ORDINANCE NO. 093-072

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE, AS HERETOFORE AMENDED, SO AS TO CHANGE THE ZONING FROM "R-1", SINGLE-FAMILY RESIDENTIAL, TO "PD", PLANNED DEVELOPMENT, ON APPLICATION FROM MR. JACK POGUE, LOCATED ON 25.39 ACRES ON THE EAST SIDE OF WESTGROVE DRIVE, NORTH OF THE ADDISON PLACE SUBDIVISION, AND SOUTH OF THE ADDISON-DALLAS CITY LIMIT LINE, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE; PROVIDING FOR DEVELOPMENT STANDARDS, PROVIDING FOR SPECIAL CONDITIONS; PROVIDING FOR MINIMUM CONSTRUCTION STANDARDS, PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR A REPEAL CLAUSE.

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, be, and the same is hereby amended by amending the zoning map of the Town of Addison, Texas, so as to give the hereinafter described property the zoning district classification, to-wit: Planned Development. Said property being in the Town of Addison, Texas, and being described as follows:

TRACT I

BEING a tract of land situated in the Levi Noble Survey, Abstract No. 1098 and the Eli Shepherd Survey, Abstract No. 1361 in Dallas County, Texas and being part of a tract of land as conveyed to Jack Pogue by deed recorded in Volume 85003, Page 1789 of the Deed Records of Dallas County, Texas, said tract also being part of Carroll Estates, an addition to the City of Addison as recorded in Volume 10, Page 478 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

COMMENCING at a point that is the southeast corner of the Saratoga Springs Addition, an addition to the City of Dallas as recorded in Volume 93161, Page 3724 of the Deed Records of Dallas County, Texas, said point also being on the west line of Addison Road (a 60 foot right-of-way); Thence South 02°22'55" West, 197.95 feet along the said west line of Addison Road to the POINT OF BEGINNING, a 1/2" iron rod set for corner;

THENCE South 02°22'55" West, 145.65 feet continuing along the said west line of Addison Road to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 15°35'16" a radius of 1050.00 feet and a chord bearing of North 72°23'32" West;

THENCE along said curve 285.66 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE South 79°55'23" West, 79.68 feet to a 1/2" iron rod set for corner;

THENCE North 33°27'47" West, 83.38 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the left having a central angle of 56°13'48" a radius of 100.00 feet and a chord bearing of North 61°34'41" West;

THENCE along said curve 98.14 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE North 89°41'35" West, 436.69 feet to a 1/2" iron rod set for corner and being the beginning of a curve to the left having a central angel of 90°02'15" a radius of 175.00 feet and a chord bearing South 45°17'18" West;

THENCE along said curve 275.00 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE South 00°16'10" West, 308.17 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 90°00'00" a radius of 150.00 feet and a chord bearing of South 45°16'10" West;

THENCE along said curve 235.62 feet to the end of said curve a 1/2" iron rod set for corner;

THENCE North 89°43′50" West, 90.19 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 53°07′48" a radius of 100.00 feet and a chord bearing of North 63°09′56" West;

THENCE along said curve 92.37 feet to the end of said curve, a 1/2" iron rod set for corner and being the beginning of a curve to the left having a central angle of 53°07'48" a radius of 100.00 feet and a chord bearing of North 63°09'56" West;

THENCE along said curve 92.37 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE North 89°43′50" West, 1009.89 feet to a 1/2" iron rod set for corner on the east line of Westgrove Road (a 60-foot right-of-way);

THENCE North 00°16'10" East, 492.29 feet along the said east line of Westgrove Road to a 1/2" iron rod found for corner, and being the beginning of a curve to the left having a central angle of 17°34'13" a radius of 372.71 feet and a chord bearing of North 08°30'56" West;

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THENCE along said curve, and continuing along the said east line of Westgrove Road to a 1/2" iron rod found for corner;

THENCE South 89°39'38" East, 1291.49 feet leaving the said east line of Westgrove Road to a 1/2" iron rod found for corner;

THENCE South 89°43'11" East, 300.92 feet to a 1/2" iron rod set for corner;

THENCE South 89°41'35" East, 660.63 feet to a 1/2" iron rod found for corner;

THENCE South 25°03'01" East, 136.11 feet to a 1/2" iron rod set for corner, and being in a curve to the left running in an easterly direction and having a central angle of 20°19'43" a radius of 1000.00 feet and a chord bearing of South 77°27'13" East;

THENCE along said curve 354.80 feet to the Point of Beginning and containing 22.143 acres (964,565 square feet) of land.

