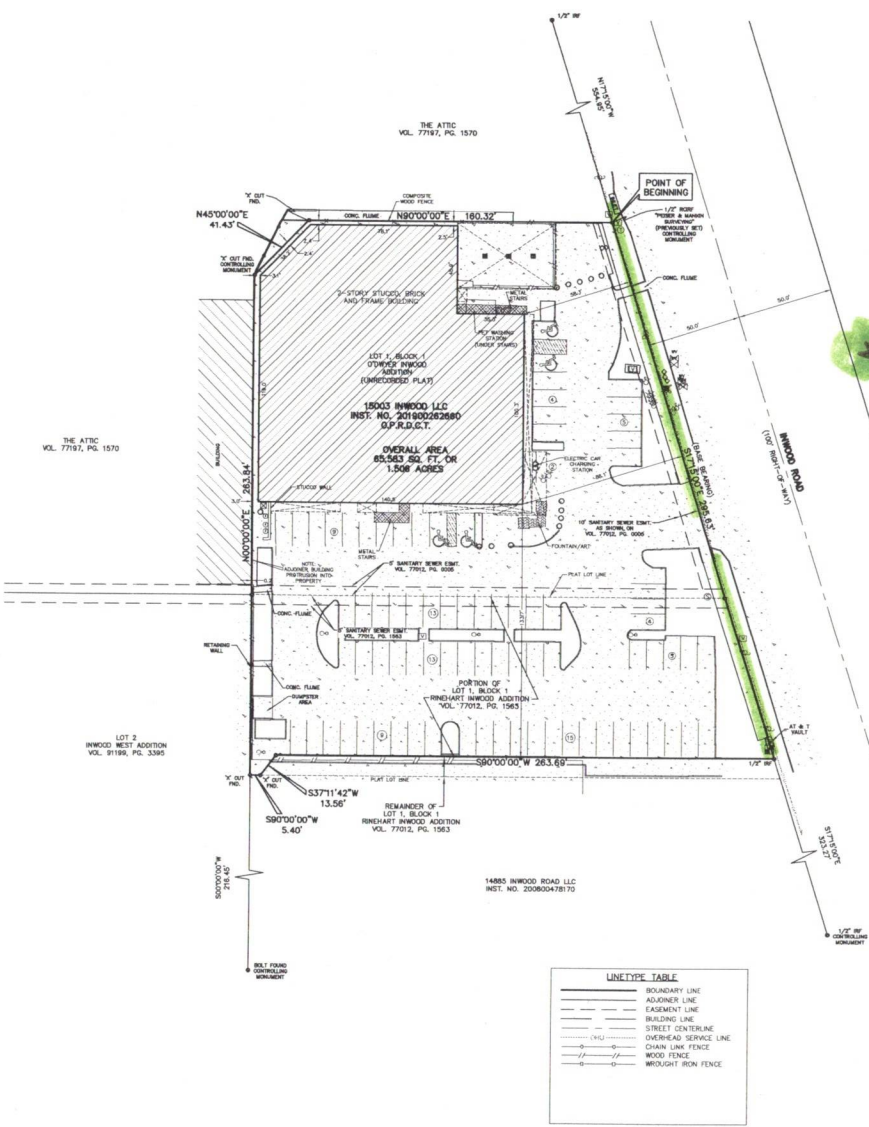
Date of Plat or Map: 01/22/2021

PRELIMINARY, THIS DOCUMENT SHALL NOT BE RECORDED FOR ANY PURPOSE WAITING ON TITLE COMMITMENT 01/22/2021

Timothy R. Mankin Registered Professional Land Surveyor No. 6122

PEISER & MANKIN SURVEYING, LLC www.peisersurveying.com

1604 HART STREET SOUTHPLATE, TEXAS 76092 817-481-1808 (O) COMMERCIAL, RESIDENTIAL, TOPOGRAPHY, SURVEYING, ETC. Member Since 1972



4" metal fence w/ Matching Brick Columns  
 X Double Gate w/ electronic and fire access + BATTERY BACK-UP

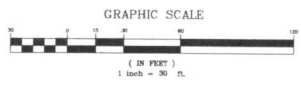
X Rolling Gate and All Fence to be just inside of sidewalk

PARKING TABLE

|  |
|--|
| - 2 ELECTRIC CAR SPACES (NO STRIPES, WHEEL STOPS ONLY) |
| - 4 HANDICAP   |
| - 77 REGULAR   |
| - 83 TOTAL   |

