



**MEETING OF THE
UNIFIED DEVELOPMENT CODE (UDC)
ADVISORY COMMITTEE**

TUESDAY, APRIL 30, 2024

**ADDISON CONFERENCE CENTER
15650 ADDISON ROAD, ADDISON, TX 75001**

1:30 P.M. MEETING

The Unified Development Code (UDC) Advisory Committee meeting will be held at the Addison Conference Center, 15650 Addison Road, Addison, Texas 75001 on Tuesday, April 30, 2024 at 1:30 pm. For more information on the meeting location and ways to view and/or present comments, please contact Jade Broadnax prior to 10:30 am on the day of the meeting at 972-450-2820 or by emailing jbroadnax@addisontx.gov. For more detailed instructions on how to participate in this meeting, visit our Agenda Page. The meeting will be live streamed on Addison's website at www.addisontexas.net.

Call Meeting to Order

Regular Agenda:

1. Present and discuss the Administrative Procedures section and Districts and Uses section of the Unified Development Code (UDC).

Citizen Comments: *At this time citizens will be allowed to speak on any matter other than personnel matters under litigation, for a length of time not to exceed three minutes. No Committee action or discussion may take place on any matter until such matter has been placed on an agenda and posted in accordance with law.*

Adjourn Meeting

**THE TOWN OF ADDISON IS ACCESSIBLE TO PERSONS WITH
DISABILITIES. PLEASE CALL (972) 450-7017 AT LEAST 48 HOURS IN
ADVANCE IF YOU NEED ASSISTANCE.**

POSTED BY: _____
Jade Broadnax, Comprehensive Planning Manager
DATE POSTED: _____
TIME POSTED: _____
DATE REMOVED FROM BULLETIN BOARD: _____
REMOVED BY: _____

Unified Development Code Committee Meeting

1.

Meeting Date: 04/30/2024

Agenda Caption:

Present and discuss the Administrative Procedures section and Districts and Uses section of the Unified Development Code (UDC).

Staff Report:

The Town has engaged Clarion Associates to review Addison's current development regulations and to create a new Unified Development Code (UDC) shaped by a robust public review process. The UDC drafting and review process is comprised of four code drafting phases, a testing phase, and public review and adoption of the consolidated UDC document. The four code drafting phases are:

1. Zoning Districts and Uses (we are here)
2. Development and Design Standards
3. Signs and Wireless Communication Facilities
4. Administration and Procedures (we are here)

The Zoning Districts and Land Use module is being revisited due to evolving conditions in the Town and major staff changes since the first review in September 2019. Following this meeting, the project team will analyze feedback received throughout the drafting process to prepare the consolidated draft UDC. With the presentation of that draft, the project team will consolidate and present the feedback shared via the Konveio commenting platform.

Recommendation:

Staff requests feedback from the Committee.

Attachments

Presentation - Addison UDC_Advisory Committee_Administration and Procedures Pt 2_Districts and Uses

Addison UDC_Part 3_AdminProcedures_PUBLIC DRAFT

Addison UDC_Part 1_Districts and Uses_PUBLIC DRAFT



ADDISON, TEXAS

UNIFIED DEVELOPMENT CODE

**Part 3 (Procedures)
+ Part 1 revisit
(Districts & Uses)**

April 2024

TEAM MEMBERS

Matt Goebel, AICP

Clarion - Project Manager
Code Drafting

Gabby Hart, AICP

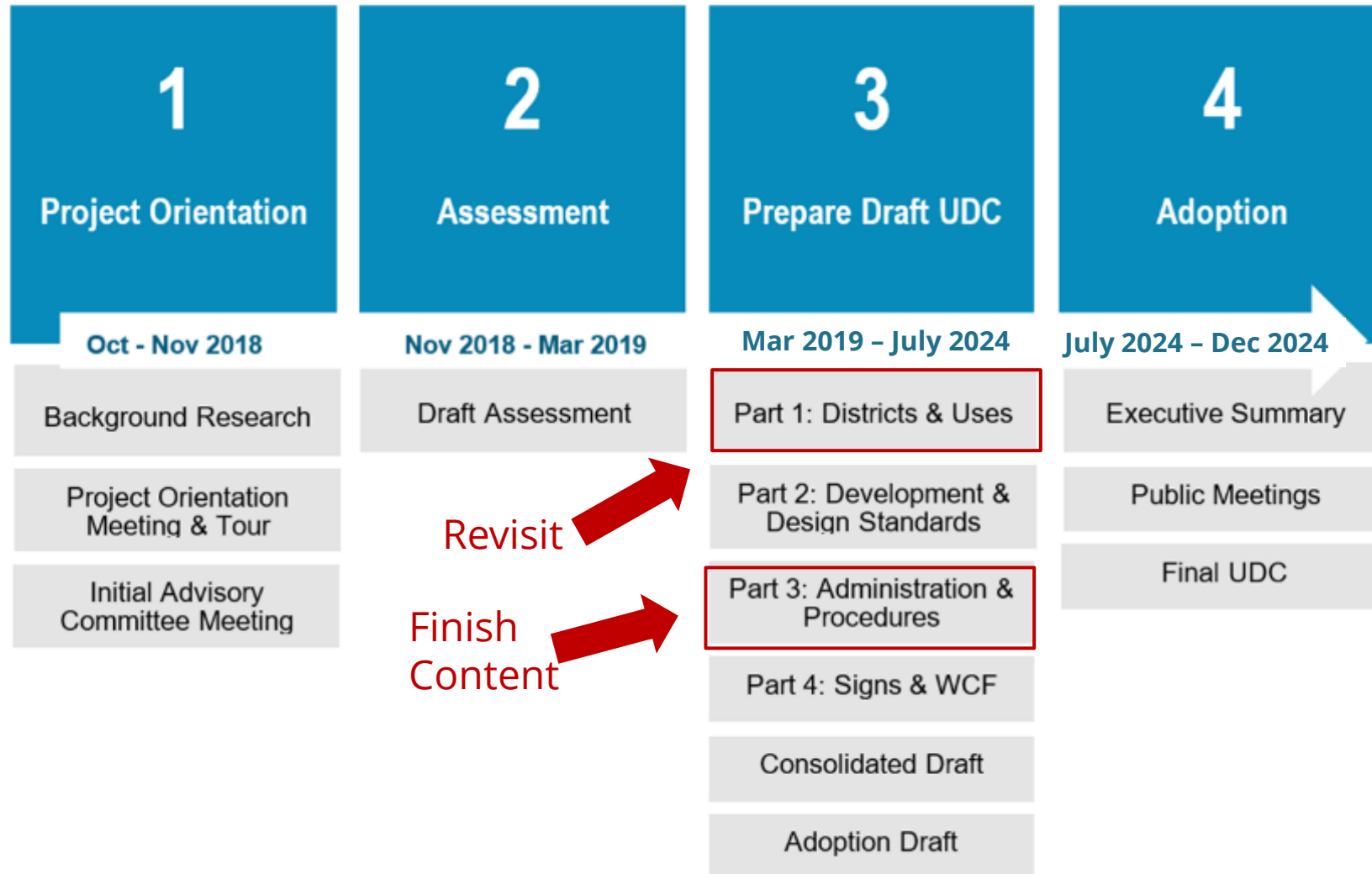
Clarion - Project Associate
Code Drafting

Jim Dougherty, Esq.

Texas Land-use Law Expert

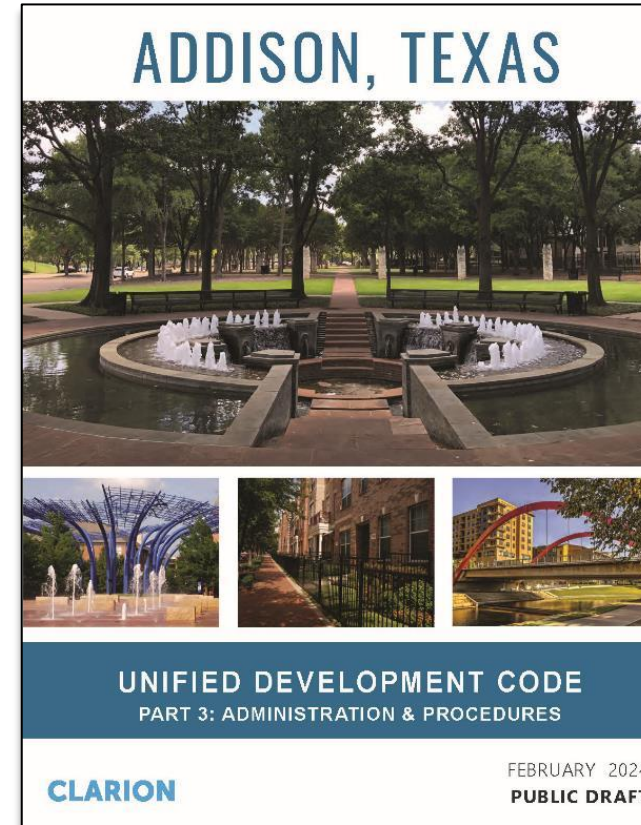


PROJECT SCOPE & TIMELINE



MEETING AGENDA

- **Review and discuss final installment:**
 - Specific procedures (part 2)
- **Revisit Zoning Districts & Use Regulations Draft**
- **Next steps**



NEW UDC ORGANIZATION

- **Article 1: General Provisions**
- **Article 2: Administrations and Procedures (Part 2)**
- **Article 3: Zoning Districts**
- **Article 4: Use Regulations**
- **Article 5: Development Standards**
- **Article 6: Subdivision Standards**
- **Article 7: Definitions**

“Development regulations should **clearly describe the procedures** by which new development applications are accepted, considered, and acted upon by local officials. A well-written code makes it **easy for staff, the development community, and local officials** to know exactly what is required for project approval and helps ensure **consistent administration over time.**”

-Development Regulations Assessment



ADMINISTRATION & PROCEDURES

ORGANIZATION

1. Purpose
2. Organization
3. Summary Table of Review Procedures
4. Common Review Procedures



Foundational elements

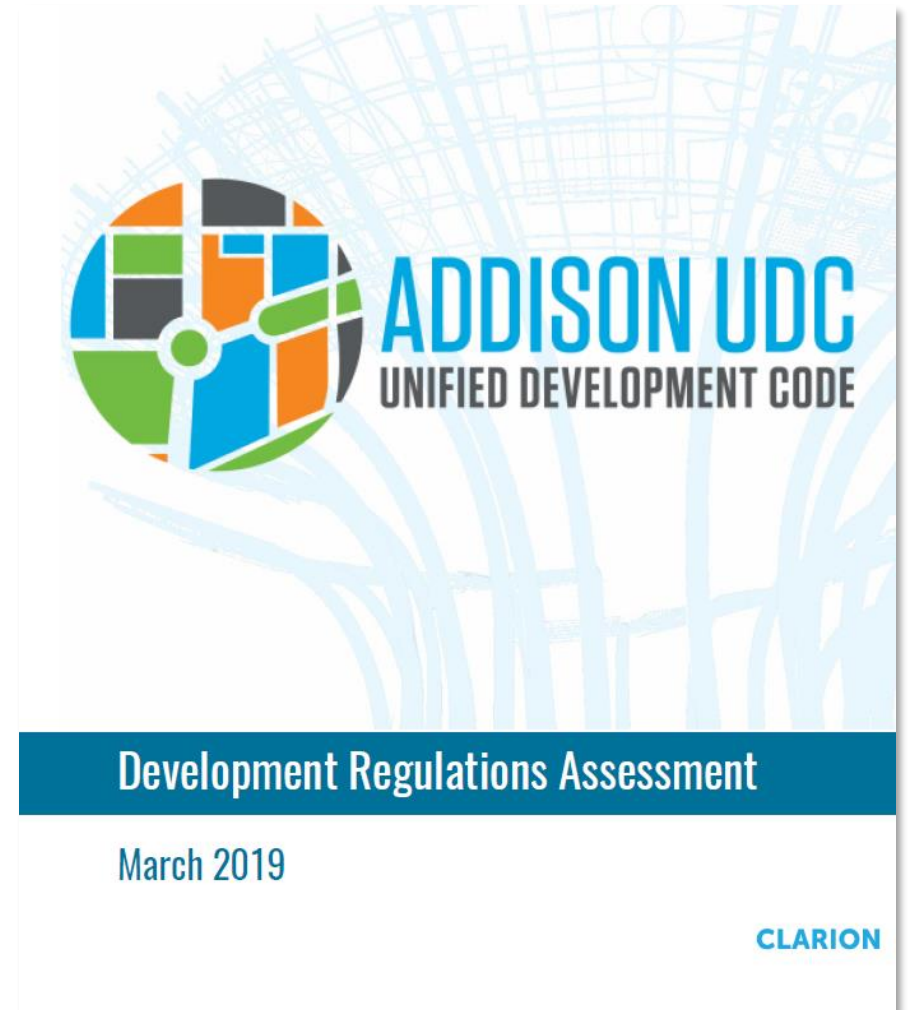
5. Rezoning, Zoning Text, and Plan Amendments
6. Site Planning and Miscellaneous Permits
7. Engineering Plans, Studies, and Site Development Permits
8. Agreements
9. Platting of Land
10. Flexibility and Relief



Procedures that build on the foundation

KEY GOALS

- Delegate more decision-making power to staff
- Establish common review procedures
- Codify and update the site plan review procedures
- Establish process to allow minor modifications



TOPICS COVERED PREVIOUSLY

- General Provisions
- Nonconformities
- Review & Decision-Making Bodies
- Summary Table of Review Procedures
- Common Procedures
- Rezoning
- Site Plan Review
- Subdivision – Minor Plat and Final Plat
- Flexibility and Relief Procedures

Table 2.3-1: Summary Table of Review Procedures

R = Review & recommend D = decide A = appeal

✓ = required ◊ = optional * = public hearing required

Application Type		UDC Reference	Pre-Application Activities		Review & Decision-Making Bodies				
			Pre-application conference	Neighborhood Meeting	Staff	Planning and Zoning Commission	City Council	Board of Zoning Adjustment	
Rezoning, Zoning Text, and Plan Amendments									
Special Use Permit		2.5.1	✓	◊	R	R*	D*		
Rezoning		2.5.1	✓	◊	R	R*	D*		
Rezoning to Planned Development (PD)	Preliminary	2.5.3	✓	◊	R	R*	D*		
	Final	2.5.3	✓	◊	R	R*	D*		
Zoning Text Amendment		2.5.4	◊	◊	R	R*	D*		
Comprehensive Plan Amendment		2.5.5	✓	◊	R	R*	D*		
Annexation		2.5.6	✓		R	R*	D*		
Site Planning and Miscellaneous Permits									
Concept Plan	For Rezoning	2.6.1C	✓	◊	R	R*	D*		
	Other	2.6.1D	✓	◊	R	D*			
Site Plan	Major	2.6.2E	✓	◊	R	D*			A*
	Minor	2.6.2D	◊	◊	D				A*
Temporary Use Permit		2.6.3			D				A*
Sign Permit		2.6.4			D				A*
Zoning Verification Letter		2.6.5			D				A*
Change or Elimination of Nonconformity		2.6.6							

SPECIAL USE PERMIT

- Required for all land uses allowed by Special Use Permit (S) in Table of Allowed Uses



SPECIAL USE PERMIT

- Considers the location, design, configuration, intensity, density, natural hazards, and other relevant factors pertaining to the proposed use to evaluate the potential impacts of such uses on surrounding properties and to ensure that such uses are compatible with surrounding properties



SUBDIVISION | PRELIMINARY PLAT

- **Procedure applies to subdivisions that:**
 - Involve land that has not yet been platted
 - Involve land that will be developed in phases
 - Include dedication of public right-of-way or major public improvements



*Final Plat must be submitted within two years

SUBDIVISION | PRELIMINARY REPLAT

- **Procedure applies to replats that:**
 - Necessitate the construction of public infrastructure
 - Are unusually complex or raise potentially unique or serious impacts
 - Or if requested by the applicant



