

ORDINANCE NO. 344

AN ORDINANCE AMENDING ORDINANCE NO. 66, PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS ON MAY 11, 1965, BY ADDING ARTICLE VIII-A, PLANNED DEVELOPMENT DISTRICT, TO PROVIDE FOR PURPOSE OF DISTRICT; PROVIDING FOR APPLICATION; PROVIDING FOR USES PERMITTED; PROVIDING FOR DEVELOPMENT SCHEDULE; PROVIDING FOR PROCEDURE FOR APPROVAL OF DEVELOPMENT PLAN; PROVIDING FOR COORDINATION WITH SUBDIVISION REGULATION ORDINANCE; 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 reducing 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, 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 Comprehensive Zoning Ordinance of the City of Addison, Texas, be, and the same is amended and changed to add Article VIII-A, Planned Development District and is to read as follows:

ARTICLE VIII-A  
PLANNED DEVELOPMENT DISTRICT

Section 1. Purpose of District - The purpose of this District is to encourage better development in the City by allowing more flexibility in the planning and development of projects. Variable combinations of land use units such as industrial parks, office or commercial districts, mixed or uniform residential development, or other appropriate combination of uses will be allowed if developed and operated as integral land use units by a single owner or combination of owners. It is the policy of the City that the developer shall inventory site conditions and environs, both natural and man-made, and shall provide appropriate protection of these elements prior to approval of the Planned Development District. The district is further designed to allow the City Council greater control over the development of areas adjacent to residential districts.

Section 2. Application - An application for a Planned Development District may be made to the City Plan Commission in the same manner that an application for any amendment to the zoning ordinance is made. In addition to the requirements outlined in Section 4 & 5, the Planning and Zoning Commission or

the City Council may require additional information or special plans related to specific elements of the Planned Development District.

Section 3. Uses Permitted - A Planned Development District may be approved for any use or combination of uses allowed under the zoning ordinance including special use permits. The uses permitted in any specific Planned Development District shall be enumerated in the ordinance establishing such districts.

Section 4. Development Schedule - 1. An application for a Planned Development District shall, if the applicant desires or the Planning and Zoning Commission or City Council requires, be accompanied by a development schedule indicating the appropriate date on which construction is expected to begin and the rate of anticipated development to completion. The development schedule, if adopted and approved by the City Council, shall become part of the development plan and shall be adhered to by the owner, developer and his successor in interest. The City Council, in the ordinance approving the development schedule, may authorize the Planning and Zoning Commission to extend the development schedule or adopt a new development schedule without additional public hearings.

2. Annually, where a development schedule has been required, the Building Official shall report to the City Council the actual development accomplished in the various Planned Development Districts as compared with the development schedules.

3. The Planning and Zoning Commission may, if in its opinion the owner or owners of property are failing or have failed to meet the approved schedule, initiate proceedings to rezone the

Planned Development District by removing all or part of the Planned Development District from the Zoning District Map and recommending that the area involved be placed in another appropriate zoning district. This recommendation shall be passed to the City Council as are other amendments to the Zoning Ordinance.

4. The owner or owners may, at any time, apply to the Planning and Zoning Commission for an extension of the development schedule. Such application shall be acted upon by the Planning and Zoning Commission and if the ordinance setting out the development schedule gives the authority to the Planning and Zoning Commission to extend the development time, the action of the Planning and Zoning Commission making the extension shall be final. In the event the Planning and Zoning Commission denies the extension, the owner or owners of the property shall have a right of appeal to the City Council and the rules for the amendment of the Zoning Ordinance shall apply and govern the handling of the appeal.

Section 5. Procedure for Approval of Development Plan -

1. An applicant for development of an area included under a Planned Development District, or one seeking to have an area designated as such a district, must submit a Development Plan which shall become part of the amending ordinance. Changes in the Development Plan shall be considered the same as changes in the Zoning District Map and shall be processed as required by the Zoning Ordinance; except that changes of detail which do not alter the basic relationship of the proposed development to adjacent property and which do not alter the uses permitted or

increase the density, building height or coverage of the site, or which do not decrease the off-street parking ratio or reduce the yards provided at the boundary of the site or does not significantly alter the landscape plans or signage as indicated on the approved development plan may be authorized by the zoning administrator. Any applicant may appeal the decision of the zoning administrator to the Planning and Zoning Commission for review and decision as to whether an amendment to the Planned Development District ordinance shall be required.

2. The Development plan shall include:

a. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water and an analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

b. A scale drawing showing any proposed public or private streets and alleys; building sites or lots; and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width of all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with a topographical contour interval of not more than five (5) feet.

c. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines

and alley lines. Also to be included on the site plan is a plan showing the arrangement and provision of off-street parking.

d. A landscape plan showing screening walls, ornamental planting, wooded areas and trees to be planted.

e. An architectural plan showing elevations and signage style to be used throughout the development on commercial buildings.

Any or all of the required information may be incorporated on a single drawing if one drawing is clear and can be evaluated by the Zoning Administrator and the Building Official.

A legal instrument establishing a plan for permanent care and maintenance of any common area or communally-owned facility must be submitted before the Development Plan will be approved. All such instruments shall be approved by the City Attorney as to legal form, and by the City Council as to suitability for the proposed use of the common area.

#### Section 6. Coordination with Subdivision Regulation

Ordinance - 1. Processing under the Subdivision Ordinance shall be carried out simultaneously with the review of the Development Plan under this section.

2. The Development Plan submitted under Section 5 shall be accompanied by a preliminary plat which meets the requirements of the Subdivision Ordinance. The preliminary plat shall be reviewed and approved by the Planning and Zoning Commission prior to the granting of any building permits.

3. Every Planned Development District approved under the provisions of this ordinance shall be considered as an amendment

to the Zoning Ordinance as applicable to the property involved. In carrying out the development of a Planned Development District, the development conditions and the development schedule, if required, shall be complied with and such conditions as are specified for the development of a Planned Development District shall not be construed as conditions precedent to the approval of the zoning amendment, but shall be construed as conditions precedent to the granting of a Certificate of Occupancy.

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 12 day of July, 1977.

MAYOR



ATTEST:



ACTING CITY SECRETARY