

ORDINANCE NO. 089-027

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE TOWN OF ADDISON, TEXAS, BY AMENDING ARTICLE VII, SECTION 7, ARTICLE VIII, SECTION 10, ARTICLE VIII-A, SECTION 5, ARTICLE VIII-B, SECTION 4, ARTICLE VIII-C, SECTION 7, ARTICLE IX, SECTION 10, ARTICLE X, SECTION 10, ARTICLE XI, SECTION 10, ARTICLE XII, PARAGRAPH 28, BY ADDING A NEW PARAGRAPH TO EACH LISTED SECTION OF EACH LISTED ARTICLE, AND BY AMENDING ARTICLE XXI, DEFINITIONS, TO ADD DEFINITIONS FOR "LANDSCAPE PLAN" AND "PLANT MATERIAL," BY REMOVING ALL REFERENCES TO "STREETSCAPES" AND REPLACE THEM WITH "ALL LANDSCAPED AREAS SHALL BE MAINTAINED ACCORDING TO TOWN OF ADDISON LANDSCAPE AND MAINTENANCE REQUIREMENTS, PROVIDING FOR SEVERABILITY AND PROVIDING FOR PENALTIES.

WHEREAS, application was made to amend the Comprehensive Zoning Ordinance of the Town of Addison, Texas, by making application for the same with the Planning and Zoning Commission of the Town of Addison, Texas, as required by State Statutes and the zoning ordinance of the Town 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 Town 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 Town of Addison, Texas, and helps promote the general welfare and safety of this community; now, therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS:

SECTION 1. That the comprehensive zoning ordinance of the  
Town of Addison, Texas is hereby amended by amending Article VII,  
Apartment, Section 7 to read as follows:

Section 7. Landscaping

1. Prior to the issuance of any occupancy permit, there shall be submitted a landscape plan drawn to the same scale as the site plan and submitted with the same number of copies as the site plan. If at time of site plan consideration, the City Zoning Commission is of the opinion that proper approval or disapproval cannot be granted to the site plan without a detailed landscape plan, the City Zoning Commission is authorized to request submission of the landscape plan at that time and further authorized to withhold action on the site plan.
2. Except where otherwise provided, all yard, setback, parking, service, and recreational areas shall be landscaped with lawns, trees, shrubs, or other live or artificial plant materials and shall be permanently maintained in a neat and orderly manner as a condition for use. This condition may be noted on the occupancy permit.
3. Where the use of a living screen is proposed, such screen must be included as an element of the site plan and as an element of the landscape plan.
4. There shall be permitted fountains, ponds, sculptures, planters, walkways, flag poles, light standards and decorative screen type walls as elements of landscaping in areas designated for landscaping. Decorative type walls, planters and sculptures shall be thirty (30) inches where such is in the best interest of landscaping and will not in the City Zoning Commission's opinion create a problem relative to public health, safety, order, convenience, prosperity and general welfare.
5. With respect to landscaping parking areas, a minimum of five percent (5%) of all parking areas shall be landscaped. On parking areas having not more than two (2) rows, the five percent (5%) requirement can be met in perimeter landscaping; for lots having more than two (2) rows, at least one-half of the landscaping requirement must be internal to the lot.

6. The landscape plan shall show in detail but not be limited to the location of each element of landscaping, a description or name of each landscape element or group of elements, the number and size of each tree and the height of any proposed planter, sculpture or decorative screen.
7. The City Zoning Commission shall consider the adequacy of the proposed landscaping and any other aspect deemed necessary by the City Zoning Commission necessary to consider in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare.
8. In the approval or disapproval of the landscape plan, the City Zoning Commission shall not be authorized to waive or vary conditions and requirements contained in the Comprehensive Zoning Ordinance or other valid ordinances of the Town of Addison.
9. It shall be unlawful to issue an occupancy permit prior to the approval of the landscape plan. Prior to the issuance of an occupancy permit, all approved screening and landscaping must be in place or if seasonal considerations prohibit the completion of the landscaping, a temporary occupancy permit may be issued for such time as is reasonable to complete landscaping.
10. A landscape plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 2. By amending Article VIII, Local Retail, Section 10, to read as follows:

Section 10. Site Landscaping

- A. Landscaped Area: The improving of land and placing thereon live flowers, shrubs, trees or grasses, decorative fixtures such as fountains, water treatments, sculptures, retaining walls, berms, fences and specially treated walkways shall be treated as and go toward the calculation of total landscaped area. Required sidewalks and accessed sidewalks may not be included in the calculated landscaped area.
- B. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems and shall be properly maintained.
- C. If the parking and maneuvering space exceeds 20,000 square feet, at least five percent (5%) thereof shall be maintained as landscaped area. In order to get credit toward the

overall calculated required landscaped area, a tree either 15 feet in height or 3" in diameter will be required for each 2,000 square feet of required landscaped parking area. It is the intent of this section to require design and construction of parking area in a manner whereby areas unusable for parking or maneuvering space be landscaped.

