

ORDINANCE NO. 226

AN ORDINANCE AMENDING ORDINANCE NO. 66, PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS ON MAY 11, 1965, BY AMENDING ARTICLE VIII-B, PLANNED DEVELOPMENT, TOWNHOUSE/CONDOMINIUM, TO PROVIDE FOR PURPOSE OF DISTRICT; PROVIDE FOR PLANNED DEVELOPMENT; PROVIDE FOR COMPREHENSIVE SITE PLAN; PROVIDE FOR DETAILED DEVELOPMENT PLAN; PROVIDE FOR GENERAL LOCATION OF ZONING; PROVIDE FOR PERMITTED USE; PROVIDE FOR GENERAL CONDITIONS; PROVIDE FOR TOWNHOUSE YARD REQUIREMENTS; PROVIDE FOR DENSITY; PROVIDE FOR CONSTRUCTION MATERIALS AND DESIGN; PROVIDE FOR PARKING; PROVIDE FOR STREETS, ALLEYS AND ACCESS WAYS; PROVIDE FOR OPEN SPACE; PROVIDE FOR UTILITIES; PROVIDE FOR POSTAL SERVICE; PROVIDE FOR REFUSE COLLECTION AND STORAGE; PROVIDE FOR DEED RESTRICTIONS AND OWNER ASSOCIATION AGREEMENTS; PROVIDE FOR FIRE WALLS SEPARATING DWELLING UNITS; 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-B, Planned Development, Townhouse/Condominium Development District and is to read as follows:

ARTICLE VIII-B

PLANNED DEVELOPMENT, TOWNHOUSE/CONDOMINIUM

Section 1. 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 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 "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 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 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 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,

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. 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 Dev 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 side-yard 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 acre.

- (A) Maximum lot coverage: no more than 50% of the total 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.

Section 10. CONSTRUCTION MATERIALS & 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 ROW 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 19.

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 20.

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 21.

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 22.

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,
this the 13 day of October, 1981.



MAYOR

ATTEST:



CITY SECRETARY