

ORDINANCE NO. 706

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING ORDINANCE NO. 624, PLANNED DEVELOPMENT ZONING ON 41.5 ACRES IN LES LACS VILLAGE; TO DELETE THE HEREINAFTER TRACT IX FROM REGULATIONS COVERED UNDER ORDINANCE NO. 624 AND TO PROVIDE NEW REGULATIONS AS HEREIN DESCRIBED; PROVIDING FOR A REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A 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 does find that there is a public necessity for the zoning amendment, 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. 624, Planned Development zoning on 41.5 acres in Les Lacs Village, is hereby amended to delete the hereinafter described property from regulations provided in Ordinance No. 624 and incorporate the following regulations:

Section 1. PURPOSES 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 regulations 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 application to zone townhouse/condominium must be reviewed individually and judged on its own merits.

Section 2. 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 "DP" 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 VIII-A, Section 5). Therefore, the following ordinance sets out the city's expectations in regard to these various requirements.

Section 3. 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 drawing 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 Detail Development Plan is approved by the City Council.

Section 4. 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, buffer strips, use of buildings, floor plans, number of dwelling units, lotting plans, if applicable, diagramatic utility layouts and other seen 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. All required screening walls must be of masonry construction. Fences shall be offset from drives or parking so as to avoid damage by vehicles.

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 5. 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/Condominium 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 6. PERMITTED USES

(A) Condominium: A condominium is defined as two or more dwelling units on a lot with individual ownership of a unit, rather than a specific parcel of real property; together with common elements.

- (B) Townhouses: A townhouse is defined as three or more dwelling units, each being located on a specific parcel of platted property.
- (C) Community Center.
- (D) Recreation Buildings.
- (E) Laundry Rooms.

Section 7. GENERAL CONDITIONS

Yard Requirements:

- (A) There shall be a twenty-five (25) feet exterior yard in all cases from public streets.
- (B) There shall be sideyards of ten (10) feet in all cases for one story condominium buildings.
- (C) There shall be a sideyard of fifteen (15) feet for two story buildings.
- (D) Every part of a required yard or court shall be maintained as open space; provided that ordinary projections may extend into a minimum sideyard not more than twenty-four (24) inches.

Section 8. TOWNHOUSE YARD REQUIREMENTS

Every lot within this district shall have exterior yards of at least twenty-five (25) feet, a rear yard of at least ten (10) feet and no sideyard shall be required. The Uniform Building Code will regulate construction requirements where side property lines intersect buildings.

Section 9. DENSITY

Density within this PD zoning district shall not in any case exceed eighteen (18) dwelling units per acres.

- (A) Maximum lot coverage: no more than 50% of the lot area shall be covered by buildings.
- (B) Building - lot ratio: there shall be at least 2400 square feet of lot area for each dwelling unit built on any lot.
- (C) Minimum Dwelling Unit Size: Every dwelling unit, hereafter erected, shall have a floor area exclusive of breezeways, basements, open and screened porches and garages of not less than 750 square feet.
- (D) Maximum height limitation of four (4) stories.

Section 10. CONSTRUCTION MATERIALS AND DESIGN

Condominium developments bring individual behind-the-door owner's side by side in one building with common ownership of other elements of the structure. 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.

- (A) The exterior walls shall be 80% masonry.
- (B) A fire retardant class "C" roof covering, meeting Uniform Building Code Standard 32-7, will be required on all condominium and townhouse units.
- (C) Balconies visible from public R.O.W. must be recessed and screened or covered and screened.
- (D) Open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that a sphere six (6) inches in diameter cannot pass between rails.
- (E) Stucco, as defined in Section 2421 of Ordinance 563, will be acceptable as masonry veneer.
- (F) Mexican Brick, as defined in Section 2422 of Ordinance 563 and meeting the test set out in Section 2403, may be used as brick veneer.

Section 11. PARKING

- (A) Two parking spaces shall be provided for each dwelling unit. One of these spaces must be enclosed in an area behind the front building line.
- (B) Additional off street parking, as determined by the Council, shall be provided adjacent to all recreational areas.
- (C) Fire lanes, as required by the fire code, shall be provided and clearly marked.
- (D) Security lighting must be provided to illuminate parking and public areas; placed, so as to reflect the lighting away from adjacent dwelling units.

