

ADDISON CIRCLE ORDINANCES &
AGREEMENTS

Steve
FYI
Any comments?
Jim

STATE OF TEXAS §
 §
COUNTY OF DALLAS §

**THIRD AMENDMENT
TO MASTER FACILITIES AGREEMENT**

This Third Amendment to Master Facilities Agreement (the "**Amendment**") is entered into this the 16th day of December, 2003 by and between the Town of Addison, Texas, ("**the City**"), and TEXOK Properties, LP, an Oklahoma limited partnership ("**Owner**").

Recitals:

1. Addison Circle. There is located within the Town of Addison, Texas (the "**City**") certain real property generally known as "**Addison Circle**". The development of the Addison Circle area is controlled by Ordinance No. O95-032 of the City, which Ordinance zoned the area UC Urban Center District and approved a Concept Plan (the "**Concept Plan**") for its development. The UC Urban Center District Regulations (the "**UC District Regulations**") are set forth in Ordinance No. O95-019 of the City (a true and correct copy of which is attached hereto as **Exhibit 5** and incorporated herein), and are codified in Article XIX of Appendix A—Zoning of the City's Code of Ordinances.

2. Phased Development. As reflected in Ordinance No. O95-032 and the Concept Plan, the Addison Circle area was to be developed in three phases (Phase I, Phase II (to be developed in subphases), and Phase III) with a mixture of uses, including multi-family, residential, retail, office, and civic uses.

3. City Participation in Public Facilities in Residential Subdistrict. Included within the Addison Circle area is a residential subdistrict, as shown on the Concept Plan. To encourage the implementation of the City's comprehensive plan relating to the development of the residential subdistrict and to assure that such development was adequately supported by appropriate levels of public facilities and services, the City Council, by Resolution R95-043, approved the expenditure of public funds in the amount of \$9 million (the "**City's Funds**") to be used to pay a portion of the design and construction costs of certain public improvements within the residential subdistrict. The residential subdistrict is described in Resolution R95-043 and is referred to herein as the "**Residential Subdistrict**".

4. Master Facilities Agreement.

A. In order to establish a process for the allocation of the City's Funds, to coordinate the construction of the public and private improvements within the Residential Subdistrict, and to further the purposes of Resolution R95-043, on July 17, 1995 the City entered into a Master Facilities Agreement with the owners of all of the Residential Subdistrict, being Gaylord Properties, Inc. ("**Gaylord**") and Columbus Realty Trust ("**Columbus**"). Since the date of its execution, the Master Facilities Agreement has been amended twice, first by that "Amendment to Master Facilities Agreement" dated October 28, 1997, and second by that "Second Amendment

to Master Facilities Agreement" dated December 2, 1998. The Master Facilities Agreement, as amended, is referred to herein as the "**Master Facilities Agreement**", and is attached hereto (together with its two amendments) as **Exhibit 1**.

B. The Master Facilities Agreement, in Exhibit 4 thereto (Exhibit 4 being entitled "Addison Urban Center Cost Projections of Infrastructure Improvements" and referred to herein as "**Exhibit 4 to the Master Facilities Agreement**"), describes the nature of the **Public Infrastructure Improvements** (or "**Improvements**", as defined in the Master Facilities Agreement) covered by the Master Facilities Agreement and the maximum amounts to be paid by the City toward the design and construction of each of the Improvements.

5. Previous Expenditures of City Funds. Pursuant to the Master Facilities Agreement, the City has previously expended a portion of the City's Funds, totalling \$6,860,055.00, in connection the development of the following portions of the Residential Subdistrict:

A. Phase I of the Residential Subdistrict Property (Phase I being described in that Assignment and Construction Services Agreement dated April 12, 1996 between the City and Addison Circle One, Ltd., a Texas limited partnership), with the City spending \$4,763,507.00 out of the City's Funds in connection with the Phase I development;

B. Phase IIA of the Residential Subdistrict Property (Phase IIA being described in that Funding, Assignment and Construction Services Agreement dated September 30, 1997 between the City, Addison Circle Two, Ltd., a Texas limited partnership, Gaylord and Columbus), with the City spending \$1,671,548.00 out of the City's Funds in connection with the Phase IIA development; and

C. Phase IIB of the Residential Subdistrict Property (Phase IIB being described in that Funding, Assignment and Construction Services Agreement dated August 10, 1999 between the City, Addison Circle Three, Ltd., a Texas limited partnership, Gaylord Properties, L.P. and Post Apartment Homes, L.P., a Georgia limited partnership), with the City spending \$425,000.00 out of the City's Funds in connection with the Phase IIB development.

6. Remaining City Funds. The sum of \$6,860,055.00 of the City's Funds having been spent by the City as set forth above, there remains the sum of \$2,139,945.00 of the City's Funds (the "**Remaining City Funds**") to be spent in connection with the development of the remaining portion of the Residential Subdistrict, which remaining portion is described and depicted in **Exhibit 2** attached hereto (the "**Remaining Property**").

7. Owner As Successor In Interest. TEXOK Properties, LP, an Oklahoma limited partnership ("**Owner**") is the sole owner of the Remaining Property, and is the successor in interest by way of conveyance to all of the rights, duties, and obligations of Gaylord under the Master Facilities Agreement solely with respect to the Remaining Property. Neither Owner nor Owner's successors in interest shall have any rights, duties or obligations except as relate to the Remaining Property.

8. Remaining Improvements.

A. The only Improvements identified in the Master Facilities Agreement which remain to be designed and constructed, which Improvements are to be constructed within the Remaining Property, are as follows (together, the "**Remaining Improvements**"):

1. Quorum Drive Improvements (as defined below in Section 10.C. of these Recitals, and consisting of paving of parallel parking spaces, streetscape (as described in the UC District Regulations, and in particular Appendices A and B thereof), storm sewer, and wastewater improvements for that portion of Quorum Drive as depicted and/or described on the attached **Exhibit 4-1**).
2. Those portions of "R" Streets depicted and/or described as "C" Streets on the attached **Exhibit 3** and as further described and/or depicted on the attached Exhibit 4-1 (the "**R Street Improvements**").
3. Those portions of Mews Streets depicted and/or described as "D" Streets on the attached Exhibit 3 and as further described and/or depicted on the attached Exhibit 4-1 (the "**Mews Street Improvements**").
4. That portion of Spectrum Drive as depicted on the attached Exhibit 2, which portion, together with additional right-of-way for Spectrum Drive, is depicted and/or described on the attached Exhibit 4-1, such portions together to be constructed in accordance with that document entitled "Construction Specifications and Contract Documents, Spectrum Drive North/South Extension, dated November 7, 2003 and prepared by Huit-Zollars (a true and correct copy of which is on file in the office of the City's Director of Public Works), as the same may be amended or modified from time to time (the "**Spectrum Drive Improvements**").
5. Quorum North Park (0.69 acres) (as described and/or depicted on the attached Exhibit 4-1 (and being shown thereon as "Proposed Park")).
6. Mews Park (1.43 acres) (as described and/or depicted on the attached **Exhibit 4-2**, and being shown thereon as parcel O-7 (the exterior border of which is outlined, and the interior of which is cross-hatched, in heavy bold print)).

B. Under the Master Facilities Agreement, the minimum amount of the Remaining City Funds to be expended on the design and construction of the Quorum North Park is \$290,000.00, and the minimum amount to be expended on the design and construction of the Mews Park is \$650,000.00, leaving \$1,199,945.00 of the Remaining City Funds to be spent on the street Infrastructure identified in Exhibit 4 to the Master Facilities Agreement and described above in paragraph A. of this Section.

9. Remaining Improvements Cost Differential. Under the existing terms of the Master Facilities Agreement, the City is responsible for spending the Remaining City Funds on the design and construction of the Remaining Improvements. Under the existing terms of the Master Facilities Agreement, if the actual design and construction costs for the Remaining Improvements exceed the total costs projected in Exhibit 4 to the Master Facilities Agreement, the Owner is responsible to pay the difference (the "**Remaining Improvements Cost Differential**").

10. Allocation of Construction of Improvements. In lieu of the City funding, with the Remaining City Funds, a portion of the design and construction of all of the Remaining Improvements, and the Owner funding the Remaining Improvements Cost Differential, the City and the Owner desire to modify their respective funding, design, and construction obligations set forth in the Master Facilities Agreement by allocating their respective obligations to specific portions of the Remaining Improvements, so that each of the parties will pay in its entirety the design and construction cost of such respective portions (save and except Quorum Drive, as set forth below). The parties agree that such allocation will be as follows:

A. City will pay for, design, and construct the following (together, the "**City Remaining Improvements**") at its sole cost and expense:

1. Spectrum Drive Improvements;
2. Quorum North Park (0.69 acres) (design and construction cost to be at least \$290,00.00 but no more than \$300,000.00); and
3. Mews Park (1.43 acres) (design and construction cost to be at least \$650,000.00 but no more than \$700,000.00); and

B. Owner will pay for, design, and construct the following (together, the "**Owner Remaining Improvements**") at its sole cost and expense:

1. R Street Improvements; and
2. Mews Street Improvements.

C. Quorum Drive.

(1) Quorum Drive is an existing public street within the City, a portion of which lies within the Remaining Property as described and/or depicted on the attached Exhibit 4-1 (such portion is referred to herein as "**Quorum Drive**"). In connection with the development of the Remaining Property, certain improvements are to be made to both the west side and the east side of Quorum Drive to conform to the Concept Plan and any applicable development plan or ordinance, standard, rule, or regulation of the City (including, without limitation, the UC District Regulations and all appendices and exhibits thereto) (the "**Quorum Drive Improvements**"). The Quorum Drive Improvements include paving of parallel parking spaces, streetscape, drainage, wastewater (sanitary sewer), and electrical improvements, and shall be consistent with the existing improvements to Quorum Drive located immediately north of Morris Drive and immediately south of the Remaining Property. The Quorum Drive Improvements to be constructed on the west side of Quorum Drive are referred to herein as the "**West Side of Quorum Improvements**", and those to be constructed on the east side of Quorum Drive are referred to herein as the "**East Side of Quorum Improvements**".

(2) In order to facilitate the design and construction of the Quorum Drive Improvements, and to assure that the development of the Remaining Property is adequately supported by appropriate levels of public facilities and services, the City desires to increase its funding of the development (ie, to increase the City Funds) by an amount equal to the cost to design and construct the West Side of Quorum Improvements, less the sum of \$184,247.00 to be

paid by the Owner to the City (the "Owner's Quorum Payment") prior to the City's award of a contract to construct of the West Side of Quorum Improvements). The City shall, in accordance with applicable law and policy, pay for, design, and construct the West Side of Quorum Improvements at its sole cost and expense, less the Owner's Quorum Payment.

(3) Owner shall (i) pay to the City, prior to the City's award of a contract to construct the West Side of Quorum Improvements, the Owner's Quorum Payment, and (ii) pay for all East Side of Quorum Improvements, at Owner's sole cost and expense.

11. Owner Responsible For All Other Public Infrastructure Improvements. In addition to the Owner paying (i) for all costs associated with the design and construction of the Owner Remaining Improvements, (ii) the Owner's Quorum Payment, and (iii) all costs associated with the design and construction of the East Side of Quorum Improvements, Owner shall be responsible, at its sole cost and expense, to pay for the design and construction of all other public infrastructure improvements (other than the City Remaining Improvements and the West Side of Quorum Improvements (less the Owner's Quorum Payment)) necessary or required to serve the Remaining Property in accordance with all applicable laws, ordinances, standards, rules and regulations of the City (including, without limitation, the Concept Plan, any development plan applicable to the Remaining Property, the UC District Regulations and all appendices and exhibits thereto, and the City's Subdivision Ordinance) and any other governmental entity with jurisdiction over the development of the Remaining Property.

12. Amendment to Master Facilities Agreement. By this Agreement, the City and the Owner desire to supplement and amend the Master Facilities Agreement to reflect their intent and desire regarding the funding of the design and construction of the Remaining Improvements.

NOW, THEREFORE, for and in consideration of the above and foregoing recitals and other good and valuable consideration, the sufficiency of which is hereby acknowledged, the Town of Addison, Texas and TEXOK Properties, LP, an Oklahoma limited partnership, do hereby agree as follows:

Section 1. Incorporation of Recitals. The above and foregoing recitals are true and correct and are incorporated herein and made a part hereof for all purposes.

Section 2. Remaining Improvements. The only Improvements identified in the Master Facilities Agreement which remain to be designed and constructed are those within the Remaining Property, which are identified in this Amendment as the Remaining Improvements, as described and defined in the Recitals above.

Section 3. Allocation Between the Parties of All Costs Associated With Specific Remaining Improvements. In lieu of the City funding, with the Remaining City Funds, a portion of the design and construction of all of the Remaining Improvements, and the Owner funding the Remaining Improvements Cost Differential, as described in the Recitals above, the City and the Owner desire to allocate their respective funding, design, and construction of public infrastructure obligations set forth in the Master Facilities Agreement to specific portions of the Remaining Improvements, so that each of the parties will pay in its entirety the design and

construction cost for such respective portions (save and except Quorum Drive, as described herein). Such allocation shall be as follows:

A. City shall pay for all of the design and construction of (i) the City Remaining Improvements, and (ii) the West Side of Quorum Improvements, less the Owner's Quorum Payment; and

B. Owner shall pay for all of the design and construction of (i) the Owner Remaining Improvements, (ii) the East Side of Quorum Improvements, and (iii) shall pay to the City, prior to the City's award of a contract to construct the West Side of Quorum Improvements, the Owner's Quorum Payment.

City and Owner shall pay for the entire cost of design and construction of their respective obligations hereinabove, and neither shall seek contribution from the other for their assigned obligations. Inasmuch as the City and the Owner have allocated between themselves the funding, design and construction of the Remaining Improvements, as described above, Section 6, paragraphs A., B., and C. of the Master Facilities Agreement, relating to the process and procedure for the design and management of construction of the Improvements, are not applicable to the design and construction of the Remaining Improvements. Upon the completion of the funding, design and construction of the Remaining Improvements in accordance with the Master Facilities Agreement, as amended by this Amendment, the funding, design and construction obligations of the City and the Owner under the Master Facilities Agreement, as amended by this Amendment, shall be fully and completely satisfied.

Section 4. Schedule. Subject to the provisions of the Force Majeure clause set forth in Section 11 of the Master Facilities Agreement, the parties agree that:

(1) the schedule for achieving substantial completion of construction of the following Remaining Improvements shall be as follows: (a) The Spectrum Drive Improvements shall be substantially completed on or before December 31, 2004; and (b) the Quorum North Park (0.69 acres) shall be substantially completed within six (6) months following the City's approval of the completion of construction of the streets which surround the Quorum North Park (provided Owner has, at the time of such completion of construction, dedicated to the City the Quorum North Park; and

(2) the projected schedule for construction of improvements in connection with the development of the West Quorum Property (as described in Section 8.B. below) is as set forth in Exhibit 7 attached hereto and incorporated herein (with "Fairfield" as used in Exhibit 7 being the anticipated West Quorum Property Successor, as defined in Section 8.B. below).

Section 5. Increase in Remaining City Funds. In order to facilitate the design and construction of the Quorum Drive Improvements, and to assure that the development of the Remaining Property is adequately supported by appropriate levels of public facilities and services, the City shall increase its funding of the development of the Remaining Property (ie, increase the Remaining City Funds) by an amount equal to the cost to design and construct the West Side of Quorum Improvements, less the sum of \$184,247.00 (the Owner's Quorum

Payment) to be paid by the Owner to the City. Following its solicitation for bids, but prior to its award of a contract, to construct the West Side of Quorum Improvements, the City shall give Owner written notice of its intent to award such contract, and Owner shall pay to the City the Owner's Quorum Payment not later than 5:00 pm of the third day following the Owner's receipt of such notice. The City shall have no obligation to construct or to cause the construction of the West Side Quorum Improvements until such time as the City has received the Owner's Quorum Payment.

Section 6. Owner Responsible For All Other Public Infrastructure Improvements. Notwithstanding any other provision of this Amendment, in addition to the Owner paying (i) for all costs associated with the of the design and construction of the Owner Remaining Improvements, (ii) the Owner's Quorum Payment, and (iii) all costs associated with the design and construction of the East Side of Quorum Improvements, Owner shall, at its sole cost and expense, pay for the design and construction of all other public infrastructure improvements (other than the City Remaining Improvements and the West Side of Quorum Improvements (less the Owner's Quorum Payment)) necessary or required to serve the Remaining Property in accordance with all applicable laws, ordinances, standards, rules and regulations of the City and any other governmental entity with jurisdiction over the development of the Remaining Property. Owner shall have no obligations, rights or duties under the Master Facilities Agreement, as amended by this Amendment, except as relates to the Remaining Property as set forth and provided herein.

Section 7. Design and Construction In Accordance with City Standards. The Remaining Improvements and all other public and other improvements within the Remaining Property shall be designed and constructed in accordance with the laws, ordinances, standards, rules, and regulations of the Town of Addison and any other governmental entity with jurisdiction over the development of the Remaining Property, including, without limitation, the Concept Plan, any development plan applicable to the Remaining Property, the UC District Regulations and all appendices and exhibits thereto, and the City's Subdivision Ordinance (the same being Appendix B of the City's Code of Ordinances; and in particular with respect to the Subdivision Ordinance, Section XI (requiring that plans for the construction of improvements be approved by the City's Public Works Department), Section XII (which provides in part that construction of improvements shall be supervised by personnel of the City's Public Works Department), Section XV (regarding issuance of building permit), and Section XVI (providing standards for construction of streets, storm sewers, sanitary sewers, water utilities, and other utilities)). The parties agree that plans and specifications for each of the Remaining Improvements are to be submitted to the City Engineer for review and approval prior to the commencement of construction of such Remaining Improvements, and that the City has the right to inspect, test, measure, or verify the construction work on the Remaining Improvements as the City deems reasonably necessary.

Section 8. Assignment, Sale of Remaining Property.

A. East Quorum Property. It is contemplated by the parties that parcels 3-I, 3-J, O-6, 2-L and 2-K as identified on the Concept Plan for the Addison Urban Center (together with the streets depicted thereon as the R-2 Residential Street and the M-2 Mews) (collectively, the "East

Quorum Property", the East Quorum Property being further and more accurately described by metes and bounds in **Exhibit 6** attached hereto and incorporated herein (and being Tract II as described in Exhibit 6)) will be sold or otherwise transferred by Owner to a successor in interest (hereinafter referred to as the "**East Quorum Property Successor**"). City agrees that Owner, in connection with such sale or transfer, may assign its rights, duties, and obligations related to the East Quorum Property under the Master Facilities Agreement and this Amendment to an East Quorum Property Successor without further consent of the City if East Quorum Property Successor agrees to accept in writing the East Quorum Obligations (as hereinafter defined), and a true and correct copy of such writing is promptly provided to the City after its execution (which writing shall identify (name, address, phone number, and other contact information) the East Quorum Property Successor). If the East Quorum Property is sold or otherwise transferred by Owner to East Quorum Property Successor, the parties hereto agree that, (i) as to the Remaining Improvements, the East Quorum Property Successor shall be responsible only for the design and construction, at East Quorum Property Successor's sole cost and expense, of the Owner Remaining Improvements and the East Side of Quorum Improvements, and (ii) further agree that East Quorum Property Successor shall, with respect to the East Quorum Property, comply with all other provisions of the Master Facilities Agreement and this Amendment (including, without limitation, Sections 6 and 7 of this Amendment) (collectively, the "**East Quorum Obligations**").