*Replat must be submitted within two years

ARTICLE 2: ZONING DISTRICTS

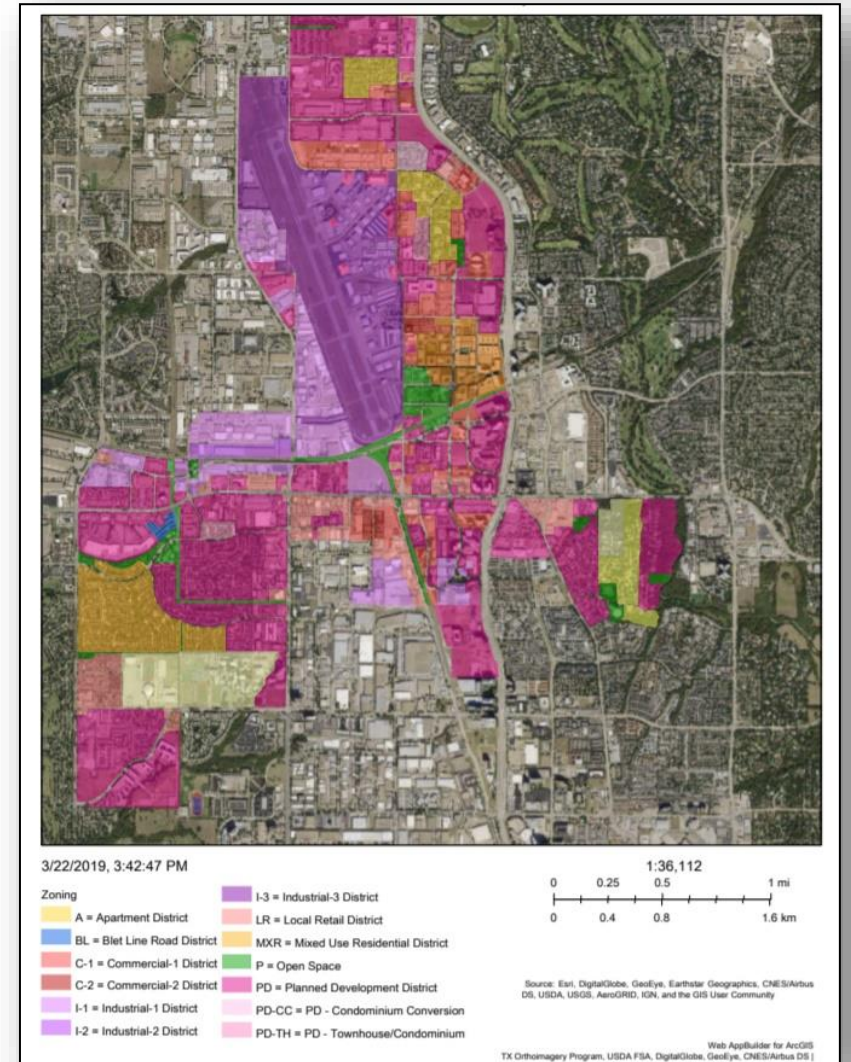
District Abbreviation	District Name	Number of Parcels	Percent of Total Parcels
R-1	Single-Family Dwelling District	21	0.8%
R-2	Single-Family Dwelling District	-	0.0%
R-3	Single-Family Dwelling District	-	0.0%
R-16	Single-Family Dwelling District	56	2.2%
MXR	Mixed-Use Residential	574	22.5%
A	Apartment Dwelling District	6	0.2%
LR	Local Retail District	76	3.0%
C-1	Commercial-1 District	72	2.8%
C-2	Commercial-2 District	11	0.4%
BL	Belt Line District	78	3.1%
I-1	Industrial-1 District	115	4.5%
I-2	Industrial-2 District	4	0.2%
I-3	Industrial-3 District	122	4.8%
UC	Urban Center District	78	3.1%
PD	Planned Development District	1,288	50.5%
PD-TH	Planned Development – Townhouse/Condominium	4	0.2%
PD-CC	Planned Development – Condominium Conversions	1	0.0%
Total		2,553	100.0%

GENERAL APPROACH TO REVISING ZONING DISTRICTS

- **Substantial changes to existing zoning are not contemplated as part of this project.**
- **Rather, need to “clean up” the district lineup:**
 - Move from a district-based approach to a townwide approach
 - (Example: Allow Addison Circle and Belt Line zoning tools to be used in other places)
 - Reorganize, rename, and clean-up existing districts
 - Establish a more rational menu of tiered districts to encourage future by-right development (versus always having to negotiate PDs)

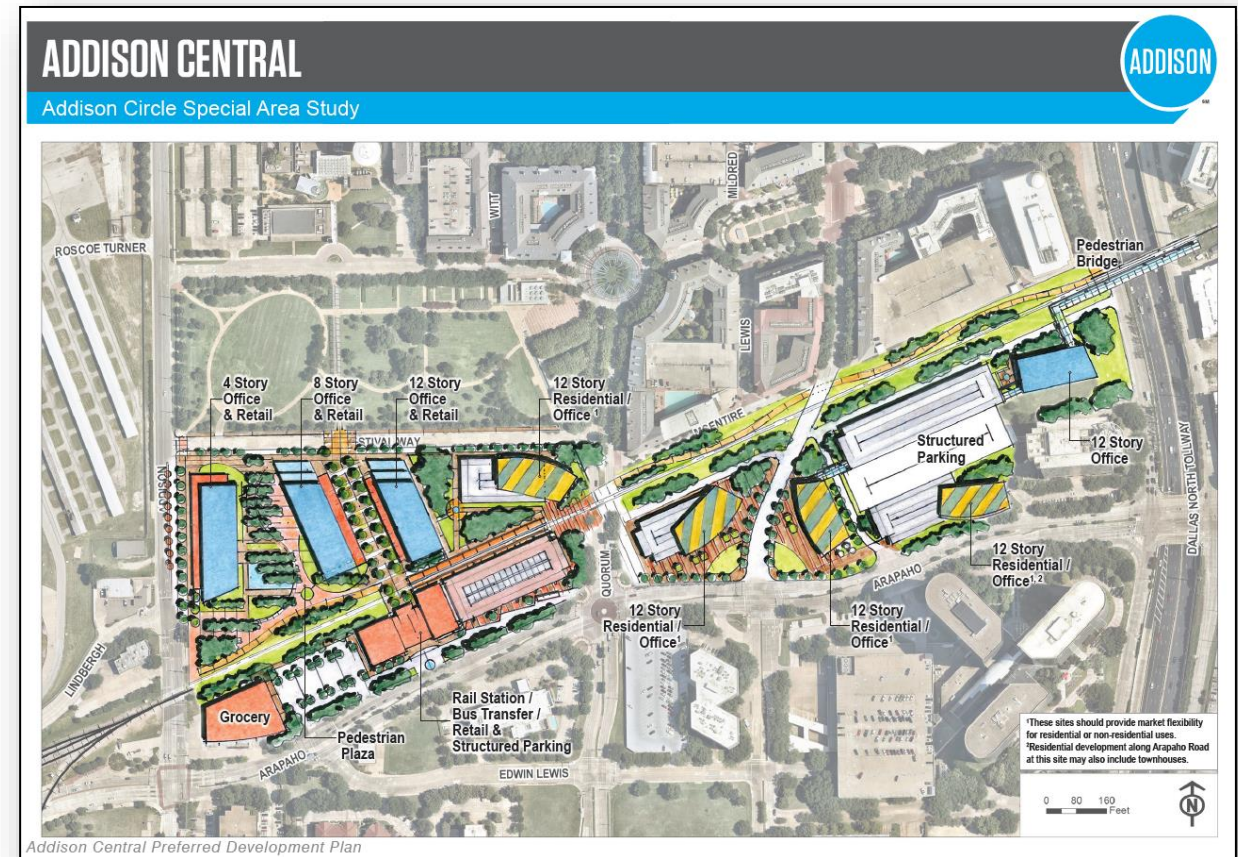
FINE-TUNE THE ZONING DISTRICTS

- **Factors for consolidation**
 - Similar purpose
 - Similar lot and building standards
 - Similar uses permitted
- **Factors for elimination**
 - District rarely or never applied
 - Intent can be met by another district
- **Factors for establishing new**
 - Current districts don't achieve desired result



FINE-TUNE THE ZONING DISTRICTS

- **Consolidate similar districts**
 - C-2, I-1, I-2
- **Eliminate “obsolete” districts**
 - R-2, R-3, PD-CC
- **Convert subdistricts to base districts**
 - MXR
 - UC
- **Retain outdated districts as “legacy districts”**
 - A, PD-TH
- **Update district naming conventions**
- **Establish new districts**
 - M-3, CF



RESIDENTIAL ZONING DISTRICTS

Current Districts

Proposed Districts

R-1 - Single-Family Dwelling		R-1- Residential
R-2 - Single-Family Dwelling		-- (OBSOLETE)
R-3 - Single-Family Dwelling		-- (OBSOLETE)
R-16 - Single Family Dwelling		R-2 - Residential
MXR - Mixed-Use Residential	Low-Density	R-3 - Residential
	Medium-Density	R-4 - Residential
	High-Density	R-5 - Residential
A - Apartment Dwelling		A - Apartment Dwelling (LEGACY)

IMPROVED PAGE LAYOUT

Section 1. - Districts.

The Town of Addison is hereby divided into 17 types of districts. The use, hereinafter referred to as:

R-1	Single-family dwelling district
R-2	Single-family dwelling district
R-3	Single-family dwelling district
R-16	Single-family dwelling district
"A"	Apartment dwelling district
LR	Local retail district
PD	Planned development district
PDTC	Planned development townhouse/condominium
PDCC	Planned development condominium/conversions
MXR	Mixed use residential
C-1	Commercial-1 district
C-2	Commercial-2 district
I-1	Industrial-1 district
I-2	Industrial-2 district
I-3	Industrial-3 district
SUP	Special use permit
UC	Urban center

Section 2. - Boundaries.

The boundaries of these districts are indicated upon the Zoning Map of the part of this appendix, the same as if copied in full herein.

ARTICLE IV. - R-1 SINGLE-FAMILY DWELLING DISTRICT REGULATIONS

Section 1. - Use regulations.

In an R-1 single-family dwelling district, no land shall be used and buildings shall be constructed for the following purposes:

1. A single-family dwelling.
2. A church or school, public or denominational, having a curriculum, but not including a portable school building (which shall be subject to the provisions of the Unified Development Code).
3. Public park, playgrounds or neighborhood recreation centers.

4. Telephone exchange, provided no public business and no repair or storage facilities are maintained, fire stations, public museums, public libraries, water supply reservoir, water pumping plant, tower or artesian well.
5. Railway right-of-way and tracks, passenger station but not including railroad yards, team tracks or storage yards.
6. Golf course, but not including miniature golf course, driving range or any forms of commercial amusement.
7. Farm, truck, garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail, or wholesale business is maintained on the premises.
8. Accessory buildings, including a private garage, bona fide servants quarters, not for rent but for the use of servants employed on the premises, when located not less than 60 feet from the front lot line, nor less than five feet from either side line, provided said accessory building shall not occupy more than 50 percent of the minimum required rear yard in the case of a one-story building. When the accessory building is directly attached to the main building, it shall be considered an integral part of the main building. When the accessory building is attached to the main building by a breezeway, the breezeway is considered a part of the accessory building. Temporary metal buildings of less than 600 square feet which are used for tool and supply storage shall be allowed.
9. Temporary buildings to be used for construction purposes only and which shall be removed upon completion or abandonment of construction work. Field offices for the sale of real estate which shall be removed upon request of the building inspector.
10. The uses customarily incidental to any of the above uses when situated in the same dwelling and not involving the conduct of a business, including home occupations engaged in by occupants of the dwelling, but said incidental use shall never be permitted as a principal use, rather only as a secondary use engaged in by persons of the immediate family.
11. Day nursery where not more than four children, not related by blood, are kept at one time.

(Ord. No. 010-007, § 2.A., 3-9-10)

Section 2. - Height regulations.

No building shall exceed 2½ stories in height (29 feet).

Section 3. - Area regulations.

1. **Front yard:**
 - (A) There shall be a front yard having a minimum depth of not less than 30 feet, except hereinafter provided in the article on exceptions and variances.
 - (B) Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
2. **Side yard:** There shall be two side yards, one on each side of the building having a combined width of not less than 20 percent of the lot width, provided that in no case shall one side yard be less than five feet. The side yard of corner lots adjacent to a side street shall be not less than ten feet. The side yard of corner lots having adjoining structures fronting on two adjacent property lines shall have a 30-foot side yard.
3. **Rear yard:** There shall be a rear yard having a depth of not less than 20 percent of the depth of the lot.
4. **Area of lot:** The minimum area of the lot shall be 12,000 square feet; however, a lot having an area of less than 12,000 square feet that was of record prior to passage of this appendix may be used for any use permitted in this article.
5. **Width of lot:** The minimum width of the lot shall be 80 feet. The above area regulations apply to the R-1 single-family dwelling district and do not apply to lots which may be of 12,000 square feet or larger in other districts.
6. **Minimum depth of lot:** The minimum depth of the lot shall be 120 feet.
7. **Area of dwelling:** Four thousand square feet shall be the minimum living area of the dwelling.

Section 4. - Parking regulations.

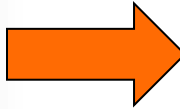
Off-street parking space shall be provided on the lot to accommodate two motor cars for each dwelling unit; however, no supporting member of any garage, carport, or other automobile storage structure shall be located within the required front yard.

For schools, churches, public parks, playgrounds, or neighborhood recreation centers, parking in assembly areas such as theaters, auditoriums, gymnasiums, stadiums, and field houses shall be based on the following ratios:

- (1) Soccer fields, baseball fields and stadiums, one parking space for every four seats.
- (2) Theaters, auditoriums, gymnasiums and field houses, public or private, one space for every three seats.

Section 5. - Type of construction.

At least 80 percent of the exterior walls of all structures shall be of masonry construction.



