

ORDINANCE 6014

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-B, PLANNED DEVELOPMENT - TOWNHOUSE/ CONDOMINIUM DISTRICT, TO PROVIDE FOR PURPOSE OF DISTRICT; PROVIDE FOR GENERAL LOCATION OF ZONING; PROVIDE FOR COMPREHENSIVE SITE PLAN; PROVIDE FOR DETAILED DEVELOPMENT PLAN; PROVIDE FOR PERMITTED USES; PROVIDE FOR LOT AND BUILDING REGULATIONS; PROVIDE FOR DENSITY; PROVIDE FOR DWELLING UNIT AREA; PROVIDE FOR CONSTRUCTION MATERIALS AND DESIGN; PROVIDE FOR HEIGHT; PROVIDE FOR PARKING, GARAGES AND CARPORTS; PROVIDE FOR STREETS, ALLEYS AND ACCESS WAYS, PROVIDE FOR LANDSCAPING, PROVIDE FOR PRIVACY AND SCREENING; PROVIDE FOR UTILITIES; PROVIDE FOR POSTAL SERVICE; PROVIDE FOR REFUSE COLLECTION AND STORAGE; PROVIDE FOR DEED RESTRICTIONS; PROVIDE FOR OUTDOOR STORAGE; PROVIDE FOR FIREWALL REQUIREMENTS; PROVIDE FOR HOMEOWNER ASSOCIATION; PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY CLAUSE; PROVIDE FOR PENALTY; AND DECLARING AN EMERGENCY.

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 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 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 overcrowding 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 and safety 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 hereby amended to add Article Vlll-B. Planned Development-Townhouse/Condominium District and is to read as follows:

Article Vlll-B
Planned Development, Townhouse/Condominium

SECTION 2. Purpose of District

Because of the newness of townhouses, condominiums, cluster houses and other such housing concepts in Addison and because such housing does not fall into any existing residential zoning district the City of Addison finds that a set of guidelines are necessary to set forth the city's policy and attitudes towards these housing types. The city does encourage new and creative ideas when such ideas are in the best interest of the city as a whole. Therefore, each proposed development (including new construction and the conversion of existing structures) must be reviewed individually and judged on its merits.

SECTION 3. Planned Development

In order to provide for individual review, it has been decided that all townhouses, condominiums, cluster housing and other such concepts shall be allowed only under Planned Development "PD" Zoning. The zoning ordinance (Ordinance No. 66) requires a comprehensive "development plan" and the development plan "shall become part of the amending ordinance." (See Ordinance No. 66, Article Vlll-A, Section 5.) Therefore, the following guidelines are given to show what is expected in regard to these various requirements.

SECTION 4. Comprehensive Site Plan

This is to be a graphic plan including all of the

area under consideration for zoning approval and shall be submitted with the application for such zoning. This plan need not be detailed but must show use areas, land areas for building, principal roadways, parkways, buffers, screening and the number and type of dwelling units. Notes, sketches, photographs and drawings may be attached to the development plan to illustrate the treatment of parkways, parking areas, buffer strips, screening, shrubs, roadway design, special subdivision lotting plans and other such ideas which cannot be satisfactorily explained otherwise. Such notes, sketches, photographs and drawings shall be used to evaluate detailed site plans.

If the development plan is only conceptual in nature the zoning may be granted, but no building permit shall be issued until a Detailed Development Plan is approved by the City Council.

SECTION 5. Detailed Development Plan

A Detailed Development Plan shall be approved by the City Council prior to the issuance of a building permit and shall show locations of buildings, open spaces, parking areas, drives, streets and other access ways, sidewalks, fire lanes, landscaping (in general only), walls and fences, buffer strips, use of buildings, number of dwelling units, lotting plans, if applicable, diagrammatic utility layouts and other such things which serve to show that the proposed development will be compatible with the surrounding area and will provide a wholesome environment for future residents. The site plan may be composed of several sheets and may include photographs and sketches if necessary.