Furthermore, the parties hereto agree that after the sale or transfer of the East Quorum Property to the East Quorum Property Successor and the assignment to the East Quorum Property Successor of the East Quorum Obligations and delivery of notice of such assignment to the City as provided in this Section 8.A., (i) the Master Facilities Agreement, as to the East Quorum Property only, may not be amended without an agreement in writing between the City and East Quorum Property Successor, and (ii) the City shall be entitled, as to the East Quorum Property, to enforce the terms of the Master Facilities Agreement, as amended by this Amendment, against the East Quorum Property Successor. The City agrees that, as to the West Quorum Property (as defined below) only, a default by Owner (or the West Quorum Property Successor (as defined below), if any) under the Master Facilities Agreement, as amended, shall not be considered or deemed to be a breach or default by East Quorum Property Successor under this Agreement, and East Quorum Property Successor shall be entitled to enforce the terms of the Master Facilities Agreement, as amended by this Amendment, notwithstanding such default by Owner (or the West Quorum Property Successor (as defined below), if any) as to the West Quorum Property.

B. West Quorum Property. It is contemplated by the parties that parcels 3-F, 3-G, 3-H, and O-7 as identified on the Concept Plan for the Addison Urban Center (together with the streets depicted thereon as the R-1 Residential Street, the R-3 Residential Street, and the M-1 Mews) (collectively, the "**West Quorum Property**", the West Quorum Property being further and more accurately described by metes and bounds in **Exhibit 6** attached hereto and incorporated herein (and being Tract I as described in Exhibit 6)) will be sold or otherwise transferred by Owner to a successor in interest (hereinafter referred to as the "**West Quorum Property Successor**"). City agrees that Owner, in connection with such sale or transfer, may assign its rights, duties, and obligations related to the West Quorum Property under the Master Facilities Agreement and this Amendment to a West Quorum Property Successor without further consent of the City if West Quorum Property Successor agrees to accept in writing all of the

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rights, duties, and obligations of this Amendment and the Master Facilities Agreement as relate and are applicable to the West Quorum Property, and a true and correct copy of such writing is promptly provided to the City after its execution (which writing shall identify (name, address, phone number, and other contact information) the East Quorum Property Successor). If the West Quorum Property is sold or otherwise transferred by Owner to West Quorum Property Successor, the parties hereto agree that, as to the Remaining Improvements, the West Quorum Property Successor shall be responsible only for the payment to the City, prior to the City's award of a contract to construct the West Side of Quorum Improvements, of the Owner's Quorum Payment, and further agree that West Quorum Property Successor shall, with respect to the West Quorum Property, comply with all other provisions of the Master Facilities Agreement and this Amendment (including, without limitation, Sections 6 and 7 of this Amendment).

Furthermore, the parties hereto agree that after the sale or transfer of the West Quorum Property to the West Quorum Property Successor and the assignment to the West Quorum Property Successor of all of the rights, duties, and obligations of the Master Facilities Agreement and this Amendment related to the West Quorum Property and delivery of notice of such assignment to the City as provided in this Section 8.B., (i) the Master Facilities Agreement, as to the West Quorum Property only, may not be amended without an agreement in writing between the City and West Quorum Property Successor, and (ii) the City shall be entitled, as to the West Quorum Property, to enforce the terms of the Master Facilities Agreement, as amended by this Amendment, against the West Quorum Property Successor. The City agrees that, as to the East Quorum Property only, a default by Owner (or the East Quorum Property Successor, if any) under the Master Facilities Agreement, as amended, shall not be considered or deemed to be a breach or default by West Quorum Property Successor under this Agreement, and West Quorum Property Successor shall be entitled to enforce the terms of the Master Facilities Agreement, as amended by this Amendment, notwithstanding such default by Owner (or the East Quorum Property Successor, if any) as to the East Quorum Property.

C. Release.

(1) Upon (i) the sale or transfer of the East Quorum Property by TEXOK Properties, LP to the East Quorum Property Successor, and (ii) the assignment by TEXOK Properties, LP to the East Quorum Property Successor of the East Quorum Obligations and delivery of notice of such assignment to the City in accordance with Section 8.A. above, TEXOK Properties, LP shall be released from the East Quorum Obligations.

WEST SA RMCW
(2) Upon (i) the sale or transfer of the West Quorum Property by TEXOK Properties, LP to the East Quorum Property Successor, and (ii) the assignment by TEXOK Properties, LP to the West Quorum Property Successor of all of the rights, duties, and obligations of the Master Facilities Agreement and this Amendment related to the West Quorum Property and delivery of notice of such assignment to the City in accordance with Section 8.B. above, TEXOK Properties, LP shall be released from its rights, duties and obligations under the Master Facilities Agreement and this Amendment as relate to the West Quorum Property.

Section 9. Owner's Representations. Owner represents and warrants to the City that Owner is the sole owner of all of the Remaining Property, and is the successor in interest by way of conveyance to all of the rights, duties, and obligations of Gaylord under the Master Facilities Agreement with respect to the Remaining Property.

Section 10. Notice. All notices provided for or permitted under this Amendment shall be in writing and shall be (a) delivered personally; (b) sent by commercial overnight courier with written verification of receipt; or (d) sent by certified or registered U.S. mail, postage prepaid and return receipt requested, to the party to be notified, at the address for such party set forth below or at such other address as is indicated in writing by such party. All notices shall be deemed effective upon receipt.

To City:
5300 Belt Line Road
Dallas, Texas _____
Attn: City Manager

To Owner:
2005 Faircloud Dr
Edmond, OK 73034
Attn: Steve Hurst

Section 11. No Other Amendments. Except to the extent modified or amended herein, all other terms and obligations of the Master Facilities Agreement shall remain unchanged and in full force and effect.

Section 12. Exhibits. All exhibits to this Agreement are incorporated herein by reference for all purposes wherever reference is made to the same.

Section 13. Authority to Execute. The undersigned officers and/or agents of the parties hereto are the properly authorized officials and have the necessary authority to execute this Amendment on behalf of the parties hereto, and each party hereby certifies to the other that any necessary resolutions or other act extending such authority have been duly passed and are now in full force and effect.

EXECUTED at Dallas County, Texas on the day and year first written above.

TOWN OF ADDISON, TEXAS

TEXOK PROPERTIES, LP

By: Ron Whitehead
Ron Whitehead, City Manager

By: Hurst Holdings, LLC, its sole
General Partner

By: Stephen T. Hurst
Stephen T. Hurst, Sole Member

ATTEST:

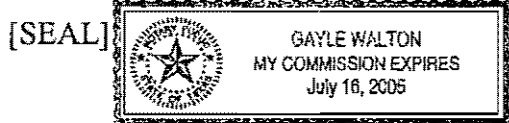
By: Carmen Morah
Carmen Morah, City Secretary

ATTEST:

By: Bo Jearns

STATE OF TEXAS §
§
COUNTY OF DALLAS §

This instrument was acknowledged before me on December 16th, 2003 by Ron Whitehead, City Manager, Town of Addison, Texas, a Texas municipal corporation, on behalf of the said municipal corporation.

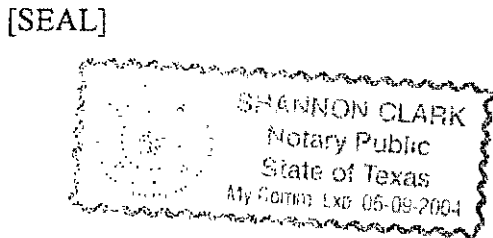


Gayle Walton
NOTARY PUBLIC, State of Texas

My commission expires: 7/16/05

STATE OF TEXAS §
§
COUNTY OF Dallas §

This instrument was acknowledged before me on December 16, 2003 by Stephen T. Hurst, the sole member of Hurst Holdings, LLC, the said Hurst Holdings, LLC being the sole General Partner of TEXOK Properties, LP, an Oklahoma Limited Partnership, on behalf of the said Limited Partnership.



Shannon Clark
NOTARY PUBLIC, State of Texas

My commission expires: 6-9-2004

ORDINANCE NO. 095-019

AN ORDINANCE OF THE TOWN OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE NO. 66, AS HERETOFORE AMENDED; ESTABLISHING A NEW MIXED USE RESIDENTIAL DISTRICT ("UC"); PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR A PENALTY CLAUSE; PROVIDING FOR A REPEAL CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, the City Council approved by Resolution in 1991, a Comprehensive Plan to guide the future zoning and land use decisions for the Town of Addison; and

WHEREAS, the Comprehensive Plan established that the area of the Town known as "Old Addison" would be studied at a later date and recommendations on the appropriate land uses and development concepts for that area would be made; and

WHEREAS, the Town has conducted that study, and has determined that an Urban Center environment is most appropriate for the "Old Addison" area; and

WHEREAS, the City Council finds that it is necessary to amend the text of the Zoning Ordinance for the Town of Addison in order to implement the plans and regulations for the Urban Center district; now, therefore,

BE IT ORDAINED by the City Council of the Town of Addison, Texas:

SECTION 1. That Article XXI, Definitions, of the Comprehensive Zoning Ordinance, shall be amended to read as follows:

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 095-019

1. Words in the present tense include the future; words in singular number include the plural number; the words in the plural number include the singular; the word "building" includes the word "structure"; the word "lot" includes the word "plot"; the word "shall" is mandatory and directive.
2. Accessory Building: In a residence or apartment district, a subordinate building, attached to or detached from the main building, without separate utilities, not used for commercial purposes and not rented and containing servants quarters, a washroom, a storage room for domestic storage only, and space for one or more automobiles; in any other district, a subordinate building, the use of which is incidental to, and used only in conjunction with, the main building.
3. Alley: A public space or thoroughfare which affords only secondary means of access to property abutting thereon.
4. Apartment: A room, or suite of rooms, in an apartment house arranged, designed, or occupied as the residence by a single-family, individual, or group of individuals.
5. Apartment House: Any building, or portion thereof, which is designed, built, rented, leased, let or hired out to be occupied as three or more apartments, or which is occupied as the home, or residence, of three or more families living independently of each other and maintaining separate cooking facilities.
6. Apartment Hotel: Any building larger than an apartment house designed or built to be occupied as a series of separate apartments and by persons living independently of each other.
7. Area of the Lot: The area of the lot shall be the net area of the lot and shall not include portions of streets and alleys.
8. Basement: That portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to floor below is more than the vertical distance from grade to ceiling.
9. Berm: an earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.
10. Block: An area within the City enclosed by streets, and occupied by, or intended for, buildings.

11. Block Length: the distance along a side of a street between the nearest two streets which intersect said street on said side.
12. Boarding House: A building other than a hotel, where lodging, and meals for five or more persons are served for compensation.
13. Boulevard: A street conforming to the standards shown in Appendix A of Article VIII-E and as identified in the Comprehensive Plan.
14. Breezeway: A covered passage one story in height connecting a main structure and an accessory building.
15. Building: Any structure or building for the support, shelter and enclosure of persons, animals, chattels, or movable property of any kind.
16. Building Line: A line parallel, or approximately parallel, to the street line, and beyond which buildings may be erected.
17. Building, End of: Those sides of the building having the least dimensions and in which doors or openings are not customarily provided for ingress and egress.
18. Build-to Line: A line measured from, and parallel to, the street line, with which the facade of the building facing the street shall be coextensive.
19. Business: Includes retail, commercial, and manufacturing uses and districts as herein defined.
20. Cellar: That portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to the floor below is greater than the vertical distance from grade to ceiling.
21. City Home: For the purposes of VIII-D only, any building, or portion thereof, consisting of five (5) or more families living independently of each other and maintaining separate cooking facilities, whether owner occupied, or for lease, and having a density of not more than twelve (12) units per gross acre.
22. Civic: Any public use by the City, County, or Federal government, including special events sponsored in whole or in part by the Town of Addison.
23. Clinic, medical: An institution or station for the examination and treatment of ill and afflicted out-patients.

24. Convalescent Home: Any structure used for, or occupied by, persons recovering from illness, or suffering from the infirmities of old age.
25. Court: An open, unoccupied space bonded on more than two sides by the walls of the building. An inner court is a court entirely surrounded by the exterior walls of a building. An outer court is a court having one side open to a street, alley, yard, or other permanently open space.
26. Customary Home Occupations: A customary home occupation is an occupation customarily carried on in the home by a member of the occupant's family without structural alterations in the building or any of its rooms, without the installation of machinery other than that customary to normal household operation or additional equipment without the employment of additional persons, without the use of a sign to advertise the occupation and which does not cause the generation of additional traffic in the street.
27. Day Nursery: A place where children are left for care between the hours 7 a.m. and 12 midnight.
28. Depth of Rear Yard: The mean horizontal distance between the rear line of a building other than accessory building and the rear lot line.
29. Decorative Paving: Paving that is made up of solid, precise, modular units, stamped concrete, seeded concrete, colored concrete or any combination of the above.
30. Depth of Lot: The mean horizontal distance between the front and rear lot line.
31. Development: The erection, alteration, or extension of any building or part thereof, or the change of use or occupancy of any building or land for which a building permit or certificate of occupancy is required under this Ordinance or the project involving such activity.
32. Dwelling, One-Family: A detached building having accommodations for and occupied by not more than one family, or by one family and not more than four (4) boarders or lodgers.
33. Dwelling, Two-Family: A detached building having separate accommodations for, and occupied by not more than two families and not more than (4) boarders or lodgers. (Two boarders or lodgers to each unit.)
34. Dwelling Unit: A building or portion of a building which is arranged, occupied or intended to be occupied as living quarters.

35. District: A section of the City for which the regulations governing the area, height or use of the building are uniform.
36. Efficiency Apartment: An apartment having a combination living and bedroom. (No separate bedroom).
37. Family: A family is any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood.
38. Farm: An area of two acres or more, which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain and their storage on the area, as well as the raising thereon of the usual farm poultry and farm animals such as horses, cattle, sheep, and swine including dairy farms with the necessary accessory uses and for treatment and storing the produce; provided, however, that the operation of such accessory use shall be secondary to that of the normal activities; and provided further that it does not include the commercial feeding of offal or garbage to swine or other animals.
39. Four Plex: For the purposes of Article VIII-D only, a detached building having separate accommodations for and occupied by not more than four (4) families.
40. Floor Area Ratio (F.A.R.): The ratio of total square footage buildings (excluding structural parking), to the total square footage of the site.
41. Front Yard: An open, unoccupied space on a lot facing a street upon which the structure shall face and extending across the front of the lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than the projections of the usual steps or eave overhang. For the purposes of the "UC" District only, a front yard shall be considered any open unoccupied space between any street and a building or parking structure.
42. Grade: For buildings having walls adjoining one street only. It is the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, it is the average of the elevation of the sidewalks at the center of all walls adjoining the street; for buildings having no walls adjoining the street, it is the average level of the finished surface of the ground adjacent to the exterior walls of the building; any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk has been constructed, the City Engineer shall establish such sidewalks level, or its equivalent, for the purpose of these regulations.

43. Gross Floor Area: The gross floor area of an apartment house shall be measured by taking the outside dimensions of the apartment building at each floor level excluding, however, the floor area of basements or attics not used for residential purposes.
44. Gross Leasable Area: The total floor area of a building which is designed for tenant use, including basements and mezzanines, and measured to centerlines of joint partitions and to outside of exterior walls, excluding mechanical equipment, storage, restrooms, stairwells, elevator shafts and other common areas.
45. Gross Maximum F.A.R.: For the purposes of the "UC" District only, the maximum allowable Floor Area Ratio for the residential subdistrict.
46. Height: The height of a building, or portion of a building, shall be measured from the average established grade at the street lot line or from the average natural ground level, if higher, or, if no street grade had been established, to the deck line of mansard roofs; and the mean height level between eaves and ridge for hip and gable roofs. In measuring the height of a building, the following structures shall be excluded; chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio and television towers, ornamental cupolas, domes, or spires, and parapet walls not exceeding four (4) feet in height.
47. Hobby Shop: An accessory use housed in a dwelling or in an accessory building in which the residents of the premises engage in recreation activities, none of which shall disturb the neighbors on either side or in the rear thereof, and from which no revenue may be derived, in which no goods may be publicly displayed, offered for sale, or advertised for sale, nor may any sign be used in connection therewith.
48. Home Occupations: Any occupation that is customarily performed at home that does not involve a structural change in the building, that does not require the employment of help, the installation of equipment or the display of a sign, and shall not include beauty culture schools, beauty parlors, doctor's offices for treatment of patients.
49. Home Office: For the purposes of the "UC" District only, office uses that are performed in a residential unit or office attached to a residential use, that does not involve structural changes to the building. Home offices shall include uses which employ two to three employees, including one who is the primary resident of the unit. The office portion of the use must be located on the ground floor.
50. Home Work Shop: See Hobby Shop.

51. Hospital: An institution or place where sick or injured in-patients are given medical or surgical care either at public (charity) or private expense.
52. Hotel or Motel: A building or arrangement of buildings designed and occupied as a temporary abiding place for guests who are lodged with or without meals, in which the rooms are usually occupied singly or in suites of two rooms for hire.
53. House Trailer: A portable vehicle designed as a temporary or permanent place of abode.
54. Housing Project: An area of three (3) or more acres arranged according to a site plan to be submitted to, and approved by the City Planning and Zoning Commission, and the City Council, on which is indicated the amount of land to be devoted to housing facilities, their arrangement thereon, together with the arrangement of access of streets and alleys, and the entire area is to be zoned as an apartment zone upon the recommendation of the City Planning and Zoning Commission and the action of the City Council, and in which it shall not be necessary to be subdivided the area into lots and blocks. The site plan shall indicate that all access streets, alleys, sidewalks, storm sewers, and storm sewer inlets shall be provided as required by the City and built in accordance with City specifications.
55. Kindergarten: A school for children of pre-public school age in which constructive endeavors, object lessons and helpful games are prominent features of the curriculum.
56. Landscape Buffer: a combination of physical space and vertical elements such as plants, berms, fences, or walls, the purpose of which is to separate and screen incompatible land uses from each other.
57. Landscaped Open Area or Landscaped Area: any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials).
58. Large Street: A street conforming with the standards shown in Appendix C of Article VIII-D.
59. Living Area: That portion of the dwelling unit utilized for living purposes within the exterior walls of the structure that does not include porches, breezeways, garages, and carports.
60. Lodging House: A building other than a hotel, where lodging for five or more persons is provided for compensation.

