

ORDINANCE NO. 263

AN ORDINANCE AMENDING ORDINANCE NO. 66, PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS ON MAY 11, 1965, BY AMENDING ARTICLE VII TO PROVIDE FOR USE REGULATIONS; PROVIDING FOR BUILDING REGULATIONS; PROVIDING FOR HEIGHT REGULATIONS; PROVIDING FOR AREA REGULATIONS; PROVIDING FOR PARKING REGULATIONS; PROVIDING FOR ACCESSORY BUILDINGS; PROVIDING FOR LANDSCAPING; PROVIDING FOR ACCESS; PROVIDING FOR REFUSE FACILITIES; PROVIDING FOR RECREATIONAL FACILITIES; PROVIDING FOR MECHANICAL EQUIPMENT; PROVIDING FOR LIGHTING; PROVIDING FOR MAINTENANCE; PROVIDING FOR SPECIAL REQUIREMENTS; PROVIDING FOR APPROVAL OF PLANS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND DECLARING AN EMERGENCY.

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

WHEREAS, application was made to amend the comprehensive Zoning Ordinance of the City of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the City of Addison, Texas, as required by State Statutes and the Zoning Ordinance of the City of Addison, Texas, and all the legal requirements, conditions and prerequisites having been complied with, the case having come before the City Council of the City of Addison, Texas, after all legal notices, requirements, conditions and prerequisites having been complied with; and

WHEREAS, the City Council of the City of Addison, Texas at a public hearing called at a regular session of the City Council did consider the following factors in making a determination as to whether this requested change should be granted or denied; safety of the motoring public and the pedestrians using the facilities in the area immediately surrounding the sites; safety from fire hazards and measures of fire control, protection of adjacent property from flood or water damages, noise recuding elements and glare of vehicle and stationary lights and affect of such lights on established character of the neighborhood, location, lighting and types of sign and relation of signs to traffic control and adjacent property, street size and adequacy of width for traffic reasonably expected to be generated by the proposed use around the site and in the immediate neighborhood, adequacy of parking as determined by requirements of this ordinance for off-street parking facilities, location of ingress and egress points for parking and off-street loading spaces, and protection of public health by servicing all parking areas to control this, the effect on the promotion of health and general welfare, effect on light and air, the effect on the over-crowding of the land, the effect on concentration of population, the effect on the transportation, water, sewer, schools, parks and other public facilities; and

WHEREAS, the City Council of the City 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 City of Addison, and helps promote the general welfare, safety and welfare of this community;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS;

SECTION 1. That Ordinance No. 66, the Zoning Ordinance of the City of Addison, Texas, be, and the same is amended and changed in that Article VII "A" Apartment District Regulations is hereby amended to read as follows:

ARTICLE VII

"A" APARTMENT DISTRICT REGULATIONS

Section 1. USE REGULATIONS

Land and buildings in the "A" Apartment District may be used for any of the following listed uses, but no land shall hereafter be used and no buildings or structure shall hereafter be erected, altered, relocated, reconstructed, or converted which is arranged or designed or used for other than the following uses:

1. Two Family Dwelling.
2. Multiple Family Dwellings (apartments).
3. Community, social or hobby buildings for tenants as part of a multiple family dwelling or housing project.
4. Accessory buildings including a private laundry, utility or storage building and carports as part of a multiple family dwelling or housing project.
5. A single name plate or sign for an apartment building or housing project when such sign does not exceed an area of thirty-six (36) square feet and when the sign is not of a flashing, intermittently lighted, revolving or similarly lighted type. The design of such sign shall be submitted with the site plan for approval.

Section 2. BUILDING REGULATIONS

A. Area of Dwelling or Living Unit

1. The minimum floor area per apartment living unit shall be as follows:

Efficiency	500 square feet
One Bedroom	650 square feet
Two Bedroom	900 square feet
Three Bedroom	1,000 square feet

2. The City Council may, after receiving a recommendation from the Zoning Commission, approve a variance to the minimum areas allowed provided they are well assured of additional quality being built into the project. Covenants of restriction may be used to insure that these assurances are met.

