

ORDINANCE NO. 727

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-C, PLANNED DEVELOPMENT CONDOMINIUM CONVERSIONS DISTRICT, TO PROVIDE FOR PURPOSE OF DISTRICT; PROVIDE FOR PLANNED DEVELOPMENT; PROVIDE FOR COMPREHENSIVE SITE PLAN; PROVIDE FOR DETAILED CONVERSION SITE PLAN; PROVIDE FOR PERMITTED USES; PROVIDE FOR PARKING; PROVIDE FOR LANDSCAPING; PROVIDE FOR UTILITIES; PROVIDE FOR BALCONIES; PROVIDE FOR POSTAL SERVICE; PROVIDE FOR REFUSE COLLECTION AND STORAGE; PROVIDE FOR CREATION OF A CONDOMINIUM REGIME AND BY-LAWS; PROVIDE FOR FIRE WALLS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCE; 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 for 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-C, Planned Development, Condominium Conversions District and is to read as follows:

ARTICLE VIII-C

PLANNED DEVELOPMENT, CONDOMINIUM CONVERSIONS

Section 1. PURPOSE OF DISTRICT

The City of Addison finds that a different set of regulations are necessary when an apartment complex owner desires to convert the apartments into individually owned dwelling units, with other elements of the complex being common property, shared by all dwelling unit owners. The City will require definite objectives and policies on condominium conversions.

Section 2. PLANNED DEVELOPMENT

In order to provide for individual review, it has been decided that all condominiums, be allowed only under Planned Development Townhouse Condominium "PD" Zoning. The zoning ordinance (Ordinance No. 66) requires a comprehensive "development plan" and this plan "shall become part of the amending ordinance" (see Ordinance No. 66, Article VIII-A, Section 5). Therefore, the following ordinance sets out the Council'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 must show use areas, principal roadways, parkways, buffers, screening, landscaped areas and the number and type of dwelling units and other such ideas which cannot be satisfactorily explained otherwise. Such notes, sketches, photographs and drawings shall be used to evaluate detailed site plans.

Section 4. DETAILED CONVERSION SITE PLAN

The Detailed Conversion Site Plan shall be approved by the City Council prior to the issuance of a Building Permit. This plan should show in detail the changes that are proposed that will improve the aesthetics of the present complex in open space, parking areas, entrances, berms, sidewalks, landscaped walkways, exterior of structures and balconies. All perimeter walls and fences shall be masonry, or a design acceptable to the Council.

Section 5. PERMITTED USES

- (A) Condominium
- (B) Community Center
- (C) Recreation Buildings
- (D) Laundry Buildings

Section 6. PARKING

At least one covered and one uncovered parking space will be provided per dwelling unit on the existing parking layout. Additional improvements in the parking area will be expected.

Section 7. LANDSCAPING

Existing and proposed landscaped areas will be considered on a comparative basis. Proposed areas must show the kind of plants and the degree of intensity used in coverage. Parking areas shall be landscaped where possible. All landscaped areas shall have adequate and inconspicuous irrigation systems.

Section 8. UTILITIES

- (A) All gas, water and sewer lines shall be tested as new lines. The Building Official may require that areas of existing lines be exposed, to determine to the best of his knowledge, if such lines have an expected life of five (5) additional years. Otherwise, new lines must be installed or guaranteed for five (5) years with replacement funds deposited in escrow by the developer with the Homeowners Association.
- (B) Wherever practicable, all dwelling units must be provided with washer and dryer connections.
- (C) Electrical Services and wiring systems will be inspected and expected to meet the present electrical code.

Section 9. BALCONIES

- (A) Balconies visible from public ROW must be screened
- (B) Open guardrails and stair railings shall have intermediate rails or an ornamental pattern such that a sphere six inches (6") in diameter cannot pass between rails.

Section 10. 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 11. REFUSE COLLECTION AND STORAGE

- (A) An individual storage area must be provided for each dwelling unit.
- (B) Individual curbside refuse collection may be required for each unit -- in a collection unit approved by the Council.
- (C) 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 12. CREATION OF A CONDOMINIUM REGIME AND BY-LAWS

- (A) A notice of intent to convert to a Condominium complex to all tenants.
- (B) A provision for the right of first refused for existing tenants to purchase their individual units at offered terms are better, at the time of conversion.
- (C) Create a council of co-owners.
- (D) Provision of covenants, conditions and restrictions subject to approval by the City Legal Department.
- (E) Items (C) and (D) above shall be approved and recorded in the County Clerk's office as required by State Law prior to the issuance of the Certificate of Occupancy.

Section 13. FIRE WALLS

- (A) The common walls and ceiling of each unit must be constructed of materials of one hour construction.
- (B) The attic space must be fire stopped as required by Uniform Building Code.
- (C) The above does not waive the area separation wall requirements contained in the Uniform Building Code.

Section 14.

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 15.

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 the comprehensive Zoning Ordinance as a whole.

Section 16.

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 17.

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.

[Signature]
MAYOR

ATTEST:

Jacque Sharp
CITY SECRETARY