61. Lot: Land occupied or to be occupied by a building and its accessory building, and including such open spaces as are required under this ordinance, and having its principal frontage upon a public street or officially approved place, which lot shall consist of at least 75% of land upon which a structure or building may be built under the applicable provisions of this zoning ordinance except for front, side, and rear yard requirements. When the buildable area of a lot meets or exceeds the minimum lot size requirements of the zoning ordinance, the 75% rule shall be waived.
62. Lot Coverage: The area of a lot covered by buildings, roofed areas, or parking structures, determined by dividing that area of the lot occupied or covered by the total horizontal projected surface of all buildings and parking structures by the useable area of the lot.
63. Lot Lines: The lines bounding a lot as defined herein.
64. Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk, or a parcel of land, the deed for which was recorded in the office of the County Clerk prior to passage of this Ordinance.
65. Masonry Construction: In the R-1, R-2, R-3, and A districts, the term shall include brick or stone veneer construction with wood framing. In the LR, C, and I-1 and I-2 Districts, the term masonry construction shall also include glass tile, glass block, and plate glass.
66. Medical Office: An office for the examination and treatment of out-patients, including dental examinations and treatments.
67. Mews: A street conforming to the standards shown in Appendix A and as identified in the Comprehensive Plan.
68. Mixed Use (with non-residential): A building containing more than one authorized use with the exception of residential uses.
69. Mixed Use (with residential): A building containing more than one authorized use, with non-residential uses limited to the ground floor.
70. Multifamily: Any building, or portion thereof, which is designed, built, rented, leased or owned by five (5) or more occupants/families living independently of each other and maintaining separate cooking facilities.
71. Net Density: The density of residential units expressed as the number of dwelling units per net acre, calculated by multiplying the number of units permitted per gross

acre by a fraction, the numerator of which is the number of gross acres and the denominator of which is the number of acres in the net development site.

72. Net Development Site: That area of a development determined by deducting land dedicated or conveyed to the City for:
1. Any public facility other than a park, recreational area or floodplain area, or
 2. Any street right-of-way for a proposed street when such street is not necessitated by the development of the subject lot.
73. Net Maximum F.A.R.: For purposes of the Urban Center district only, the maximum allowable Floor Area Ratio for any individual phase of development.
74. Nonconforming Uses: A building, structure or use of land lawfully occupied at the time of the effective date of this ordinance or amendments thereto, and which does not conform to the use regulations of the district in which it is situated.
75. Non-permeable: Any surface lacking the ability for air and water to pass through to the root zone of plants.
76. One-Family Dwelling: A detached building having accommodations for and occupied by one family, or by one family and not more than four boarders or lodgers.
77. Open Space: Area included in any side, rear or front yard or any unoccupied space on the lot that is open and unobstructed to the sky except for the ordinary projection of cornices, eaves or porches.
78. Office: Any building, or portion thereof, wherein the primary use is the conduct of business, professional services, administration, research or uses by sales/ manufacturer's representatives. An office shall not involve manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair or storage of materials, goods or products; or the sale and/or delivery of any materials, goods or products which are physically located on the property.
79. Ornamental Tree: A deciduous or evergreen tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.
80. Outside Sales/Commercial Promotions: Any outdoor sales or commercial promotion which shall last for no longer than fourteen (14) days.

81. Parking Plaza: A street conforming to the standards shown in Appendix E of Article VIII-D.
82. Parking Space: An area of not less than one hundred forty-four and one half (144.5) square feet, (measuring approximately 8 ½ feet by 17 feet) not on a public street or alley, surfaced with an all-weather surfaced drive-way connecting the parking space with a street or alley permitting free ingress and egress. In any single-family dwelling, duplex or apartment district, the parking of trucks or buses for commercial purposes shall not be permitted. Head-in parking adjacent to public thoroughfare wherein the maneuvering is done on a public street, shall not be classified as off-street parking in computing the parking requirements for any use.
83. Pawn Shop: A retail operation which provides for the lending of money with personal items held as collateral, or the purchasing, or the repurchasing of gold, silver, jewelry, watches, and gems in addition to other merchandise.
84. Place: An open, unoccupied space reserved for purposes of access to abutting property.
85. Porch: Any gallery, veranda, terrace, piazza, portico or similar projection from the main wall of a building and covered by a roof, other than a carport, as defined herein, with no side enclosures (except screens and handrails) that is more than eighteen (18) inches in height other than the side of the building to which the porch is attached.
86. Principal Collector: A street conforming to the standards shown in Appendix A or Article VIII-E and as identified in the Comprehensive Plan.
87. Private Garage: An accessory building or portion thereof in which not more than five (5) privately owned motor-driven vehicles are stored by occupants of the premises, not more than one of which may be a truck not to exceed one (1) and a half (1 ½) ton capacity.
88. Public Garage: A building or portion of a building used for repair, care, or servicing of motor-driven vehicles, or where motor-driven vehicles are equipped for operation, or kept for hire or sale, but not including the open storage of trucks, trailers and vans.
89. Private Stables: A stable with a capacity for not more than four (4) horses or mules.
90. Public Stables: A stable with a capacity for not more than four (4) horses or mules.

91. Rear Yard: The required rear yard is an open space unoccupied and unobstructed extending across the rear of a lot from one side lot line to the other side lot line and having a depth of twenty (20) percent of the area of the required rear yard, except that in the "A" District, where access to accessory buildings is from a public alley, no more than thirty (30) per cent of the required rear yard may be covered by such buildings, provided that the minimum distance between the rear of the main building and the accessory building equals at least twenty (20) per cent of the depth of the lot.
92. Restaurant: A place of business whose primary source of revenue is derived from the sale of prepared food to the general public for consumption on, or off, the premises. The term shall not include a bakery, pastry shop, meat market, or ice cream parlor if on-premises consumption of food is not allowed.
93. Retail Street: A street conforming to the standards shown in Appendix A of Article VIII-E and as identified in the Comprehensive Plan.
94. Rowhouse: For purposes of Article VIII-D only, a one-family dwelling; both sides of which typically rest directly on the side lot lines.
95. Satellite Earth Station: A satellite earth station is an accessory structure for the principal use of receiving communications from a transmitter, or transmitter relay, located in planetary orbit.
96. Screen: A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.
97. Servants Quarters: An accessory building or portion of a main building located on the same lot as the main building and used as living quarters for servants employed on the premises, and not rented, or otherwise used, as a separate domicile.
98. Shade Tree: Sometimes evergreen, usually deciduous tree planted for its high crown of foliage or overhead canopy; a large woody perennial having one or more self-supporting stems and numerous branches reaching a mature height of at least 25 feet and a mature spread of at least 20 feet.
99. Shopping Center: An area consisting of three (3) acres or more arranged according to a site plan to be submitted to and approved by the City Planning and Zoning Commission and the City Council, on which is indicated the amount of land to be devoted to the shopping village, the detailed arrangement of the various buildings,

parking area, streets, and type of zoning desired. It shall be required that the installation of all utilities, drainage structures, the paving of streets, parking specifications for each type of improvement.

100. Shrub: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than 10 feet in height at maturity.
101. Side Street: A street conforming to the standards shown in Appendix B of Article VIII-D.
102. Side Yard: An open, unoccupied space on the same lot, with a building situated between the building and side line of the lot and extending through from the front yard to the required rear yard. Any lot line, not the rear line or a front line, shall be deemed a side line.
103. Sight Barring Fence: A structure which blocks the view from the ground to the height specified and serves as a visual barrier.
104. Special Event: Any public event sponsored in whole or in part by the Town of Addison which shall include: Kaboom Town, Oktoberfest, and any other events as designated by the City Council.
105. Special Events Parkway: A street conforming to the standards shown in Appendix A of Article VIII-E and as identified in the Comprehensive Plan.
106. Storage Garage: A building or portion thereof used for the storage of more than five (5) passenger motor vehicles and trucks of not more than one and one half (1 ½) ton capacity.
107. Story, Half: A story having an average height of not more than eight (8) feet, covering a floor area of not more than seventy-five (75) percent of the area of the first story below.
108. Story, Standard: One having eleven (11) feet six (6) inches between floors.
109. Street: Any thoroughfare or public driveway, other than an alley, and more than twenty (20) feet in width, which has been dedicated or deeded to the public for public use.
110. Street Line: A dividing line between a lot, tract or parcel of land and a contiguous street.

111. Structural Alternations: Any change in the supporting member of a building, such as a bearing wall, column, beams, or girders.
112. Thoroughfare: A street conforming to the standards shown in the Thoroughfare Plan of the City.
113. Three Plea: For the purposes of Article VIII-D only, a detached building having accommodations for, and occupied by, not more than three (3) families.
114. Tourist Court: One or more buildings designed or used as temporary living quarters for automobile transients in which individual cooking facilities may or may not be provided. If facilities are provided for individual cooking so that the units may be occupied as dwelling units, the same area, density and yard regulations as required in the Apartment District shall be observed. In all cases, one off-street parking space shall be provided for each room or suite of rooms in the tourist court.
115. Townhouse/Condominium: For the purposes of VIII-D only, any building, or portion thereof, consisting of five (5) or more dwelling units to be occupied as the home or residence of five (5) or more families living independently of each other and maintaining separate cooking facilities, whether owner-occupied or for lease, and having a density of not more than twenty-four (24) units per gross acre.
116. Traffic Impact Assessment: Assessment of the effects that a particular development will have on the surrounding transportation system to determine what provisions are needed for safe and efficient access and traffic flow, and to address other related issues.
117. Trailer Camp or Park: An area designed, arranged, or used for the parking or storing of one or more auto trailers which are occupied, or intended for occupancy and temporary living quarters, by individuals or families. House trailers, auto trailers, or mobile homes shall not be considered as dwellings, structures or buildings.
118. Two-Family Dwelling: A detached building having separate accommodations for occupancy by not more than two families, or by two families, and not more than four boarders and lodgers.
119. Used Car Lots: A lot or portion thereof to be used only for the display and sale of automobiles that are in a condition to be driven on or off the lot. A used car lot shall not be used for the storage of wrecked automobiles, or the dismantling of automobiles, or the storage of automobile parts.
120. Visibility Triangle: That area within the curb lines of two intersecting curb lines at points thirty-five (35) feet back from their intersection.

121. Width of Side Yard: The mean horizontal distance between a side wall of a building and the side line of the lot.
122. Yard: An open, unoccupied space other than a court, on the lot in which a building is situated and which is unobstructed from the ground to the sky.
123. Zero Lot Line-Detached: For purposes of Article VIII-D only, a one family dwelling, one side of which **typically** rests directly on a side lot line.

SECTION 2. There is hereby established a new zoning district, Urban Center ("UC"), appearing hereafter as Article VIII-E of Ordinance No. 66, with provisions to read as follows:

ARTICLE VIII-E

"UC" URBAN CENTER DISTRICT REGULATIONS

Section 1. PURPOSE OF DISTRICT.

The purpose of the Urban Center (UC) District is to encourage the mixing of residential, retail, office, and civic uses within an urban framework which is small in scale and compatible with adjacent developments. The intensity and design of development within the district is intended to create an environment that is compatible with major civic events which may be convened within or adjacent to the district. The UC District is to be applied within a special planning area identified in the City's Comprehensive Plan as the Urban Center & Special Events District in order to implement plan objectives and policies therein. The district also is intended to promote flexibility in the development process. It is the intent of this district that development approval shall occur in stages, necessitating approval of a concept plan for the overall development project, a development plan for each phase of such development, and a final development plan for each building site or tract.

Section 2. USE REGULATIONS - Residential Subdistrict.

- A. Authorized Uses. Only those uses identified as permitted uses, conditional uses or accessory uses are authorized within the Residential Subdistrict of the UC District, the boundaries of which are designated in the Comprehensive Plan for the Town of Addison. All authorized uses are deemed to be compatible with major civic events which may be convened within, or adjacent to, the district.

B. Permitted Uses. The following uses of land are authorized as permitted uses within the Residential Subdistrict of the UC District. Uses are further classified according to general categories of land uses. To the extent expressly authorized by these district regulations, a general use category may be identified on a concept plan or, except for residential uses, on a development plan. Upon approval of such plan, any use appearing in the use list, which is classified under such general category, is authorized to be established in accordance with the concept plan, or development plan, and any conditions attached thereto. The following uses are permitted within the Residential Subdistrict of the UC District, the boundaries of which are designated in the Comprehensive Plan for the Town of Addison:

1. Residential. In the Residential Subdistrict, residential uses are limited to the following uses.

- Rowhouse
- Townhouse/Condominium
- Multi-Family Use

2. Hotel. *(Defined under Section 1)*

3. Retail. In the Residential Subdistrict, retail uses are limited to the following uses.

- Antique Shop
- Aquarium
- Art Gallery
- Baker, retail sales only
- Bank
- Barber and Beauty Shop
- Bird and Pet Shops, retail
- Book or Stationery Store
- Camera Shop
- Candy, Cigars and Tobaccos, retail sales only
- Caterer and Wedding Service (office only)
- Cleaning, Dying and Laundry pick-up station for receiving and delivery of articles to be cleaned, dyed and laundered, but no actual work to be done on the premises
- Department Store
- Drug Store, retail sales only
- Electrical Goods and Fixtures for Consumer Use
- Electronics Store
- Film Developing and Printing

Fix-it Shops, Bicycle Repair, Saw Filing and Lawn Mower Sharpening, retail sales
 Florist, retail sales only
 Furniture Repairs and Upholstery
 Gallery, for the Display and Sale of Artworks
 Grocery Store, retail sales only
 Hardware, Sporting Goods, Toys, Paints, Wall paper, Clothing, retail sales only
 Household and Office Furniture, Furnishings and Appliances, retail sales only
 Jewelry, Optical Goods, Photographic Supplies, retail sales only
 Library, rental
 Meat Market, retail sales only
 Novelty or Variety Shop, retail sales only
 Piano and Musical Instruments
 Printing Shop, retail sales only,
 Photographers and Artist Studios
 Professional Offices for Architect, Attorney, Engineer and Real Estate
 Public Garage, Parking, no repairs
 Retail Store or Shop for Custom Work, retail sales only
 Seamstress, Dressmaker, or Tailor
 Shoe Repair Shop, retail sales only
 Studios, Dance, Music, Drama
 Studio for the Display and Sale of Glass, China, Art Objects, Cloth and Draperies
 Wearing Apparel, including Clothing, Shoes, Hats, Millinery and Accessories
 Xerox/Copy Shop

4. Office. (Defined under Section 1)
5. Home Office. (Defined under Section 1)
6. Civic. (Defined under Section 1)
7. Mixed Use (with residential). (Defined under Section 1)
8. Mixed Use (without residential)

C. Conditional Uses. The following uses are conditionally permitted within the Residential Subdistrict of the UC District, the boundaries of which are designated in the Comprehensive Plan for the Town of Addison:

1. Day-Care Facility
2. Restaurant
3. Sale of Alcohol for On-premises Consumption
4. Health Clubs
5. Retirement Home
6. Medical Offices
7. Transit Facilities
8. Retail between 5,000 square feet and 10,000 square feet

D. Accessory Uses. The following are permitted as accessory uses within the Residential Subdistrict of the UC District:

1. Community, social, hobby, or laundry facilities, for use by occupants of a development within the district.
2. Recreation space and facilities including exercise facilities and weight rooms, tennis courts, racquetball, handball and volleyball courts, spas and swimming pools, for use by occupants of a development within the district.
3. Parking and parking structures.
4. Other uses customarily incidental to permitted uses.

E. General Conditions. To ensure that development within the Residential Subdistrict of the UC District is consistent with the City's Comprehensive Plan, the following special conditions have been established.

1. Ground Level Retail. Buildings fronting on the Special Events Parkway/Retail Street (Category E/F) must be designed to accommodate ground level retail. The ground level floor area may be used for office, civic or special uses.
2. Free Standing Retail. Free standing retail is prohibited.
3. Maximum Retail Floor Area. The maximum allowable gross floor area per retail establishment is 5000 square feet. Retail uses between 5,000 square feet and 10,000 square feet shall be considered a conditional use.
4. Airport Noise Restrictions. No residential uses are permitted within the 65 LDN contour as defined by the Addison Airport Master Plan.
5. Minimum Residential Uses. A minimum of 1,500 residential dwelling units shall be provided in the first two phases of development in the Residential Subdistrict.

6. Office Uses. A building which has "office" as a predominant use, shall not be permitted in the residential subdistrict unless a detailed facilities study is approved by the city which includes a traffic impact assessment which demonstrates that the project can be adequately supported by utilities and transportation facilities in a timely manner.
7. Home Office. Home offices shall be permitted on the ground level. The maximum allowable gross floor area per home office is 1000 square feet.
8. Appendices. Development within the residential Subdistrict is subject to the standards and guidelines incorporated in Appendices A and B, which are attached to this article and made a part hereof by reference.

Section 3. DIMENSIONAL AND DESIGN STANDARDS - Residential Subdistrict.

In the Residential Subdistrict of the UC District, the following design standards shall apply.

A. Lot Dimensions.

1. Minimum Width of Lot.

The minimum width of lot shall be:

<u>Use</u>	<u>Minimum Width of Lot</u>
Rowhouse	Twenty-five (25) feet
Townhouse/Condominium	Twenty-five (25) feet
Multi-Family Use	Two hundred (200) feet
Hotel Use	Two hundred (200) feet
Retail Use	Two hundred (200) feet
Office Use	Two hundred (200) feet
Mixed Use	Two hundred (200) feet
Civic Use	None

2. Minimum Depth of Lot.

<u>Use</u>	<u>Minimum Depth of Lot</u>
Rowhouse	90 feet
Townhouse/Condominium	90 feet

Multi-Family Use	Two hundred (200) feet
Hotel Use	Two hundred (200) feet
Retail Use	Two hundred (200) feet
Office Use	Two hundred (200) feet
Mixed Use	Two hundred (200) feet
Civic Use	None

B. Intensity of Use.

1. Maximum Lot Coverage.

The maximum lot coverage shall be:

<u>Use</u>	<u>Maximum Lot Coverage</u>
Rowhouse	Sixty-five (65%) percent
Townhouse/Condominium	Sixty-five (65%) percent
Multi-Family Use	Eighty-five (85%) percent +*
Hotel Use	Eighty-five (85%) percent +*
Retail Use	Eighty-five (85%) percent +*
Office Use	Ninety (90%) percent +*
Mixed Use with residential	Eighty-five (85%) percent +*
Mixed Use without residential	Ninety (90%) percent +*
Civic Use	None

* The area of a porch or arcade fronting a public street is not included in the calculation of lot coverage.

+ The area of an above grade parking structure is included in the calculations of lot coverage.

2. Maximum Density/F.A.R.

The gross maximum density/Floor Area Ratio (F.A.R.) for the residential subdistrict shall be 1.78:1.

C. Minimum Area per Dwelling Unit. The average minimum floor area per apartment shall be 800 square feet per building, based upon the following minimum sizes for specific unit types:

<u>Use</u>	<u>Minimum Area per Dwelling Unit</u>
Rowhouse	1600 square feet
Townhouse/Condominium	1600 square feet
Multi-Family Use:	
Efficiency	500 square feet
1 Bedroom	750 square feet
2 Bedroom	900 square feet
3 Bedroom	1,000 square feet

To provide design flexibility, the minimum floor area per dwelling unit for 5% of each unit type per building may be reduced to 75% of the minimum size, provided that the overall unit mix per building averages a minimum of 800 square feet.