TRACT II

BEING a tract of land situated in the Levi Noble Survey, Abstract No. 1098 and the Eli Shepherd Survey, Abstract No. 1361 in Dallas County, Texas and being part of a tract of land as conveyed to Jack Pogue by deed recorded in Volume 85003, Page 1789 of the Deed Records of Dallas County, Texas, said tract also being part of Carroll Estates, an addition to the City of Addison as recorded in Volume 10, Page 478 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a 1/2" iron rod found for corner on the east line of Westgrove Road (a 60 foot right-ofway), said point also being the northwest corner of Addison Place Addition, an addition to the City of Addison as recorded in Volume 82038, Page 1386 of the Deed Records of Dallas County, Texas;

THENCE North 00°16'10" East, 100.00 feet along the said east line of Westgrove Road to a 1/2" iron rod set for corner;

THENCE South 89°43'50" East, 1009.89 feet leaving the said east line of Westgrove Road to a 1/2" iron rod

set for corner, and being the beginning of a curve to the right having a central angle of 53°07'48" a radius of 100.00 feet and a chord bearing of South 63°09'56" East;

THENCE along said curve 92.73 feet to the end of said curve, a 1/2" iron rod set for corner, and being the beginning of a curve to the left having a central angle of 53°07'48" a radius of 100.00 feet and a chord bearing of South 63°09'56" East;

THENCE along said curve 92.73 feet to the end of said curve, a 1/2" iron rod set for corner, and being the beginning of a curve to the left having a central angle of 53°07'48" a radius of 100.00 feet and a chord bearing of South 63°09'56" East;

THENCE along said curve 92.73 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE South 89°43′50" East, 90.19 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the left having a central angle of 90°00′00" a radius of 150.00 feet and a chord bearing of North 45°16′10" East;

THENCE along said curve 235.62 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE North 00°16'10" East, 308.17 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 90°02'15" a radius of 175.00 feet and a chord bearing of North 45°17'18" East;

THENCE along said curve 275.00 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE South 89°41'35" East, 436.69 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 56°13'48" a radius of 100.00 feet and a chord bearing of South 61°34'41" East;

THENCE along said curve 98.14 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE South 33°27'47" East, 44.42 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 206°45'36" a radius of 25.00 feet and a chord bearing South 69°55'01" West;

THENCE along said curve 90.22 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE North 07°36'27" West, 57.59 feet to a 1/2" iron rod set for corner, and being in a curve to the left running in a northwesterly direction and having a central angle of 42°44'24" a radius of 80.00 feet and a chord bearing of North 68°19'23" West;

THENCE along said curve 59.68 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE North 89°41'35" West, 536.69 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the left having a central angle of 90°02'15" a radius of 155.00 feet and a chord bearing of South 45°17'18" West;

THENCE along said curve 243.57 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE South 00°16'10" West, 308.17 feet to a 1/2" iron rod set for corner, and being the beginning of a curve to the right having a central angle of 90°00'00: a radius of 170.00 feet and a chord bearing of South 45°16'10" West;

THENCE along said curve 267.04 feet to the end of said curve, a 1/2" iron rod set for corner;

THENCE North 89°43'50" West, 1260.08 feet to the Point of Beginning and containing 3.265 acres (142,218 square feet) of land.

SECTION 2. As provided in Planned Development District Article of the Comprehensive Zoning Ordinance, said property shall be improved in accordance with development plans which shall be submitted to the city for approval by the Planning and Zoning Commission and City Council prior to the commencement of any development on the site. The property described in this Ordinance as Tract 1 shall be divided into two zones, "Zone 1" and "Zone 2", as shown on the map which is attached hereto and made a part hereof for all purposes. All development plans, and all improvements on the site, shall adhere to the following uses and restrictions:

GENERAL REGULATIONS FOR BOTH ZONE 1 AND ZONE 2

- 1. No vehicle access shall be permitted to any public space.
- 2. The development must provide for vehicular access to both Westgrove Drive and Addison Road.
- Any fence along a dedicated public space must provide an open view.
- 4. Allowable density shall be 18 units per acre multiplied by the combined gross area of Tracts I and II (25.39 acres).