Article 2: Zoning Districts
2.6 Nonresidential Zoning Districts
2.6.1 CL - Commercial Limited⁷⁵

2.6 Nonresidential Zoning Districts

2.6.1 CL - Commercial Limited⁷⁵

A. Purpose

The CL district is intended to accommodate small-scale commercial, retail, office, service-oriented, and accessory uses. This district is typically located along collector and arterial corridors and is designed to allow for safe access by pedestrians, bicyclists, transit users, and motorists. The CL district is intended to promote sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

B. Dimensional Standards

Lot Dimensions (minimum)		Other Standards (maximum)	
A Lot Area (sq ft)	None	F Building Height (ft)	29
B Lot Width (ft)	None	Impervious Coverage (percent of lot area)	Building Coverage 60 Total Coverage 80

Building Setbacks (minimum)	
C Front (ft)	25
D Side (ft)	None [1]
E Rear (ft)	None [1]

Notes:
[1] Minimum of 10 feet when adjoining the R-1, R-2, or A zoning districts.⁷⁶

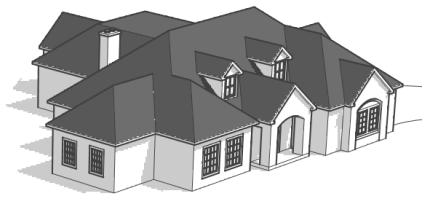
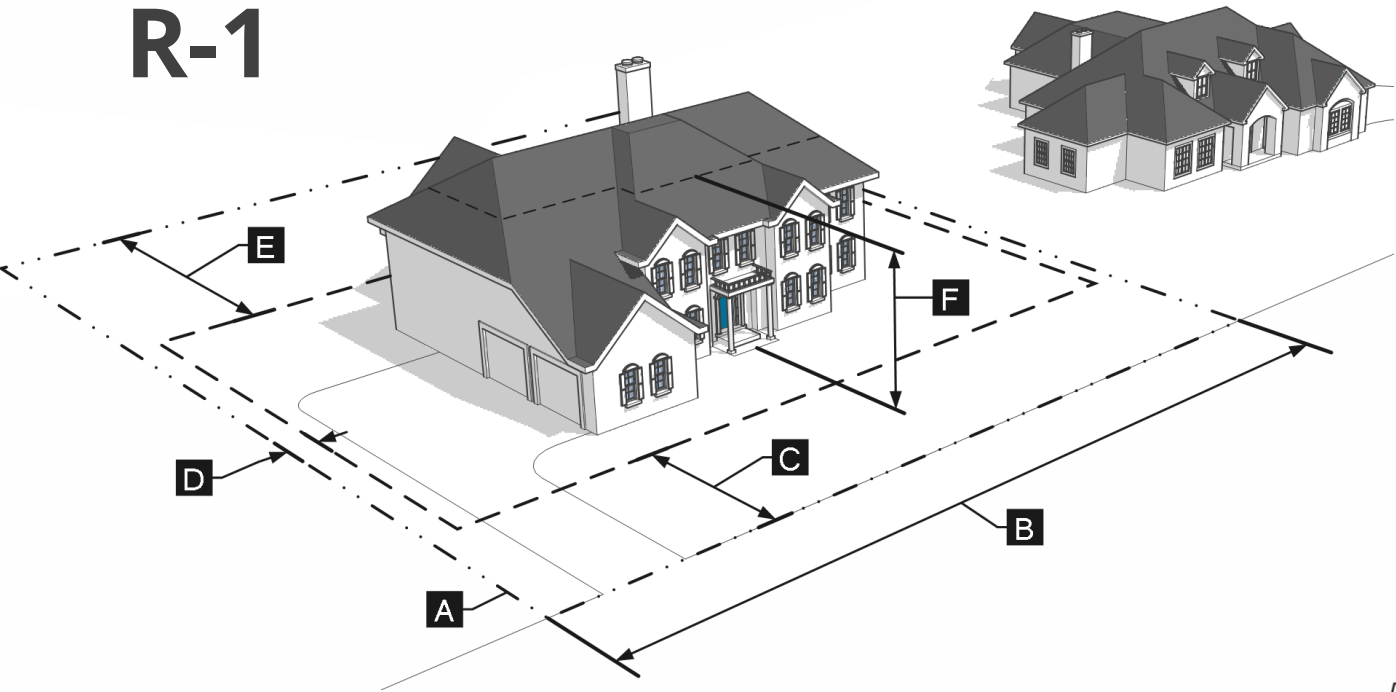
Figure 2.11: CL Dimensional Standards

⁷⁵ From current Appendix A, Article IX. Renamed from "LR Local Retail District."
⁷⁶ Added R-1 and R-2.

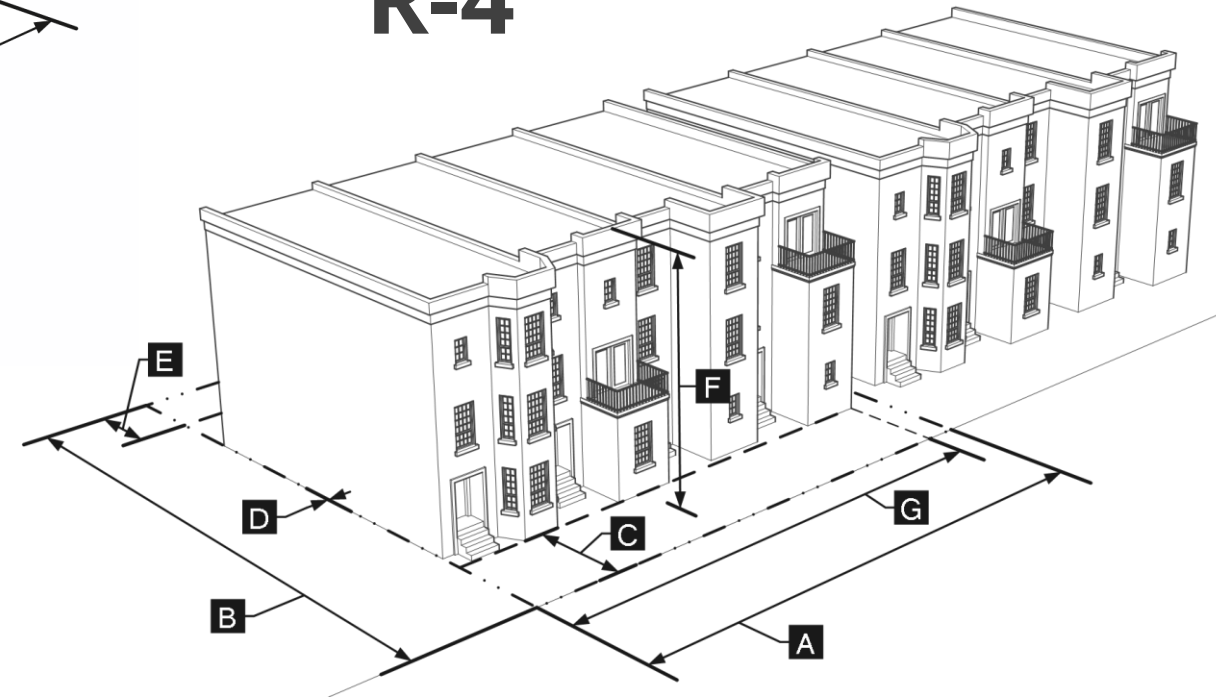
Addison, TX – Unified Development Code
Zoning Districts and Uses – September 2019

25

R-1



R-4



*Removed minimum dwelling size
(except for multifamily uses)*

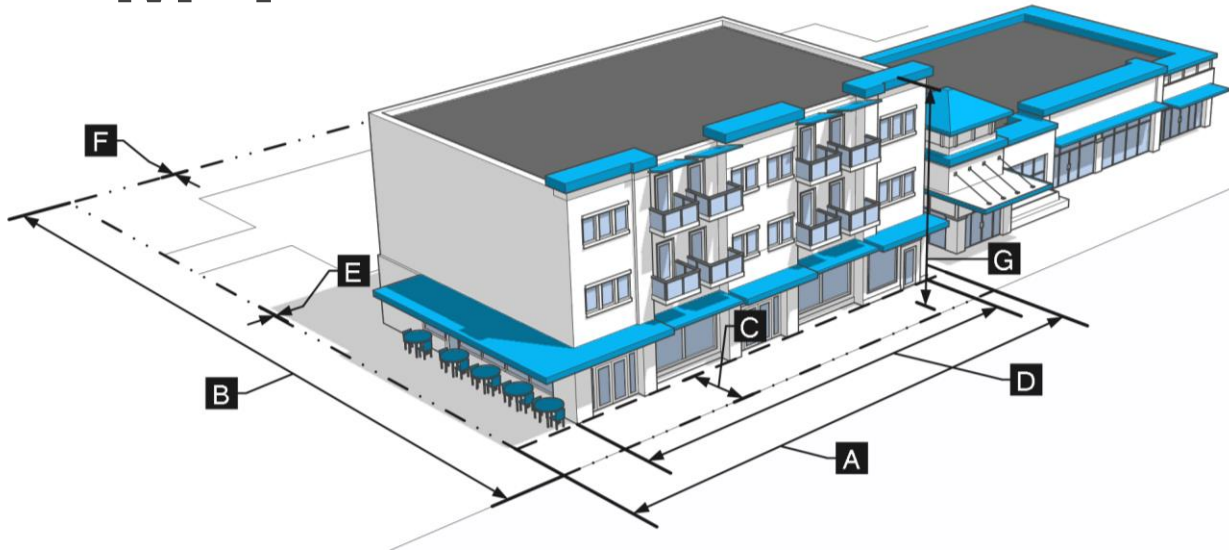
MIXED-USE ZONING DISTRICTS

Current Districts

Proposed Districts

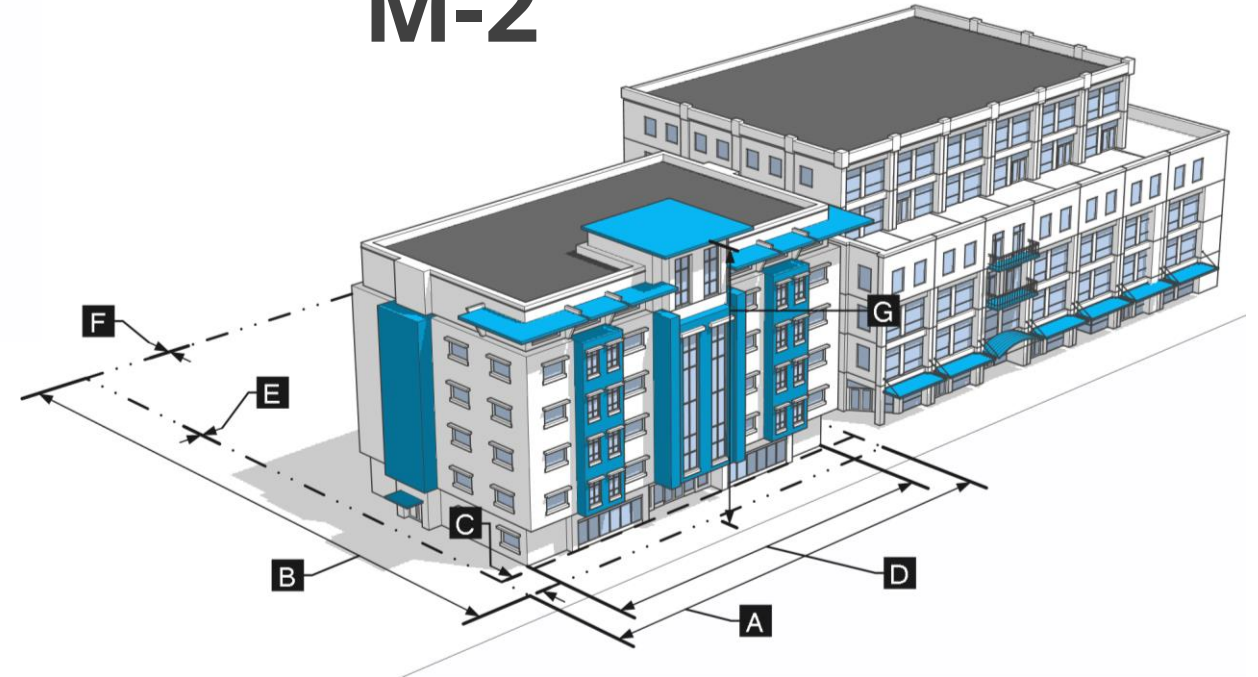
UC – Urban Center	Residential	M-1- Mixed-Use Neighborhood
	Commercial	M-4 - Mixed-Use Center
BL - Belt Line	Les Lacs Village	M-2 - Mixed-Use Suburban Corridor
	Dining District	
	Epicurean District	
	Addison Village	
--		M-3 - Mixed-Use Urban Corridor (NEW)

M-1



- Replaced "build-to-line" with "build-to-range" for added flexibility
- New minimum residential density standards to support pedestrian/transit environment

M-2



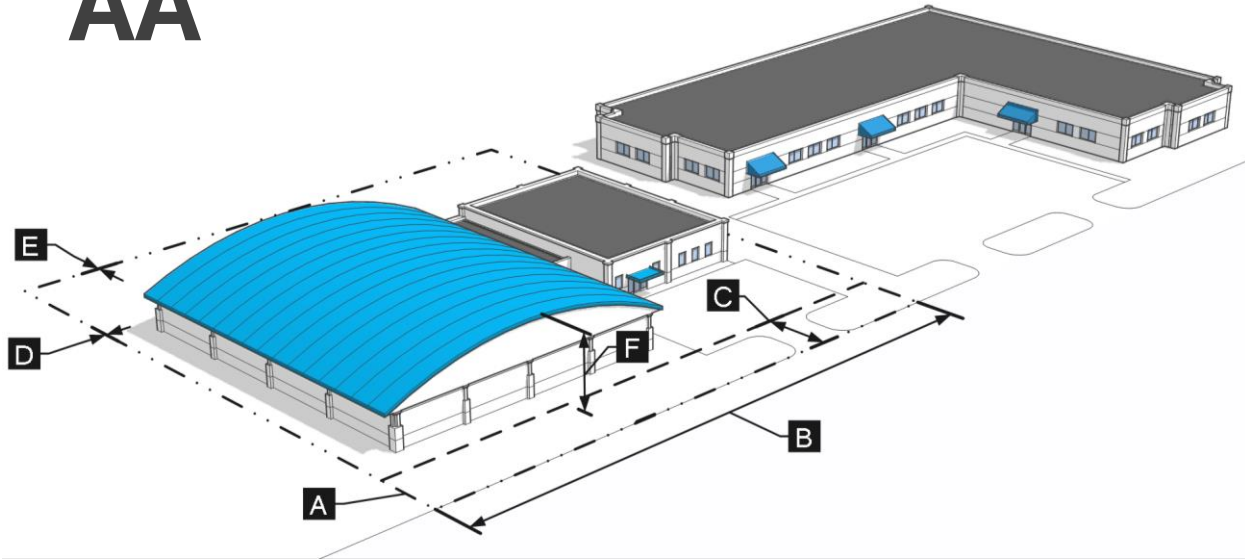
NONRESIDENTIAL ZONING DISTRICTS

Current Districts

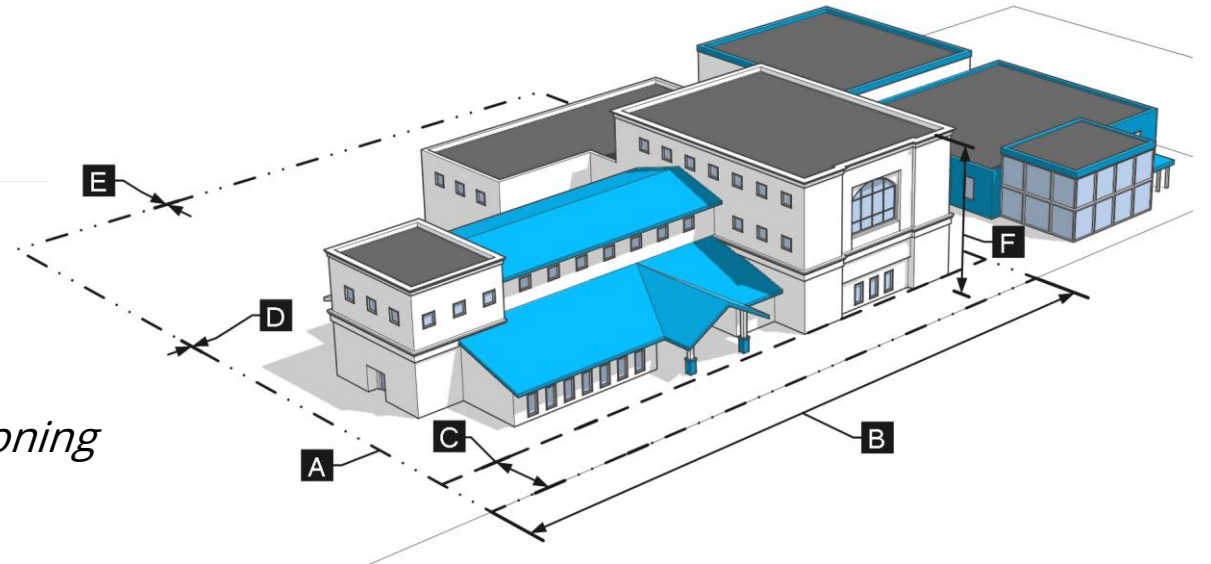
Proposed Districts

LR - Local Retail		CL - Commercial Limited
C-1 - Commercial-1 District		CG - Commercial General
C-2 - Commercial-2 District		
I-1 - Industrial-1 District		LI - Light Industrial
I-2 - Industrial-1 District		
I-3 - Industrial-1 District		AA - Addison Airport
--		CF - Community Facilities (NEW)
P - Open Space		PO - Parks and Open Space
PD - Planned Development	PD - Standard	PD - Planned Development
	PD-TH - Townhouse/Condo	PD-TH -Townhouse/Condo (LEGACY)
	PD-CC - Condo Conversions	-- (OBSOLETE)

AA



CF



Included impervious surface coverage standards for all zoning districts

PLANNED DEVELOPMENT

- **Revised purpose statement:**
 - Clarifies that this is a unique tool for special cases
 - Requires public benefits in exchange for flexibility
- **Established qualifying criteria for projects seeking PD zoning:**
 - Not located in the M-4 (mixed-use center)
 - Couldn't otherwise be developed using standards in a base district

ARTICLE 3: USE REGULATIONS

CURRENT USE LISTS

APPENDIX A - ZONING^[1]
ARTICLE X. - C-1 COMMERCIAL-1 DISTRICT REGULATIONS^[3]
Section 1. - Use regulations.