D. Building Heights. Minimum and maximum height of buildings shall be:

<u>Use</u>	<u>Minimum Height</u>	<u>Maximum Height</u>
Rowhouse	24'	42'
Townhouse/Condominium	24'	42'
Multi-Family Use	40'	92' *
Hotel Use	40'	92' *
Retail Use	40'	92' *
Office Use	40'	92' *
Civic Use	40'	92' *
Mixed Use	40'	92' *

* No building shall exceed fifty (50) feet in height unless the additional height is set back from the setback line/build to line one (1) additional foot for each two (2) feet of height above the fifty (50) foot limit

A turret, spire or tower may exceed maximum height of building provided that any such structure is no more than fifteen (15) feet higher than the maximum permitted height and has a floorplate which is ten (10%) percent, or less, of the ground floor area of the building of which it is a part.

E. Setbacks.

1. Build-to-Line. The build-to-line for primary buildings, structures, walls and fences shall be ten (10) feet on all public street frontages except along residential streets (Category C) and residential mew streets (Category D), which shall have build-to-lines as established later in this section. Up to twenty-five (25) percent of any street frontage of a building may vary from this build-to-line, but shall not be less than five (5) feet, nor more than twenty-five (25) feet.

The build-to-line for residential streets (Category C) shall be five (5) feet where a building or structure fronts public open space. In all other cases along residential streets, a maximum of seventy-five (75) percent of any block face may be constructed to the five (5) foot build-to-line with the remainder of the block face being constructed no closer than eight (8) feet, nor more than twenty-five (25) feet from the R.O.W.

The build-to-line for residential mew streets (Category D), shall be contiguous with the R.O.W.

A minimum of seventy (70%) percent of the build-to-line of any block or parcel must be occupied by buildings or parking structures.

The zone between the R.O.W. line and the build-to-line shall be landscaped in accordance with Section K of this ordinance.

There shall be no build-to-line/setback for temporary buildings, structures or tents erected for special events.

2. Perimeter Setbacks. Primary buildings and parking structures shall be setback from subdistrict boundary lines a minimum of ten (10) feet.

The setback back line from the subdistrict boundary for portions of buildings over fifty (50) feet shall step back one half foot for every foot over fifty feet to a height of ninety-two (92) feet.

3. Building Separation. Primary buildings and parking structures shall not be located closer than twenty (20) feet from an adjacent building or structure except where a fire wall meeting local code requirements is provided.
4. Accessory Buildings and Detached Garages. Accessory buildings and parking structures shall be setback from lot lines as provided below for the

applicable use of the lot. The zone between the R.O.W. line and the setback line shall be landscaped in accordance with Section I.

<u>Use</u>	<u>Setbacks</u>
Rowhouse Townhouse/Condominium	Forty (40) feet from public R.O.W.
Multi-Family Use	Same as Setbacks for Primary Buildings
Hotel Use	Same as Setbacks for Primary Buildings
Retail Use	Same as Setbacks for Primary Buildings
Office Use	Same as Setbacks for Primary Buildings
Civic Use	Same as Setbacks for Primary Buildings
Mixed Use	Same as Setbacks for Primary Buildings

5. Driveways. Driveways shall have a minimum setback from side lot lines of five (5) feet.
6. Overhangs and Fireplaces. The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies and fireproof stairways may extend up to a maximum of five feet into the required setbacks.
7. Patios. Patios may not be constructed within the required setback zones. This limitation, however, does not apply to sidewalk cafes.

F. Open Space.

1. Two acres for every 1000 residents shall be dedicated for public use by the project applicant up to the point that dedication has been provided for 2250 residents. After sufficient open space has been dedicated to meet the requirement for 2250 residents, one and one-half acres of open space for each 1000 residents shall be dedicated for public use by the project applicant. For purposes of this section, the number of residents expected to reside in the district shall be determined by estimating the number of dwelling units authorized for a proposed project, multiplied by a factor of 1.5 persons per dwelling unit.
2. Land proposed to be dedicated as public open space shall be clearly shown on the Concept Plan, Preliminary Development Plan and Final Development Plan submittals.

3. Sufficient land for open space shall be provided in each phase of the development to assure that the recreational needs of district residents are satisfied, taking into consideration the nature of open space required to serve the district, and the amount of land previously provided, or to be provided, in conjunction with the phase of the development under consideration.
4. Land to be dedicated for public open space shall be approved initially by the Planning and Zoning Commission and thereafter shall be submitted to the City Council for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the City Council in the form of a written "acceptance of dedication". Failure of the City Council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.
5. In its approval of the Concept Plan and Development Plan, the City shall impose such conditions as deemed necessary to assure that the intent and purpose of this section is satisfied.

G. Site Access. Site Access and curb cuts shall be limited as follows:

<u>Use</u>	<u>Curb Cuts</u>
Rowhouse	
Townhouse/Condominium	One curb cut per lot *
Multi-Family Use	Two curb cuts per block
Hotel Use	Two curb cuts per block
Retail Use	Two curb cuts per block
Office Use	Two curb cuts per block
Civic Use	Two curb cuts per block
Mixed Use	Two curb cuts per block

* Direct vehicular access to individual townhouses/condominiums fronting on residential boulevards and collectors (Quorum Drive, Spectrum Drive, Mildred Street) shall be prohibited.

H. Parking. Off-Street and On-Street facilities shall be provided for multi-family use, hotel use, retail use, office use, civic use, and mixed use, in accordance with this subsection.

1. All at grade lots fronting primary roadways shall be setback not less than ten (10) feet from the right-of-way line of such roadways, and screened from view as outlined in Section K.
2. Parking garages that have frontage on public streets shall comply with standards established in Section E, and Section J.

Parking structures fronting on Mildred Street shall be designed to accommodate ground level retail. This ground level floor may also be used for office, civic, or approved conditional uses.

Maximum frontage of parking structures along any one block face shall be 200 feet.

Ramps shall not be expressed on the facades of parking structures fronting, or visible from, public streets.

Steel parking garages and steel guard cables on garage facades are prohibited.

3. Off-street below grade parking is permitted to the lot lines; but must be designed to allow planting of landscape as defined in Section K.
4. Off-street parking spaces for the applicable use classification shall meet the following minimum number of spaces.

<u>Use</u>	<u>Parking Ratio</u>
Residential	One (1) space/ bedroom to a maximum of two (2) spaces/ unit.
Hotel	One (1) space/ hotel room plus one parking space per every 300 square feet of conference/banquet facilities.
Retail	One (1) space/two hundred fifty (250) square feet.
Office	One (1) space/ three hundred square feet.
Home Office	One (1) space two hundred fifty (250) square feet.

Civic	To be determined by Parking Demand Analysis Study for proposed use and approved by the City's Director of Development Services.
Mixed Use	Number of spaces resulting from application of ratios provided above for respective uses in the development.
Conditional Uses	As specified in Subsection 14, <u>Special Design Standards for Conditional Uses.</u>

5. On street parking. On street parking within 300' of the proposed use in the same phase may be counted to meet the parking requirements for retail uses, home office and other conditional uses. Assignment of on-street parking shall be at the time of approval of the development plan, and shall be allocated at the time of development plan's approval.
6. Shared Parking. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a Parking Analysis Study approved by the City's Director of Development Services.

I. Streets. All streets and blocks in the Residential Subdistrict of the Urban Center District shall conform to the provisions of this section.

1. Street Standards.

Standards for streets within the district shall be as set forth in Appendix A

2. Street Type and Pattern.

The types and pattern of all streets in the District shall be in conformity with the Master Thoroughfare Plan for the City. The location of streets on the Master Thoroughfare Plan is approximate. Precise location of streets shall be determined in conjunction with approval of the concept and development plans. Street patterns shall be based upon a small-scale grid system of interconnecting streets.

3. Block Length.

The length of a block shall not be less than two hundred (200) feet, nor more than six hundred (600) feet.

J. Exterior Appearance.

1. Materials.

- (a) At least ninety (90%) percent of the exterior cladding of all exterior walls fronting, or visible from public streets, (including above grade parking structures) shall be brick construction. An applicant, however, may submit a design for construction of parking structures that employs alternative construction materials for exterior cladding with an application for a development plan. The alternative may be approved by the City upon determination that such construction will result in an appearance that is compatible with surrounding buildings and the overall character of the district.

Upon a finding that the alternative design for parking structures will result in an appearance that is compatible with surrounding buildings and the overall character of the district, waivers may be granted for alternatives employing a minimum of 40% brick cladding, provided that the ground floor of the structure (up to a height of 12 feet), is at least 90% brick.

- (b) At least eighty (80%) percent of exterior cladding of all walls not fronting, or not visible from public ways, (including above-grade parking structures) shall be brick construction, exterior cement plaster, or a combination thereof.
- (c) The exterior cladding, (excluding glass), of all buildings, (including above grade parking structures), shall be composed of not more than three (3) materials, (excluding roofs).
- (d) The following materials are prohibited as primary cladding materials:

Aluminum siding or cladding
Galvanized steel or other bright metal
Wood or plastic siding
Wood roof shingles
Unfinished concrete block (Architecturally finished concrete block is permitted as a cladding material.)

- (f) The following materials are prohibited as primary roofing materials:

Wood roof shingle
Composite shingle

2. Colors.

- (a) The dominant color of all buildings (including above grade parking structures shall be shades of warm gray, red, beige and/or brown. Black and stark white shall not be used. There are no restrictions on accent colors, except that fluorescent colors are prohibited.
- (b) The roof colors shall be a shade of cool gray, warm gray, brown or red.

3. Windows.

- (a) Where a retail use occupies the first floor, at least seventy (70%) percent of the first floor exterior wall facing a thoroughfare, street, boulevard or parking plaza shall be transparent glazing.
- (b) The exterior wall surface of all buildings above the first floor shall not be more than fifty (50%) percent glass.
- (c) Glass is to be clear or tinted, not reflective.

4. Walls. Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

K. Landscape Requirements. Landscaping within the Urban Center shall comply with the provisions in this section and with the standards contained in Article XII-A, Landscaping Regulations of the City's Zoning Ordinance, and shall substantially comply with the Landscape Guidelines included as Appendix B to this ordinance. Where conflicts exist between this ordinance and the Landscaping Regulations, requirements in this ordinance shall be applied.

1. Street Trees. Street trees shall be large shade tree species having a minimum caliper of four (4) inches, selected in accordance with the City's landscape regulations.
2. Plant Material. Front yards shall be landscaped except at building entries, seating areas, and adjacent to commercial uses, where the front yard may

be paved. Plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen groundcovers, vines, and seasonal color.

3. Paving Material

- (a) Paving material in front yards and on sidewalks shall be warm toned, natural materials such as brick and stone.
- (b) Asphalt and gravel as paving materials is prohibited.

4. Parking Lot Landscape

- (a) Surface parking lots shall be screened from all adjacent public streets and neighboring sites. The screen must extend along all edges of the parking lot and must be three (3) feet in height, 80% opaque, and may be accomplished through the use of masonry walls, ornamental metal, evergreen plant materials, or a combination thereof. Planting beds for screen planting shall be a minimum of three (3) feet in width.
- (b) Interior parking lot landscape shall be consistent with Article XII-A, Landscape Regulations of the Addison Zoning Ordinance.
- (c) Parking spaces shall not exceed 10 spaces in a row without being interrupted by a landscaped island (9' min.) Islands shall be planted with a minimum of one shade tree per every ten cars.

5. Screening.

- (a) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion off the lot. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (eighty (80%) percent opaque), evergreen landscape material, or combination thereof.
- (b) Loading, service and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (eighty (80%) percent opaque), evergreen landscape material, or combination thereof.

- (c) All roof mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

L. Outside Sales and/or Commercial Promotions.

1. Any outside sales and/or commercial promotion shall be required to obtain a permit subject to the following:
2. Outside sales and/or commercial promotions may be permitted for a period of fourteen (14) days each calendar year with a maximum of two (2) permits per calendar year, providing such goods, products or merchandise is displayed on a sidewalk within ten (10) feet of the business building.
3. Outside sales and/or commercial promotions shall be deemed to include merchandise dispensing units placed adjacent to, and outside of, a business building.
4. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event.
5. In order to qualify for a permit, the applicant must:
 - (a) provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
 - (b) provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion.
 - (c) if food is served, provide food service facilities in accordance with the Addison Food and Food Establishment Ordinance;
 - (d) provide for adequate trash and waste removal and clean-up of the area;
 - (e) comply with all requirements of the Addison Noise Ordinances; and
 - (f) comply with all other reasonable conditions imposed by the Planning and Zoning Office.

M. Outside Storage. Except for the equipment and/or the materials stored on a construction site and used for a temporary construction project, the outside storage of equipment, building and/or other materials, goods and products shall be prohibited within the district.

N. Patios and Balconies. Balconies and patios facing public streets shall not extend beyond the build-to-line except as permitted in Section E.

O. Design Guidelines. From time to time, the Town may promulgate and amend design guidelines, which shall be approved by resolution of the City Council, as an aid to implementation of this Article. Such guidelines shall be used by the Town to assist decision-makers in interpreting standards applicable to development within the UC District.

Section 4. USE REGULATIONS - Commercial Subdistrict.

A. Authorized Uses. Only those uses identified as permitted uses, conditional uses or accessory uses, are authorized within the Commercial Subdistrict of the UC District, the boundaries of which are designated in the Comprehensive Plan for the Town of Addison. All authorized uses are deemed to be compatible with major civic events which may be convened within or adjacent to the district.

B. Permitted Uses. The following uses of land are authorized as permitted uses within the Commercial Subdistrict of the UC District. Uses are further classified according to general categories of land uses. To the extent expressly authorized by these district regulations, a general use category may be identified on a concept plan or, except for residential uses, on a development plan. Upon approval of such plan, any use appearing in the use list which is classified under such general category is authorized to be established in accordance with the concept plan or development plan and any conditions attached thereto.

1. Residential. In the Commercial Subdistrict, residential uses are limited to the following uses.

Multi-Family

2. Hotel. (*Defined under Section 15*)

3. Retail. In the Commercial Subdistrict, retail uses are limited to the following uses.

Antique Shop
Aquarium
Art Gallery
Baker, retail sales only
Bank, Office, Wholesales Office or Sample Room
Barber and Beauty Shop
Bird and Pet Shops, retail
Book or Stationery Store
Camera Shop
Candy, Cigars and Tobaccos, retail sales only
Caterer and Wedding Services
Cleaning and Pressing Shops having an area of not more than 6,000 square feet
Department Store, Novelty or Variety Shop
Drug Store
Electrical Lighting Fixtures and Supplies for consumer use
Film Developing and Printing
Fix it Shops, Bicycle Repairs, Saw Filing, Lawn Mower Sharpening
Florist
Furniture Repair and Upholstering
Gallery, for the Display and Sale of Artworks
General Services Shops for Maids, Tax Preparers, Book-keeping
Grocery Store
Hardware, Sporting Goods, Toys, Paints, Wallpaper, Clothing
Health Club, Private and Public
Household and Office Furniture, Furnishings and Appliances
Jewelry, Optical Goods, Photographic Supplies
Laundromat, equipped with automatic washing machines of the type customarily found in a home and where the customer may personally supervise the washing and handling of their laundry.
Meat Market
Medical and Dental Offices
Novelty or Variety Shop
Photographer or Artist Studio
Public Garage Parking, no repairs
Piano and Musical Instruments
Plumbing Shop, without Warehouse Facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)
Print Shop, retail sales only

Retail Shop for custom work or the making of articles to be sold for retail on the premises
 Seamstress, Dressmaker, or Tailor
 Shoe Repair Shop
 Studios, Dance, Music, Drama, Health and Reducing
 Studio for the Display and Sale of Glass, China, Art Objects, Cloth and Draperies
 Taxi Stand
 Video Equipment and Cassettes, Sales and Rental
 Wearing Apparel, including Clothing, Shoes, Hats, Millinery and Accessories
 Xerox/Copy Shop

4. Civic. (Defined under Section 15)
5. Office. (Defined under Section 15)
6. Mixed Use (with residential). (Defined under Section ~~15~~¹)
7. Mixed Use (without residential).

C. Conditional Uses. The following uses are conditionally permitted within the Commercial Subdistrict of the UC District, the boundaries of which are designated in the Comprehensive Plan for the Town of Addison:

1. Day-Care Facility
2. Restaurant/Restaurant with Alcohol
3. Sale of Alcohol for On-premise Consumption
4. Transit Facilities

D. Accessory Uses. The following are permitted as accessory uses within the Commercial Subdistrict of the UC District:

1. Community, social, hobby or laundry facilities for use by occupants of a development within the district.
2. Recreation space and facilities including exercise facilities and weight rooms, tennis courts, racquetball, handball and volleyball courts, spas and swimming pools for use by occupants of a development within the district.
3. Parking and Parking Structures.
4. Other uses customarily incident to "permitted uses."

E. General Conditions. To ensure that development within the Commercial Subdistrict of the UC District is consistent with the City's Comprehensive Plan, the following special conditions have been established.

1. Ground Level Retail. Buildings fronting on the Special Events Parkway/Retail Street (Categories E/F) must be designed to accommodate ground level retail. The ground level floor area may be used for office, civic or conditional uses.
2. Free Standing Retail. Free standing retail is prohibited along Spectrum Drive.
3. Maximum Residential Mix. A maximum of thirty (30%) of the acreage of the Commercial Subdistrict as defined in the approved concept plan, may be put to residential or mixed use with residential uses.
4. Appendices. Development within the commercial Subdistrict is subject to the standards and guidelines incorporated in Appendices A and (c), which are attached to this article and made a part hereof by reference.

Section 5. DIMENSIONAL AND DESIGN STANDARDS - Commercial Subdistrict.

In the Commercial Subdistrict of the UC District, the following design standards shall apply:

- A. Minimum Area per Dwelling Unit. The average minimum floor area per apartment shall be 800 square feet per building, based upon the following minimum sizes for specific unit types:

<u>Use</u>	<u>Minimum Area per Dwelling Unit</u>
Multi-Family Use:	
Efficiency	500 square feet
1 Bedroom	750 square feet
2 Bedroom	900 square feet
3 Bedroom	1,000 square feet

To provide design flexibility, the minimum floor area per dwelling unit for 5% of each unit type per building may be reduced to 75% of the minimum size provided that the overall unit mix per building averages a minimum of 800 square feet.

B. Building Heights.

1. Portions of buildings or structures within one hundred fifty (150) feet of the closest boundary line of the Residential Subdistrict shall conform with the following height restrictions.

Minimum Height

Maximum Height

40'

92' *

- * No building shall exceed fifty (50) feet in height unless the additional height is set back from the setback line/build-to-line one (1) additional foot for each two (2) feet of height above the fifty (50) foot limit.

2. All other buildings or structures shall not exceed six (6) standard stories in height unless the additional height is set back from the street lines one (1) foot for each two (2') feet of height above each six story limit.
3. A turret, spire, or tower may exceed maximum height of building provided that any such structure is no more than fifteen (15) feet higher than the

maximum permitted height and has a floorplate which is ten (10%) percent or less of the ground floor area of the building of which it is a part.

C. Setbacks.

1. Front Yard.

- (a) The minimum required front yard is ten (10) feet, such distance shall be measured from the property line.
- (b) Buildings fronting on, or adjacent to, principal collectors shall be set back a minimum of fifteen (15) feet from the R.O.W.
- (c) If a site runs from one street to another and has double frontage, a required front yard must be provided on both streets, such distance shall be measured from the property line.

2. Side Yard.

- (a) Except as provided below, there is no minimum side yard.