LINE/TYPE TABLE

|     |                       |
|-----|-----------------------|
| --- | BOUNDARY LINE         |
| --- | ADJACER LINE          |
| --- | EASEMENT LINE         |
| --- | BUILDING LINE         |
| --- | STREET CENTERLINE     |
| --- | OVERHEAD SERVICE LINE |
| --- | CHAIN LINK FENCE      |
| --- | WOOD FENCE            |
| --- | WROUGHT IRON FENCE    |



LEGEND

|   |                     |   |                     |   |                       |     |               |
|---|---------------------|---|---------------------|---|-----------------------|-----|---------------|
| ⊕ | GAS METER           | ⊕ | FIRE HYDRANT        | ⊕ | WATER MANHOLE         | --- | SIGN          |
| ⊕ | IRF - CONTROL VALVE | ⊕ | FUEL PORT           | ⊕ | TELEPHONE SIGNAL POLE | --- | LIGHT POLE    |
| ⊕ | TELEPHONE PEDESTAL  | ⊕ | WATER VALVE         | ⊕ | TELEPHONE PEDESTAL    | --- | TYPICAL FENCE |
| ⊕ | POWER POLE          | ⊕ | TRANSFORMER PAD     | ⊕ | SWB MANHOLE           | ⊕   | CONCRETE      |
| ⊕ | DOWN GUY            | ⊕ | ELECTRIC METER      | ⊕ | VAULT                 | ⊕   | COVERED AREA  |
| ⊕ | S.S. MANHOLE        | ⊕ | STORM DRAIN MANHOLE | ⊕ | HANDICAP SPACE        | ⊕   | A/C PAD       |
| ⊕ | CLEAN OUT           |   |                     |   |                       |     |               |

Errors: The Client or Client's Representatives will have 45 days from the date the survey was made to arrange any measurements or any errors on the survey report, after this time has expired all parties involved must accept the survey as shown.

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ALTA/NSPS LAND TITLE SURVEY

|    |          |                     |
|----|----------|---------------------|
| NO | DATE     | REVISION            |
| 1  | 11/03/17 | UPDATE SURVEY       |
| 2  | 01/22/21 | UPDATE SURVEY (TBM) |
| 3  |          |                     |

15003 INWOOD ROAD  
 ADDISON, TEXAS

|             |            |
|-------------|------------|
| JOB NO:     | P-3620     |
| DATE:       | 11/08/2009 |
| FIELD DATE: | 11/02/2017 |
| SCALE:      | 1" = 30'   |
| FIELD:      | PT         |
| DRAWN:      | TBM        |
| CHECKED:    | JBM        |

|              |           |
|--------------|-----------|
| FIRM NO.     | 100999-00 |
| MEMBER SINCE | 1972      |



Iron Fence

it will be a matching black brick column fence with metal in between 4' high. Fire Access will be included for the 2 rolling gates that span the driveway.



## **ARTICLE XIV. FENCES**

### **Sec. 18-165. Adopted.**

For the purpose of providing minimum guidelines for fences, within the Town limits, a copy of which is on file in the office of the City Secretary, is hereby adopted and designated as the "Fences Ordinance" of the Town of Addison. The title of this article shall be the "Fences" and it may be cited as such.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-166. Definitions.**

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Corner lot* means a lot situated at the junction of two or more dedicated public streets.

*Front yard* means an open unoccupied space on a lot facing a street and extending across the front of a lot between the side yard lines.

*Interior lot* means a lot situated in a block with frontage on only one dedicated public street and specifically not a corner lot.

*Interior lot line* means the side yard lot line of a corner lot that is adjacent to an interior lot's side yard line.

*Main structure* means a primary building, or in the case of residences, that area defined as living space, exclusive of attached or detached garages.

*Rear yard* means a space unoccupied by principal structure extending for the full width of the lot between a principal structure and the rear lot line.

*Side yard* means an open unoccupied space on the same lot with the building, situated between the building and the side line of the lot, and extending through from the street or the front line to the rear line of the lot. Any lot line not a rear line or a front line shall be deemed a side line.

*Sight barring fences* means fences constructed of solid wood or masonry materials.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-167. Violations generally.**

The owner of any building or structure failing to comply with any provisions of this article, and the owner of any premises wherein a violation of the provisions of this article occurs, and any architect, engineer, designer, builder, contractor, agent or person employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.

