

ORDINANCE NO. 604

AN ORDINANCE OF THE CITY OF ADDISON, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ADDISON, TEXAS, AS HERETOFORE AMENDED, SO AS TO CHANGE THE HEREINAFTER DESCRIBED PROPERTY LOCATED AT THE NORTH-EAST CORNER OF SOJOURN DRIVE AND VOSS ROAD, AND BEING MORE PARTICULARLY DESCRIBED IN THE BODY OF THIS ORDINANCE, FROM "R-1" RESIDENTIAL TO "PD" PLANNED DEVELOPMENT 14; PROVIDING FOR SPECIAL CONDITIONS: PROVIDING FOR A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO HUNDRED DOLLARS (\$200.00) FOR EACH OFFENSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

WHEREAS, The City Zoning Commission of the City of Addison, Texas, and the City Council of the City of Addison, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning changes under the zoning ordinance and zoning map, have given requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the area, the City of Addison, Texas, is of the opinion that said change of zoning on application of Ray Williamson should be granted and the Comprehensive Zoning Ordinance should be amended in the exercise of its legislative direction:

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

SECTION 1. That the comprehensive zoning ordinance of the City of Addison, Texas, be, and the same is hereby amended, so as

to give the hereinafter described property the following zoning district classification, to-wit: Planned Development No. 14. Said property being in the City of Addison, Dallas County, Texas, and being described in Attachment "A" and made a part of this ordinance as though written verbatim herein.

SECTION 2. In the hereinafter described land or building, no land shall be used, erected or converted to any use other than:

1. Single-family unit on a platted lot;
2. Two or more single-family units on a platted lot;
3. Community Center.

SECTION 3. The following special conditions are placed upon the hereinafter described property:

A. Lot Regulations

In order to encourage innovative design, no specific lot dimensions are set forth. A lotting plan shall be a part of the Detailed Development Plan and the lots will be reviewed as they relate to the total plan and concept.

B. Building Setback Regulations

In order to encourage innovative design, no minimum or maximum yard setback requirements are set forth; however, setbacks and yards may be required. The city expects that buildings be arranged to create open spaces, both public and private, that enhance the total living environment. Varied spaces, both in design and size will be encouraged. Building spacing will be closely evaluated on the detailed Development Plan. The following building spacing relationships are given as guides to convey the desires of the City.

1. Setback from streets (Public & Private):
  - a. Twenty feet (20') from the curb to the face of garage.
  - b. Ten feet (10') from the curb to face of buildings other than garages.
  - c. Carports will be evaluated on each plan.
2. Separation Between Buildings
  - a. The minimum distance between walls of adjacent buildings with no window shall be eight (8') feet.
  - b. The minimum distance between walls of adjacent wall with window only on one wall shall be ten (10') feet.

- c. The minimum distance between walls of adjacent walls with windows on both walls shall be twenty (20') feet.
- d. In the case of a building with offsets, the minimum distance between any window and a wall of the same building shall be six (6') feet.

C. Density

No specific density (ratio of dwelling units to land area) is set forth, however, the city has established a maximum of 35% floor area to total land area as a base. Consideration will be given to increase the buildable area when certain conditions have been provided. Quality in design, both site and architectural may be used as a basis for consideration to increase the buildable area. Based on the following criteria the maximum buildable area may be increased as indicated:

Base Percentage	35%
Garages	+ 5%
Detached Units	+ 5%
70% or more of all units fronting on landscaped courts	+ 8%

Possible Total 53% Buildable Area

In order to obtain the maximum buildable area add any of the percentages that are applicable to the 35% base figure. Maximum building area may be calculated by multiplying the land area times the building area percentage.

D. Dwelling Unit Size

No specific unit size is required, however, the unit size multiplied by the number of units proposed cannot be greater than the maximum building area (refer to Section C. 1.).

E. Construction Materials and Design

Townhouse developments bring many individual owners side by side in one building and usually group several buildings in one complex. Therefore, the architectural design and the exterior maintenance are more important in these developments than in detached single family houses. For this reason the city feels that much care must be used in the selection of building materials to reduce long range maintenance problems and protect property values. Approval of architectural plans may be necessary to insure compatibility within the development as well as the surrounding area.

When exterior walls have less than 80% brick, stone or stucco on the surface area, excluding windows and doors, architectural drawings shall be submitted showing how the maintenance will be kept to a minimum.

#### F. Height

Generally no building shall exceed two (2) stories in height, however, three (3) story units may be considered if the overall average is only two (2) stories. A maximum height of 36 feet to the top of ridge of roof from average grade will be allowed.

#### G. Parking, Garages, Carports

1. Adequate parking space shall be provided to meet the requirements of the residents and their guests. In no event shall the number of off-street parking spaces provided on the lot proper, that is, located where it is a part of or adjacent to the unit it services, be less than 3 spaces per unit. It is envisioned that additional spaces may be provided on the lot proper, or on common or community property located in the immediate vicinity of the lot or lots to be served. At least 3 spaces per unit shall be provided off-street. Tandem parking may be acceptable.
2. Additional and adequate off-street parking spaces, as determined by the City Council, shall be provided adjacent to all swimming pools, service building, and recreational areas.
3. Required off-street parking for each unit shall be accompanied by either a carport or garage located where it is part of or adjacent to the unit it serves.
4. All parking areas on other than lots having dwelling units shall be lighted and such lighting shall be arranged so as to reflect light away from lots containing dwelling units and away from adjacent residential districts.