- D. If all of the city r-o-w- is landscaped and maintained to comply with the Town of Addison landscape and maintenance requirements, such landscaped portion will reduce the amount of required landscaped area of the lot by that amount (square foot for square foot).
- E. Local Retail (Office Uses): Twenty percent (20%) of the lot shall be maintained in landscaped open area. A landscaped buffer of twenty feet (20') will be required along all street frontage. City r-o-w may be included in the above 20' buffer and a reduction of five percent (5) of the total required landscaped area will be allowed when the r-o-w is landscaped and maintained according to Town of Addison landscape and maintenance requirements.
- F. Local Retail (Permitted Uses): Fifteen percent (15%) of the lot shall be maintained in open landscaped area. A landscaped buffer of twenty feet (20') will be required along all street frontage. City r-o-w may be included in the above 20' buffer and a reduction of five percent (5%) will be allowed when the r-o-w is landscaped and maintained according to the Streetscape Plan of Addison.
- G. The Landscape Development Department shall have the power to plant, preserve, spray, trim or remove any tree, shrub or plant on any parkway, alley or public ground belonging to the Town of Addison.
- H. It shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of said tree or shrub growing on public property.
- I. A Landscape Plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 3. By amending Article VIII-A, Planned Development District, Section 5, to read as follows:

## 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 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 the 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 of the site shall be approved by the Addison Parks and Recreation Director.
- 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 4. By amending Article VIII-B, Planned Development, Townhouse, Condominium, Section 4, to read as follows:

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 as approved as the other phases are ready to be developed.

A landscape plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 5. By amending Article VIII-C, Planned Development-Condominium Conversions, Section 7, to read as follows:

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.

A landscape plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 6. By amending Article IX, Commercial, Section 10, to read as follows:

Section 10. Site Landscaping

- A. Landscaped Area: The improving of land and placing thereon live flowers, shrubs, trees or grasses, decorative fixtures such as fountains, water treatments, sculptures, retaining walls, berms, fences and specially treated walkways shall be treated as and go toward the calculation of total landscaped area. Required sidewalks and access sidewalks may not be included in the calculated landscaped area.
- B. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems and shall be properly maintained.
- C. If the parking and maneuvering space exceeds 20,000 square feet, at least five percent (5%) thereof shall be maintained as landscaped area. In order to get credit toward the overall calculated required landscaped area, a tree either 15 feet in height or 3" in diameter will be required for each 2,000 square feet of required landscaped parking area. It is the intent of this section to require design and construction of parking area in a manner whereby areas unusable for parking or maneuvering space be landscaped.
- D. If all of the city r-o-w is landscaped and maintained to comply with the Town of Addison landscape and maintenance requirements, such landscaped portion will reduce the amount of required landscaped area of the lot by that amount (square foot for square foot).

- E. Commercial Permitted Uses: Ten percent (10%) of the lot shall be maintained in open landscaped area. A landscaped buffer of twenty feet (20') will be required along all street frontage. City r-o-w may be included in the above 20' buffer and a reduction of three percent (3%) will be allowed when the r-o-w is landscaped and maintained according to Town of Addison landscape and maintenance requirements.
- F. The Landscape Development Department shall have the power to plant, preserve, spray, trim or remove any tree, shrub or plant on any parkway, alley or public ground belonging to the Town of Addison.
- G. It shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of said tree or shrub growing on public property.
- H. A Landscape Plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 7. By amending Article X, "I-1," Industrial District Regulations, Section 10, to read as follows:

Section 10. Site Landscaping

- A. Landscaped Area: The improving of land and placing thereon live flowers, shrubs, trees or grasses, decorative fixtures such as fountains, water treatments, sculptures, retaining walls, berms, fences and specially treated walkways shall be treated as and go toward the calculation of total landscaped area. Required sidewalks and access sidewalks may not be included in the calculated landscaped area.
- B. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems and shall be properly maintained.
- C. If the parking and maneuvering space exceeds 20,000 square feet, at least five percent (5%) thereof shall be maintained as landscaped area. In order to get credit toward the overall calculated required landscaped area, a tree either 15 feet in height or 3" in diameter will be required for each 2,000 square feet of required landscaped parking area. It is the intent of this section to require design and construction of parking area in a manner whereby areas unusable for parking or maneuvering space be landscaped.