- (b) On a corner lot, a minimum required side yard of ten (10) feet must be provided on the side street, such distance shall be measured from the property line.
- (c) If a lot in this Subdistrict abuts a residential use, a minimum required side yard of ten (10) feet must be provided. If a corner lot in this district abuts a residential district, a minimum required side yard of twenty-five (25) feet must be provided on the side street.

3. Side and Rear Yards.

- (a) Except as provided below, there is not minimum required side and rear yard.
- (b) If a proposed use in this Subdistrict abuts a residential use, a minimum required side, or rear, yard of ten (10) feet must be provided.

D. Open Space.

1. Two acres for every 1000 residents shall be dedicated for public use by the project applicant up to the point that dedication has been provided for 2250 residents. After sufficient open space has been dedicated to meet the requirement for 2250 residents, one and one-half acres of open space for each 1000 residents shall be dedicated for public use by the project applicant. For purposes of this section, the number of residents expected to reside in the district shall be determined by estimating the number of dwelling units authorized for a proposed project, multiplied by a factor of 1.5 persons per dwelling unit.
2. Land proposed to be dedicated as public open space shall be clearly shown on the Concept Plan, Preliminary Development Plan, and Final Development Plan submittals.
3. Sufficient land for open space shall be provided in each phase of the development to assure that the recreational needs of district residents are satisfied, taking into consideration the nature of open space required to serve the district, and the amount of land previously provided, or to be provided, in conjunction with the phase of the development under consideration.
4. Land to be dedicated for public open space shall be approved initially by the Planning and Zoning Commission and thereafter shall be submitted to the City Council for acceptance of the proposed dedication. No dedication shall be deemed approved without express action of the City Council in the form

of a written "acceptance of dedication". Failure of the City Council to execute an acceptance of dedication shall be deemed to be a refusal of the proposed dedication.

5. In its approval of the Concept Plan, and Development Plan, the City shall impose such conditions as deemed necessary to assure that the intent and purpose of this section is satisfied.

E. Site Access. Site Access and curb cuts along principal collectors (Category B) and the Special Events Parkway/Retail Street (Category E/F) shall be limited to two curb cuts per block.

F. Parking.

1. Off-street parking must be provided for the appropriate building use classification according to the following ratios:

- (a) General retail: (1/200 s.f.) One space per each two hundred square feet of floor area.
- (b) Furniture Store: (1/1000 s.f.) One space per each one thousand square feet of floor area.
- (c) Medical or Dental Clinics: (1/200 s.f.) One space per each two hundred square feet of floor area.
- (d) Bank or Savings and Loans: (1/300 s.f.) One space per each three hundred square feet of floor area.
- (e) Office: (1/300 s.f.) one space per each three hundred square feet of gross floor area. An office building or group of buildings, which shall total fifty thousand (50,000) square feet or more: (1/300 s.f.) One space per three square feet of net usable area.
- (f) Service: (1/1000 s.f.) One space per each one thousand square feet of floor area.
- (g) Health Club or Studio for Dance, Music, Drama, Health and Reducing: (1/100 s.f.) One space per each 100 square feet.
- (h) Residential: One (1) space/bedroom to a maximum of two (2) spaces/unit.

- (i) Hotel: One (1) space/hotel room plus one parking space per every 300 square feet of conference/banquet facilities.
 - (j) Civic: To be determined by Parking Demand Analysis Study for proposed use and approved by the City's Director of Development Services.
 - (k) Mixed Use: Number of spaces resulting from application of ratios provided above for respective uses in the development.
 - (l) Conditional Uses: As specified in Section 15.
2. On street parking. On street parking within 300' of the proposed use may be counted to meet the requirement of street level retail uses and shall be allocated at the time of development plan approval.
 3. Shared Parking. Uses may join in establishing shared parking areas if it can be demonstrated that the parking for two (2) or more specific uses occurs at alternating time periods. Required parking shall be determined based on parking demand for the peak parking period, as determined by a Parking Analysis Study approved by the City's Director of Development Services.
 4. Parking Garages. Parking garages that have frontage on principal collectors (Category B) and the special events parkway/retail street (Category E/F) shall comply with standards established in Section H, Exterior Appearance.

Parking structures fronting on the special events parkway/retail street (Category E/F) shall be designed to accommodate ground level retail, including standard retail floor to ceiling and structural bay spacing. This ground level floor may also be used for office, civic, or special uses.

Maximum frontage of parking structures along any one block face on principal collectors (Category B) and the special events parkway/retail street (Category E/F) shall be 200 feet.

Ramps shall not be expressed on the facades of parking structures fronting on Spectrum Drive or Mildred Street.

Steel parking garages and steel guard cables on garage facades are prohibited from fronting on Spectrum Drive and Mildred Street.

5. Off-street below grade parking is permitted to the lot lines, but must be designed to allow planting of landscape as defined in Section I.

G. Streets. All streets and blocks in the Commercial Subdistrict of the UC District shall conform to the provisions of this section.

1. Street Standards.

Standards for principal collectors (Category B) and the special events parkway/retail street (Category E/F) within the Commercial Subdistrict shall be as set forth in Appendix A:

2. Street Type and Pattern.

The types and pattern of all streets in the District shall be in conformity with the Master Thoroughfare Plan for the City for the District. The location of streets on the Master Thoroughfare Plan is approximate. Precise location of streets shall be determined in conjunction with approval of the concept and development plans. Street patterns shall be based upon a small-scale grid system of interconnecting streets.

H. Exterior Appearance.

1. The following standards shall be applied to portions of buildings and parking structures within the Commercial Subdistrict which are within 150' of the Residential Subdistrict, or the special events parkway/retail street.

(a) Materials.

- (1) At least ninety (90%) percent of the exterior cladding of all non-residential buildings and associated parking structures shall be brick construction up to a height of 50'.
- (2) At least ninety (90%) of the exterior cladding of all residential buildings and associated parking garages shall be brick construction.
- (3) The exterior cladding, (excluding glass), of all buildings, (including above grade parking structures), shall be composed of not more than three (3) materials, (excluding roofs).
- (4) The following materials are prohibited as primary cladding materials:

Aluminum siding or cladding
Galvanized steel or other bright metal

Wood or plastic siding
Wood roof shingles
Unfinished concrete block (Architecturally finished
concrete block is a permitted cladding material.)

- (5) The following materials are prohibited as primary roofing materials:

Wood roof shingle
Composite shingle

(b) Colors.

- (1) The dominant color of all buildings (including above grade parking structures shall be shades of warm gray, red, beige and/or brown. Black and stark white shall not be used. There are no restrictions on accent colors, except that fluorescent colors are prohibited.
- (2) The roof colors shall be a shade of cool gray, warm gray, brown or red.

(c) Windows.

- (1) Where a retail use occupies the first floor, at least seventy (70%) percent of the first floor exterior wall facing a thoroughfare, street, boulevard, or parking plaza, shall be transparent glazing
- (2) The exterior wall surface of all buildings above the first floor shall not be more than sixty (60) percent glass.
- (3) Glass is to be clear or tinted, not reflective.

- (d) Walls. Walls attached to buildings shall be developed as architectural extensions of the building, constructed of the same material and in the same style.

2. Exterior walls of all other buildings and parking structures shall be at least eighty (80%) percent masonry construction, exclusive of door and window openings. Glass tile, glass block, and plate glass, may count as masonry.

- i. Landscape Requirements. Landscaping within the Commercial Subdistrict of the Urban Center shall comply with the provisions in this section, and with the standards

contained in Article XII-A, Landscaping Regulations of the City's Zoning Ordinance and shall substantially comply with the Landscape Guidelines included as Appendix (c) to this ordinance. Where conflicts exist between this ordinance and the Landscaping Regulations, requirements in this ordinance shall be applied.

1. Street Trees. Street trees shall be large shade tree species having a minimum caliper of four (4) inches, selected in accordance with the City's landscape regulations.
2. Screening.
 - (a) Mechanical equipment shall be screened from view from all public roadways and located to minimize noise intrusion off the lot. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (eighty (80%) percent opaque), evergreen landscape material, or combination thereof.
 - (b) Loading, service, and trash storage areas shall be screened from all public roadways. Refuse containers must be placed on a designed, reinforced concrete pad and approach. The required screening must be composed of the same exterior materials as the buildings on the lot, or through the use of masonry walls, ornamental fence (eighty (80%) percent opaque), evergreen landscape material, or combination thereof.
 - (c) All roof mounted mechanical elements must be screened from view from the public right-of-way and neighboring properties. Screening must be architecturally compatible with the building design.

J. Outside Sales and/or Commercial Promotions.

1. Any outside sales and/or commercial promotions shall be required to obtain a permit subject to the following:
2. Outside sales and/or commercial promotions may be permitted for a period of fourteen (14) days each calendar year with a maximum of two (2) permits per calendar year, providing such goods, products, or merchandise, is displayed on a sidewalk within ten (10) feet of the business building.
3. Outside sales and/or commercial promotions shall be deemed to include merchandise dispensing units placed adjacent to, and outside of, a business building.

4. Outside sales and/or commercial promotions related to existing businesses shall be allowed during Special Events, provided that the sponsors of such sales or promotions obtain a permit from the Planning and Zoning Office at least ten (10) days prior to the event.
5. In order to qualify for a permit, the applicant must:
 - (a) provide the Planning and Zoning Office with a flammability certificate for each tent to be used;
 - (b) provide a map, plan, or drawing to indicate adequate off-street parking for patrons, employees and delivery trucks; such map, plan or drawing should also indicate that no fire lanes, streets or other public rights-of-way will be blocked as a result of the sale or promotion.
 - (c) if food is served, provide food service facilities in accordance with the Addison Food and Food Establishment ordinance;
 - (d) provide for adequate trash and waste removal and clean-up of the area;
 - (e) comply with all requirements of the Addison Noise Ordinances;
 - (f) comply with all other reasonable conditions imposed by the Planning and Zoning Office

K. Outside Storage. Except for the equipment and/or the materials stored on a construction site and used for a temporary construction project, the outside storage of equipment, building and/or other materials, goods, and products shall be prohibited within the district.

L. Design Guidelines. From time to time, the Town may promulgate and amend design guidelines, which shall be approved by resolution of the City Council, as an aid to implementation of this Article. Such guidelines shall be used by the Town to assist decision-makers in interpreting standards applicable to development within the UC District.

Section 6. FLEXIBLE STANDARDS.

A. Intent. In order to encourage an integrated development pattern of mixed uses over time within the district, it is understood that flexibility in the development of phases or sites may be necessary. Whenever an applicant for establishment of a UC District proposes to authorize alternative uses or phases of the development project, such

alternative uses or phases shall be incorporated in such application and depicted on the concept plan for the project. No alternative use shall be designated or approved, however, for sites needed to satisfy minimum residential use standards for the Residential Subdistrict. Upon approval of the application for zoning amendment and accompanying concept plan by the City Council, the alternative uses or phases shall thereafter be considered authorized, subject to such conditions as may be attached and set forth in the adopting ordinance, and a development plan may be submitted for any authorized alternative.

- B. Flexible Standards. It is intended that the dimensional and design standards set forth in Sections 3 and 5 of this article be flexible in order to encourage development in the UC District. In some cases, Sections 3 and 5 sets forth limits within which specific standards may be varied. In other cases, the developer must request a waiver from a specific standard pursuant to Section 9 of this article. The Council may approve such waiver in conjunction with its decision to establish or amend the district on the zoning map, where the waiver addresses a standard applicable to the concept plan, or in conjunction with its decision to approve or amend approval of a development plan, where the waiver addresses a standard applicable to the development plan. In no case, however, may the Council approve a waiver which authorizes a use not authorized in the UC District, or which increases the allowable intensity or density of any land use.

Section 7. ESTABLISHMENT OF DISTRICT.

- A. Zoning Amendment. An application for establishment of an Urban Center District may be made to the City Planning and Zoning Commission and shall be considered an application for a zoning amendment pursuant to Article XX.
- B. Concept Plan. An application for establishment of any Residential Subdistrict within an Urban Center District shall be accompanied by a concept plan, which shall be processed simultaneously with the zoning amendment application. If the zoning amendment application is approved, the concept plan shall be incorporated within such amendment. A Commercial Subdistrict may be established without an initial concept plan, provided that a concept plan for any area proposed for residential development shall be submitted and approved in accordance with the procedures of this section prior to submittal of any preliminary, or final, development plan proposing any residential use within such subdistrict.
1. Submittal Requirements for Concept Plan. The Concept Plan shall contain the following information for each Subdistrict:

- (a) Drawings required for the Concept Plan submission shall contain the following information:
 - (1) Project name, street address, and lot and block description.
 - (2) Names, addresses, and telephone numbers of the property owner, developer, (if different); and the person developing the plan.
 - (3) Date, scale, and north arrow.
- (b) Submittal plans must have a scale of one inch equals 100 feet or larger and be on a standard drawing sheet of a size no smaller than 24 inches by 36 inches, not to exceed 36 inches by 48 inches. A plan that cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.
- (c) A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) related to the true meridian and showing the location and type of boundary survey.
- (d) A context plan, which may be provided as an insert as an insert map to the Concept Plan at a scale of not less than (1) inch equals two thousand (2000) feet (1" = 2000'). Context plan shall identify all adjacent land uses and zoning designations within 100 feet of the site.
- (e) A Concept Plan which includes the following elements:
 - (1) Existing and proposed thoroughfares, streets, easements and restrictions, and dedicated public facilities; their names, numbers and widths/size. (Any public R.O.W., easement, or facility, to be abandoned, shall be clearly identified.)
 - (2) Land uses by category for each tract, or subarea to be developed, and for each phase of development. If alternative uses are proposed for phases, or sub-phases, of the project for particular sites, the land uses by category, and general characteristics of such alternative uses, shall be set forth in sufficient detail to enable the City to evaluate whether such uses should be authorized.
 - (3) Maximum floor areas of residential use and identification of sites intended to meet the minimum residential use standards

for the Residential Subdistrict for each phase. No alternative uses shall be designated for such sites.

- (4) Total floor area by category, expressed in number of square feet by phase, and sub-phase, for all categories of uses.
 - (5) Location and size of proposed open space, including designation of any sites to be dedicated for public use.
 - (6) Private recreation areas, where proposed.
 - (7) Other features as are necessary to show the arrangement and pattern of private and public land uses.
- (f) A master utility infrastructure plan identifying existing and proposed trunk lines for water, storm drainage, and sewer.
- (g) If the project is to be developed in phases, a proposed phasing plan that identifies the anticipated sequence of development. The phasing plan shall delineate areas, building sites, land use and improvements to be constructed in independent phases, and the scheduled time frames, and sequencing of such phases. If alternative phases are proposed, the nature, and general characteristics of the uses in such phase(s), and the alternative location(s), if any, shall be set forth in sufficient detail to enable the City to evaluate whether such alternative phases should be authorized.
- (h) Any variations, or alterations anticipated, or contemplated, by the developer to any of the above required elements.
2. Complete Application. No application for establishment of a UC District shall be deemed to be filed with the City until the concept plan has been determined to be complete by the Planning Official. Fifteen (15) copies of the concept plan shall be submitted.

- C. Planning and Zoning Commission Recommendation. Upon determination by the Planning Official that the content of the concept plan is complete in accordance with City requirements, the application, including the concept plan, shall be submitted to the Planning and Zoning Commission. The Planning and Zoning Commission, after notice and public hearing in accordance with the procedures in Article XX of these zoning regulations, shall formulate its recommendation with respect to establishment of the district, including any conditions to be applied. The recommendation of the Commission shall be forwarded to the City Council for decision.

- D. City Council Decision. Following receipt of the Planning and Zoning Commission's recommendation, the City Council shall conduct a public hearing in accordance with the procedures in Article XX of these zoning regulations and, shall approve, approve with conditions, or deny, the application for establishment of the UC District.
- E. Approval Criteria for UC District. Based upon the concept plan, the Planning and Zoning Commission in making its recommendations to the City Council, and the City Council, in determining whether the UC District should be established, shall consider whether the following criteria have been met:
1. The plan of development is consistent with the future land use policies and map in the adopted Comprehensive Plan.
 2. Proposed uses and project design are compatible with existing and planned adjoining uses.
 3. Adequate public facilities, including open space, will be provided in a timely manner to support each phase of the development.
 4. Proposed uses and development standards are consistent with the purposes and standards of these District regulations.
 5. The proposed timing of development is consistent with the overall growth and development of the City.
- F. Conditions. The Planning and Zoning Commission may recommend, and the City Council may require, such conditions and modifications of the concept plan as are reasonably necessary to assure that the approval criteria are met. The Planning and Zoning Commission may recommend, and the City Council may authorize, alternative uses, or phases, for the project, and permit waivers from the standards generally applicable in these District regulations, provided that such waivers are consistent with the policies of the Comprehensive Plan and the overall purpose of the UC District. Such conditions and waivers shall be stated in adopting the ordinance as standards applicable to the project development, and shall be satisfied prior to final approval of the applicable development plan. The conditions may include, but are not limited to, the following:
1. A requirement establishing the sequence and timing of development within a phase of the project;
 2. A restriction on the use, dimensions, or design, of a development in order to protect adjoining property from anticipated harmful impacts.

3. A requirement that open space standards be satisfied within a particular phase or in preceding phases of the project;
4. A requirement that approval of any development plan in a phase of the project constituting primarily non-residential use be preceded by a detailed facilities study, including a traffic impact assessment, demonstrating that the phase of the project in which the development plan is to occur will be adequately supported by such facilities in a timely manner; or
5. A requirement that street classifications shown on the concept plan be changed on the Thoroughfare Plan, consistent with any required traffic impact assessment, prior to approval of a preliminary development plan in a phase of the project constituting primarily non-residential uses.

G. Adopting Ordinance. The ordinance establishing a UC District shall set forth the following provisions. The concept plan shall be incorporated as an exhibit to the ordinance.

- (1) a statement as to the purpose and intent of the district;
- (2) the uses authorized in the district, by Subdistrict and the location of such uses, and the number and location of residential units necessary to satisfy minimum residential standards for the Residential Subdistrict, in conformance with the approved concept plan;
- (3) the conditions and waivers from standards applicable to development within the district;
- (4) required dedications or public improvements; and
- (5) any elements of the proposed phasing plan or estimated time schedule that are to be expressed conditions of development plan approval.

Section 8. PRELIMINARY DEVELOPMENT PLAN APPROVAL PROCEDURE.

A. Applicability.

1. The purposes of a development plan are to assure that the development project proceeds in orderly fashion consistent with the approved concept plan and to assure that the standards applicable within the district are met for each phase, or sub-phase, of the project.

2. Except as provided by Section 9.A.3, no permits for development in an Urban Center District shall be approved until a preliminary, and a final development plan consistent with the approved concept plan, has been authorized under the following procedures.
3. The developer may submit a preliminary development plan simultaneous with submission of a concept plan in conjunction with an application for establishment of the UC District. In such a case, approval of the preliminary development plan shall follow authorization to establish the UC District, subject to the standards in this section.
4. A preliminary development plan may be prepared and submitted for the entire development at one time, or for individual phases, or sub-phases of development, and each such plan shall be submitted in fifteen (15) copies to the Planning Official.