Section 12. STREETS, ALLEYS AND ACCESS WAYS

- (A) All areas for locating dwelling units shall be platted property and located on dedicated streets; however, private streets may be provided if a homeowner association or other agency has control and maintenance of such private streets. Private streets and alleys must be shown on the subdivision plat.
- (B) Paving Standards: Private streets shall meet City of Addison widths and paving standards.
- (C) Alley Access: Alleys within or abutting a district may be used for ingress or 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 13. OPEN SPACE

In addition to paved parking and driving areas, at least 10% of the lot shall be maintained in landscaped open area. All parking areas shall be designed and constructed in a manner to include landscaping. All landscaped areas shall have adequate and inconspicuous irrigation systems.

Section 14. UTILITIES

(A) Each condominium/townhouse unit shall have its own underground electrical service.

(B) All dwelling units must have washer and dryer connections.

Section 15. 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 16. REFUSE COLLECTION AND STORAGE

(A) Individual curbside refuse collection may be required for each unit -- in a collection unit approved by the Council.

(B) Refuse containers, when used, must set on a designed concrete pad and approach. The dumpster shall be screened from public view. The screening enclosure shall be of the same masonry as the exterior walls of the primary structure.

Section 17. DEED RESTRICTIONS AND OWNER ASSOCIATION AGREEMENTS

Agreements shall be approved by the City of Addison and recorded in the County Clerk's Office, prior to the issuance of the Certificate of Occupancy.

Section 18. FIRE WALLS SEPARATING DWELLING UNITS

1. The common walls and ceiling of each unit must be constructed of materials of one hour construction.
2. The attic space must be fire stopped as required by the Uniform Building Code.

SECTION 2. Said property, for the above mentioned zoning amendment, is in the City of Addison, Texas, and is described as follows:

Commencing at the intersection of the Easterly line of Marsh Lane (variable width) with the Southeasterly cut-off line between said Easterly line of Marsh Lane and the Southerly line of Belt Line Road (100 foot right-of-way);

THENCE, S 0°56'06" West along said Easterly line of Marsh Lane a distance of 920.00 feet to an angle point;

THENCE, S 6°00'26" W along said Easterly line of Marsh Lane a distance of 169.66 feet to an angle point;

THENCE, S 0°56'06" W along said Easterly line of Marsh Lane a distance of 185.46 feet to a point for corner;

THENCE, S 89°04'38" E a distance of 81.90 feet to the beginning of a curve to the right;

THENCE, in a Southeasterly direction along said curve to the right having a radius of 460.00 feet, a central angle of 35°00'00" and an arc length of 281.00 feet to the end of said curve to the right;

THENCE, S 54°04'38" E a distance 290.76 feet to the POINT OF BEGINNING of the herein described tract of land;

THENCE, in a Southeasterly, Easterly and Northeasterly direction along said curve to the left having a radius of 840.00 feet, a central angle of 47°10'41" and an arc length of 691.67 feet to the end of said curve to the left;

THENCE, S 29°04'38", E a distance of 203.25 feet to a point for corner;

THENCE, S 11°04'38", E a distance of 330.36 feet to a point for corner;

THENCE, S 1°00'00", W a distance of 177.18 feet to a point for corner;

THENCE, N 89°03'56" W a distance of 713.04 feet to a point for corner and to the beginning of a curve to the left;

THENCE, in a Northwesterly direction along said curve to the left having a radius of 1,000.00 feet, a central angle of 23°29'17", and an arc length of 409.95 feet to the end of said curve to the left;

THENCE, N 24°34'06" W a distance of 115.95 feet to the beginning of a curve to the right;

THENCE, in a northwesterly, northerly and northeasterly, along said curve to the right having a radius of 300.00 feet, a central angle of 60°29'21" and an arc length of 316.73 feet to the end of said curve to the right;

THENCE, N 35°55'22" E a distance of 9.68 feet to the POINT OF BEGINNING AND CONTAINING 522,723 square feet or 12.0001 acres of land, more or less.

SECTION 3. 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 4. That should any paragraph, sentence, subdivision, clause, phrase or section of this ordinance be adjudged or held to be unconstitutional, illegal or invalid, the same shall not affect the validity of this ordinance as a whole or any part or provisions thereof other than the part so decided to be invalid, illegal or unconstitutional, and shall not affect the validity of this ordinance as a whole.

SECTION 5. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine 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 6. 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 8 day of September, 1981.

MAYOR *John Kelly*

ATTEST:

Jacquie Sharp
CITY SECRETARY