The Detailed Development Plan and the Comprehensive Site Plan may be one-in-the-same if all conditions of both are met. In the event of a multi-phase project, it is intended that a Detailed Development Plan be submitted only on the area that is proposed for immediate development. Additional plans may be approved as the other phases are ready to be developed.

SECTION 6. General Location of Zoning

Each application shall be judged on its appropriateness to its site and to its compatibility with existing development or other proposed development. It is felt that through proper planning it is possible to design townhouse development to fit all areas of Addison. The Master Plan sets forth the proposed location of single family areas. These single family areas are envisioned to possibly be

protected from high intensity land uses and traffic volumes along major thoroughfares by medium intensity buffering areas such as garden office and intermediate density housing. (see Master Plan, Plate 4 and Plate 5)

SECTION 7. Permitted Uses

- A. Single-family unit on a platted lot.
- B. Two or more single family units on a platted lot.
- C. Community Center.

SECTION 8. Lot and Building Regulations

A. Lot Regulations -

In order to encourage innovative design, no specific lot dimensions are set forth. A lotting plan shall be a part of the Detailed Development Plan and the lots will be reviewed as they relate to the total plan and concept.

B. Building Setback Regulations -

In order to encourage innovative design, no minimum or maximum yard setback requirements are set forth; however, setbacks and yards may be required. The city expects that buildings be arranged to create open spaces, both public and private, that enhance the total living environment. Varied spaces, both in design and size will be encouraged. Building spacing will be closely evaluated on the detailed Development Plan. The following building spacing relationships are given as guides to convey the desires of the City.

- 1. Setback from streets (Public & Private):
 - a. Twenty feet (20') from the curb to the face of garage.
 - b. Ten feet (10') from the curb to face of buildings other than garages.
 - c. Carports will be evaluated on each plan.
- 2. Separation Between Buildings
 - a. The minimum distance between walls of adjacent buildings with no window shall be eight (8') feet.

- b. The minimum distance between walls of adjacent wall with window only on one wall shall be ten (10') feet.
- c. The minimum distance between walls of adjacent walls with windows on both walls shall be twenty (20') feet.
- d. In the case of a building with offsets, the minimum distance between any window and a wall of the same building shall be six (6') feet.

SECTION 9. Density

No specific density (ratio of dwelling units to land area) is set forth, however, the city has established a maximum of 35% floor area to total land area as a base. Consideration will be given to increase the buildable area when certain conditions have been provided. Quality in design, both site and architectural may be used as a basis for consideration to increase the buildable area. Based on the following criteria the maximum buildable area may be increased as indicated:

Base Percentage	35%
Garages	+5%
Detached Units	+5%
70% or more of all units fronting on landscaped courts	<u>+8%</u>
Possible Total	53% Buildable Area

In order to obtain the maximum buildable area add any of the percentages that are applicable to the 35% base figure. Maximum building area may be calculated by multiplying the land area times the building area percentage.

SECTION 10. Dwelling Unit Size

No specific unit size is required, however, the unit size multiplied by the number of units proposed cannot be greater than the maximum building area (refer to Section 9).

SECTION 11. Construction Materials and Design

Townhouse developments bring many individual owners side by side in one building and usually group several buildings in one complex. Therefore, the architectural design and the exterior maintenance

are more important in these developments than in detached single family houses. For this reason the City feels that much care must be used in the selection of building materials to reduce long range maintenance problems and protect property values. Approval of architectural plans may be necessary to insure compatibility within the development as well as the surrounding area.

When exterior walls have less than 80% brick, stone or stucco on the surface area, excluding windows and doors, architectural drawings shall be submitted showing how the maintenance will be kept to a minimum.

SECTION 12. Height

Generally no building shall exceed two (2) stories in height, however, three (3) story units may be considered if the overall average is only two (2) stories. A maximum height of 36 feet to the top of ridge of roof from average grade will be allowed.