ARTICLE X. - C-1 COMMERCIAL-1 DISTRICT REGULATIONS^{2B}
Footnotes: --- [3] --- Cross reference--- Businesses, [ch. 22](#).

Section 1. - Use regulations.
In the C-1 commercial district, no land shall be used and no building shall be erected for or converted to any use other than:

- Antique shop
- Aquarium
- Art gallery
- Bakery
- Bank, office, wholesale sales office or sample room
- Barber and beauty shop
- Bird and pet shops
- Book or stationery store
- Camera shop
- Candy, cigars and tobaccos
- Caterer and wedding service
- Cleaning and pressing shops having an area of not more than 8,000 square feet
- Drug store
- Electrical lighting fixtures and supplies for consumer use
- Exterminating company
- Film developing and printing
- Fix-it shops, bicycle repairs, saw filing, lawn mower sharpening
- Florist
- Furniture repairs and upholstery
- Frozen food lockers
- Gallery, for the display and sale of artworks
- General services shops for maids, tax preparers, bookkeeping
- Grocery store
- Hardware, sporting goods, toys, paints, wallpaper, clothing
- Health club, public or private
- 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 customers may personally supervise the washing and handling of their laundry
- Meat market
- Medical and dental offices
- Mortuary
- Novelty or variety store
- Office building
- Office/service/showroom, the office/showroom component is limited to a facility for the regular transaction of business and for the display of ~~up to 10,000 sq. ft.~~ merchandise in a finished building setting, and the service component of this use is limited to not more than 75 percent of the floor area of the use
- Photographers or artists studio
- Piano and musical instrument
- Plumbing shop, without warehouse facilities (to include storage for ordinary repairs, but not storage for materials for contracting work)
- Public garage, parking no repairs
- 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
- Studio for the display and sale of glass, china, sculpture, art objects, cloth and draperies
- Studios, dance, music, drama, health, and reducing
- Video equipment and cassettes, sales and rental

Current Regulations – Addison, TX
[Downloaded March 26, 2019](#) 341

APPENDIX A - ZONING^[1]
ARTICLE XIX.A - BELT LINE DISTRICT REGULATIONS
Sec. VII. - Procedures.

Types of Use	Les Lacs Village	Dining District	Epicurean District	Addison Village
HOUSEHOLD UNITS				
Apartment; Apartment House or Complex	•	• ¹		•
Four-plex	•	• ¹		•
Live-Work Unit	•	• ¹		•
Loft Unit	•	• ¹		•
Single-Family Unit, Attached	•	• ¹		•
Townhouse	•	• ¹		•
¹ Allowed only outside of FAA Noise Contours				
GROUP QUARTERS				
Rectory or Parsonage (Accessory to Church on Same Lot)	A			A
HOTELS AND TRANSIENT LODGINGS				
Bed and Breakfast Inn	S	S		S
Hotel, Full Service	S	S	S	S
Hotel, Extended Stay or Suites	S	S	S	S
Hotel, Limited Service	S	S	S	S
ACCESSORY USES				
Accessory Use Located on a Separate Lot or Parcel from the Main Use	S	S	S	S
Caretaker or Night Watchman's Quarters, Dwelling			A	
Garage, Community (Residential)	•	•		•
Garage, Private (Residential)	•	•		•
Home Occupation	•	•		•
Kiosk, Food Sales and Service			S	
Kiosk, Informational	S	S	S	S
Outside Display			S	
Satellite Television Reception Dish (39" or less in diameter)	A	A	A	A
Storage Building, Swimming Pool, Hot Tub or Sauna (Private)	A	A	A	A
Tennis Court, Lighted (Private)	A	A		A
Tennis Court, Unlighted (Private)	A	A		A
INSTITUTIONAL				
GOVERNMENTAL SERVICES				
Administrative Offices	•	•	•	•
Civil Defense, Fire or Police Station	S	S	S	S

Current Regulations – Addison, TX
[Downloaded March 26, 2019](#) 411

NEW CONSOLIDATED USE TABLE

3.2.8 Table of Allowed Uses

P = permitted use S = special use permit required A = accessory use T = temporary use Blank Cell = prohibited use

X = more permissive than current

X = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Residential																
Household Living¹⁶⁰																
Cottage development (NEW)				S												3.3.2A
Dwelling, duplex				P	P											
Dwelling, fourplex				P	P	P										
Dwelling, live/work			S	P	P	P	P	P	P							3.3.2B
Dwelling, multifamily				S	P	P	P	P	P							3.3.2C
Dwelling, single-family (attached)				P	P	P	P									3.3.2D
Dwelling, single-family (detached)	P	P	P	P	P	P										3.3.2E
Dwelling, triplex				P	P	P										
Manufactured home development (HUD-Code)	S	S	S	S	S	S	S	S	S	S	S	S	S			3.3.2F
Group Living¹⁶¹																
Assisted living facility	S	S	S	S	S					S	S	S	S			
Continuing care retirement facility (NEW)				S	S	P	P	P	P							
Group care home, FHAA small ¹⁶²	P	P	P	P	P	P	P	P	P	S	S	S	S			3.3.2G
Group care home, FHAA large				P	P	P	P	P	P	S	S	S	S			3.3.2G
Supportive housing, small (NEW)							S	S	S							
Supportive housing, large (NEW)									S							

NEW USE TYPE EXAMPLES

- **Cottage development**
- **Continuing care retirement facility**
- **Supportive housing**
- **Cemetery or internment facility**
- **Treatment facility**
- **Rehabilitation facility**
- **Mobile food truck park**
- **Credit access business**
- **Building supply store**
- **Equipment sales or rental**
- **Vehicle repair (major)**
- **Noncommercial urban agriculture**
- **Artisan manufacturing**
- **Contractor's office**
- **Warehouse or wholesale facility**
- **Self-service drop box**
- **Accessory dwelling unit (ADU)**

PROPOSED CHANGES: RESTAURANTS

P = permitted use S = special use permit required A = accessory use T = temporary use Blank Cell = prohibited use

X = more permissive than current

X = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Restaurant ¹⁷⁵	S	S	S	S	S	S	S	S	S	S	S	S	S			3.3.4I
Accessory Uses																
Alcohol sales, on-premise consumption						SA	SA	SA	SA	SA	SA	SA	SA	SA	SA	SA

- **Proposed: Removed SUP requirement for accessory alcohol sales, but maintained SUP requirement for restaurants**
 - Additional standards for restaurants with late-night hours addressed through use-specific standards
 - In the M-1, M-2 and M-3 zoning districts, restaurants that operate after 12:00 a.m. shall close all outdoor seating areas and turn off amplified sound by 10:00 p.m.
 - Drive-throughs limited to the M-2 district – not allowed in all other mixed-use districts

PROPOSED CHANGES: AUTO-RELATED USES

P = permitted use S = special use permit required A = accessory use T = temporary use Blank Cell = prohibited use

X = more permissive than current

X = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Transportation, Vehicles, and Equipment¹⁸¹																
Airport, public-owned ¹⁸²													P			
Equipment sales or rental (NEW)											S	P	P			3.3.4M
Fleet services ¹⁸³							P					P	P			3.3.4N
Parking facility, private						P	PS	S	PS	PS	PS	PS	P			
Parking facility, public						P	P	P	P	P	P	P	P	P	P	
Transit terminal or station ¹⁸⁴	S	S	S	S	S	S	S	S	S	S	S	S	PS	PS	S	
Vehicle fuel station ¹⁸⁵	S	S	S	S	S	S				S	P	SP	SP			3.3.4O
Vehicle repair, major (NEW) ¹⁸⁶												P	P			3.3.4P
Vehicle repair, minor ¹⁸⁷												P	P			3.3.4P
Vehicle sales or leasing, indoors ¹⁸⁸							PS					P				3.3.4Q
Vehicle wash ¹⁸⁹											P	P	P			3.3.4R

PROPOSED CHANGES: AUTO-RELATED USES

Proposed new standards:

- **Vehicle fueling stations**
 - Min. 100 feet of frontage on arterial road
 - Site access from arterial road required
 - Allowed by right in CG and LI
 - CL district requires SUP and limited to four fuel pumps
- **Vehicle repair (major & minor)**
 - Both allowed in LI and AA
 - All activities inside building
 - No outdoor storage allowed
- **Vehicle sales or leasing**
 - Indoor operations and display only – no repair



DISCUSSION:

- Should fueling stations be allowed in Mixed-Use zoning districts with a limited number of pumps?

PROPOSED CHANGES: LODGING USES


- **Currently: Multiple definitions for “hotels” that vary by district**


- Belt Line district distinguishes lodging uses (full service, limited service, extended stay) but terms not defined; few parcels are zoned in this district
- Outside of Belt Line and Addison Circle, all hotels must be “full-service hotel”
- Other districts currently allow full-service hotels with SUP approval


























- **Proposed:**

- Unified approach, town-wide definitions of hotel types and updated use table

P = permitted use **S** = special use permit required **A** = accessory use **T** = temporary use **Blank Cell** = prohibited use

 = more permissive than current

 = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Lodging¹⁷⁶																
Bed and breakfast																3.3.4j
Hotel, Full Service																3.3.4K
Hotel, Limited Service																
Residence Hotel																

FULL-SERVICE HOTEL REQUIREMENTS

- **Entrance from a completely enclosed area required (access from courtyard or swimming pool area allowed for first-floor units)**
- **Must have lobby, fitness center, full commercial kitchen, and 5,000 square feet of meeting facilities**
- **Not more than 30 percent of rooms may be suites, defined as:**
 - Rooms with a kitchenette; or
 - Rooms with a parlor and sleeping area separated by a floor to ceiling partition



TEMPORARY & ACCESSORY USES

- Both topics are not clearly addressed in current regulations
- Consolidated and updated accessory use/structure standards
- Created new town-wide temporary use/structure standards



ACCESSORY DWELLING UNITS

- Only allowed on lots with single-family dwelling
- Limited to one bedroom
- Limited to 50 percent of principal dwelling size
- Require separate exterior entrance
- Owner is required to live in the principal dwelling or ADU
- Mailed notice required to property owners within 200 feet
- ****see UDC draft for all standards****





QUESTIONS & DISCUSSION

COMMENTS?

- Remember to use Konveio to record your comments and questions!
- You also may submit comments to:
udc@addisontx.gov
- **www.AddisonUDC.org**



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ADDISON, TEXAS

UNIFIED DEVELOPMENT CODE

**Part 3 (Procedures)
+ Part 1 revisit
(Districts & Uses)**

April 2024

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Article 1: General Provisions

Commentary:

This article includes general provisions that apply to the Unified Development Code (UDC) as a whole and set the overall legal foundation, such as the general purpose and intent and the applicability of the UDC. This article also addresses enforcement, including violations and penalties, and nonconformities.

1.1 Title

This ordinance shall be known, cited, and referred to as the Unified Development Code of the Town of Addison, Texas. It is referred to in this ordinance as the “Unified Development Code,” or “this UDC.”

1.2 Effective Date

This UDC shall become effective upon adoption by the City Council on **[insert effective date]**.

1.3 Purpose¹

Pursuant to the Texas Local Government Code (TLGC), the City Council enacts this UDC to:

- A.** Promote the public health, safety, and general welfare of Town residents;
- B.** Implement the policies and objectives in the Comprehensive Plan;
- C.** Secure safety from fire, panic, and other natural and man-made dangers;
- D.** Protect life and property in areas subject to floods and other natural disasters;²
- E.** Provide adequate light, air, and open space;
- F.** Lessen congestion in the streets while enhancing pedestrian and vehicular movement with the least detriment to environmental quality;³
- G.** Ensure environmentally sensitive Site Planning that preserves the Town’s tree canopy and natural areas;
- H.** Prevent the overcrowding of land and avoid undue concentration of population;
- I.** Facilitate the adequate provision of transportation infrastructure, water and sewage services, schools, parks, trails, and other public requirements and to avoid transportation, public service, and facility demands that cannot be satisfied;⁴
- J.** Ensure that development and resource decisions are sustainable not only for the current residents of Addison but for future residents and generations;⁵
- K.** Provide a mix of land uses that provide employment opportunities, social amenities, and housing within the Town to promote economic resiliency;⁶
- L.** Emphasize the importance of high-quality urban design in the built environment;
- M.** Consider the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development;⁷
- N.** Conserve the value of buildings and encourage the appropriate use of land, buildings, and structures; and

¹ Replaces current Appendix A, §2.

² New.

³ Expanded to reference pedestrian and vehicular movement and environmental quality.

⁴ Expanded to include language regarding avoiding demands that cannot be satisfied.

⁵ New.

⁶ New.

⁷ New.

- O. Establish procedures for the processing of planning and zoning actions that affect the development and use of property in Addison.

1.4 Authority, Applicability, and Jurisdiction⁸

1.4.1 Authority

This UDC is adopted pursuant to the authority in Article I of the Addison Municipal Charter, as amended, and enacted pursuant to the powers granted and limitations imposed by provisions of the State of Texas, including the statutory authority granted in Chapters 42, 43, 211, 212, and 213 of the TLGC, and all other relevant provisions of the State of Texas.

1.4.2 Applicability⁹

- A. Unless otherwise stated or permitted by law, the provisions of this UDC shall apply to all land, buildings, structures, or appurtenances on such land located within the Town, that are occupied, used, erected, altered, removed, demolished, or converted after the effective date of this UDC.
- B. No permit, certificate, or approval of any use that is subject to this UDC shall be issued or granted by any department, agency, Town official, or Town employee without a finding of compliance with this UDC having been issued by the appropriate review authority.
- C. Unless otherwise stated in this UDC, no building or structure shall be erected, moved, converted, enlarged, reconstructed, or altered, nor shall any land, building, or structure be used, developed, or intended to be used for any purpose whatsoever, without a determination of compliance by the Director.
- D. No lot of record that did not exist prior to the effective date of this UDC shall be created unless it complies with this UDC.

1.4.3 Minimum Standards Required¹¹

The provisions of this UDC, as amended, shall be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare, and shall be the minimum criteria required for a review procedure to commence.¹² Additional technical information and analysis may be required of applicants to demonstrate compliance with this UDC.¹³

1.4.4 Conflicts with Other Ordinances, Criteria Manuals, and Master Plans¹⁴

- A. Whenever any provision of this UDC refers to or cites a section of the Texas state statutes and that section is later amended or superseded, this UDC shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section, as determined by the Director.
- B. Whenever a provision of this UDC requires or authorizes an officer or employee of the Town to do some act or perform some duty, it shall be construed to authorize the officer or employee to designate, delegate, and authorize subordinates to perform the act or duty, unless the terms of the provision designate otherwise.
- C. Whenever any provision of this UDC conflicts with other provisions of the Code of Ordinances, the stricter provision, as determined by the Director following the interpretation procedure in §2.10.6: *Interpretations*, shall govern.
- D. Whenever any provision of this UDC conflicts with a Criteria Manual adopted by the Town of Addison, the more stringent controls, as determined by the Director.

⁸ New.

⁹ Replaces Article XXVI, Sec. 1.A.

¹¹ Carries forward Article XXXI, Sec. 1.

¹² "and shall be the minimum criteria required for a review procedure to commence" is new.

¹³ New.

¹⁴ New.

- E.** Whenever any provision of this UDC conflicts with a Master Plan adopted by the Town of Addison, the Master Plan shall govern, as determined by the Director.¹⁵
- F.** All Criteria Manuals and Master Plans are available online on the Town’s website. Criteria Manuals and Master Plans are maintained and updated by the Town as necessary.

1.4.5 Private Covenants¹⁶

This UDC is not intended to interfere with, revoke, or repeal any easement, covenant, or other agreement between private parties. No covenant or deed restriction shall excuse any failure to comply with this UDC. In no case shall the Town be obligated to monitor or enforce any easement, covenant, or agreement between private parties unless the Town is a party to such agreement and elects to pursue enforcement.