B. Submittal Requirements for Preliminary Development Plan. The Preliminary Development Plan shall contain the following information for each phase of development:

1. Drawings required for the Preliminary Development Plan submission shall contain the following information:
 - (a) Project name, street address, and lot and block description.
 - (b) Names, addresses, and telephone numbers of the property owner, developer, (if different), and the person developing the plan.
 - (c) Date, scale, and north arrow.
2. Submittal plans must have a scale of one inch equals 40 feet or larger and be on a standard drawing sheet of a size no smaller than 24 inches by 36 inches, not to exceed 36 inches by 48 inches. A plan that cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.
3. A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) related to the true meridian and showing the location and type of boundary survey.
4. A Preliminary Development Plan which includes the following elements:
 - (a) The location, arrangement, and proposed use of all buildings, including building footprints.

- (b) The height and number of floors of all buildings, both above and below, or partially below finished grade.
 - (c) The setback dimensions of buildings from the development boundaries and street R.O.W.
 - (d) The location and width of all streets, including prototypical street sections.
 - (e) The location and number of spaces of all on-street and off-street parking areas, structures and loading areas.
 - (f) The location and size of existing and proposed public open spaces, together with proposed private recreational areas.
 - (g) The schematic location and size of utilities required to service the proposed development, including water, storm drainage, sewer, gas, electric, telephone, and cable television.
5. Prototypical elevations of all building facades, indicating materials, window openings and height of all buildings.
6. Conceptual landscape plan and prototypical cross sections for project roadways showing general plant locations and types, areas of special pavement, and special landscape features.
7. A statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:
- (a) Total number of dwelling units by type, size, and average dwelling unit size.
 - (b) Residential density in units per acre.
 - (c) Total floor area, and floor area ratio, for each type of use.
 - (d) Total area in open space, both public and private
 - (e) Total number of off-street parking and loading spaces.

Data shall be provided for the area included in the development plan submittal and cumulative data for this and all previous phases.

8. Any variations, or alterations anticipated, or contemplated, by the developer to any of the above required elements.
9. Where required by the concept plan, a detailed facilities plan including a traffic impact assessment, setting forth the proposed schedule of capital improvements to support the proposed phase, or sub-phase. If the preliminary development plan excludes residential use, the facilities plan shall show generally how facilities are to be provided to subsequent sub-phases in sufficient detail to determine the impacts of development within the phase, taking into account existing and future development within the phase and preceding phases and development within the adjoining subdistricts.
10. Any other information required to satisfy conditions established in the concept plan for the development, subject to the preliminary development plan.

- C. Administrative Review. Upon determination by the Planning Official that the content of the preliminary development plan is complete in accordance with City requirements, the plan shall be submitted for comment and review to appropriate City departments and agencies. The Planning Official also shall cause to be prepared a report evaluating whether the design elements incorporated in the project meet the standards set forth for the UC District and the appropriateness of requested waivers. Upon completion of such administrative review, the plan shall be submitted to the Planning and Zoning Commission.
- D. Planning and Zoning Commission Recommendation. The Planning and Zoning Commission shall promptly determine whether the preliminary development plan is in accordance with the approved concept plan and with applicable district regulations. The Commission shall make its recommendations to the City Council for approval, approval with modifications, or disapproval of the preliminary development plan, including recommendations on waivers, within thirty (30) days following receipt of the plan from the Planning Official.
- E. City Council Decision. Upon receipt of the Commission's recommendation, and following a public hearing therein, the City Council shall approve, approve with modifications, or disapprove, the preliminary development plan, including waiver requests.
- F. Approval Standards. The Planning and Zoning Commission in making its recommendations to the City Council, and the City Council, in acting upon the preliminary development plan, shall determine whether the plan meets the following general standards:

1. The preliminary development plan generally is consistent with the approved concept plan and the standards and conditions set forth in the adopting ordinance.
2. The preliminary development plan provides for the adequacy of, and design of roads, and other public facilities serving the development depicted in the preliminary development plan; and, if the preliminary development plan is not for the entire phase of the project, provision has been made to adequately serve future sub-phases.
3. The project is adequately buffered from adjoining uses in accordance with the adopting ordinance.
4. Provision for, and design of, open space areas meet the recreational needs of the residents of the district.
5. Landscaping plans meet ordinance requirements, or standards, set forth in the adopting ordinance.
6. Where the preservation and maintenance of common open space, and natural features of the project are to be undertaken by the developer, adequate covenants and assurances have been provided.
7. The preliminary development plan is consistent with phasing requirements set forth in the adopting ordinance, and capital facilities, including open space facilities, serving the phase, or sub-phase, of development under consideration, are adequate to serve the phase of the project to which the development is located.
8. The gross maximum F.A.R. authorized in the concept plan is not exceeded.

G. Conditions. The Planning and Zoning Commission, in making its recommendations to the City Council, and the City Council, in acting upon the preliminary development plan, may establish such conditions and may require such modifications to assure that the development plan is consistent with the standards set forth in the adopting ordinance, the standards set forth in these district regulations, and the approval standards set forth in Section 8.F of this Article. In the event that facilities are inadequate to support the development of the project as proposed in the preliminary development plan and concept plan, the City may attach conditions including, but not limited to, requirements limiting the uses, or intensity of uses, proposed in the preliminary development plan, or requiring provision of additional facilities including off-site facilities, to support the project as proposed or modified.

Section 9. FINAL DEVELOPMENT PLAN APPROVAL.

A. Applicability.

1. The purposes of a final development plan are to assure that the development of individual building lots, parcels or tracts within a development project are consistent with the approved preliminary development plan(s) and to assure that the standards applicable within the district are met for each individual building site.
2. No permit for a building site in an Urban Center District shall be approved until a final development plan consistent with the approved preliminary development plan for that particular building site has been authorized under the following procedures.
3. The developer may obtain approval for a final development plan without prior approval of a preliminary development plan by meeting the standards for a

preliminary development plan, as well as the standards contained in this section. In such case, approval procedures shall be as required in Section 8.

B. Submittal Requirements for Final Development Plan. The Final Development Plan shall contain the following information for each phase of development.

1. Drawings required for the Final Development Plan submission shall contain the following information:
 - (a) Project name, street address, and lot and block description.
 - (b) Names, addresses, and telephone numbers of the property owner, developer, (if different), and the person developing the plan.
 - (c) Date, scale, and north arrow.
2. Submittal plans must have a scale of one inch equals 40 feet or larger and be on a standard drawing sheet of a size no smaller than 24 inches by 36 inches, not to exceed 36 inches by 48 inches. A plan that cannot be drawn in its entirety on a 36 inch by 48 inch sheet must be drawn with appropriate match lines on two or more sheets.
3. A boundary survey of the tract with an error of closure within the limit of one (1) in ten thousand (10,000) related to the true meridian and showing the location and type of boundary survey.

4. A Final Development Plan which includes the following elements:
 - (a) The location, arrangement, and proposed use of all buildings, including building footprints.
 - (b) The height and number of floors of all buildings, both above and below, or partially below finished grade.
 - (c) The dimensions of buildings from the development boundaries, street R.O.W., and adjacent buildings.
 - (d) The traffic circulation system, and the pedestrian circulation system, including the location and width of all streets, driveways, entrances to parking areas and parking structures, walkways, and bicycle paths.
 - (e) The location, number of spaces, and layout of all on-street and off-street parking areas, structures and loading areas, including aisle widths, stall dimensions, and calculations of impervious coverage of parking lots, and interior landscape areas.
 - (f) Existing and proposed public open spaces, together with proposed private recreational areas, specifying the proposed improvement of all such areas.
 - (g) Existing and proposed utilities required to service the proposed development, including water, storm drainage, sewer, gas, electric, telephone, and cable television.
5. Elevations of all facades of each building, indicating materials, window openings and height of all buildings.
6. A landscape plan which contains the following information:
 - (a) Location, height and material of proposed screening and fencing (with berms to be delineated by one-foot contours).
 - (b) Complete description of plant materials shown on the land, including names (common and botanical name), locations, quantities, container or caliper sizes, heights, spread, and spacing. The location of all existing trees on the lot must be specifically indicated.

- (c) Complete description of landscaping and screening to be provided in, or near, off-street parking and loading areas, including information as to the amount (in square feet) of landscape area compared to total square feet of the parking area
- (d) Size, height, location, and material of proposed seating, lighting, planters, sculptures, decorative paving, and water features.

7. Signage plans providing the location and elevations of all proposed signs.

8. A final statement in tabular form which sets forth the following data, when such data is applicable to a given development plan:

- (a) Total number of dwelling units by type, size and average dwelling unit size.
- (b) Residential density in units per acre.
- (c) Total floor area and floor area ratio for each type of use.
- (d) Total area in open space, both public and private
- (e) Total number of off-street parking and loading spaces.

Data shall be provided for the area included in the development plan submittal, and cumulative data for this, and all previous phases.

9. Any variations or alterations anticipated or contemplated by the developer to any of the above required elements.

C. Decision by the Planning and Zoning Commission. The Planning Official shall review the final development plan application for completeness and for compliance with the standards and conditions applicable thereto within ___ days that the application is determined to be complete. Thereafter, the Planning and Zoning Commission shall approve, approve subject to modification, or deny, the final development plan.

D. Appeal to City Council. In the event that the final development plan is denied or modified, the applicant may appeal the decision of the Planning and Zoning Commission to the City Council.

E. Approval Standards. The Planning and Zoning Commission, or the City Council on appeal, shall determine whether the final development plan is consistent with the

approved preliminary development plan, the standards and conditions set forth in the adopting ordinance, and the standards set forth in the UC District regulations.

- F. Conditions. The Planning and Zoning Commission, or the City Council on appeal, may establish such conditions and may require such modifications to assure that the final development plan is consistent with the approved preliminary development plan and the approval criteria set forth herein.

Section 10. CONDITIONAL USE PROCEDURE.

A. Purpose and Applicability.

1. A conditional use is a land use which because of its nature is compatible with the permitted land uses in the Urban Center District, only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property, the neighborhood and public areas can be mitigated through imposition of standards and conditions. . . This section sets forth the standards used to evaluate proposed conditional uses and the procedures for approving conditional use permit applications.
2. Permit Required. No building permit shall be issued for any use designated as a conditional use within the UC District unless a conditional use permit has first been approved in accordance with the standards and procedures of this section.

B. Standards. The Planning and Zoning Commission in making its recommendation, and the City Council in rendering its decision on an application for a conditional use permit, shall evaluate the impact of the proposed use on, and the compatibility of the use with surrounding properties, neighborhoods and public areas to ensure the appropriateness of the use at the proposed location. The Planning and Zoning Commission, and the City Council, shall specifically consider the extent to which:

1. The proposed use at the specified location is consistent with the future land use policies and map in the Town's adopted Comprehensive Plan;
2. The proposed use is consistent with the general purpose and intent of the UC zoning district regulations as applied to the site and, in particular, is consistent with the concept plan and/or development plan approved for the site, together with any conditions attached thereto;
3. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage, or prejudice, to other property in the vicinity; and

4. The proposed use is compatible with, and preserves the character and integrity of adjacent properties and neighborhoods, and includes improvements or modifications that mitigate development-related adverse impacts, including but not limited to:
 - (a) Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - (b) Off-street parking and loading areas where required;
 - (c) Paving of streets, alleys and sidewalks;
 - (d) Provisions for drainage;
 - (e) Utilities with reference to location, availability, and compatibility;
 - (f) Screening and buffering features to minimize visual impacts; and/or set-backs from adjacent uses;
 - (g) Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (h) Required yards and open space;
 - (i) Height and bulk of structures;
 - (j) Hours of operation; and
 - (k) Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow, or divert traffic as may be needed, to reduce, or eliminate, development generated traffic.

C. Conditions. In approving a conditional use permit, the Planning and Zoning Commission may recommend, and the City Council shall impose, such conditions as are reasonably necessary to assure compliance with these standards and the purpose and intent of this section. Any conditions imposed shall be set forth in writing by the City Council. The City shall maintain a record of such approved conditional uses and conditions attached thereto.

D. Approval Procedures.

1. Planning Commission Recommendation. The Planning and Zoning Commission shall schedule and conduct a public hearing in order to formulate its recommendations to the City Council on the conditional use permit application. Following the public hearing, the Commission shall recommend approval, modification, or denial, of the proposal to the City Council. If the appropriateness of the use cannot be assured at the location, the Commission shall recommend denial of the application as being incompatible with existing uses, or uses permitted by right in the district.
2. City Council Action. Following a public hearing and in consideration of the Commission's recommendations, the City Council shall approve, modify or deny the proposal for a conditional use permit. If the appropriateness of the use cannot be assured at the location, the application for conditional use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district.

E. Amendment of Conditional Use Permit.

1. Modification. No proposed or existing building, premise, or land use authorized as a conditional use may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the conditional use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section for initial approval of the permit.
2. Limitation on Board of Adjustment. The Board of Zoning Adjustment shall have no jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to an application for a conditional use permit.

F. Lapse and Extension.

1. Lapse of Permit. If no building permit has been issued within one year of date of approval of the conditional use permit, such permit shall lapse and no construction shall be permitted, nor use be established, until a new application for conditional use permit is submitted and approved for the intended use.

2. Extension. If the applicant requests an extension of the conditional use permit in writing at least sixty (60) days prior to the date of lapse to the City Council, the Council shall consider such extension request, prior to the expiration date. For good cause shown, the permit may be extended for a period not to exceed one year.

Section 11. WAIVER PROCEDURE.

- A. Procedure. An application for a waiver to a development standard authorized under Section 6 of this Article must be made by a property owner, lessee, or contract purchaser at the time of submission of an application to establish a UC zoning district, or at the time of submission of a development plan application. A contract purchaser or lessee must file with the application a copy of the contract, or lease, or other form of written statement containing the property owner's endorsement of the application. The application shall be filed in duplicate with the Planning Official on forms provided by the Town. Upon a determination that the waiver application is complete, the Planning Official shall forward the request to the Planning and Zoning Commission, and the City Council, for decision in conjunction with its decision on the application to establish a UC zoning district or on the development plan application.
- B. Standards for Granting Waiver. The Planning and Zoning Commission in making its recommendations, and the City Council in deciding whether to grant the request for waiver, shall determine that the following standards are met:
 1. The waiver for the specific development site is in harmony with the policies in the Town's Comprehensive Plan.
 2. The waiver is in harmony with the general purpose and intent of this article and the zoning ordinance.
 3. The waiver shall not adversely affect the use of neighboring property, and the public's use and enjoyment of public areas, in accordance with the provisions of this ordinance.
 4. The waiver is in conformity with the approved concept plan.
- C. Conditions. In granting a waiver to a development standard authorized under Section 6 of this article, the Planning and Zoning Commission may recommend, and the City Council may impose such conditions and safeguards as it deems necessary to insure harmony with the general purpose and intent of this ordinance. Any such condition shall be satisfied as a condition precedent to issuance of a certificate of occupancy for the development to which the waiver applies.

- D. Lapse of Waiver. A waiver granted under this section shall lapse with the lapse of the development plan, or amendment to the UC District, in accordance with Section 13 of this article.

Section 12. AMENDMENT OF PLANS.

- A. General Requirement. Amendments of any concept plan or development plan, other than minor amendments, shall be made in accordance with the procedure required for approval of the initial plan. Amendments to a concept plan shall be considered amendments to the UC zoning district.
- B. Minor Amendments. Minor amendments to a final development plan may be authorized by the zoning administrator. Minor amendments are those changes of detail which do not alter the basic relationship of the proposed development to adjacent property; which do not alter the uses permitted, or increase residential density by more than 5%; which do not change the minimum number of units necessary to satisfy minimum residential standards for the Residential Subdistrict; which do not decrease off-street parking ratios, or open space requirements; which do not significantly alter the architecture, or landscape; as indicated by the approved development plan; and which do not alter special conditions attached by the Planning and Zoning Commission, or City Council, to the approved concept plan or development plan. Any applicant may appeal the decision of the zoning administrator to the Commission for review, and decision, as to whether an amendment to the development plan shall be required.
- C. Alternatives and Flexible Standards. Amendment of a concept plan is not required prior to submission of a development plan, where alternative uses, or phases, or other variations from standards have been approved in conjunction with establishment of the UC District, and the development plan is consistent with such alternatives or waivers, and any conditions attached thereto.
- D. Time for Amendment. An amendment to an approved concept plan or development plan must be made prior to the time for lapse of approval. In the event an amended plan is approved, the official or agency amending the plan shall specify the time for lapse of such approval, consistent with Section 10 hereof.

Section 13. LAPSE OF APPROVALS.

- A. Failure to Submit Development Plan. The preliminary, or final, development plan for the entire first phase shall be submitted for approval within two (2) years from establishment of the UC District, unless otherwise provided by ordinance, or by agreement. If a development plan for all, or a portion of the project is not submitted

within such period, and thereafter approved, the authority to submit such development plan shall lapse, and the City Manager, or the Planning and Zoning Commission may institute proceedings to determine whether the land should be rezoned in accordance with procedures set forth in Article XX. If the project is to be developed in phases, or sub-phases, all final development plans for sub-phases shall be submitted within the time frame provided for that phase by the concept plan.

- B. Failure to Submit Subsequent Development Plan. If the project is to be developed in phases, or sub-phases, subsequent development plans for all sub-phases of the next phase shall be submitted within three (3) years from issuance of a final certificate of occupancy for the preceding phase unless a different time has been fixed by the Council, during its review of the concept plan, as a condition of zoning approval. If subsequent development plans are not submitted within such period, and thereafter approved, authorization to submit such subsequent development plans shall lapse, and the City Manager, or the Planning and Zoning Commission, may institute proceedings in order to determine what actions should be taken with respect to the UC District. The Planning and Zoning Commission shall deliver its report to the City Council, who shall conduct a public hearing on such recommendation, and shall determine what action is to be taken with respect to the UC District, and the developer's authorization to submit other development plans.
- C. Failure to Submit Final Development Plan. A final development plan shall be submitted for approval within two (2) years from approval of the applicable preliminary development plan, unless a shorter time has been fixed by the Council as a condition of preliminary development plan approval. If a final development plan is not submitted within such period, the preliminary development plan and authorization to submit such final development plan shall lapse, and the City Manager, or the Planning and Zoning Commission, may institute proceedings to determine whether the preliminary development plan should be reinstated, and what actions should be taken with respect to the UC District, in accordance with the procedures in subsections A and B.
- D. Lapse of Final Development Plan. If a building permit has not been obtained within two (2) years following approval of the final development plan for a use authorized therein, such plan shall lapse unless the property owner requests an extension prior to the expiration of the two-year period. The request for extension shall be considered by the Commission in the same manner as for approval of the final development plan. The Commission, or the City Council, may initiate review of the development in order to determine whether significant progress is being made. In the event that the Council determines that significant progress is not being made, following notice and a public hearing, the Council may terminate the final development plan or may attach additional conditions to the extension of the plan.

- E. Reauthorization to Submit Development Plan. If authority to submit a development plan lapses pursuant to this Section 13, the City Council may, by resolution, reauthorize submittal of a development plan that is consistent with the concept plan, subject to such conditions as may be appropriate.

Section 14. SPECIAL CONDITIONS APPLICABLE TO PARTICULAR USES.