SECTION 13. Parking, Garages, Carports

- A. Adequate parking space shall be provided to meet the requirements of the residents and their guests. In no event shall the number of off-street parking spaces provided on the lot proper, that is, located where it is a part of or adjacent to the unit. It is envisioned that additional spaces may be provided on the lot proper, or on common or community property located in the immediate vicinity of the lot or lots to be served. At least 3 spaces per unit shall be provided off-street. Tandem parking may be acceptable.
- B. Additional and adequate off-street parking spaces, as determined by the City Council, shall be provided adjacent to all swimming pools, parks, service building, and recreational areas.
- C. Required off-street parking for each unit shall be accompanied by either a carport or garage located where it is part of or adjacent to the unit it serves.
- D. All parking areas on other than lots having dwelling units shall be lighted and such lighting shall be arranged so as to reflect light away from lots containing dwelling units and away from adjacent residential districts.

SECTION 14. Streets, Alleys & Access Ways

A. Public and Private Access Ways:

All areas for locating dwelling units shall be platted into individual lots and located on dedicated streets, however, private streets may be provided if a home owners association or other agency has control and responsibility for traffic control and maintenance of private streets. Such private streets shall meet City of Addison widths and paving standards unless otherwise provided by the Planning Commission and City Council and shown on the subdivision plat.

B. Paving Standards:

Street pavement in dedicated right-of-way shall have a minimum width of 26 feet, face of curb to face of curb, and shall be constructed in accordance with Ordinance No. 261 (the subdivision rules and regulations) unless otherwise approved by the City Council.

C. Alley Access:

Alleys within or abutting a district may be used for ingress and egress to parking and service areas, provided the alley is paved to a width of twenty (20) feet from a street to the parking or service area.

SECTION 15. Landscaping

A landscape plan shall be provided to show the following:

- a. Areas to be landscaped
- b. List of landscaping materials
- c. Irrigation plan

SECTION 16. Privacy & Screening

- A. When a cluster home development is planned adjacent to a Single Family District, the minimum adjacent side yard shall be 10 feet.
- B. In order to protect the privacy of the adjacent Residential District, second floor and upper level windows shall be designed so that it avoids visibility of the yards of the adjacent Residential District.
- C. All second floor and upper level windows must be

turned at right angle to the common property line to ensure privacy.

SECTION 17. Utilities

Each unit shall have individual utilities and all utilities shall be underground.

SECTION 18. Postal Service

Individual mail provision shall be provided for each unit and shall be located in accordance with guidelines established by the Postal Service.

SECTION 19. Refuse Collection and Storage

Individual curbside refuse collection will be required for each unit.

SECTION 20. Deed Restrictions

Prior to the issuance of a certificate of occupancy a set of deed restrictions shall be approved by the City of Addison and filed for record in the County Clerks' Office of Dallas County, Texas.

SECTION 21. Outdoor Storage

Storage of boats, camper trailers, old autos, furniture and other such items on the streets, drives, or carports, is considered unsightly and is expected to lower the quality of the overall development. Therefore, screened storage areas may be required.

SECTION 22. Firewall Requirements

Because of the investments in a home, which are made in townhouses, the City of Addison feels that a wall between any two dwelling units must carry at least a two (2) hour fire rating. This wall shall extend from the slab foundation, to the bottom of the roof deck. Additional fire walls will be looked on with favor.

SECTION 23. Home Owner Association

It is suggested that consideration be given to the formation of a homeowners association to provide for the care of all the common areas included on the approved development plan. Such an association should include, but is not limited to the following:

- A. Suggested membership from all residences and owners in the association.
- B. A system for payment of association dues to be collected with rent, lease, or mortgage payments.
- C. Provision for enforcing the rules and regulations of the association.
- D. Such other provisions as deemed appropriate to secure a sound and stable association.

SECTION 24. Apartment Conversion

Any apartment complex desiring conversion must first secure a change in zoning from Apartment District to Planned Development. Any such conversion shall be made to comply with the City of Addison prevailing codes and ordinances, including but not limited to the Building Code, Plumbing Code, Mechanical Code, Fire Code and Electrical Code.

SECTION 25. 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 26. 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 unconstititutional, and shall not affect the validity of the comprehensive Zoning Ordinance as a whole.

SECTION 27. 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 28. 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 9 day of September, 1980.

MAYOR



ATTEST:


CITY SECRETARY