1.4.6 Transfer of Ownership¹⁷

Permits, licenses, or approvals authorizing a particular use of land or structure shall transfer with the ownership of the land or structure so long as the land or structures, or any portion of the land or structures, continue to be used for the purpose and in the manner authorized by a permit, license, or approval, unless otherwise provided in this UDC. No person, including a successor or assignee of the person who obtained the permit or approval, may use the land or structure except in accordance with all the terms, conditions, and requirements of the permit or approval.

1.4.7 Emergency Powers

The Mayor and/or the City Council may authorize any deviation from this UDC during a local state of disaster in accordance with Texas Local Government Code Chapter 418. Such deviations may be authorized by resolution of the City Council during a local emergency without a requirement for prior notice or public hearing.

1.5 Transition from Prior Regulations^{18 19}

1.5.1 Continuity of Provisions

The provisions of this UDC, insofar as they are substantially the same as previously existing regulations relating to the same subject matter, shall be construed as restatements and continuations thereof and not new enactments. Any actions, proceedings, permits, or approvals commenced or issued pursuant to any previously existing ordinance and subject to TLGC Chapter 245 shall not be affected by the enactment of this UDC.

1.5.2 Preliminary Plat Approvals²¹

- A.** An application for which approval of a Preliminary Plat was granted prior to the effective date of this UDC shall be considered as having received Preliminary Plat approval under this UDC.

¹⁵ New.

¹⁶ Carries forward Article XXXI, Sec.1. Deleted “Where the regulations of this UDC are more restrictive or impose higher standards than such easement, covenant, or agreement, the regulations of this UDC shall govern.”

¹⁷ New, often included in development codes for clarity.

¹⁸ New. These provisions are intended to provide clarity for how the Town will transition from the old development regulations to this new UDC. As noted, some provisions could instead be located in the cover adoption ordinance, rather than the UDC itself.

¹⁹ The following is intended for the adopting ordinance: “Pending Applications: A. Any complete application subject to TLGC § 245 that has been submitted for approval, but upon which no final action has been taken by the appropriate decision-making body prior to the effective date of this UDC, shall be reviewed in accordance with the regulations in effect on the date the application was deemed complete unless the applicant requests otherwise pursuant to §1.5.2B below. If the applicant fails to comply with any applicable required period for submittal or other procedural requirements, the application shall expire and subsequent applications shall be subject to the requirements of this UDC. Any re-application of an expired project approval shall meet the standards in effect at the time of re-application. B. An applicant with a complete application subject to TLGC § 245 that has been submitted for approval, but upon which no final action has been taken prior to the effective date of this UDC, may submit a written request for the complete application to be reviewed under this UDC.

²¹ Consider also moving this to the adopting ordinance.

- B. Preliminary plat approvals granted under the previous regulations shall be valid for two years from the date of approval.
- C. Failure to obtain a Final Plat approval, within two years of the approval of a Preliminary Plat, shall result in the expiration of the Preliminary Plat.

1.5.3 Approved Plans²²

- A. Any permits or licenses subject to the standards of this UDC that are valid on the effective date of this UDC shall remain valid until their expiration date. Projects with valid permits or licenses may be carried out in accordance with the zoning and subdivision regulations in effect at the time of approval, provided that the permit or license remains valid and has not lapsed.
- B. No provision of this UDC shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to the effective date of this UDC, unless the building permit has expired.
- C. The Director may renew or extend the time of a previous approval of a plan that was administratively approved if the required findings or criteria for approval remain valid. Any extension granted shall not exceed one year in length, and no more than one extension may be granted.
- D. Non-administratively approved plans may be granted one extension not exceeding one year in length, from the reviewing body by which they were originally approved as identified in §2.3: *Summary Table of Review Procedures*, where such extension would be permissible under the zoning and subdivision regulations in effect at the time of approval.
- E. Any re-application for an expired project approval shall meet the standards in effect at the time of reapplication.

1.5.4 Nonconformities Under Prior Regulations

Any nonconformity under the previous zoning and subdivision regulations that has been issued a Certificate of Occupancy will remain a nonconformity under this UDC, as long as the situation that resulted in the prior nonconforming status continues to exist and complies with the provisions of this UDC. If a nonconformity under the previous zoning and subdivision regulations becomes conforming because of the adoption of this UDC, then the situation will no longer be a nonconformity.

1.5.5 Uses, Lots, Structures, and Sites Rendered Nonconforming²³

- A. When a lot is used for a purpose that was a lawful use before the effective date of this UDC, and when a Certificate of Occupancy was issued and this UDC no longer classifies such use as either a permitted use or special use in the zoning district in which it is located, such use shall be considered nonconforming and shall be controlled by the provisions of §1.6: *Nonconformities*.
- B. Where any building, structure, lot, or development site that legally existed on the effective date of this UDC and does not meet all standards set forth in this UDC, such building, structure, lot, or development shall be considered nonconforming and shall be controlled by the provisions of §1.6: *Nonconformities*.

1.5.6 Prior Violations

Any violation of the previous zoning and subdivision regulations will continue to be a violation under this UDC and be subject to penalties and enforcement under Section 1.7: *Enforcement*, unless the use, development, construction, or other activity complies with the provisions of this UDC. The enactment of this UDC shall not abate any pending prosecution and/or lawsuit or prevent any prosecution and/or lawsuit from being commenced for any violation of a previously existing ordinance occurring before the effective date of this UDC.

²² Replaces current Article XXXIII, Sec. 1.

²³ Replaces current Article XXXIV, Sec. 1.

1.6 Nonconformities²⁴

Commentary:

This section expands current Article XXIII to specify different types of nonconformities (lots, structures, uses, site features, etc.) rather than using the more limiting term “nonconforming use.” This draft introduces new standards applicable to all nonconformities as well as additional standards specific to each type of nonconformity. This section includes flexible standards that make it clear what types of improvements are allowed to existing nonconformities.

1.6.1 Purpose²⁵

- A. This section governs uses, structures, lots, and site features that came into existence legally prior to the effective date of this UDC or the effective date of any future amendments to this UDC and remained in continuous use from the time of their inception but do not now comply with or conform to one or more requirements of this UDC, as amended. All such situations are collectively referred to in this UDC as “nonconformities.”
- B. Any nonconformity resulting from the initial adoption or future amendment of this UDC, may be continued or maintained only in accordance with the terms of this section. While nonconformities may continue, the provisions of this section are designed to curtail substantial investment in nonconformities to bring about their eventual elimination in order to preserve the integrity of this UDC and the goals of the Town. This section also is intended to recognize the variety of practical issues in bringing nonconforming situations into compliance and give the Town discretion to balance competing demands.

1.6.2 Regulations Applicable to All Nonconformities²⁶

A. Authority to Continue

1. Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this section, or unless such nonconformity is terminated as provided in this section.
2. Nonconformities shall not be modified in any way that increases the degree of nonconformity.
3. The right to continue nonconformities shall be subject to regulations prohibiting nuisances and shall be terminated when such use constitutes a nuisance. Such nonconformities shall be subject to such reasonable regulations as the Board of Zoning Adjustment may require to protect adjacent property and shall be subject to the specific nonconformity regulations herein contained.²⁷
4. A nonconformity shall lose its nonconforming status when a use, structure, or site improvement modifies a nonconformity without being lawfully authorized in accordance with the provisions of this UDC. Such use and/or structure shall therefore cease all operations until such time that the required plans and/or permits are approved.

B. Determination of Nonconformity Status²⁸

The burden of establishing the existence of a nonconformity shall be solely on the owner of the property containing the nonconformity. Valid and compliant nonconforming status is an affirmative defense to violations of this UDC.

²⁴ The nonconforming sign provisions will be included in §4.10, Signs in the Consolidated Draft.

²⁵ New.

²⁶ New. Additional discussion necessary regarding the new Texas law on nonconforming uses, SB 929. It essentially requires two things: If a city, through a Rezoning, renders a use nonconforming, the city must notify the property owner, and if a city requires that nonconforming use to stop, the city must pay the costs to halt the use, plus lost market value costs.

²⁷ New.

²⁷ Carries forward current Article XXIII, Sec. 2.

²⁸ New. Some communities establish a Certificate of Zoning Compliance procedure to allow, in part, a determination of nonconforming status. Some communities also establish mapping and registration of nonconformities, though this is labor-intensive.

C. Maintenance and Minor Repair²⁹

Minor repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity. Minor repairs and maintenance include the following:

1. Repairs necessary to maintain and to correct any damage or deterioration to the structural soundness of, or the exterior or interior appearance of, a structure without expanding the height or footprint of the structure, unless compliant with this UDC;
2. Maintenance of land to protect against and mitigate health and environmental hazards;
3. Repairs that are required to remedy unsafe conditions; and
4. Repairs necessary to comply with current building code requirements.

D. Change of Ownership or Tenancy³⁰

Changes in ownership, tenancy, or management of property (that do not include changes in occupancy or operation) with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this section.

E. Compliance to the Maximum Extent Practicable

Where compliance with the requirements of this UDC is precluded by a lack of sufficient developable area due to the size and disposition of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Director.

F. Nonconformity Due to Outside Action³²

Where the acquisition of right-of-way or a portion of the property, by eminent domain, dedication or purchase, by a Town, county, state, or federal agency creates noncompliance of a lawful existing use, structure, lot, or site feature, such uses, structures, lots, or site features shall be deemed lawful despite a deficiency in required development standards created by the acquisition. Such designation shall apply only to noncompliance that results directly from the acquisition of right-of-way.

1.6.3 Nonconforming Uses

Nonconforming uses of land or structures are subject to the following additional limitations:

A. Limitation on Continuation of Nonconforming Uses³³

1. A nonconforming use may be extended throughout the same building, provided that:
 - a. The nonconforming use does not constitute a nuisance;
 - b. No structural alteration of the building (or portion of such building containing the nonconforming use in the case of buildings with multiple uses) shall be permitted;
 - c. No additional dwelling units shall be permitted in the building; and
 - d. No additional nonresidential units and/or uses shall be permitted.
2. Any existing occupied single-family residential dwelling that is deemed to be a nonconforming use may make improvements to the main and accessory structure so long as improvements do not increase the degree of nonconformity or increase the height or building footprint.³⁴

²⁹ New. This is increasingly common for cities looking to offer a more lenient approach to maintaining nonconformities.

³⁰ Replaces current Article XXIII, Sec. 8.

³² Expands applicability of current Article XXIII, Sec. 11.

³³ Consolidates current Article XXIII, Sec. 2 and 6.

³⁴ New. This provision is intended to protect nonconforming single-family residences by allowing basic improvements to be performed.

3. No additional structure not conforming to the requirements of this UDC shall be erected in connection with the nonconforming use of land or building.³⁵
4. Whenever a nonconforming use of land or a building has been replaced with a conforming use, the special equipment and furnishings particular to the nonconforming use have been removed from the premises and have not been replaced for a continuous period of six months, or the intention of the owner to permanently discontinue the use is apparent, the nonconforming use shall be considered discontinued and future use of the land or building shall comply with this UDC.³⁶
5. A building occupied by a nonconforming use that has been destroyed by fire or extreme weather shall not be reconstructed or rebuilt except to conform with the provisions in this section. In the case of partial destruction by fire or other causes, not exceeding 50 percent of its current replacement value, the Building Official shall issue a permit for reconstruction. If greater than 50 percent, the building shall be made to conform with this UDC.³⁷

B. Change of Use³⁸

1. A nonconforming use shall not be changed to another nonconforming use.
2. A nonconforming use, if changed to a conforming use, may not be subsequently changed back to any nonconforming use unless otherwise permitted by this UDC.

1.6.4 Nonconforming Structures

Nonconforming structures are subject to the following additional limitations:

- A. A nonconforming structure may only be expanded pursuant to §1.6.2C: Maintenance and Minor Repair, and any such expansion shall be in full compliance with this UDC.³⁹
- B. No nonconforming structure may be enlarged or altered in a way that increases the nonconformity of the structure, but any structure or portion of a structure may be altered to decrease the nonconformity of the structure.⁴⁰
- C. Whenever a nonconforming structure is discontinued for one year or more, all nonconforming rights shall cease, and the use of the premises or the structure shall be in conformance with this UDC. A nonconforming structure shall be considered discontinued if the property or structure is vacant and no attempt to market the property is observable on the property or from the exterior of any structure, or that the property or structure is vacant and City taxes owed on the property are delinquent.⁴¹
- D. A nonconforming structure that has been damaged or destroyed by fire or other causes may be restored to its original condition, provided that such work is commenced within one year of such event and has been completed or diligently pursued within 18 months of such event. By written request from the property owner stating reasons for the delay, the Director may grant one extension of either the work commencement and/or the completion of work time period.⁴²
- E. The right to operate and maintain any nonconforming structure shall terminate and shall cease to exist whenever the nonconforming structure becomes substandard under any applicable ordinance of the Town and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50 percent of the replacement cost of such structure on the date that the Building Official determines that such structure is substandard. In determining the replacement cost of any nonconforming structure, the

³⁵ New.

³⁶ Replaces current Article XXIII, Sec. 10. Specific abandonment rules for structures added to the Nonconforming Structures section. Removed "the intention of the owner to permanently discontinue the use is apparent" as this language is challenging to enforce.

³⁷ Carries forward current Article XXIII, Sec. 4.

³⁸ Replaces current Article XXIII, Sec. 9.

³⁹ New.

⁴⁰ New.

⁴¹ New.

⁴² New accidental damage provision for nonconforming structures.

cost of the land or any factors other than the nonconforming structure itself including foundation shall not be included.⁴³

1.6.5 Nonconforming Lots⁴⁴

A nonconforming lot that was made nonconforming by virtue of enactment of this UDC may be used for construction of a building or structure allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.⁴⁵

1.6.6 Nonconforming Site Features⁴⁶

A. Applicability

1. For purposes of this subsection, the term “nonconforming site feature” includes, but is not limited to any driveway, off-street parking or loading area, buffer, landscaping, screening, or exterior lighting element that lawfully existed in accordance with regulations in place prior to the effective date of this UDC. Site features required by this UDC that do not exist after the Effective Date are also considered nonconforming site features.
2. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this UDC, subject to the requirements of this Subsection.
3. No action shall be taken that increases the degree of the nonconformity of a site feature.

B. Nonconforming Parking

1. Continuation of Nonconforming Parking

Any parking spaces or parking lot access to public rights-of-way lawfully existing on the effective date of this UDC that are made nonconforming by virtue of enactment of this UDC shall be allowed to continue, provided that:

- a. If a change or expansion of a nonconforming use or structure is allowed under this §1.6, the additional number of parking spaces required to serve the changed or expanded area shall be provided in accordance with §4.6, *Parking and Loading*. For purposes of this provision, a change of use shall include reversion to a use that previously existed on a site but has not operated in more than six months.
- b. Nonconforming parking areas shall not be expanded, except pursuant to paragraph 2 below.

2. Upgrading Nonconforming Parking⁴⁷

Nonconforming off-street parking facilities shall be upgraded to comply with this UDC’s minimum parking lot design requirements in §---⁴⁸, and landscaping requirements in §---⁴⁹, when any development occurs that would result in an addition to or expansion of one or more buildings or structures that would increase the total gross floor area of the buildings or structures by more than 50 percent.

⁴³ Carries forward Article XXIII, Sec. 4 and 5.

⁴⁴ New.

⁴⁵ New. This type of provision is increasingly common and is intended to allow development of otherwise nonconforming lots.

⁴⁶ New section as recommended in the Assessment for consideration. This is commonly included to allow for expansion of uses and buildings even when the site features may not be conforming.

⁴⁷ Confirm consistency with final redevelopment table in Development Standards chapter.

⁴⁸ Link to §4.6.7: *Vehicle Parking Layout and Design*, to be added in Consolidated Draft.

⁴⁹ Link to §4.7.4D: *Parking Area Landscaping* to be added in Consolidated Draft.