- D. If all of the city r-o-w is landscaped and maintained to comply with the Town of Addison landscape and maintenance requirements, such landscaped portion will reduce the amount of required landscaped area of the lot by that amount (square foot for square foot).
- E. Industrial Permitted Uses: Five percent (5%) of the lot shall be maintained in open landscaped area. A landscaped buffer of twenty feet (20') will be required along all street frontage. City r-o-w may be included in the above 20' buffer.
- F. The Landscape Development Department shall have the power to plant, preserve, spray, trim or remove any tree, shrub or plant on any parkway, alley or public ground belonging to the Town of Addison.
- G. It shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of said tree or shrub growing on public property.
- H. A Landscape Plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 8. By amending Article XI, "I-2," Industrial District Regulations, Section 10, to read as follows:

Section 10. Site Landscaping

- A. Landscaped Area: The improving of land and placing thereon live flowers, shrubs, trees or grasses, decorative fixtures such as fountains, water treatments, sculptures, retaining walls, berms, fences and specially treated walkways shall be treated as and go toward the calculation of total landscaped area. Required sidewalks and access sidewalks may not be included in the calculated landscaped area.
- B. All required landscaped open space shall be provided with adequate and inconspicuous irrigation systems and shall be properly maintained.
- C. If the parking and maneuvering space exceeds 20,000 square feet, at least five percent (5%) thereof shall be maintained as landscaped area. In order to get credit toward the overall calculated required landscaped area, a tree either 15 feet in height or 3" in diameter will be required for each 2,000 square feet of required landscaped parking area. It is the intent of this section to require design and construction of parking area in a manner whereby areas unusable for parking or maneuvering space be landscaped.

- D. If all of the city r-o-w is landscaped and maintained to comply with the Town of Addison landscape and maintenance requirements, such landscaped portion will reduce the amount of required landscaped area of the lot by that amount (square foot for square foot).
- E. Industrial Permitted Uses: Five percent (5%) of the lot shall be maintained in open landscaped area. A landscaped buffer of twenty feet (20') will be required along all street frontage. City r-o-w may be included in the above 20' buffer.
- F. The Landscape Development Department shall have the power to plant, preserve, spray, trim or remove any tree, shrub or plant on any parkway, alley or public ground belonging to the Town of Addison.
- G. It shall be unlawful for any person, firm or corporation to cut or break any branch of any tree or shrub or injure in any way the bark of said tree or shrub growing on public property.
- H. A Landscape Plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 9. By amending Article XII, Special Uses, Paragraph 28, to read as follows:

- (27) Every Special Use Permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property. In granting such permit, the City Council may impose conditions which shall be complied with by the grantee before certificate of occupancy may be issued by the Building Official for the use of the buildings on such property pursuant to said special use permit; and such conditions shall not be construed as conditions precedent to the granting of special use permit for the change in zoning of such property, but shall be construed as conditions precedent to the granting of the certificate of occupancy. The following are regulating measures which can be included in the consideration of a special use permit:
  - a. Parking stipulated as part of recommendation.
  - b. Site Plan required in all applications.
  - c. Approval of means of ingress and egress.
  - d. Approval of building size and location.
  - e. Control of outside lighting and screening.
  - f. Special set-backs and/or building lines.
  - g. Surfacing of parking areas and drives.

- h. Installation of curbs and drainage structures.
- i. Approval of use or uses permitted.
- j. A landscape plan of the site shall be approved by the Addison Parks and Recreation Director.

SECTION 10. By amending Article XXI, Definitions, to add two new paragraphs, 42A and 52A which shall read as follows:

42A Landscape Plan: A detailed drawing measuring twenty-four inches by thirty-six inches (24" x 36") or other dimensions acceptable to the Director and which shows thereon quantities or numbers, placement, type and common and botanical names of plant material to be used.

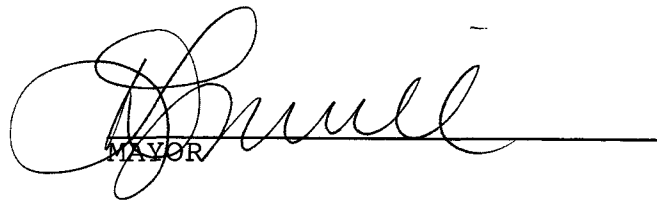
52A Plant Material: Trees, shrubs, grasses, ground covers and other vegetation acceptable to the Director of the Parks and Recreation department; such term shall not include weeds.

SECTION 11. 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 12. 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 13. 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 Thousand Dollars (\$2,000.00) and not less than Five Hundred Dollars (\$500.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON,  
TEXAS, this the 12th day of September, 1989.


  
MAYOR

ATTEST:

  
CITY SECRETARY

CASE NO. 1037-Z

APPROVED AS TO FORM:

  
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