

ORDINANCE 091-021

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 623 ON APPLICATION FROM BENTON RUTLEDGE PROPERTIES TO SET FORTH SPECIAL CONDITIONS ON PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF PROTON DRIVE, SOUTH OF BELTWAY DRIVE, AND WEST OF MIDWAY ROAD; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; AND DECLARING AN EMERGENCY.

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, and help[s] 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 Ordinance No. 623 is hereby amended by amending Section 3. to read as follows:

SECTION 3. The following special conditions are placed on the hereinabove described property:

- 1) Units per acre - five and one-half (5 1/2) maximum- Majority of the lots should not be less than 5,000 square feet.
- 2) Zero Lot Line/Patio Homes where no alleys are necessary and front-entry garages or carports are utilized.
 - a. Minimum lot area - 3,600 square feet
 - b. Minimum lot width at building line to be (40) feet; 12 feet for all "flag" type lots to be identified by the developer on the proposed plat.
 - c. Minimum lot depth - 90 feet.
 - d. Minimum yards:
 1. Front yard - minimum front yard setback of (20) feet except for lots (67) and (68) of Block C - partial replat of Les Lacs Garden Homes which shall maintain a minimum setback of (11) feet.
 2. Rear yard - none required.
 3. Side yard - none required except there will be a minimum (6) foot separation between the buildings as shown on the attached Exhibit "a" which shall be made a part of this ordinance for all purposes. No accessory building(s) shall be permitted within the area of the (6) foot separation.
 - e. Other minimum setbacks:
 1. Front facing garage or carport - (20) feet from public rights-of-way or public easement and (68) of Block C - partial replat of Les Lacs Garden Homes which shall maintain a minimum setback, of eleven (11) feet.
 2. Side facing garage or carport - no setbacks required.
 - f. Minimum floor area per dwelling unit - 1,250 gross square feet of air-conditioned space, excluding garage.

- g. Maximum lot coverage - 60%.
 - h. Parking:
 - 1. All residences should be provided with a two car enclosed garage.
 - 2. Off-street parking - open space for each dwelling will be provided on each lot, excluding required garages or carports.
 - i. Maximum height - two habitable stories, k with total height not to exceed 36 feet.
 - j. Lots 49-68, as designated on the final plat for the Waterford Addition, shall not be allowed to have windows on the north side of the second floor which could allow views into the back yards of the existing homes on Rive Lane. The homes will be allowed to have windows in the upper part of the wall which can allow light into the new homes. However, no window can have a bottom sill which is closer than (6' 6") to the floor of the second story. Lots 49 and 68 should pay particular attention to windows on the side of any proposed home which could look into the yards of existing homes.
 - k. Minimum maintenance easement of three (3) feet on the side yard for the adjacent lot.
 - l. No portion of any building shall extend beyond lot lines or into public easement or public rights-of-way.
 - m. Masonry requirement- all dwelling units are to be constructed of a minimum 70% masonry material on the ground floor.
- 3) All homes shall be equipped with electric garage door openers.
 - 4) All trash storage and pick-up areas for individual homes be permanently screened from view.

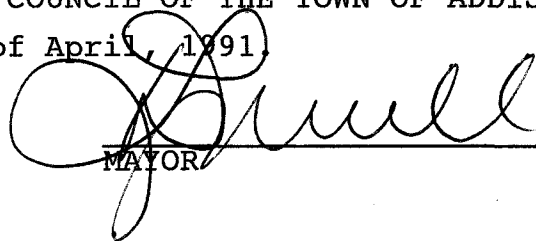
SECTION 2. That any person, firm, or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning

Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of (\$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.

SECTION 3. 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 4. That this ordinance shall specifically repeal Ordinance 084-007, and 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.

DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 23rd day of April, 1991.


MAYOR

ATTEST:


CITY SECRETARY

CASE NO. 809-Z-1

APPROVED AS TO FORM:



Published 5-30-91

EXHIBIT "A"

EXISTING AND PROPOSED
SIDE YARD & ESMT. REQUIREMENTS
WATERFORD - ADDISON