( Ord. No. 020-25, § 2, 4-28-20 )

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### **Sec. 18-168. Conflicts.**

In all cases of conflict between this article and any specific ordinance changing the zoning on a particular tract of land, the ordinance changing the zoning shall prevail.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-169. Building-fire code board of appeals.**

In order to determine the suitability of alternate materials and methods of construction, and to provide for reasonable interpretation of and exceptions to, the provisions of this article, there shall be and is hereby created a Board of Appeals. The said Board of Appeals, being denominated as the Board of Appeals, shall consist of the members of the Board of Adjustment appointed by the City Council of the Town of Addison. Any person aggrieved by the application of this article may appeal its effect to the Board of Appeals. The Board of Appeals shall be as established in the Town's most current adopted Building Code as prescribed in Article II of Chapter 18 of the Code of Ordinances.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-170. Height.**

It shall be unlawful for any person to build, erect, construct or maintain any fence within the Town limits of the Town at a height exceeding eight feet along any lot line, front, side or rear.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-171. Gates generally.**

It shall be unlawful for any person to erect, construct or maintain any fence without providing a gate or other means of entrance and exit into and out of the area which the fence encloses, and it shall further be unlawful for any person to erect, construct or maintain any fence along or near a rear property line which adjoins an alley or easement without providing and maintaining a reasonable means of access to such alley or easement.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-172. Fire department access.**

In order to allow ingress and egress for fire department personnel and fire department equipment, there shall be at least one gate or opening with a minimum width of three feet in each fence that is adjacent to or running parallel to any public alley, drainage easement or utility easement, except this section shall not apply to utility easements that the Town has allowed to be completely fenced in.

( Ord. No. 020-25, § 2, 4-28-20 )

### **Sec. 18-173. Electric charge.**

No fence erected on property zoned for residential use or used for residential use shall be electrically charged in any manner.

( Ord. No. 020-25, § 2, 4-28-20 )

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**Sec. 18-174. Fence materials—Residential uses.**

Fences within residentially zoned areas of the City, shall be constructed of new materials or products such as, wood planks, and boards, masonry as defined by the building code, and wrought iron or ornamental iron. Materials or products such as rope; string; wire; and wire products including, but not limited to, barbed wire, razor ribbon wire, chicken wire, wire fabric, and welded wire fabrics; chain; netting; cut or broken glass; paper; corrugated metal panels; and plywood are prohibited. Other wood, metal or plastic products that are designed specifically for uses other than fence construction are also prohibited.

( Ord. No. 020-25, § 2, 4-28-20 )

**Sec. 18-175. Barbed wire—Nonresidential uses.**

In nonresidential areas, fences armed with barbed wire are allowed if such arms are located above six feet from the bottom of the fence. Such arms may not extend over public right-of-way or easements or over private property of another person.

( Ord. No. 020-25, § 2, 4-28-20 )

**Sec. 18-176. Setback requirements—Generally.**

It shall be unlawful for any person to build, erect, construct, maintain or suffer or permit the building, erecting, constructing or maintaining of any fence within the City limits in such a manner that any portion of the fence extends nearer to the street on which the main house, building, or structure faces than the required front yard setback line. Except as otherwise provided, the restrictions on building fences set forth in this section shall be applicable to property located in zoning districts classified as A (apartment dwelling district), R-1 (single-family dwelling district), MXR (mixed use residential district), LR (local retail district), C-1 (commercial-1 district), C-2 (commercial-2 district), I-3 (industrial-3 district), and PD (planned development district). Such restrictions do not apply to property owned by the Town of Addison.

( Ord. No. 020-25, § 2, 4-28-20 )

**Sec. 18-177. Setback requirements—Schools.**

- (a) Notwithstanding other provisions of this article, the owner or operator of any school or kindergarten may erect upon school or kindergarten property a fence to protect any schoolyard or playground, provided that no fence shall be erected or maintained in such a position or manner as to cause danger to traffic by obstructing the view.
- (b) For the purpose of this section, the word "school" shall mean a public, private or denominational institution having for its purpose the instruction of children and having a curriculum equivalent to a public elementary or high school. The word "kindergarten" shall mean for little children of preschool age, in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.

( Ord. No. 020-25, § 2, 4-28-20 )

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**Sec. 18-178. Inspection.**

Upon completion of installation, the code official shall be called upon for inspection. A certificate of acceptance will then be issued or a rejection slip indicating the defects in fence. All fences constructed under the provisions of this article shall be maintained as to comply with the requirements of this article at all times.