B. Type of Materials

Apartment and accessory buildings shall be constructed of standard masonry construction. Vertical exterior walls shall not contain more than twenty percent (20%) non-

masonry materials, excluding window and door openings. The City Council may, after receiving a recommendation from the City Zoning Commission, approve an alternate architectural design that is equal to masonry in appearance and maintainability.

Section 3. HEIGHT REGULATIONS

No apartment building may exceed two (2) standard stories in height.

The structural height of any apartment building erected on a lot abutting a single family residential area shall be limited to one (1) story for a distance of one hundred and fifty (150) feet from the single family residential boundary, inclusive of streets and alleys.

The City Council may, after receiving a recommendation from the City Zoning Commission and after holding a public hearing, grant a special permit for a height in excess of the above, subject to appropriate safeguards and conditions.

Section 4. AREA REGULATIONS

A. Lot area and dimensions

1. Lot area: The minimum lot area shall be one (1) acre.
2. Lot dimensions: The minimum lot dimensions shall be:
  - (a) Minimum width: Two hundred (200) feet.
  - (b) Minimum depth: Two hundred (200) feet.
3. Lot area per dwelling unit: The minimum lot area per dwelling unit shall be 1400 square feet for each efficiency, 1600 square feet for each one bedroom, 1800 square feet for each two bedroom and 2000 square feet for each three bedroom. The maximum lot coverage shall not exceed 35 percent.

B. Front Yard

1. There shall be a front yard having a minimum depth of thirty (30) feet, subject, however, to the following exceptions:

Exceptions to front yard requirements;

Along streets already having a uniform building line, new structures shall conform to that so existing. If there is a variance in the depth of those already existing in the same block and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building on its right when looking toward the street. If such new building is to be constructed on a corner lot, the front building line shall conform to that of the building nearest thereto on the same side of the street in the same block. In no event shall a building line set-back of

less than thirty (30) feet or more than fifty (50) feet from the front lot line be required.

2. On corner lots, the required front yard shall be required on both sides.
3. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
4. No structures shall be located in the required front yard or in required side yard abutting a street. This includes parking areas, swimming pools and other recreational facilities, but does not prohibit decorative items such as fountains, sculptures, flag poles or decorative screen walls thirty (30) inches or less in height which are an integral part of a landscaping scene.
5. No parking shall be allowed in any front yard area. However, drives of ingress and egress from the public street to the parking area shall be allowed to cross the front yard.

#### C. Side Yard

1. Where the ends of the building are adjacent to and parallel to the side lot line, the side yard shall be not less than twenty (20) feet.
2. Where the long sides of the apartment building, other than the ends, are adjacent to or parallel to the side lot lines, the side yard shall be not less than ten (10) percent of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than twenty (20) feet.
3. Where the long dimension of such building is parallel to another building in a project, a side yard of fifteen (15) feet shall be provided on each side of each building so that the walls of buildings arranged as parallel structures shall be a minimum of thirty (30) feet apart and no balcony or canopy shall extend into such side yard or space for a distance greater than five (5) feet.

#### D. Courts

When an apartment building is erected so as to create inner courts the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court for a distance greater than five (5) feet.

E. Rear Yard

Each apartment lot shall have a rear yard area extending the full width of the lot of a depth of not less than twenty-five (25) feet.

F. Unusable Land Areas

No pond, creek or other usable terrain shall be changed without the approval of the city.

G. Overhang and Fireplaces

The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fire-proof outside stairways may extend up to a maximum of three and one-half (3 1/2) feet into the required front, side or rear yards.

Section 5. PARKING REGULATIONS

Off-street parking and loading shall be mandatory for all apartment projects developed under these provisions and shall satisfy the provisions of all other city ordinances applying to the layout, design, and construction of parking and loading areas as well as satisfying the following regulations:

A. Number of Spaces

1. Adequate off-street parking spaces shall be provided to meet the requirements of the residents and their guests in each apartment project, but in no event shall the number of spaces provided be less than one for each efficiency, one and a half for each one bedroom unit, two for each two bedroom unit and two and a half for each three bedroom unit.