A. Day-Care Facility.

- (a) Free-standing day-care facilities shall not be permitted.
- (b) Day-care facilities shall only be permitted on the ground level floor.
- (c) Maximum allowable size for a day-care facility shall be 5,000 square feet.
- (d) Parking for a day-care facility shall be provided at a minimum ratio of one (1) space per every ten (10) students plus one (1) space per employee.

B. Restaurant. A restaurant may be permitted in the Urban Center District as a conditional use, subject to the following requirements:

- 1. Free-standing restaurant shall not be permitted.
- 2. Drive-through restaurant shall not be permitted.
- 3. Maximum allowable size for a restaurant shall be 7000 square feet.
- 4. Required parking shall be provided at a ratio of one (1) parking space for every seventy (70) square feet of gross floor area.

C. Outdoor seating area, (i.e. sidewalk cafes), may be permitted in the Urban Center District subject to the following requirements:

- 1. Preparation of food outside is prohibited.
- 2. Food service facilities must be provided in accordance with the Addison Food and Food Establishment ordinance.
- 3. Provide for adequate trash and waste removal and clean-up of the area.

4. Comply with all requirements of the Addison Noise Ordinances.

D. Health Clubs.

1. Maximum allowable size for a health club in the residential subdistrict is 10,000 square feet, unless the club entrances are directly adjacent to required parking.
2. Parking shall be provided at a ratio of one (1) space per every three (3) people, maximum occupancy capacity.

E. Medical Office.

1. Free-standing medical office buildings are not permitted.
2. Maximum allowable size for a medical office is 3,000 square feet.
3. Parking shall be provided at a ratio of one (1) space per every 200 square feet.

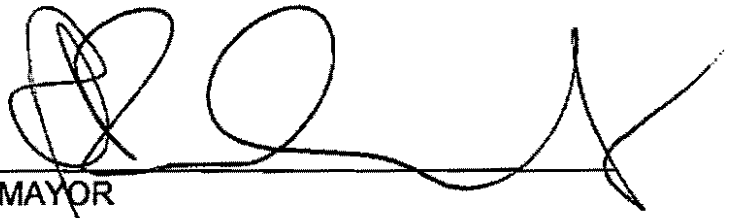
SECTION 3. That Exhibit 1, being appendices A through C for Article VIII-E, hereby is made a part of this Ordinance by reference and is attached hereto.

SECTION 4. 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 5. 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 6. 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 3rd day of May, 1995.


MAYOR

ATTEST:


CITY SECRETARY

OFFICE OF THE CITY SECRETARY

ORDINANCE NO. 095-019

**APPENDIX A:
Streetscape Cross Sections**

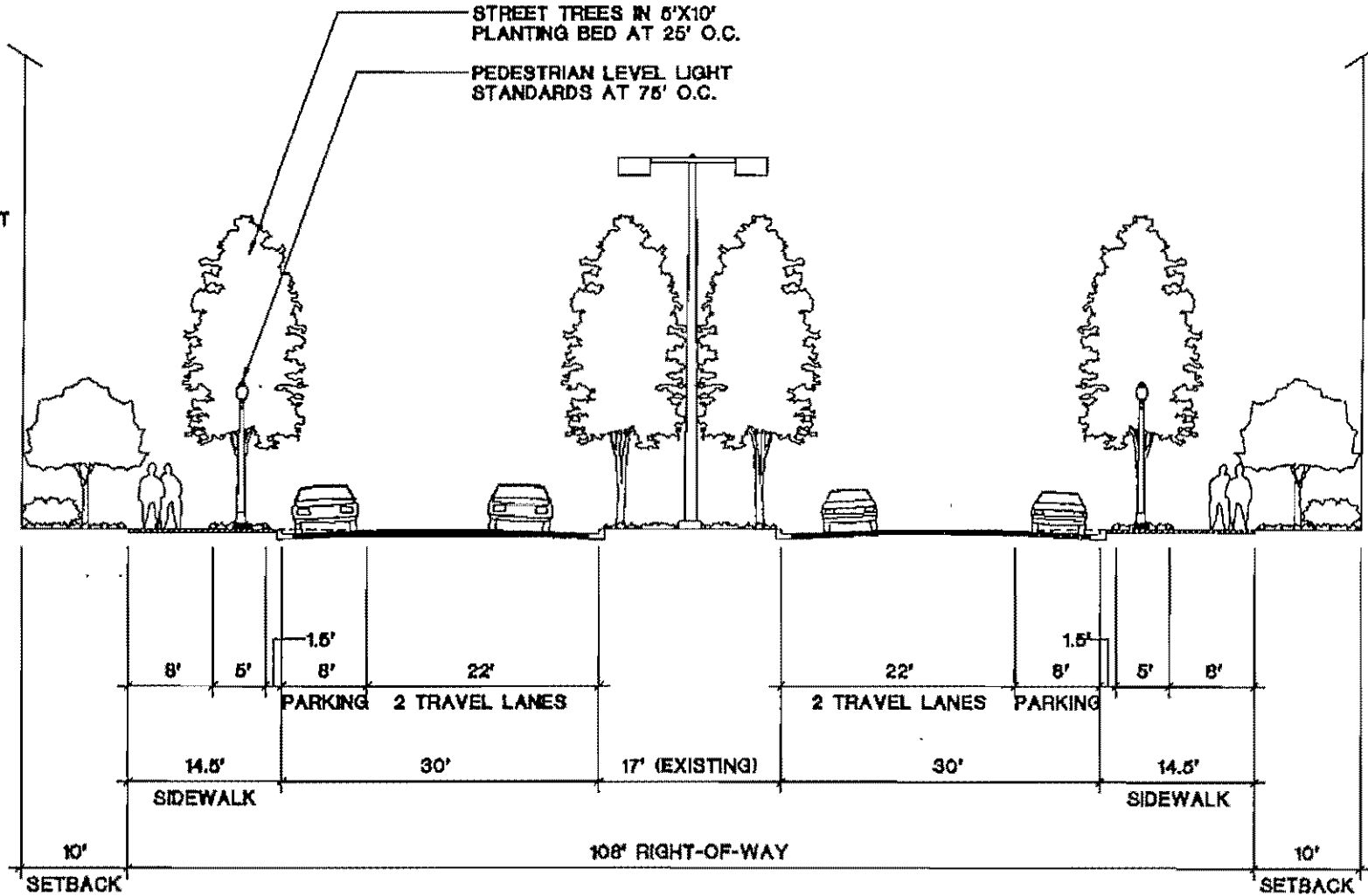
RESIDENTIAL DEVELOPMENT

RESIDENTIAL DEVELOPMENT

STREET TREES IN 5'X10'
PLANTING BED AT 25' O.C.

PEDESTRIAN LEVEL LIGHT
STANDARDS AT 75' O.C.

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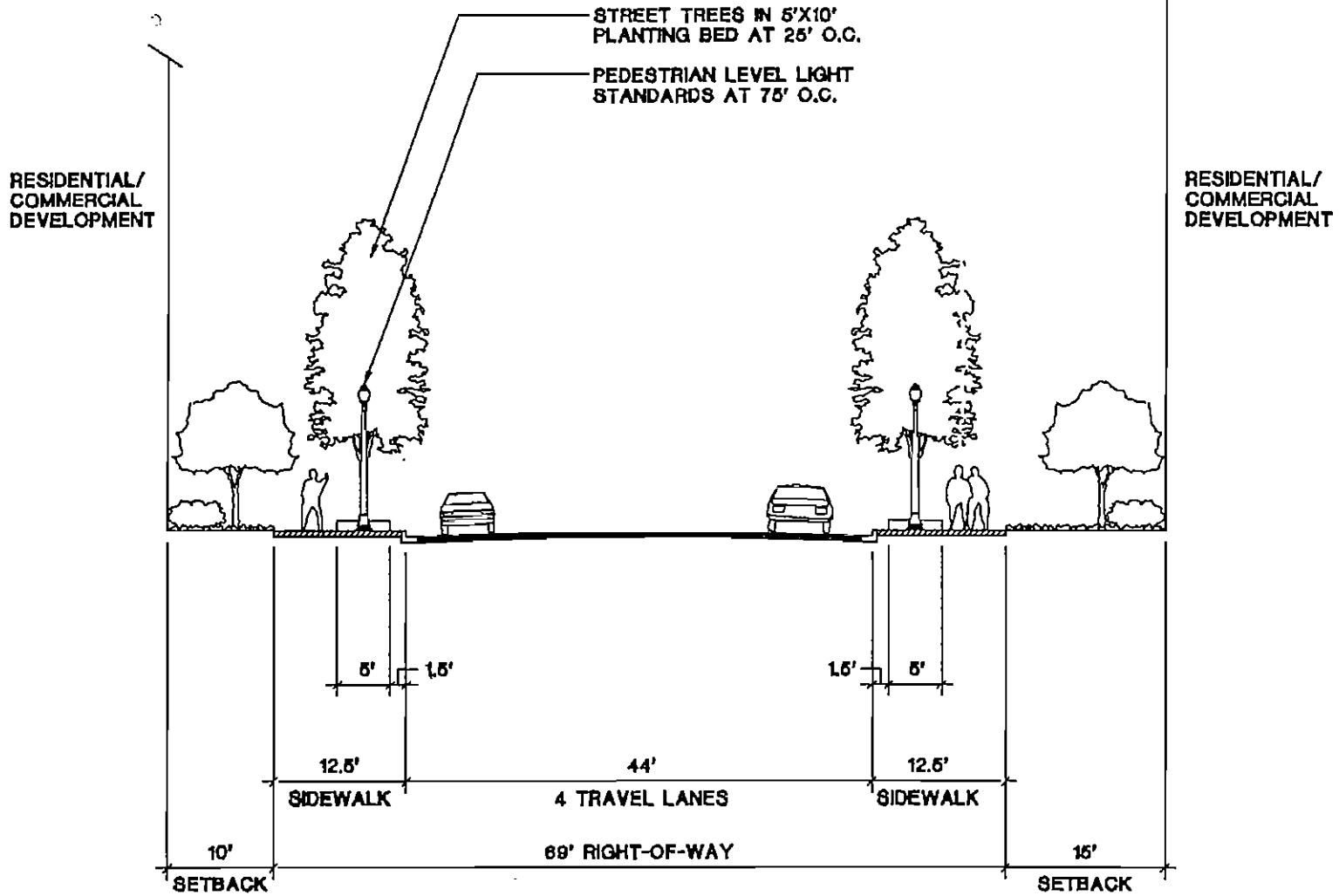


NOTE: 10' SETBACKS CAN BE PAVED ADJACENT TO COMMERCIAL USES.

Category A - Major Residential Boulevard (Quorum)

Scale: 1/16"=1'-0"

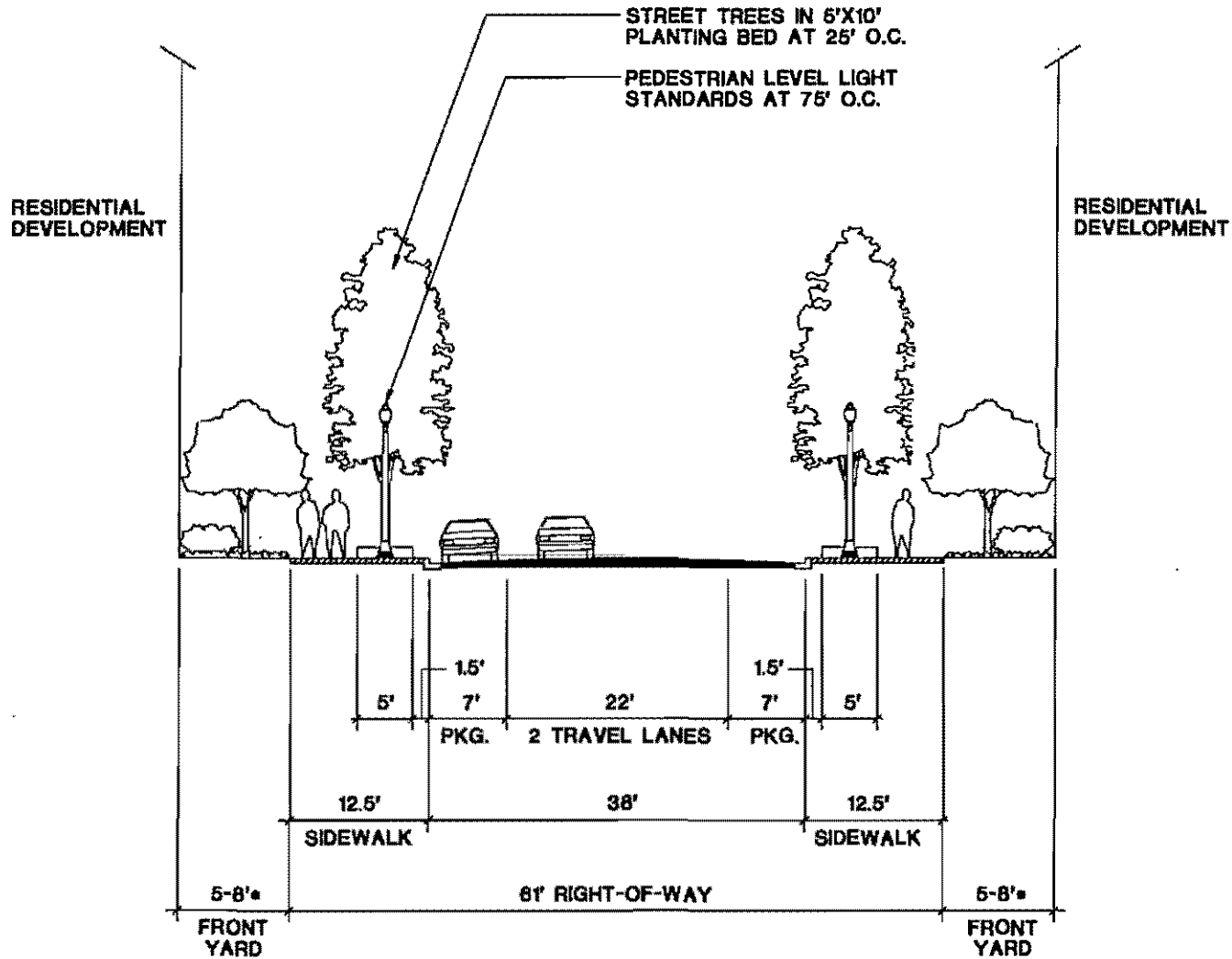
095-019



NOTE: 10' SETBACKS CAN BE PAVED ADJACENT TO COMMERCIAL USES.

Category B - Principal Collector (Spectrum Drive)

Scale: 1/16"=1'-0"



- 5' WHERE BUILDINGS OR STRUCTURES FRONT ON PUBLIC OPEN SPACE. IN ALL OTHER CASES, A MAXIMUM OF 75% OF THE BLOCK FRONT MAY BE CONSTRUCTED TO THE BUILD-TO-LINE WITH THE REMAINDER OF THE BLOCK FACE CONSTRUCTED NO CLOSER THAN 8' NOR MORE THAN 25'.

Category C - Residential Street

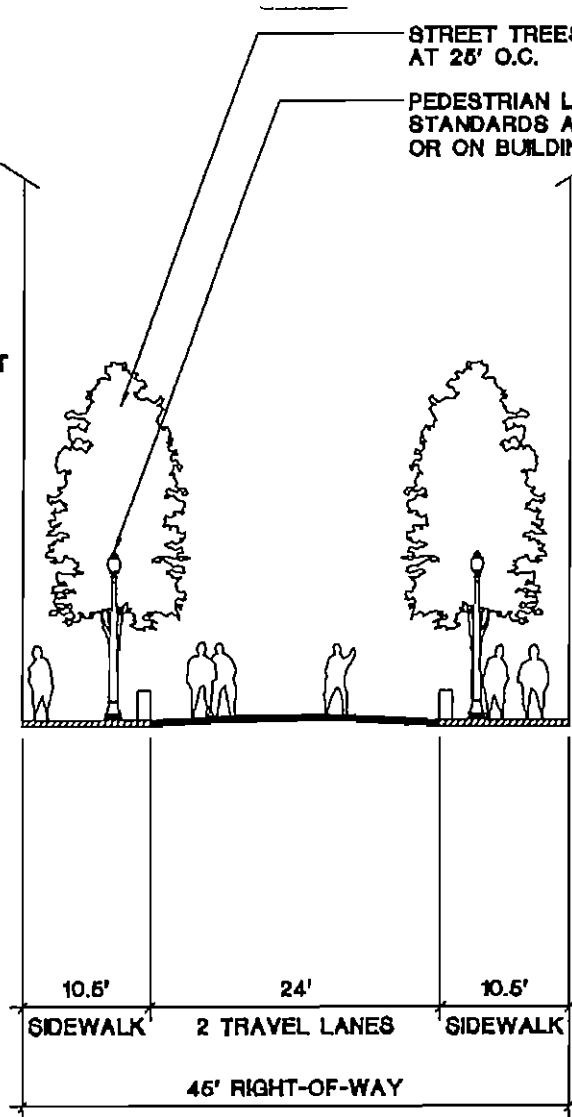
Scale: 1/18"=1'-0"

RESIDENTIAL
DEVELOPMENT

RESIDENTIAL
DEVELOPMENT

STREET TREES IN TREE GRATES
AT 28' O.C.