#### H. Streets, Alleys & Access Ways

1. Public and Private Access Ways:

All areas for locating dwelling units shall be platted into individual lots and located on dedicated streets, however, private streets may be provided if a home owners association or other agency has control and responsibility for traffic control and maintenance of private streets. Such private streets shall meet City of Addison widths and paving standards unless otherwise provided by the Planning Commission and City Council and shown on the subdivision plat.

2. Paving Standards

Street pavement in dedicated right-of-way shall have a minimum width of 26 feet, face of curb to face of curb, and shall be constructed in accordance with Ordinance

No. 261 (the subdivision rules and regulations) unless otherwise approved by the City Council.

3. Alley Access:

Alleys within or abutting a district may be used for ingress and egress to parking and service areas, provided the alley is paved to a width of twenty (20) feet from a street to the parking or service area.

I. Landscaping

1. Landscape plan shall be provided to show the following:
  - a. Areas to be landscaped
  - b. List of landscaping materials
  - c. Irrigation plan

J. Privacy & Screening

1. When a cluster home development is planned adjacent to a Single Family District, the minimum adjacent side yard shall be 10 feet.
2. In order to protect the privacy of the adjacent Residential District, second floor and upper level windows shall be designed so that it avoids visibility of the yards of the adjacent Residential District.
3. All second floor and upper level windows must be turned at right angles to the common property line to ensure privacy.

K. Utilities

Each unit shall have individual utilities and all utilities shall be underground.

L. Postal Service

Individual mail provision shall be provided for each unit and shall be located in accordance with guidelines established by the Postal Service.

M. Refuse Collection and Storage

Individual curbside refuse collection will be required for each unit.

N. Deed Restrictions

Prior to the issuance of a certificate of occupancy a set of deed restrictions shall be approved by the City of Addison and filed for record in the County Clerks' Office of Dallas County, Texas.

O. Outdoor Storage

Storage of boats, camper trailers, old autos, furniture and other such items on the streets, drives, or carports, is considered unsightly and is expected to lower the quality of the overall development. Therefore, screened storage areas may be required.

P. Firewall Requirements

Because of the investments in a home, which are made in townhouses, the City of Addison feels that a wall between any two dwelling units must carry at least a two (2) hour fire rating. This wall shall extend from the slab foundation or the ground, if not a slab foundations, to the bottom of the roof deck. Additional fire walls will be looked on with favor.

SECTION 4. All paved areas, permanent drives, streets and drainage structures shall be constructed in accordance with standard City of Addison specifications adopted for such purpose, and the same shall be done to the satisfaction of the Director of Public Works.

SECTION 5. This Planned Development District is established pursuant to the Comprehensive Zoning Ordinance of the City of Addison as amended, and the provisions thereof unless directly conflict herewith, shall be applicable to the Planned Development District No. 14.

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.

SECTION 7. 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 provision thereof other than the part so decided to be invalid, illegal, or

unconstitutional, and shall not affect the validity of the Comprehensive Zoning Ordinance as a whole.

SECTION 8. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City as heretofore amended, and upon conviction shall be punished by a fine not to exceed the sum of Two Hundred Dollars (\$200.00) for each offense and that each day such violation shall continue to exist shall constitute a separate offense.

SECTION 9. Whereas, the above described property requires that it be given the above zoning classification in order to permit its proper development and in order to protect the public interest comfort and general welfare of the City and creates an urgency and an emergency for the preservation of the public health, safety, and welfare and requires that this ordinance shall take effect immediately from and after its passage and publication of the caption as the law in such cases provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF ADDISON, TEXAS, this the 12 day of August, 1980.

MAYOR



ATTEST:

Jacque Sharp  
CITY SECRETARY

BOUNDARY DESCRIPTION

BEING a tract of land situated in the Levi Noble Survey, Abstract No. 1098 in Dallas County, Texas, said tract also being all of Lot 10, and part of Lots 9, 15, and 16, Block A of Carroll Estates, an addition to the County of Dallas, Texas as recorded in Volume 10 at Page 473 of the Deed Records of Dallas County, Texas and being more particularly described as follows:

BEGINNING at a point for corner at the intersection of the east line of Dooley Road (a 60 foot right-of-way) with the north line of Academy Drive (a 60 foot right-of-way);

THENCE N.  $0^{\circ} 16' 10''$  E., 646.90 feet along the said east line of Dooley Road to a point for corner;

THENCE S.  $89^{\circ} 43' 50''$  E., 1010.28 feet to a point for corner;

THENCE S.  $0^{\circ} 14' 30''$  W., 1010.59 feet along the said north line of Academy Drive to the Point of Beginning and containing 653,400 square feet or 15.000 acres of land.