SPECIFIC REGULATIONS FOR ZONE 1

ALLOWED USES, ZONE 1

Land and buildings in this district may be used for any of the following listed uses, but no land shall hereafter be used and no buildings or structure shall hereafter be erected, altered, relocated, reconstructed, or converted which is arranged or designed or used for other than the following uses:

- Multiple family dwelling (apartments).
- Community, social or hobby buildings for tenants as part of a multiple family dwelling or housing project.
- 3. Accessory buildings including a private laundry, utility or storage building and carports as part of multiple family dwelling or housing project.

BUILDING REGULATIONS, ZONE 1

1. Area of Dwelling Unit

The average dwelling unit size shall be 1,000 square fee.

The minimum dwelling unit size shall be 775 square feet.

2. Type of Materials.

Vertical exterior walls for all dwelling unit and accessory buildings shall contain at least 80% brick, excluding window and door openings.

3. Height Regulations.

No building may exceed two (2) standard stories in height.

4. Design Regulations.

The front of all buildings against a dedicated public space shall face the dedicated public space.

There shall be no driveways or parking areas between the buildings and a dedicated public space.

There shall be no exterior stairways.

All units shall have garages.

5. Area Regulations.

A. Front Yard

There shall be a front yard having a minimum depth of twenty-five (25) feet.

All buildings shall be set back from a dedicated public space a minimum of 25 feet.

No structures shall be located in the required front yard. This includes parking areas, swimming pools, and other recreational facilities, but does not prohibit decorative items such as fountains, sculptures, flag poles or decorative screen walls thirty (30) inches or less in height which are an integral part of the landscaping plan.

No parking shall be allowed in any front yard area.

B. Side Yard

Where the ends of the building are adjacent to and parallel to the side lot line, the side yard shall be not less than twenty (20) feet.

Where the long sides of the building, other than the ends, are adjacent to or parallel to the side lot lines, the side yard shall be not less than ten (10) percent of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than twenty (20) feet.

Where the long dimension of such building is parallel to another building in a project, a side yard of fifteen (15) feet shall be provided on each side of each building so that the walls of buildings arranged as parallel structures shall be a minimum of thirty (30) feet apart and no balcony or canopy shall extend into such side yard or space for a distance greater than five (5) feet.

No parking shall be allowed in any side yard area adjacent to a public street or dedicated public space.

C. Courts

When a building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court for a distance of greater than five (5) feet.

D. Overhangs and Fireplaces

The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies, and fireproof outside stairways may extend up to a minimum of three and one-half (3 1/2) feet into the required front, side or rear yards.

E. Patios and Balconies

When an apartment is erected so as to create balconies or patios facing a public street, such balconies or patios facing shall be recessed and the exterior shall not extend beyond the building line. When such balcony or patio fronts a public street or dedicated public space, a solid sight-barring fence or wall is required to screen such balcony or patio from view.

PARKING REGULATIONS, ZONE 1

Off-street parking and loading shall be mandatory for all projects developed under these provisions and shall satisfy the provisions of all other city ordinances applying to the layout, design, and construction of parking and loading areas as well as satisfying the following regulations:

A. Number of Spaces

Efficiency: 1 space per unit
One Bedroom: 1.5 spaces per unit
Two Bedroom: 2 spaces per unit
Three Bedroom: 2.5 spaces per unit

B. Development and Maintenance

Off-street driveways and parking and loading areas shall be curbed, paved and maintained to Town of Addison specifications and shall be constructed so as to dispose of all surface drainage according to Town Specifications and ordinances.

No parking or loading area shall be used for storage of any commercial or recreational vehicles exceeding one (1) ton capacity.

ACCESSORY BUILDINGS, ZONE 1

Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of uses permitted in this district. All accessory buildings which are not a part of the main buildings shall be separated from the main buildings by a minimum of fifteen feet. All accessory buildings must be shown on development plans.

LANDSCAPING, ZONE 1

All landscaping on the site shall conform to the Landscaping Regulations contained in Article XII-A or Ordinance #66, the Addison Comprehensive Zoning Ordinance.

REFUSE FACILITIES, ZONE 1

All refuse and refuse containers shall be screened from all public right-of-way or dedicated public space. Such containers shall be set on a designed reinforced concrete pad and approach. Screening walls must be of aesthetic material.