PEDESTRIAN LEVEL LIGHT
STANDARDS AT 75' O.C.
OR ON BUILDINGS

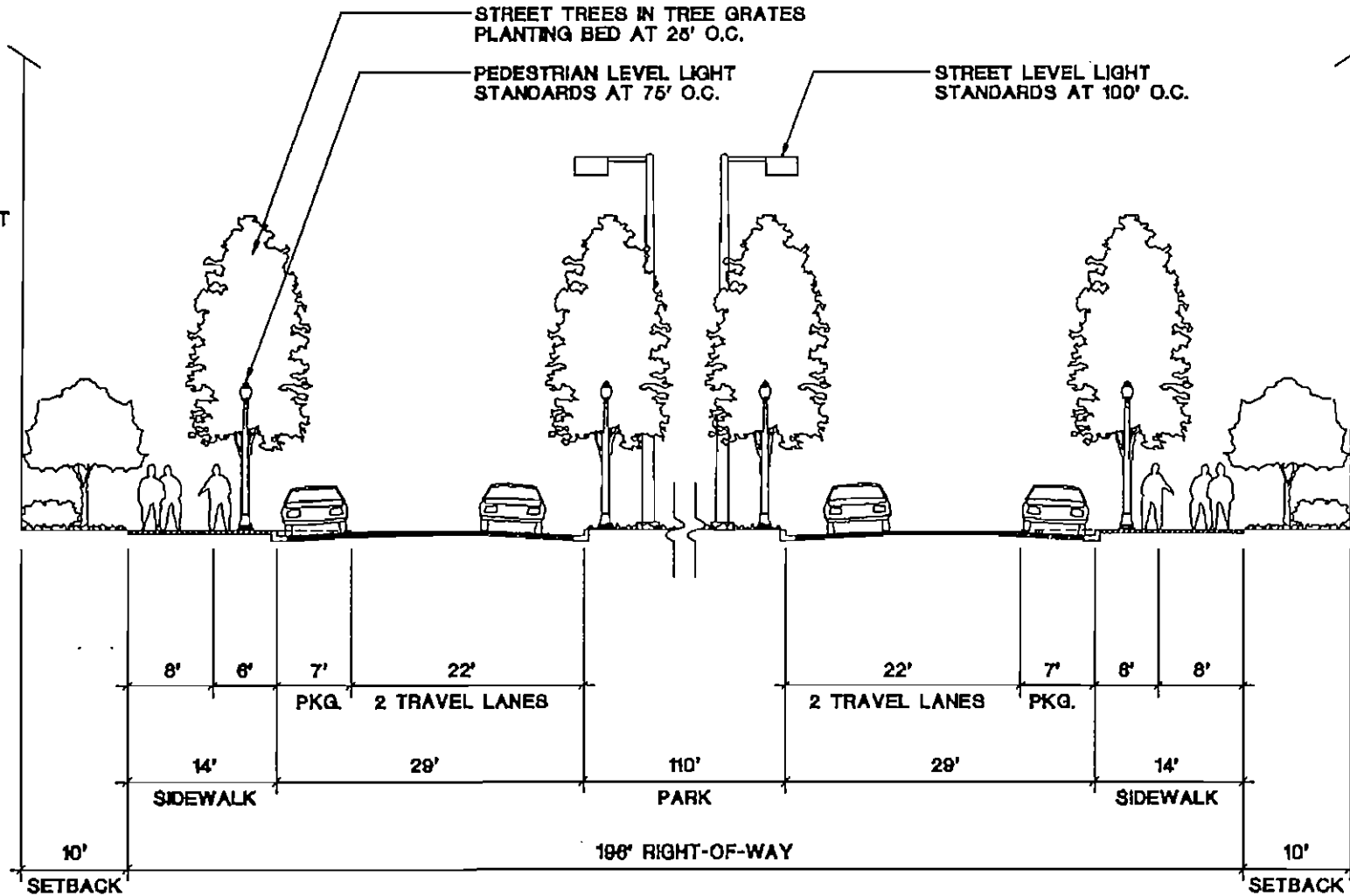


Category D - Mews

Scale: 1/16"=1'-0"

RESIDENTIAL/
COMMERCIAL
DEVELOPMENT
W/RETAIL
BELOW

RESIDENTIAL/
COMMERCIAL
DEVELOPMENT
W/RETAIL
BELOW



NOTE: 10' SETBACKS CAN BE PAVED ADJACENT TO COMMERCIAL USES.

Category E - Special Events Parkway (Mildred)

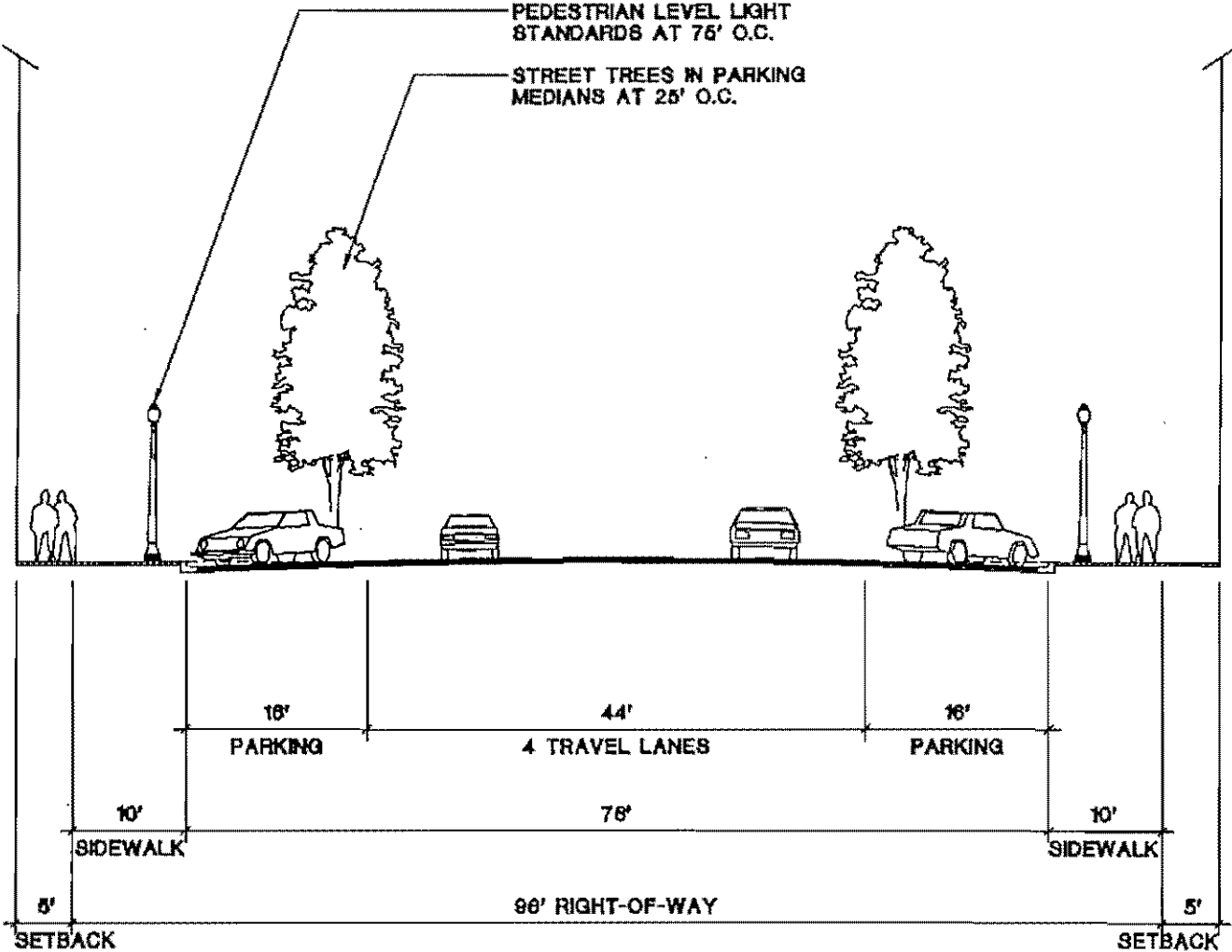
Scale: 1/16"=1'-0"

PEDESTRIAN LEVEL LIGHT STANDARDS AT 75' O.C.

STREET TREES IN PARKING MEDIANS AT 25' O.C.

RESIDENTIAL DEVELOPMENT W/RETAIL BELOW

RESIDENTIAL DEVELOPMENT W/RETAIL BELOW

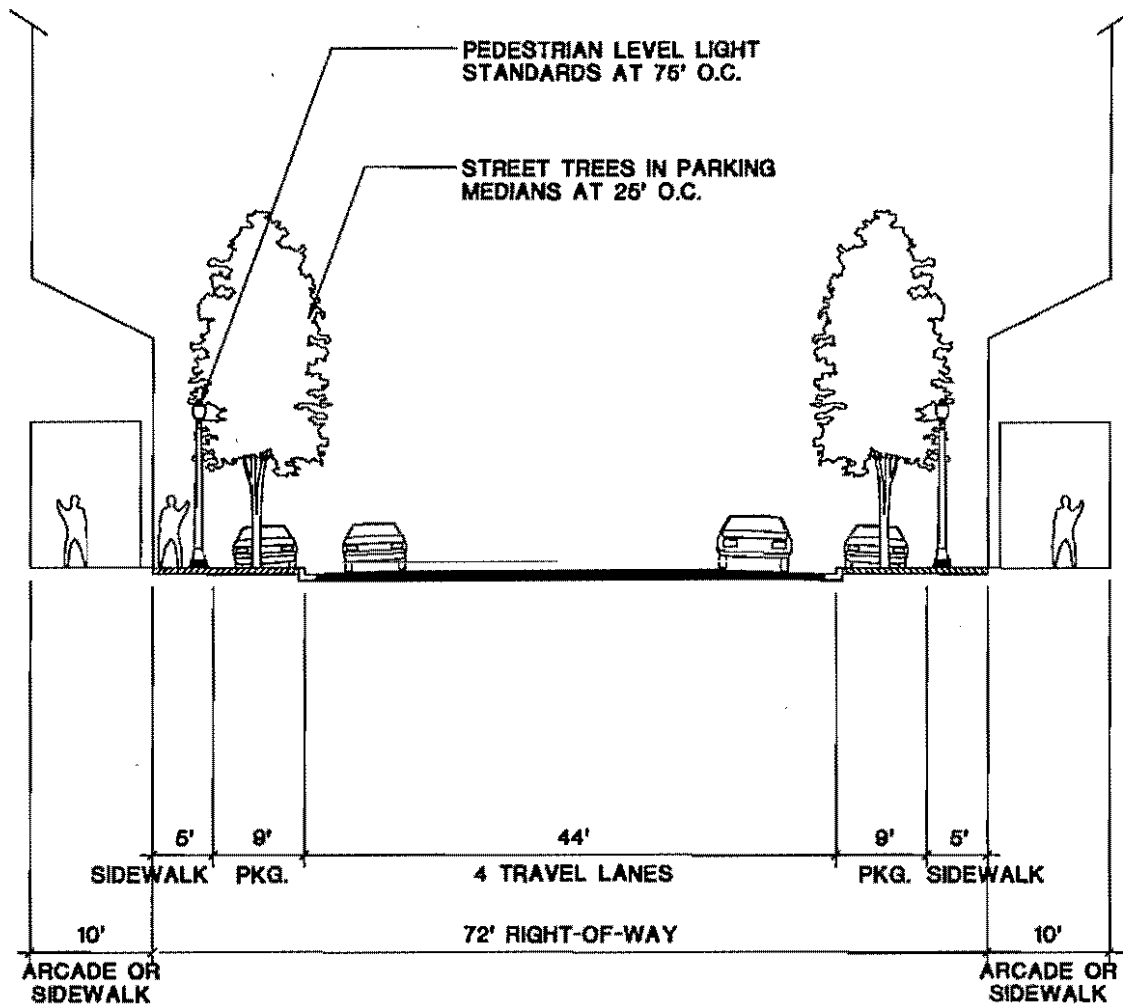


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Category F - Retail Street (Mildred)

Scale: 1/16"=1'-0"

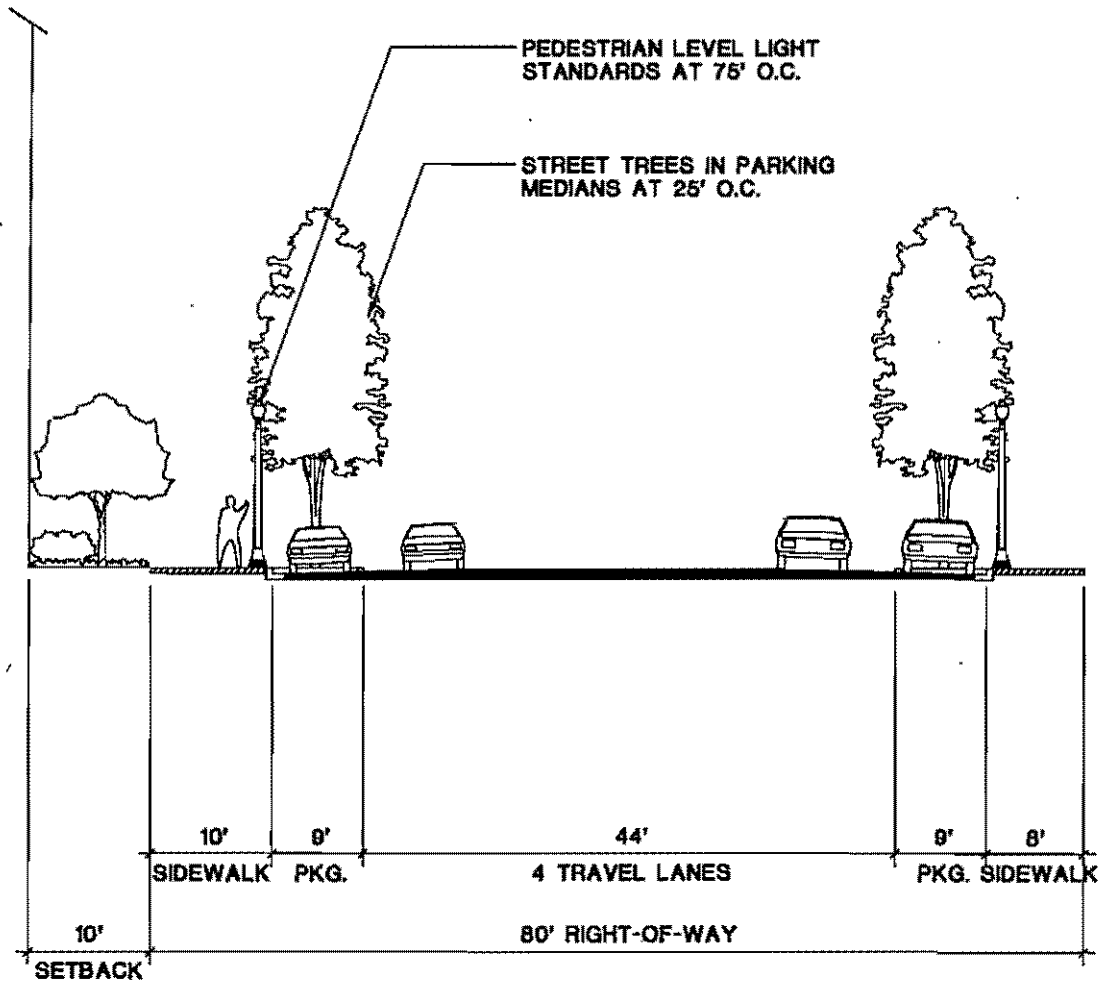
095-019



Category G - Retail Street @ Neckdown (Mildred)

Scale: 1/16"=1'-0"

RESIDENTIAL/
COMMERCIAL
DEVELOPMENT
W/RETAIL
BELOW



NOTE: 10' SETBACK CAN BE PAVED ADJACENT TO COMMERCIAL USES.

Category H - Mildred Street West of Rotary

Scale: 1/16"=1'-0"

**APPENDIX B:
Landscape Guidelines - Residential Subdistrict**

1. Streetscape.

- (a) Standards for streetscapes within the district shall be as set forth in Appendix A.
- (b) Each street shall have street trees planted at a uniform spacing of twenty-four (24) feet to thirty (30) feet on center, commencing twenty (20) feet from the face of curb of intersecting streets. (See Appendix B)
- (c) Street trees shall be planted three (3) feet from back of curb.

2. Street Lighting.

- (a) Each street shall have street lamps uniformly spaced between trees, located three (3) feet from back of curb.
- (b) All pedestrian street lighting shall be pole mounted except in residential mews, where street lighting may be pole mounted, or wall mounted. The following provides a guideline for the specification and design of pedestrian street lighting:

Luminaire:	Finial Band series by Antique Street Lamps, Inc.
Post:	Fort Worth series by Antique Street Lamps, Inc.
Bracket:	Capital series by Antique Street Lamps, Inc.

- (c) Street lights shall be located no greater than seventy-five (75) feet on center.
- (d) A minimum average foot candle of one half (.5) shall be provided in parking plazas and pedestrian walkways.
- (e) Mounting height of street lamps shall be between ten (10) feet and fourteen (14) feet.
- (f) Lamps shall be metal halide type.

- (g) Lamps shall be located no closer than ten (10) feet to a street tree.
- (h) Except for wall sconces, building illumination and architectural lighting shall be indirect (no light source visible).
- (i) Lighting for all travel lanes at major intersections shall have a minimum illumination of one (1) foot candle.

3. Street Furniture.

- (a) Tree Grates are to be used in high pedestrian traffic areas, including Mildred Street. McKinnley Tree Grate - Type RS (5' x 5') (Manufactured by McKinnley Tree Grate Company, Fort Worth, TX) provides a guideline for the specifications and design of proposed tree grates.
- (b) Benches - All street benches shall be consistent in the following specifications and shall be located at each building entrance, or 50' apart (on center).

Specification to be determined. Final bench selection will be evaluated against maintenance and vandalism criteria.
- (c) Bike Racks - Bike racks shall be consistent in the following specifications and shall be located at every building entrance. Bollard CycLoops (#2172) painted flat black (Manufactured by Columbia Cascade Co. of Portland, OR) shall provide a guideline for the specifications and design of proposed bike racks.
- (d) Litter Containers - All litter containers shall be consistent in the following specifications and shall be mounted to two street lights per side of street block. RITE Products - 12" diameter metal mesh with locking bottom, painted flat black shall provide guidelines for the specifications and design of proposed litter containers.

**APPENDIX (c):
Landscape Guidelines - Commercial Subdistrict**

The following Landscape Guidelines shall be applied to principal collectors and the special events parkway/retail street within the Commercial Subdistrict:

1. Streetscape.

- (a) Standards for streetscapes Appendix A.
- (b) Each street shall have street trees planted at uniform spacing of twenty-four (24) feet to thirty (30) feet on center, commencing twenty (20) feet from the face of curb of intersecting streets. (See Appendix B)
- (c) Street trees shall be planted three (3) feet from back of curb.
- (d) Front yard plant materials shall consist of shade trees, ornamental trees, shrubs, evergreen groundcovers, vines, sod, and seasonal color.
- (e) Paving material in front yards and along sidewalks shall be warm toned, natural materials such as brick and stone.
- (f) Asphalt and gravel as paving materials is prohibited.

2. Street Lighting.

- (a) Each street shall have street lamps uniformly spaced between trees, located three (3) feet from back of curb.
- (b) All pedestrian street lighting shall be pole mounted except in residential mews, where street lighting may be pole mounted, or wall mounted. The following provides a guideline for the specification and design of pedestrian street lighting:

Luminaire:	Finial Band series by Antique Street Lamps, Inc.
Post:	Fort Worth series by Antique Street Lamps, Inc.
Bracket:	Capital series by Antique Street Lamps, Inc.

- (c) Street lights shall be located no greater than seventy-five (75) feet on center.
- (d) A minimum average foot candle of one half (.5) shall be provided in parking plazas and pedestrian walkways.
- (e) Mounting height of street lamps shall be between ten (10) feet and fourteen (14) feet.
- (f) Lamps shall be 175 watt metal halide type.
- (g) Lamps shall be located no closer than ten (10) feet to a street tree.
- (h) Building illumination and architectural lighting shall be indirect (no light source visible).

3. Street Furniture

- (a) Tree Grates are to be used in high pedestrian traffic areas, including Mildred Street. McKinnley Tree Grate - Type RS (5' x 5') (Manufactured by McKinnley Tree Grate Company, Fort Worth, TX) provides a guideline for the specifications and design of proposed tree grates.
- (b) Benches - All street benches shall be consistent in the following specifications and shall be located at each building entrance, or 50' apart (on center).

Specification to be determined. Final bench selection will be evaluated against maintenance and vandalism criteria.
- (c) Bike Racks - Bike racks shall be consistent in the following specifications and shall be located at every building entrance. Bollard CycLoops (#2172) painted flat black (Manufactured by Columbia Cascade Co. of Portland, OR) shall provide a guideline for the specifications and design of proposed bike racks.
- (d) Litter Containers - All litter containers shall be consistent in the following specifications and shall be mounted to two street lights per side of street block. RITE Products - 12" diameter metal mesh with locking bottom, painted flat black shall provide guidelines for the specifications and design of propose litter containers.