B. Area Regulations

1. Locations of parking and loading spaces shall be included on the site plan, and only those locations shall be used for parking or loading.
2. No off-street parking or loading area shall be located in any minimum required side, or rear yard, unless a solid sight barring fence is erected along the property line.
3. No off-street parking or loading space shall be located within four (4) feet of any building. A curb or equivalent barrier shall be placed so as to prevent any vehicle from parking within a minimum distance of four (4) feet from a building.

4. No parking space shall be located more than one hundred (100) feet pedestrian travel distance from the entrance to the dwelling unit which it is intended to serve. Such parking spaces must be visible from the entrance to the apartment building they are intended to serve.

C. Development and Maintenance

Off-street driveways and parking and loading areas shall be curbed, paved and maintained to City of Addison specifications and shall be constructed so as to dispose of all surface drainage according to City of Addison specifications and ordinances.

- D. All complexes must provide an additional parking space for every ten units for the storage of recreational vehicles, boats and additional cars.
- E. No parking or loading area shall be used for storage of any commercial or recreational vehicles exceeding one (1) ton capacity.

Section 6. ACCESSORY BUILDINGS

Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of uses permitted in this district. All accessory buildings which are not a part of the main buildings shall be separated from the main buildings by a minimum of fifteen (15) feet. Final determination of location, height, and arrangement will be made by site plan approval.

Section 7. LANDSCAPING

1. Prior to the issuance of any occupancy permit, there shall be submitted a landscape plan drawn to the same scale as the site plan and submitted with the same number of copies as the site plan. If at time of site plan consideration, the City Zoning Commission is of the opinion that proper approval or disapproval cannot be granted to the site plan without a detailed landscape plan, the City Zoning Commission is authorized to request submission of the landscape plan at that time and further authorized to withhold action on the site plan.
2. Except where otherwise provided, all yard, setback, parking, service, and recreational areas shall be landscaped with lawns, trees, shrubs, or other live or artificial plant materials and shall be permanently maintained in a neat and orderly manner as a condition for use. This condition may be noted on the occupancy permit.
3. Where the use of a living screen is proposed, such screen



must be included as an element of the site plan and as an element of the landscape plan.

4. There shall be permitted fountains, ponds, sculptures, planters, walkways, flag poles, light standards and decorative screen type walls as elements of landscaping in areas designated for landscaping. Decorative type walls, planters and sculptures shall be thirty (30) inches or less in height. The City Zoning Commission shall be authorized to permit heights in excess of thirty (30) inches where such is in the best interest of landscaping and will not in the City Zoning Commission's opinion create a problem relative to public health, safety, order, convenience, prosperity and general welfare.
5. With respect to landscaping parking areas, a minimum of five percent (5%) of all parking areas shall be landscaped. On parking areas having not more than two (2) rows, the five percent (5%) requirement can be met in perimeter landscaping; for lots having more than two (2) rows, at least one-half of the landscaping requirement must be internal to the lot.
6. The landscape plan shall show in detail but not be limited to the location of each element of landscaping, a description or name of each landscape element or group of elements, the number and size of each tree and the height of any proposed planter, sculpture or decorative screen.
7. The City Zoning Commission shall consider the adequacy of the proposed landscaping and any other aspect deemed necessary by the City Zoning Commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.
8. In the approval or disapproval of the landscape plan, the City Zoning Commission shall not be authorized to waive or vary conditions and requirements contained in the Comprehensive Zoning Ordinance, or other valid ordinances of the City of Addison.
9. It shall be unlawful to issue an occupancy permit prior to the approval of the landscape plan. Prior to the issuance of an occupancy permit, all approved screening and landscaping must be in place or if seasonal considerations prohibit the completion of the landscaping, a temporary occupancy permit may be issued for such time as is reasonable to complete the landscaping.

Section 8. ACCESS

- A. Alleys within or abutting an apartment district may be used for ingress and egress to parking and service areas provided a

minimum paved alley width of twenty (20) feet is provided from a street to the parking or service area.