C. Nonconforming Buffers, Landscaping, Screening, and Exterior Lighting⁵¹

1. Upgrading of Nonconforming Features Required for Certain Development

Prior to the issuance of a Certificate of Occupancy, nonconforming buffers, landscaping, screening elements, and exterior lighting shall be upgraded to comply with this UDC's applicable standards for such features if any of the following development activities are proposed for the site containing the nonconforming site feature:

- a. An increase in the total square footage of the vehicular use area, including parking, loading, circulation, and driveway areas;
- b. A structural addition that increases the combined total gross floor area of all existing enclosed structures by more than 500 square feet or 20 percent, whichever is less;
- c. Building elevation changes involving 50 percent or more of the exterior walls of an enclosed structure on the property within a two-year period, excluding minor cosmetic maintenance such as painting or replacing lighting fixtures;
- d. The demolition of a building containing a principal use or the demolition of a suite or unit in a multitenant building;
- e. As determined by the Director, any request for a zoning map amendment, regardless of whether the nonconforming site feature is proposed to be changed; and/or
- f. Expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas by a certain percentage shall require upgrading to offset a corresponding percentage of the buffer or screening nonconformity, as determined by the Director.

2. Alternatives to Upgraded Landscaping Authorized⁵²

In meeting the upgrading requirements in subsection 1 above, a reduction in the count, configuration, or location of required landscaping materials may be allowed for nonconforming buffers, landscaping, screening, and exterior lighting when alternatives are justified by site or development conditions through an alternative landscape plan.⁵³ Conditions justifying approval of an alternative landscape plan include:

- a. Natural conditions, such as watercourses, natural rock formations, or topography;
- b. The likelihood that required landscaping material at maturity would not achieve the intent of this UDC due to topography, placement, or other existing site conditions;
- c. Unique lot size or configuration;
- d. Challenges associated with infill development, reuse, or redevelopment on small lots;
- e. The presence of existing utility or other easements;
- f. The potential for interference with public safety;
- g. Preservation of natural vegetation; or
- h. Other situations where strict adherence to the buffer or landscaping standards in this UDC are determined impractical by the Director.

3. Alternative Landscape Plan Approval Criteria

The Director may approve alternative landscape plans that do not meet the specific requirements stated in this §1.6.6, when the Director determines that the alternatives meet the following criteria:

- a. Are consistent with the purposes of this §1.6.6;

⁵¹ Confirm consistency with final redevelopment table in Development Standards chapter.

⁵² Consider relocating to development standards article, landscaping section, in consolidated code.

⁵³ Further discussion is required to determine if and how an alternative landscape plan should be formalized in the Landscaping, Buffering, and Fences chapter.

- b. Do not include invasive vegetation included in an adopted Town, county, or state list of prohibited or invasive species;
- c. Provide equal or superior buffering of adjacent properties from anticipated impacts of the proposed development; and
- d. Provide equal or superior visual appearance of the property when viewed from a public right-of-way.

1.7 Enforcement

Commentary:

This section consolidates and expands current standards related to enforcement authority, procedures, actions, and penalties as well as new language to clarify when a violation of the UDC has occurred.

1.7.1 Purpose

This section establishes procedures through which the Town seeks to ensure compliance with the provisions of this UDC and obtain corrections for violations of this UDC. This section also sets forth the remedies and penalties that apply to violations of this UDC.

1.7.2 Violations

A. Activities Constituting a Violation⁵⁵

Any person who violates any provision of this UDC or assists in the commission of any violation shall be guilty of a misdemeanor and shall be subject to a fine as provided in §1.7.4: *Penalties and Remedies*. Each of the following activities constitutes a violation of this UDC:

1. Activity Inconsistent with UDC

Any construction, reconstruction, remodeling, alteration, maintenance, expansion, movement, or use of any land, building, structure, or sign that is inconsistent with this UDC.

2. Activity Inconsistent with a Permit or Approval

Any development, use, or other activity that is in any way inconsistent with the terms or conditions of any permit or approval required to engage in such activity under this UDC.

3. Illustrative Examples of Violations

Example violations of this UDC include but are not limited to:

- a. Increase the density or intensity of any use or structure except in accordance with the requirements of this UDC;
- b. Reduce or diminish the lot area, setbacks, buffers, landscaping, trees, open space, or other standards below the minimum requirements established by this UDC;
- c. Failure to install, improve, or maintain any public or private improvements required by the terms of any permit or approval;
- d. Failure to abide by conditions of any approval or agreements executed in association with an approval;
- e. Failure to comply with applicable requirements for a certificate of occupancy or building permit; or
- f. Failure to obtain any required permit.

⁵⁵ Replaces current Article XXVIII, Sec. 1. New.

B. Continuing Violations⁵⁶

Any violation of this UDC shall be considered a separate offense for each day during any portion of which any violation of this UDC is continued past the date of the issuance of notice of violation, with each violation punishable in accordance with §1.7.4: *Penalties and Remedies*.

C. Prior Violations⁵⁷

Violations of the prior development regulations are continued in effect and are not excused by the adoption of this UDC. If a development or activity in violation of the prior development regulations fully complies with this UDC, that development or activity shall no longer be deemed a violation.

D. Violations within the Extraterritorial Jurisdiction⁵⁸

Any person who violates any applicable provision of this UDC within the extraterritorial jurisdiction shall not be guilty of a misdemeanor; however, the Town may institute any appropriate action or proceeding in the District Court to enjoin the violation of this UDC.

E. Persons Liable⁵⁹

The owner, tenant, or occupant of any building or land, or any part thereof, and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this UDC or a permit or approval issued pursuant to this UDC, may be held responsible for the violation and be subject to the penalties and remedies provided in this section.

1.7.3 Enforcement Actions⁶⁰**A. Responsibility for Enforcement⁶¹**

The Director shall be entitled to enforce the provisions of this UDC, any amendment hereto, and any order or regulation made hereunder. It shall be unlawful for any person to hinder, prevent, delay, or interfere with authorized enforcement personnel in the performance of their duties. This shall not be construed as an attempt to prohibit the pursuit of any legal or equitable remedy in a court of competent jurisdiction for the protection of personal or property rights by any property owner within the town.

B. Investigation

Whenever the Director or other enforcement authority receives a complaint alleging a violation of this UDC or a permit or approval issued under this UDC, the enforcement authority shall investigate the complaint and identify any enforcement action that may need to be taken.

C. Procedures Upon Discovery of Violations⁶³

1. If the Director finds that any provision of this UDC is being violated, they may send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The notice shall advise that the Director's decision or order may be appealed to the Board of Zoning Adjustment, pursuant to §2.10.5: *Appeal of Administrative Decision*.
2. If the person responsible for the violation does not take action to correct the violation or to appeal the notice of violation within 10 days of the first notice, additional written notices that state the action the Director intends to take if the violation is not corrected may be sent at the Director's discretion.

⁵⁶ New.

⁵⁷ New.

⁵⁸ New.

⁵⁹ New language clarifying who is liable in the event of a violation as recommended in the Review of Current Ordinances, broadens current Chapter 62, §62-35.

⁶⁰ New section to describe the enforcement process including timeframe for coming into compliance.

⁶¹ Consolidates Sec. 30-211, Sec. 62-31 and Article XXVII, Sec. 1. and broadens the authority to enforce the UDC, rather than specifying certain positions for different sections of the code .

⁶³ Replaces and expands Sec. 30-211 to be applicable to all violations, not solely landscaping violations.

3. When a delay would seriously threaten the effective enforcement of this UDC, or pose a danger to the public health, safety, and welfare, the Director may immediately issue an order for compliance by personal service, posting of the property, or certified mail.

D. Continuation of Prior Enforcement Actions

Nothing in this UDC shall prohibit the continuation of previous enforcement actions undertaken by the Town pursuant to previous regulations.

1.7.4 Penalties and Remedies

A. Fines

Any violation of this UDC shall be subject to a fine as provided in §1-7 of the Code of Ordinances.

B. Deny, Withhold or Revoke Entitlements⁶⁵

The City may utilize any enforcement remedies available in compliance with state law in order to gain compliance with the standards of this Code. Remedies include, but are not limited to: deny, withhold or revoke permits; ordering repair, removal, replacement, or alteration; fees/fines; or ordering discontinuance of those features or uses found to be out of compliance with this Code.

C. Stop-Work Orders⁶⁶

1. The Building Official or Director may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired in a hazardous manner, in substantial violation of any state or local building law, or in a manner that endangers life or property.
2. The Director may issue a stop-work order on any property with an uncorrected violation of this UDC or approval issued under this UDC.
3. A stop-work order shall be in writing and directed to the person doing the work and shall specify the provision of this UDC or other law in violation.
4. If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.
5. Once conditions cited in the stop-work order have been adequately addressed, the Building Official or Director shall rescind the stop-work order.

1.8 Severability⁶⁹

A determination by a court of competent jurisdiction that any section, paragraph, subdivision, clause, phrase, or provision of this UDC is unconstitutional or invalid does not make the remainder of the UDC unconstitutional or invalid. A determination by a court that the application of this UDC to a particular structure or parcel of land is unconstitutional or invalid does not apply to any other structure or parcel of land.

⁶⁵ Replaces current Sec. 30-211 and Sec. 62-55.

⁶⁶ New.

⁶⁹ Replaces current Article XXXVI.

1.9 Review and Decision-Making Bodies

1.9.1 Purpose

This section describes the organization, powers, and duties of the offices responsible for the administration of this UDC.

1.9.2 City Council

The City Council shall have all powers granted to it by the Municipal Charter. In the administration and enforcement of this UDC, the City Council has the review and decision authority as shown in §2.3: *Summary Table of Review Procedures*.

1.9.3 Planning and Zoning Commission⁷⁰

A. Duties and Authority⁷¹

The Planning and Zoning Commission is hereby charged with the duty and invested with the authority to:

1. Exercise the powers set forth in § 211.007 of the TLGC.
2. Review and make recommendations or decisions as show in Table 2.3-1: *Summary Table of Review Procedures* pursuant to the application-specific procedures outlined in this UDC.
3. Conduct related business and make other recommendations on matters that are specifically requested, assigned, or required by the City Council or Director.
4. Submit each year a progress report to the City Council summarizing its activities, major accomplishments for the past year, and a proposed work program for the coming year.
5. Adopt rules to govern its proceedings provided that such rules comply with state law or the provisions of the Town's Code of Ordinances.

B. Officers⁷²

The commission shall elect a chairperson and vice-chairperson from among its members. The commission shall also elect a secretary and any other officers as it deems necessary either from its membership or from staff representatives assigned by the City Manager to work with the commission.

C. Compensation

Planning and Zoning Commissioners shall be compensated as determined by the Town.

D. Meetings⁷³

1. All meetings of the commission shall be open to the public, unless otherwise specified for closed and executive sessions in the Texas Open Meetings Act.
2. The dates, time, and place of commission meetings shall be set by the commission in consultation with Town officials.
3. All proceedings of the commission shall be recorded in minutes of meetings, and such minutes be approved by the commission and made a matter of public record.

E. Appointment, Removal, Vacancy and Reappointment

See Chapter 2, Sec. 2-310 of the Code of Ordinances.

⁷⁰ Planning and Zoning Commission details currently split between Chapter 2 of Municipal Code and Article XXIX of the Zoning Code (Appendix A) – current draft integrates the content from the zoning code and cross-references Chapter 2.

⁷¹ Replaces Article XXIX, Sec. 19. Consolidated (b), (c), (e), (f), (g), and (h) to reference the Summary Table of Review Procedures rather than list authority for individual development review procedures.

⁷² Carries forward Article XXIX, Sec. 18.

⁷³ Replaces Article XXIX, Sec. 20

F. Initial Appointments and Terms

See Chapter 2, Sec. 2-311 of the Code of Ordinances.

1.9.4 Board of Zoning Adjustment⁷⁵

A Board of Zoning Adjustment is hereby established in accordance with the provisions of TLGC § 211.008 et seq., regarding the zoning of cities and with the powers and duties as provided in said statutes.

A. Duties and Authority

1. The Board of Zoning Adjustment shall have the review and decision authority as shown in §2.3: *Summary Table of Review Procedures* pursuant to the application-specific procedures outlined in this UDC.
2. The Board of Zoning Adjustment also has the powers and duties permitted under TLGC § 211.009.
3. In exercising its powers, the board may, in conformity with the provisions of Chapter 211 of the TLGC, revise or reform, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made and shall have all the powers of the officer from whom the appeal is taken.
4. The Board of Zoning Adjustment shall serve as the Board of Appeals in accordance with the City's adopted building codes.

B. Meetings

1. Meetings of the Board shall be held at the call of the Director. The Chairperson may administer oath and compel the attendance of witnesses.
2. All meetings of the Board shall be open to the public, unless otherwise specified for closed and executive sessions in the Texas Open Meetings Act.
3. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be of public record.
4. A decision of the Board shall be in writing and shall be filed in the Board's office and with the Director on the day of the decision.

C. Appointment, Removal, Vacancy and Reappointment

See Chapter 2, Sec. 2-315 of the Code of Ordinances.

D. Initial Appointments and Terms

See Chapter 2, Sec. 2-316 of the Code of Ordinances.

E. Record of Petition⁷⁷

Any person or persons, jointly or severally, aggrieved by any decision of the Board of Zoning Adjustment or any taxpayer or any officer, department, or board of the municipality may present a verified petition to an authorized court of record in conformance with TLGC § 211.011, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within ten days after the filing of the decision in the Development Services Department and not thereafter.

1.9.5 Director of Development Services

- A.** The Director and their designees shall have the authority to review and make decisions as shown in §2.3: *Summary Table of Review Procedures* pursuant to the application-specific procedures outlined in this UDC.
- B.** The Director shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises necessary to carry out their duties in the enforcement of this

⁷⁵ Replaces Article XXIV.

⁷⁷ Carries forward Article XXIV, Sec. 6.

UDC. The Director may apply to the municipal court or other court of competent jurisdiction for such rights-of-entry or search warrants as may be required by law to carry out the foregoing duties.⁷⁸

1.9.6 Floodplain Administrator⁷⁹

The Floodplain Administrator is appointed by the City Manager to administer and implement the standards set forth in §~~---~~⁸⁰ and other appropriate sections of Title 44 of the UDC of Federal Regulations (National Flood Insurance Program Regulations) pertaining to floodplain management.

A. Duties and Responsibilities

Duties and responsibilities of the floodplain administrator include, but are not limited to, the following:

1. Maintaining for public inspection all records pertaining to the provisions of this article.
2. Reviewing permit applications to determine whether proposed building sites, including the placement of manufactured homes, will be reasonably safe from flooding.
3. Reviewing all applications for development permits required by this article to determine that all permit requirements have been satisfied.
4. Reviewing permits for proposed development to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies (including §404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334) from which prior approval is required.
5. Making interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions).
6. Notifying adjacent communities and the Texas Water Development Board prior to any alteration or relocation of a watercourse, and submitting evidence of such notification to the Federal Emergency Management Agency (FEMA).
7. Assuring that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
8. Obtaining, reviewing, and reasonably utilizing any base flood elevation data and floodway data available from a federal, state, or other source, in order to administer this article, when base flood elevation data has not been provided in accordance with §42-37.
9. Requiring that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM when a regulatory floodway has not been designated, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the town.
10. Under the provisions of Title 44, Chapter 1, §65.12 of the National Flood Insurance Program regulations in the UDC of Federal Regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first completes all of the provisions required by §65.12 of the Code of Federal Regulations.

⁷⁸ Replaces Sec. 34-34(a).

⁷⁹ Carries forward Sec. 42-56 & 57.

⁸⁰ Link to §4.3: *Floods* to be added in Consolidated Draft.

Article 2: Administration and Procedures

Commentary:

This article describes the process for reviewing and approving development applications in Addison. An introductory summary table provides an overview of the review procedures, the review and decision-making authorities, and public notice requirements.

The next section includes common review procedures that apply to most development application types. Common review procedures will help Addison avoid repetition throughout the UDC and eliminate conflicting information among development applications. The remaining sections describe the application-specific development procedures, linking back to common review procedures and noting any modifications or additions. Each specific procedure includes a flowchart depicting the steps for review and approval. The final section of this article describes the decision-making authorities in Addison as they relate to this UDC.