( Ord. No. 020-25, § 2, 4-28-20 )

**Sec. 18-179. General fence provisions.**

- (a) Fences that are constructed on any property within the City must be of approved materials and must be of uniform construction throughout the fence. Once a pattern of materials and construction method is established, it must be carried throughout the entire length of the fence section from corner post to corner post.
- (b) It shall be unlawful to erect a fence which alters the natural or planned drainage on any residential lot.
- (c) Used or secondhand materials shall not be used in the construction of any fence in a residential area.
- (d) The exterior surface of all masonry fences, including concrete block materials, shall be free from projections, inequalities or unevenness of surface, ridges or hollows, and obstructions. The exterior surface of wood fences in residential areas shall be finished with a stain, pigment, paint or other surface treatment or material that is consistent with other finishes existing on the primary structure existing on the property.
- (e) All fence materials, construction, and workmanship shall comply with all requirements of the building code and all approved plans and specifications.

( Ord. No. 020-25, § 2, 4-28-20 )

**Secs. 18-180—18-199. Reserved.**

***ARTICLE X. C-1 COMMERCIAL-1 DISTRICT REGULATIONS<sup>1</sup>***

**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  
Bakery  
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

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<sup>1</sup>Cross reference(s)—Businesses, ch. 22.

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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 75 percent of the floor area of the use

Photographers or artists studio

Piano and musical instrument

Plumbing shop, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)

Public garage, parking no repairs

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

Studio for the display and sale of glass, china, sculpture, art objects, cloth and draperies

Studios, dance, music, drama, health, and reducing

Video equipment and cassettes, sales and rental

Wearing apparel, including clothing, shoes, hats, millinery, and accessories

## **Section 2. Height regulations.**

No building or structure shall exceed six standard stories in height unless additional height is set back from the street lines one foot for each two 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 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:**

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- (A) Except as provided below, there is no minimum required side yard.
  - (B) On a corner lot, a minimum required side yard of 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 feet must be provided. If a corner lot in this district abuts an apartment district, a minimum required side yard of 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 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 200 square feet of floor area.
- (B) *Furniture store.* (1/1,000 s.f.) One space per each 1,000 square feet of floor area.
- (C) *Medical or dental clinics.* (1/200 s.f.) One space per each 200 square feet of floor area.
- (D) *Banks or savings and loans.* (1/300 s.f.) One space per each 300 square feet of floor area.
- (E) *Office.* (1/300 s.f.) One space per each 300 square feet of gross floor area. An office building or group of buildings which shall total 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 1,000 square feet of floor area.
- (G) *Health club or studio for dance, music, drama, health, and reducing.* (1/00 s.f.).

#### **Section 5. Type of construction.**

At least 80 percent of the exterior walls of all structures shall be of masonry construction, exclusive of door and window openings. All facades visible from a public street 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 14 days each calendar year with a maximum of two permits per business per year.
3. All goods, products or merchandise must be displayed on a sidewalk within ten 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.

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## **Section 7. Loading and unloading facilities.**

1. All loading facilities shall be screened in accordance with the provisions of article XXI, landscaping regulations of this appendix.
2. For lots that abut a four-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 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 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 appendix 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 cleanup 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 longterm outside storage of equipment, buildings or other materials, goods and products is prohibited.



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### **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 article XXI, landscaping regulations of this appendix.

## Chapter 18 BUILDINGS AND BUILDING REGULATIONS<sup>1</sup>

### ARTICLE II. BUILDING CODE<sup>2</sup>

#### Sec. 18-21. Deletions, amendments and additions.

Section [A]113 Board of appeals; the International Building Code has been changed in its entirety to read as follows:

*113.1. General.* There is hereby created a board of appeals (the "board of appeals"), consisting of the members of the board of adjustment appointed by the city council pursuant to Appendix A, Article XXIV of the Code of Ordinances of the Town of Addison. Accordingly, the number of members of the board of appeals shall be equal to the number of members of the said board of adjustment.

Appointment to (including the filling of a vacancy), removal from, and the terms (including term limits) of the members of the board of appeals shall be the same as for members of the board of adjustment. Four (4) members of the board of appeals (including, in the absence of one or more regular members, alternate members) shall constitute a quorum for the conduct of business of the board of appeals, and any action of the board of appeals shall require at least four (4) affirmative votes to be adopted or passed.