MECHANICAL EQUIPMENT, ZONE 1

Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence.

LIGHTING, ZONE 1

Lighting within the apartment project shall be provided along all driveways and emergency access easements, and at

all parking areas, other than parking garages enclosed by doors. The height and spacing of light fixtures shall be such as to produce an average illumination level of not less than 0.2 footcandles on all such driveways, access easements and parking areas.

MAINTENANCE, ZONE 1

All facilities that constitute an apartment project shall be permanently maintained in a neat and orderly manner as a condition for use. This condition must be noted on the occupancy permit.

SPECIFIC REGULATIONS FOR ZONE 2

ALLOWED USES, ZONE 2

Land and buildings in this district may be used for any of the following listed uses, but no land shall hereafter be used and no buildings or structure shall hereafter be erected, altered, relocated, reconstructed, or converted which is arranged or designed or used for other than the following uses:

- Multiple family dwelling (apartments).
- Community, social or hobby buildings for tenants as part of a multiple family dwelling or housing project.
- Accessory buildings including a private laundry, utility or storage building and carports as part of multiple family dwelling or housing project.

BUILDING REGULATIONS, ZONE 2

1. Area of Dwelling Unit

The average dwelling unit size shall be 900 square fee.

The minimum dwelling unit size shall be 775 square feet.

2. Type of Materials.

Vertical exterior walls for all dwelling unit and accessory buildings shall contain at least 80% brick, excluding window and door openings.

3. Height Regulations.

No building may exceed three (3) standard stories in height.

4. Design Regulations.

At least thirty (30) percent of the units shall have garages.

5. Area Regulations.

A. Front Yard

There shall be a front yard having a minimum depth of twenty-five (25) feet.

No structures shall be located in the required front yard. This includes parking areas, swimming pools, and other recreational facilities, but does not prohibit decorative items such as fountains, sculptures, flag poles or decorative screen walls thirty (30) inches or less in height which are an integral part of the landscaping plan.

No parking shall be allowed in any front yard area.

B. Side Yard

Where the ends of the building are adjacent to and parallel to the side lot line, the side yard shall be not less than twenty (20) feet.

Where the long sides of the building, other than the ends, are adjacent to or parallel to the side lot lines, the side yard shall be not less than ten (10) percent of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than twenty (20) feet.

Where the long dimension of such building is parallel to another building in a project, a side yard of fifteen (15) feet shall be provided on each side of each building so that the walls of buildings arranged as parallel structures shall be a minimum of thirty (30) feet apart and no balcony or canopy shall extend into such side yard or space for a distance greater than five (5) feet.

No parking shall be allowed in any side yard area adjacent to a public street.

C. Courts

When a building is erected so as to create inner courts, the faces of all opposite walls in such courts shall be a minimum distance of thirty (30) feet apart and no balcony or canopy shall extend into such court for a distance of greater than five (5) feet.

D. Overhangs and Fireplaces

The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies, and fireproof outside stairways may extend up to a minimum of three and one-half (3 1/2) feet into the required front, side or rear yards.

E. Patios and Balconies

When an apartment is erected so as to create balconies or patios facing a public street, such balconies or patios facing shall be recessed and the exterior shall not extend beyond the building line. When such balcony or patio fronts a public street or dedicated public space, a solid sight-barring fence or wall is required to screen such balcony or patio from view.

PARKING REGULATIONS, ZONE 2

Off-street parking and loading shall be mandatory for all projects developed under these provisions and shall satisfy the provisions of all other city ordinances applying to the layout, design, and construction of parking and loading areas as well as satisfying the following regulations:

A. Number of Spaces

Efficiency: 1 space per unit
One Bedroom: 1.5 spaces per unit
Two Bedroom: 2 spaces per unit
Three Bedroom: 2.5 spaces per unit

B. Development and Maintenance

Off-street driveways and parking and loading areas shall be curbed, paved and maintained to Town of Addison specifications and shall be constructed so as to dispose of all surface drainage according to Town Specifications and ordinances.

No parking or loading area shall be used for storage of any commercial or recreational vehicles exceeding one (1) ton capacity.

ACCESSORY BUILDINGS, ZONE 2

Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of uses permitted in this district. All accessory buildings which are not a part of the main buildings shall be separated from the main buildings by a minimum of fifteen feet. All accessory buildings must be shown on development plans.