In this section, we refer to an “administrative manual,” which is proposed to include the requirements for application submittal materials, fees, time periods for review, and other administrative information that does not need to be included in this UDC.

2.1 Purpose

This article describes the review and approval procedures for land use and development applications in the Town.

2.2 Organization

This article is divided into the following sections:

- A.** §2.3: *Summary Table of Review Procedures*, summarizes the development procedures in this UDC.
- B.** §2.4: *Common Review Procedures*, describes the standard procedures that apply to most development application types.
- C.** §2.5: *Rezoning, Zoning Text, and Plan Amendment Procedures*, contains criteria and any modifications to the common review procedures for major planning and zoning applications.
- D.** §2.6: *Site Planning and Miscellaneous Permits*, contains approval criteria and any modifications to the common review procedures for administratively approved site-specific development applications.
- E.** §2.7: *Engineering Plans, Studies, and Site Development Permits*, describes plans and studies that may be required to inform the review and approval of development applications.
- F.** §2.8: *Agreements*, describes formal agreements that applicants may enter into with the Town.
- G.** §2.9: *Platting Procedures*, contains approval criteria and any modifications to the common review procedures for applications related to the division and conveyance of land.
- H.** §2.10: *Flexibility and Relief Procedures*, contains approval criteria and any modifications to the common review procedures for applications to vary from strict conformance with this UDC or to obtain other forms of relief.

2.3 Summary Table of Review Procedures

The table below lists the development applications authorized in this UDC, including recommended or required pre-application activities and the role of Town review and decision-making authorities.

Table 2.3-1: Summary Table of Review Procedures

R = Review & recommend D = decide A = appeal

✓ = required ◇ = optional * = public hearing required

Application Type		UDC Reference	Pre-Application Activities		Review & Decision-Making Bodies			
			Pre-application conference	Neighborhood Meeting	Staff	Planning and Zoning Commission	City Council	Board of Zoning Adjustment
Rezoning, Zoning Text, and Plan Amendments								
Special Use Permit		2.5.1	✓	◇	R	R*	D*	
Rezoning		2.5.1	✓	◇	R	R*	D*	
Rezoning to Planned Development (PD)	Preliminary	2.5.3	✓	◇	R	R*	D*	
	Final	2.5.3	✓	◇	R	R*	D*	
Zoning Text Amendment		2.5.4	◇	◇	R	R*	D*	
Comprehensive Plan Amendment		2.5.5	✓	◇	R	R*	D*	
Annexation		2.5.6	✓		R	R*	D*	
Site Planning and Miscellaneous Permits								
Concept Plan	For Rezoning	2.6.1C	✓	◇	R	R*	D*	
	Other	2.6.1D	✓	◇	R	D*		
Site Plan	Major	2.6.2E	✓	◇	R	D*		A*
	Minor	2.6.2D	◇	◇	D			A*
Temporary Use Permit		2.6.3			D			A*
Sign Permit		2.6.4			D			A*
Zoning Verification Letter		2.6.5			D			A*
Change or Elimination of Nonconformity		2.6.6						
Engineering Plans, Studies, and Site Development Permits								
Civil Engineering Plans		2.7			D			
Traffic Impact Analysis	Major	2.7			D			
	Minor	2.7			D			
Parking Study		2.7			D			
Drainage Study		2.7			D			
Utility Study		2.7			D			
Site Development Permit		2.7			D			
Flood Hazard Development Permit		2.7			D			A*
Agreements								
Development Agreement		2.8					D ^[1]	
Parking Management Agreement		2.8					D ^[1]	

Table 2.3-1: Summary Table of Review Procedures

R = Review & recommend D = decide A = appeal

✓ = required ◇ = optional * = public hearing required

Application Type	UDC Reference	Pre-Application Activities		Review & Decision-Making Bodies			
		Pre-application conference	Neighborhood Meeting	Staff	Planning and Zoning Commission	City Council	Board of Zoning Adjustment
Real Estate Application	2.8			D ^[2]			
Platting of Land							
Preliminary Plat or Preliminary Replat	2.9.2	✓	◇	R	D*		
Final Plat	2.9.3	◇		R	D		A*
Replat	2.9.4	◇		R	D*		A*
Minor Plat and Amending Plat	2.9.5	◇		D			A*
Vacating Plat	2.9.6	✓		R	D		A*
Flexibility & Relief							
Variance	2.10.1	✓		R			D*
Subdivision Variance	2.10.2	✓		R	R*	D*	
Minor Modification	2.10.3			D ^[2]			A*
Alternative Equivalent Compliance	2.10.4	✓		D ^[2]	D ^[2]	D ^[2]	
Appeal of Administrative Decision	2.10.5	◇		R			D ^[2]
Alternative Sign Design	4.10.6 ⁸²	◇		R	D		

Notes:

^[1] Except where authority is delegated by City Council to staff.

^[2] Or the authorized decision-maker.

⁸² Link to §4.10.6: *Alternative Sign Design*, to be added in Consolidated Draft.

2.4 Common Review Procedures

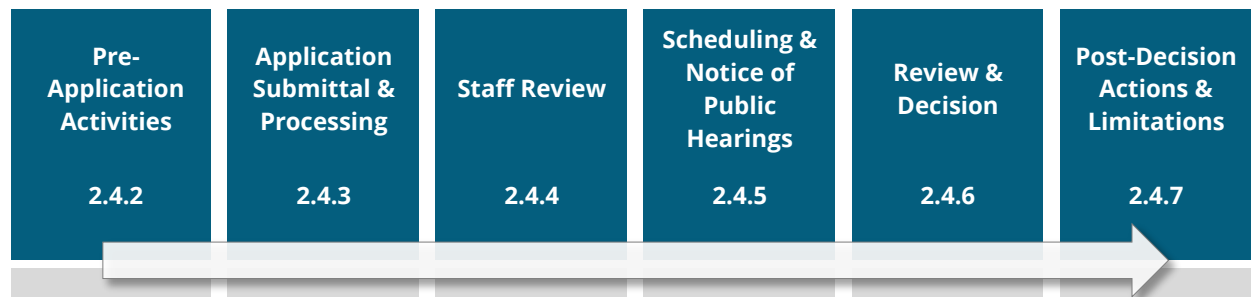
Commentary:

This section is new and consolidates several “common” or generally applicable procedures that apply to all types of applications, unless specified otherwise. These basic steps are currently scattered in approximately 15 different articles. The level of detail for each process is inconsistent in the current ordinance and many key details are left unanswered. A lack of common procedures makes the code longer, with unnecessary duplication of provisions addressing the same or similar steps and requirements.

The content in this section codifies existing practices, incorporates procedures located in other Town documents, and introduces professional best practices. Generally, this is intended to help code users better understand the Town’s basic procedural steps and requirements, avoid unnecessary duplication of text, ensure consistent application of generally applicable procedural steps and requirements, and eliminate the need to amend multiple sections of the UDC if a process is revised. The specific procedures that follow this section refer back to the common review procedures, noting any deviations from the general rules.

2.4.1 Purpose

This section describes the standard procedures and rules applicable to all development applications unless otherwise stated in this UDC. Common review procedures include six steps, as shown below, not all of which are applicable to every application. Application-specific procedures in §2.5 through 2.10 identify additional procedures and rules beyond those in this section.



2.4.2 Pre-Application Activities

A. Pre-Application Conference

Commentary:

Addison currently uses “pre-submittal” meetings for several application types; however, the current Code of Ordinances does not provide details for why, when, and how a pre-submittal meeting is held. This text is new and is intended to clarify the process. A suggested new name for the practice can help stress that this procedure will be conducted differently moving forward.

1. Purpose

The pre-application conference is intended to provide an opportunity for the potential applicant to meet with Town staff to review applicable submittal requirements and review procedures associated with the proposed application request.

2. When Required

A pre-application conference is required for certain application types according to §2.3: *Summary Table of Review Procedures*, and is optional for all other applications.

3. Procedure

- a. The potential applicant shall submit a request for a pre-application conference through the Development Services Department website. Planning staff shall schedule the pre-application conference and notify appropriate staff and the potential applicant of the time and location of the meeting.
- b. To maximize the benefit of this meeting, the potential applicant should submit a concept sketch and narrative description of their proposal with the pre-application conference request.
- c. At the meeting, Town staff will assist the potential applicant to identify key issues and concerns regarding the proposed development project so the potential applicant may address them as part of their formal application submittal. At the conclusion of the pre-application conference, Town staff will summarize key outcomes from the meeting and will provide a projection of anticipated development review timelines based on the information presented at the meeting.

4. Effect

Any comments or commitments made by Town staff during the pre-application conference are preliminary in nature and may change significantly as the project is more clearly defined in later stages of the development review process. Discussions of potential conditions to mitigate impacts do not reflect actions by the decision-making body until and unless a decision-making body takes formal action to attach that condition to a development approval.

B. Neighborhood Meeting

Commentary:

The neighborhood meeting procedure is new for Addison and was recommended in the Assessment Report. During initial stakeholder interviews, several community members expressed concern that adequate notice is not provided for large projects. This procedure allows public involvement earlier in the review process for major projects to allow residents an opportunity to speak with developers early in the process to voice concerns and influence the final design. As drafted, this is optional, but could be required for some projects. Internal guidelines will be important to ensure these are handled consistently.

1. Purpose

The purpose of a neighborhood meeting is to provide an opportunity to inform the residents and landowners of the surrounding neighborhood(s) of the details of a proposed development, how the applicant intends to meet the standards contained in this UDC, and to receive public comment and encourage dialogue at an early time in the review process.

2. Applicability

A neighborhood meeting is recommended for any development proposal that will be subject to a discretionary review process by the Planning and Zoning Commission. The neighborhood meeting is optional unless expressly stated otherwise in this Article 6 or as required by the Director in their discretion.

3. Notice of Neighborhood Meeting

- a. An applicant holding a neighborhood meeting is encouraged to provide mailed, published, and posted notice of the meeting in the same manner that would be required for public hearings on the application pursuant to the common development review procedures.
- b. Notice is required if the neighborhood meeting is required by the Director or this UDC. The applicant shall notify the Development Services Department in writing of the meeting date, time, and location no less than 14 days prior to the scheduled date of the meeting, if the meeting was required to be held by the Director or this UDC.
- c. An affidavit certifying that the applicant completed the notice procedures shall be included with the development application submittal.

4. Attendance at Neighborhood Meeting

The applicant shall be responsible for scheduling, coordinating, and facilitating the meeting, and for retaining an independent facilitator if needed. The meeting shall be held prior to submittal of the subject development application. Attendance at the meeting by Town staff is not required and will be determined by the Director on a case-by-case basis.

5. Summary of Neighborhood Meeting

The applicant shall prepare and deliver a written summary of the neighborhood meeting to the Development Services Department within 10 business days following the date of the meeting. The written summary shall be included in the staff report provided to the decision-making body at the time of the first public meeting to consider the application. At a minimum, the following information shall be included in the meeting summary:

- a. Date, time, and location of the meeting;
- b. A copy of the meeting sign-in sheet; and
- c. A summary description of how the applicant has addressed or proposes to address the issues, concerns, and objections identified during the meeting.

2.4.3 Application Submittal and Processing⁸³

A. Authority to Submit Application

Unless expressly stated otherwise in this UDC, a development application shall be submitted by:

- 1. The owner of the land on which development is proposed;
- 2. A person authorized to submit the application on behalf of the owner, as evidenced by a letter or document signed by the owner; or
- 3. If there are multiple owners, all such persons shall sign the application or a letter or document consenting to the application.

B. Application Content

- 1. The application shall be submitted to the Development Services Department on a form established by the Director.
- 2. The applicant shall ensure that an application contains sufficient information to demonstrate compliance with all application requirements specific in this UDC, the Administrative Manual and associated Criteria Manuals, and any additional application requirements specified by the Director during a pre-application conference.
- 3. Application processing will not begin until the Director determines that the application materials submitted are complete and sufficient.

C. Waivers of Submittal Requirements

The Director may waive certain submittal requirements in order to reduce the burden on the applicant and to tailor the requirements to the information necessary to review a particular application. The Director may waive such requirements upon finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly, in his or her opinion, support such waiver.

D. Application Fees

- 1. Application fees, as set forth in Article IX, Chapter 2 of the Town’s Code of Ordinances, shall be paid at the time of submittal according to the type of application.
- 2. All required fees shall be paid to and collected by the Development Services Department.

⁸³ This content is new and is intended to provide more direction and clarity to code users regarding application submittal and routing processes in Addison.

E. Submittal and Review Schedule

The Director shall establish a submittal and review schedule for development applications and shall post that schedule on the Development Services Department website. The Director may amend the schedule to ensure effective and efficient review under this UDC.

F. Determination of Application Completeness

1. Application Materials

- a. No application is complete unless all of the information required by this UDC, the Administrative Manual and associated Criteria Manuals, and any application materials required by the Development Services Department, are included, and all required filing fees are paid.
- b. An application is not considered filed until it is complete.
- c. The applicant shall file an application in advance of any required public hearing or public meeting where the application is to be considered.
- d. The Director may establish a schedule for filing and reviewing any application that requires action by a Town review or decision-making body. The schedule shall provide adequate time for notice and/or publication consistent with the applicable state statutes and this article.
- e. Completed applications shall be filed according to any published schedule. The Director may accept applications filed in conflict with the published submittal and review schedule at their discretion.
- f. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this UDC, other Ordinances of the Town of Addison, or state or federal law.

2. Review Procedure

- a. No later than 10 business days after an application is submitted, the Director shall determine whether the application is complete and shall transmit a written determination to the applicant. If the written determination is not made within this time period, the application is deemed complete. Failure to complete this review within the specified time does not constitute approval and does not give rise to any cause of action against the Town.
- b. If the application is determined to be incomplete, the Director shall provide written notice to the applicant. The notice shall specify the necessary documents or other information required to resolve the identified application deficiencies and the date the application will expire if those deficiencies are not addressed. The Director shall provide this notice no later than the 10th business day after the date the application is filed.
- c. Pursuant to Chapter 245 of the Texas Local Government Code, the application shall expire on or after the 45th day after the date the application is filed if:
 - i. The Director provides the notice described in §2.4.3F.2.a, above; and
 - ii. The applicant fails to provide the specified documents or other information required to resolve identified deficiencies within 45 days following notice.
- d. If an application expires, the Town shall not process the application. The applicant shall file a new application and pay the required fees to have their request processed.

3. Time Limits Triggered by Complete Application

Whenever this article establishes a time period for processing an application, the time period does not begin until the Director has reviewed the application for completeness and the applicant has corrected all deficiencies in the application. The fact that a Town employee reviewed an application to determine whether it is complete shall not be binding on the Town as the official acceptance of the application for filing.

4. Appeal of Application Completeness Determination

If the application is determined to be incomplete, the applicant may appeal that decision in writing within 10 calendar days of the determination to the Board of Zoning Adjustment pursuant to §2.10.5: *Appeal of Administrative Decision*.

G. Concurrent Applications

Review and decision-making bodies considering applications submitted simultaneously shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.

H. Application Withdrawal

1. After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Director.
2. An applicant is not entitled to a refund of application fees for withdrawn applications; however, the Director may refund fees where staff review or public notice has not been substantially initiated for the application.
3. If an applicant fails to respond to staff comments within 45 days, or an application is otherwise determined by the Director to be inactive for a period of 45 days, then the application is no longer valid.

I. Resubmittal of an Application

A development application denied by the Town, or approved and subsequently revoked pursuant to §1.7, *Enforcement*, may be resubmitted only if the applicant makes significant changes to address the reasons stated for the denial or revocation. The Director will determine if the changes are sufficient to allow a resubmittal.

2.4.4 Staff Review⁸⁵

A. Referral to Staff and Review Agencies

The Director shall distribute the complete application to appropriate staff and review agencies.