*113.2 Limitations on authority.* An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

*113.3 Powers of the board of appeals.* The board of appeals has all of the following powers and authority:

*113.3.1* To hear and decide appeals of orders, decisions or determinations made by the building official to the application and interpretation of the code.

*113.3.2* To hear requests for the use of a material or method of construction not prescribed by the code and to authorize the use when, in the board of appeals' judgment, the material or method of construction is at least equivalent to that prescribed.

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<sup>1</sup>Cross reference(s)—Environment, ch. 34; fire prevention and protection, ch. 38; floods, ch. 42; health and sanitation, ch. 46; signs, ch. 62; solid waste, ch. 66; streets, sidewalks and other public places, ch. 70; utilities, ch. 82; zoning, app. A; subdivisions, app. B.

State law reference(s)—Police power, V.T.C.A., Local Government Code § 54.004 .

<sup>2</sup>Editor's note(s)—Ord. No. 020-13, adopted Apr. 28, 2020 , amended Art. II in its entirety to read as herein set out. Former Art. II pertained to the same subject matter, consisted of §§ 18-31—18-100, and derived from Ord. No. 006-006, adopted Feb. 28, 2006; Ord. No. 008-007, adopted Apr. 22, 2008; Ord. No. 011-023, adopted Mar. 22, 2011; and Ord. No. 014-041, adopted Sept. 23, 2014 .

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113.3.3 To hear complaints from the building official arising against any person, firm, or corporation registered by the Town under or related to chapter 18 of the Code of Ordinances of the Town and shall have the power after hearing, to revoke or suspend said registration for the following reasons:

- (a) Chronic violation of the code;
- (b) Misrepresentation of material facts in obtaining said license or renewal thereof;
- (c) Chronic failure to secure permits, inspections, or approvals as required by the code; or
- (d) Use of said registration to obtain a permit for another person, firm or corporation.

113.3.4 *Rules and procedures.* The board of appeals is authorized to establish policies and procedures necessary to carry out its duties.

113.3.5 *Chairperson.* The board of appeals shall annually select one of its members to serve as chairperson.

113.3.6 *Disqualification of member.* A member of the of board of appeals shall not hear an appeal in which that member has a personal interest, professional or financial interest or in any other instance which would be in violation of law.

113.3.7 *Secretary.* The City Manager or the City Manager's designee, including the director of development services, shall designate a qualified clerk to serve as secretary to the board of appeals. The secretary shall file a detailed record of all proceedings in the office of the City Secretary.

*113.4 Appeal process.*

113.4.1 *Application.* The application for appeal shall be filed on a form obtained from the building official within 20 days after the notice was served.

113.4.2 *Notice of meeting.* The board of appeals shall meet upon notice from the chairperson or the City Manager or the City Manager's designee, including the director of development services.

113.4.3 *Open hearing.* Except as allowed by State law, all meetings of the board of appeals and hearings before the board of appeals shall be open to the public. At a hearing of the board of appeals pursuant to this appeal process, the appellant, the appellant's representative, the building official and any person whose interests are affected shall be given an opportunity to be heard.

113.4.4 *Procedure.* The board of appeals shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence but shall provide that only relevant information be received.

113.4.5 *Postponed hearing.* A hearing by the board of appeals shall not be conducted when a quorum of the board of appeals is not present to hear the appeal.

113.4.6 *Board decision.* Any action to reverse a decision of the building official shall require a majority vote of the board.

113.4.7 *Resolution.* The decision of the board of appeals shall be by resolution or by motion recorded in the minutes of the board of appeals. Certified copies of the same shall be furnished to the appellant and to the building official.

113.4.8 *Administration.* The building official shall take immediate action in accordance with the decision of the board of appeals.

Section [A]114.4 Violation penalties; the International Building Code has been amended by adding a second paragraph to read as follows:

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*[A]111.4 Violation penalties.* Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed by law.

Any person, firm or corporation violating any of the provisions of this code shall be subject to a fine, upon conviction in the municipal court, in any sum a minimum of five hundred dollars (\$500.00) per day and not to exceed one thousand dollars (\$1,000.00) per day and each and every day of continuance thereof shall constitute a distinct and separate offense. The owner or owners of any building or structure failing to comply with any provisions of this code, and the owner or owners of any premises wherein a violation of the provisions of this code occurs, and any architect, engineer, designer, builder, contractor, agent, person, firm or corporation employed therewith and who has assisted in the commission of any such violation, shall be guilty of a separate offense.



Hydrant

8" sanitary  
sewer main

8" water line

40ft