B. Emergency Access Easement

Where a building is located more than one hundred (100) feet from a dedicated public street there shall be provided an emergency access easement situated not further than one hundred (100) feet from such building. Each emergency access easement shall allow for the rapid and safe movement of vehicles used for purposes of providing emergency health or public safety services. Each such easement shall have a clear unobstructed width of twenty-four (24) feet, shall connect at each end to a dedicated public street, or shall have a turn-around of eighty (80) feet in diameter; corners of emergency access easements and their intersections with public streets shall have a sufficient turning area to permit the free movement of emergency vehicles. Emergency access easements shall be clearly posted to prohibit parking or standing of vehicles except for emergency purposes.

Section 9. REFUSE FACILITIES

- A. Every dwelling unit shall be located within one hundred fifty (150) feet of a refuse facility, measured along the designed pedestrian and vehicular travel ways. Each refuse facility shall be screened from viewing on three sides by persons standing at ground level on the site or on immediately adjoining property, by a fence or wall not less than six (6) nor more than eight (8) feet in height or by enclosure within a building. Refuse containers shall be provided and maintained in a manner to satisfy local public health and sanitary regulations. Each refuse facility shall be located so as to provide safe and convenient pick-up by refuse collection agencies.

Section 10. RECREATIONAL FACILITIES

- A. Recreational space and facilities shall be provided and maintained on the site at the rate of not less than four hundred (400) square feet for each dwelling unit. Such recreational space may include playgrounds, pools, tennis courts and landscaped open spaces. No recreational space or facilities shall be placed in minimum side yards or front yards or between buildings less than thirty (30) feet apart.
- B. Swimming Pools

Swimming pools, as an accessory structure to a principal building, shall be subject to approval by the City Zoning Commission after taking into consideration the location and size of the plot, the site, the detailed plans of

such swimming pool and any required accessories; and such other factors as may be required for the health, safety and general welfare of the community. In addition, the City Zoning Commission may require that any swimming pool, including mechanical equipment, be located at such distance from any property line as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence. Any lights illuminating such swimming pools shall be so erected as to eliminate direct rays and minimize reflected rays of light on adjoining premises. Gates and fences around the pool will be constructed consistent with Ordinance #236.

Section 11. MECHANICAL EQUIPMENT

- A. Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort, and repose of the occupant(s) of any adjoining building or residence.

Section 12. LIGHTING

- A. Lighting within the apartment project shall be provided along all driveways and emergency access easements, and at a parking areas, other than parking garages enclosed by doors. The height and spacing of light fixtures shall be such as to produce an average illumination level of not less than 0.2 footcandles on all such driveways, access easements and parking areas.

Section 13. MAINTENANCE

- A. All facilities that constitute an apartment project shall be permanently maintained in a neat and orderly manner as a condition for use. This condition must be noted on the occupancy permit.

Section 14. SPECIAL REQUIREMENTS

- A. Apartment sites of two (2) acres or more will comply with the city's subdivision regulations.

Section 15. APPROVAL OF PLANS

- A. Prior to the issuance of a building permit for an apartment complex, the builder must present a preliminary site plan and a landscape plan to the Planning and Zoning Commission at least ten days prior to the Commission's meeting. After approval by the Planning and Zoning Commission, the site plan and landscape plan will be submitted to the City Council at

their next regularly scheduled meeting. All easements, dedications and a plat must be filed with Dallas County and necessary pro rata fees paid prior to the issuance of a building permit.

Section 2. 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 3. 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 of provision thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of the comprehensive Zoning Ordinance as a whole.

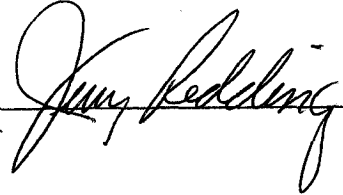
Section 4. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for the comprehensive Zoning Ordinance of the city as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

Section 5. The fact that the present ordinances and regulations of the city are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the city creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which

requires that this ordinance shall become effective from and after the date of its passage, as provided by law, and it is accordingly so ordained.

DULY PASSED by the City Council of the City of Addison, Texas on this the 11<sup>th</sup> day of May, 1976.

MAYOR



ATTEST:

  
CITY SECRETARY