LANDSCAPING, ZONE 2

All landscaping on the site shall conform to the Landscaping Regulations contained in Article XII-A or Ordinance #66, the Addison Comprehensive Zoning Ordinance.

REFUSE FACILITIES, ZONE 2

All refuse and refuse containers shall be screened from all public right-of-way or dedicated public space. Such containers shall be set on a designed reinforced concrete pad and approach. Screening walls must be of aesthetic material.

MECHANICAL EQUIPMENT, ZONE 2

Mechanical equipment shall be constructed, located and screened so as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence.

LIGHTING, ZONE 2

Lighting within the apartment project shall be provided along all driveways and emergency access easements, and at all parking areas, other than parking garages enclosed by doors. The height and spacing of light fixtures shall be such as to produce an average illumination level of not less than 0.2 footcandles on all such driveways, access easements and parking areas.

MAINTENANCE, ZONE 2

All facilities that constitute an apartment project shall be permanently maintained in a neat and orderly manner as a condition for use. This condition must be noted on the occupancy permit.

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

-The property must be platted, in accordance with state law and city ordinance, prior to the issuance of a building permit. The plat shall indicate a dedication of 3.265 acres of land (described in this ordinance as Tract II) to the Town of Addison for park purposes. In addition, a dedication of 12 feet of right-of-way for the widening of Addison Road will be required, as will the dedication of all necessary easements.

-The property owner, or apartment developer, shall escrow sufficient funds, at the time of issuance of a building permit for the project, with the city to cover the cost of the design and installation of landscaping improvements to the dedicated public area.

-The landscaping plan for the dedicated public space shall incorporate the following: the plan shall provide 5 parking spaces and one handicapped parking space on the north side of the trail, away from Addison Place. The space shall be designed so as to prohibit vehicular traffic from going onto the space or parking on the area.

-The city shall appoint a committee, which shall include some residents from Addison Place, to work on the design for the public space

-All screening of parking areas for the multi-family property should incorporate both berms and shrubs.

SECTION 4. All paved areas, permanent drives, streets and drainage structure shall be constructed in accordance with standard Town of Addison specifications adopted for such purpose

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 set in accordance with Chapter 1, General Provisions, Section 1.10, General penalty for violations of Code; continuing violations, of the Code of Ordinances for the Town of Addison.

SECTION 6. 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 7. 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.

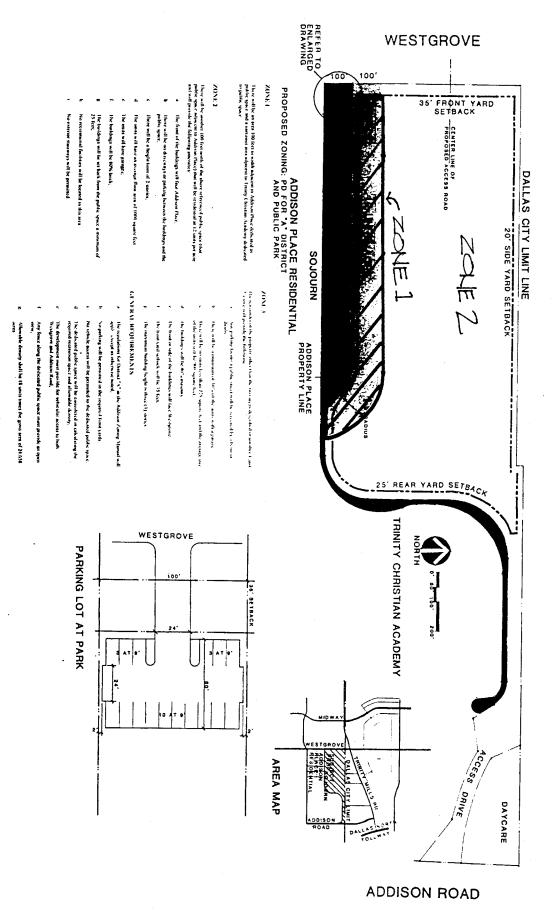
DULY PASSED BY THE CITY COUNCIL OF THE TOWN OF ADDISON, TEXAS, on this the 23rd day of November, 1993.

MAYOR

ATTEST:

CTMV CACOEMADV

PMblished 3/10/94



ORDINANCE NO. 093-072

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