B. Staff Review and Application Revisions

Staff shall review the application and shall consult with applicable Town departments and other participating reviewing agencies. Staff shall submit recommendations and comments to the applicant in a form established by the Director. The application shall not move forward for further review until the Director determines that the applicant has adequately responded to the Town's recommendations and comments, or the applicant requests that the application move forward without responding to the Town's recommendations and comments.

C. Applications Subject to Staff Recommendation

1. Staff Report

If an application is subject to staff review and recommendation to the Planning and Zoning Commission, Board of Zoning Adjustment, and/or City Council per §2.3: *Summary Table of Review Procedures*, staff shall prepare a written staff report that summarizes the proposal, findings, and recommendations.

⁸⁵ This content is new and is intended to provide more direction and clarity to code users regarding staff's role in processing applications in Addison.

2. Distribution and Availability of Application and Staff Report

The Director shall submit a copy of the staff report to the review and/or decision-making body and shall make the staff report and related application materials available for public review prior to the hearing at which the application is scheduled to be heard.

D. Applications Subject to Staff Decision

1. Decision

If an application is subject to staff review and a final decision by the Director per §2.3: *Summary Table of Review Procedures*, the Director shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or for conditions of approval.

2. Appeals

Appeals of administrative decisions may be made pursuant to §2.10.5: *Appeal of Administrative Decision*.

3. Referrals to Planning and Zoning Commission

- a. If §2.3: *Summary Table of Review Procedures*, authorizes the Director to make a decision, and the Director determines that the application is unusually complex or raises potentially unique or serious impacts on the Town or the surrounding neighborhoods, the Director may refer the application to the Planning and Zoning Commission for decision pursuant to the same criteria under which the Director would have been required to apply to that application.
- b. In cases where the Director refers the decision to the Planning and Zoning Commission, all applicable noticing requirements per §2.4.5: *Scheduling and Notice of Public Hearings*, shall apply.

2.4.5 Scheduling and Notice of Public Hearings⁸⁶

A. Scheduling

- 1. If an application is subject to a public hearing per §2.3: *Summary Table of Review Procedures*, the Director shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate review and/or decision-making body.
- 2. The public hearing shall be scheduled to allow sufficient time to prepare a staff report per §2.4.4.
- 3. The Development Services Department website shall include a submittal and review schedule that the Town will follow if the applicant submits a complete application that addresses staff review feedback by the deadline established for each step in the submittal and review process. The submittal and review schedule is based on time frames established by state statute for reviewing agency response times and minimum requirements for notice of public hearings.

B. Notice Format and Content

1. Content of Mailed and Published Notices

At a minimum, required notice shall:

- a. Identify the application by type and case number;
- b. Describe the land involved by street address, or by legal description and the nearest cross street, and project area (size) that is the subject of the application;
- c. Provide a general description of the proposed project;
- d. Specify the date, time, and location of the hearing being noticed;
- e. Include a telephone number, email address, and/or website for additional information;

⁸⁶ This content is new and is intended to provide more direction and clarity to code users regarding public hearing noticing requirements and procedures in Addison.

Article 2: Administration and Procedures

2.4 Common Review Procedures

2.4.5 Scheduling and Notice of Public Hearings

- f. Include a statement that the public may appear at the public hearing or be heard and submit evidence and written comments with respect to the application; and
- g. Provide any additional information as may be required by the Administrative Manual or state law.

2. Mailed Notice

Applications requiring mailed notice in accordance with this UDC shall comply with the following:

- a. Notice of a public hearing shall be sent to the owner of the property for which the approval is sought.
- b. Notice of a public hearing shall be sent to all owners of property, as indicated by the most recently adopted municipal tax roll, that is located within 200 feet of any property affected by the proposal.
- c. Notice of a public hearing shall be sent to any other parties entitled to receive written notice by mail under state law.
- d. The mailed notice will be postmarked at least 11 days prior to the date of the public hearing at which the item will be considered.
- e. The notice may be served by using the last known address as reflected by the Dallas Central Appraisal District, and depositing the notice, properly addressed and postage paid, in the United States mail.

3. Posted Notice

Applications requiring posted notice in accordance with this UDC shall comply with the following:

- a. The Town shall post the required number of notification signs on the subject property at least 10 days prior to the date of the public hearing before the Planning and Zoning Commission.
- b. The signs shall be posted at a prominent location adjacent to a public street and be easily visible from the street.
- c. Photos of the posted notification signs and a required affidavit shall be provided to the Development Services Department in accordance with the Administrative Manual.
- d. The applicant is responsible for maintaining the required number of notification signs posted on the subject property until final action is taken on the application by the City Council.
- e. Signs shall be constructed and posted in accordance with the Administrative Manual.
- f. Signs shall include the following information:
 - i. Type of application
 - ii. Public hearing requirement
 - iii. Town logo
 - iv. Website and phone number to learn more about the application.
- g. The signs shall be removed within five days after final action on the application by the City Council.
- h. It is unlawful to intentionally or knowingly remove a notification sign that has been posted pursuant to this UDC, or to in any way tamper with or conceal the sign message.

4. Published Notice

Applications requiring published notice in accordance with this UDC shall comply with the following:

- a. When published notice is required, the Director shall prepare the content of the notice and publish the notice in an official newspaper or a newspaper of general circulation in the town. The content and form of the published notice shall be consistent with the requirements of the applicable provisions of state law.
- b. The first date of the publication shall be at least 16 days prior to the date of the public hearing at which the item will be considered.

C. Public Hearing Notice

All public hearings required by this UDC shall be preceded by the notices identified in the table below. Procedures not listed in the table do not require public hearing notice.

Table 2.4-1: Summary of Public Notice Requirements			
Application Type	Published ^[1]	Mailed ^[2]	Posted ^[3]
Rezoning, Zoning Text and Plan Amendments			
Special Use Permit	✓	✓	✓
Rezoning	✓	✓	✓
Rezoning to Planned Development	✓	✓	✓
Zoning Text Amendment	✓	n/a	n/a
Comprehensive Plan Amendment	✓	n/a	n/a
Annexation	[4]	[4]	[4]
Site Planning and Miscellaneous Permits			
Major Site Plan	✓	✓	n/a
Platting of Land			
Preliminary Plat	✓	✓	✓
Replat	Depends on application type	Depends on application type	Depends on application type
Flexibility & Relief			
Variance	n/a	✓	✓
Minor Modification ^[5]	✓	✓	✓
Appeal Of Administrative Decision ^[5]	✓	✓	✓
Notes:			
^[1] 16 days prior to hearing or such longer period as may be required by state law.			
^[2] Within 200 feet and 11 days prior to hearing or such longer period as may be required by state law.			
^[3] 10 days prior to hearing or such longer period as may be required by state law.			
^[4] In accordance with Texas Local Government Code Chapter 43.			
^[5] If required by the applicable subsection of S2.10: <i>Flexibility and Relief Procedures</i> .			

D. Constructive Notice

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in a notice shall be limited to non-substantive errors in a property description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed.
2. Failure of a party to receive notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this UDC.
3. In addition to notice by the means set forth above, the Town may give notice of the hearing in a specific case in such other manner as it deems necessary or appropriate.

E. Protest Procedures

A proposed zoning action may be protested pursuant to Chapter 211 of the Texas Local Government Code and the requirements below. A valid, written protest shall require an affirmative vote of at least three-fourths of all members of the City Council for approval of the protested zoning action.

1. Submittal Requirements

- a. A written protest may be submitted by property owners of lots or land either covered by the proposed change or located within 200 feet of the area covered by the proposed change.
- b. A written protest shall be submitted on a form provided by the City and shall contain the following information:
 - i. description of the zoning case at issue;
 - ii. Email and phone number of the protest petitioner(s);
 - iii. The names and original signatures of all persons protesting the proposed zoning action; and
 - iv. A description or address of the area of lots or land owned by the protesting parties.
- c. The written protest form must be signed by the owner of the property, or by their authorized representative. The signature of any one owner of a property with multiple owners shall bind the entire property to the protest.
- d. In the case of a property owned by a corporation, the protest must be signed by the president, a vice president, or by an attorney-in-fact authorized to sign the protest on behalf of the corporation. In the case of a property owned by a general or limited partnership, the protest must be signed by a general partner or by an attorney-in-fact authorized to sign the protest on behalf of the partnership.
- e. For condominium lots or land to be included in calculating the lots or land area protesting a zoning action, the written protest form must state that the governing body of the condominium has authorized a protest in accordance with procedures required by its bylaws, and that the person signing the protest is authorized to act on behalf of the governing body of the condominium. A written protest signed by the owner of an individual condominium unit shall not be accepted unless the filing party produces legal documents governing the condominium which clearly establish the right of an individual owner to act with respect to the owner’s respective undivided interest in the common elements of the condominium.
- f. Except for those properties owned by corporations or jointly owned by multiple people as described in provisions d and e of this subsection, all signatures on a written protest form shall be notarized or witnessed. The notary requirement is fulfilled if the person who obtains the signatures signs a certification stating that:
 - i. They witnessed those signatures; and
 - ii. The signatory represented their authority to sign the petition.
- g. In all cases where a written protest form has been properly signed pursuant to this subsection, the City shall presume that the signatures are authentic and that the persons or officers whose signatures appear on the protest form are either owners of the property or authorized to sign on behalf of one or more owners as represented. The City Attorney may advise the City Council that this presumption of validity should not be followed in a specific case based on evidence presented.

2. Filing Deadline

- a. A written protest must be filed with the City Secretary before 5:00 p.m. of the 4th working day prior to the City Council public hearing when the proposed zoning action is scheduled to be acted upon. For example, a written protest must be received by 5:00 p.m. on the Wednesday prior to a regularly scheduled Tuesday City Council meeting. A written protest form sent through the mail must be received by the City Secretary before the deadline.

- b. Before the public hearing on the zoning action begins, the filing deadline for a protest is automatically extended whenever the public hearing is re-advertised in the official newspaper of the City pursuant to statutory notice requirements.
- c. After the public hearing has begun, the filing deadline may only be extended by calling a subsequent public hearing and advertising that public hearing in the official newspaper of the City pursuant to statutory notice requirements or if the item is tabled or continued. In such a case, the new filing deadline is noon of the 2nd working day immediately preceding the newly advertised public hearing date or the date to which the item is tabled or continued. For example, the written protest must be received by 12:00 p.m. on the Friday prior to the newly scheduled Tuesday City Council meeting.

3. Withdrawal of Protest Signature(s) or Protest Form(s)

- a. A protest, once filed, remains in effect unless withdrawn in accordance with this subsection, irrespective of any amendments made to the zoning proposal. Requests to withdraw a protest form or individual protest signature(s) that have been filed must be in writing and filed with the City Secretary before the filing deadline.
- b. The provisions of this subsection governing the form and filing of protests apply equally to withdrawals.

4. Conflicting Submissions

If multiple protests and withdrawals are filed on behalf of the same owner, the submission with the latest date and time of execution controls.

2.4.6 Review and Decision⁸⁹

A. Hearing, Review, and Decision

- 1. The application shall be subject to hearings, review, recommendations, and decisions as indicated in §2.3: *Summary Table of Review Procedures*.
- 2. If the application is subject to a public hearing, the applicable review and/or decision-making body shall hold a public hearing in accordance with §2.4.5: *Scheduling and Notice of Public Hearings*.
- 3. The City Council may hold a joint public hearing with the Planning and Zoning Commission as provided for by state law. In case of a joint hearing, the City Council may not act on the request until it receives the report of the Planning and Zoning Commission.⁹⁰
- 4. The applicable review and/or decision-making body shall consider the following:
 - a. The application and supportive material submitted by the applicant;
 - b. The testimony of the applicant;
 - c. The testimony of the public during the public hearing, when applicable;
 - d. The Development Services Department staff report; and
 - e. Such other additional information as may be required by the review and/or decision-making body to evaluate the application.
- 5. The applicable review and/or decision-making body may approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures in §2.5 through 2.10. The review and/or decision-making body may also continue the hearing in accordance with the review and/or decision-making body's adopted rules and procedures.
- 6. If the review involves a quasi-judicial hearing, the recommendation or decision (as applicable) shall be based only on the record of the public hearing; shall be in writing; shall include findings of fact based on competent, material, and substantial evidence presented at the hearing; shall reflect the

⁸⁹ This content is new and is intended to provide more direction and clarity to code users regarding review and decision-making processes in Addison.

⁹⁰ New.

determination of contested facts; and shall state how the findings support compliance with applicable review standards.

7. The applicable review and/or decision-making body shall clearly state the factors considered in making its recommendation or decision, as well as the basis or rationale for the recommendation or decision.
8. All approvals and decisions under this UDC require the weighing of facts and applicable laws and regulations and thus are discretionary, unless clearly indicated otherwise by the use of wording requiring ministerial, non-discretionary approval (e.g., “shall issue,” or “shall approve” upon request).

B. Public Hearing Procedures

Whenever a public hearing is required by this UDC, the following public hearing procedures shall apply:

1. Conduct of Public Hearings

a. Generally

Any person can appear at a public hearing and testify or submit evidence. Each person appearing at a public hearing must be identified by name and address.

b. Exclusion of Testimony

If necessary, the review or decision-making body conducting the public hearing can establish time limits for testimony and may exclude testimony or evidence that is irrelevant, immaterial, or repetitious.

c. Tabling of Public Hearing

The review or decision-making body conducting the public hearing can, on its own motion or at the request of any person, table the public hearing to a specified date. Tabling may occur more than once. However, tabling for more than 40 days without the applicant's consent is not permitted. Every effort must be made to conduct each public hearing expeditiously and without undue delay.

2. Public Hearing Order of Proceedings

The order of proceedings at a public hearing will be as follows. The applicable review and/or decision-making body may adjust this order as necessary.

a. Narrative and Description

The Director presents a narrative and/or graphic description of the project.

b. Staff Report

The Director presents a staff report addressing compliance with relevant Town plans and standards contained in this UDC and the recommendations of review boards and commissions.

c. Applicant Presentation

The applicant may present testimony or evidence in support of the project.

d. Public Testimony

The public may present evidence and testimony concerning the proposed project.

e. Applicant Response

The applicant may respond to any evidence or testimony presented by the public.

f. Town Staff Response

The Director, City Attorney, or any other Town staff may respond to the evidence and testimony offered by the applicant and the public as well as questions from the review or decision-making body.

g. Decision of Review or Decision-Making Body

The review or decision-making body makes its decision or recommendation to approve, approve with conditions or deny the application.

h. Notice of Decision

The Director notifies the applicant in writing of the review or decision-making body decision within a reasonable time after the decision.

i. Record

The audio and/or video of the hearing, minutes, all applications, exhibits, and papers submitted during the proceedings, Development Services Department files, staff report, and decision of the review or decision-making body constitute the complete record. The record will remain in the possession of the Director.

C. General Approval Criteria

1. Generally

- a. Unless otherwise specified in this UDC, Town review and decision-making bodies shall review all development applications submitted pursuant to this article for compliance with the general review criteria stated below.
- b. The application may also be subject to additional review criteria specific to the type of application, as set forth in §2.5 through 2.10.
- c. If there is a conflict between the general review criteria in this section and the specific review criteria in §2.5 through 2.10, the specific review criteria in §2.5 through 2.10 control.

2. Compliance with UDC and Other Applicable Plans Regulations

The proposed use and development shall comply with all other Town regulations and with all applicable regulations of the federal or state governments and other relevant entities with jurisdiction over the property or the current or proposed use of the property, including but not limited to this UDC, the Comprehensive Plan, and where applicable, other master plans and Town-wide studies.

3. Compliance with Prior Approvals

The proposed use and development shall be consistent with the terms and conditions of any prior land use, plan, or plat approval for all or part of the property that is in effect and not proposed to be changed. This includes consistency with any approved phasing plan for development and installation of public improvements and amenities.

4. Compliance with Phasing Plans

If the proposal involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

D. Conditions of Approval

- 1. Where this UDC authorizes a review and/or decision-making body to approve or deny an application subject to applicable criteria, the review and/or decision-making body may approve the application with conditions necessary to bring the proposed development into compliance with this UDC or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
- 2. All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the Town. Such conditions may include those necessary to carry out the purpose and intent of the Comprehensive Plan, other adopted plans, and this UDC.

3. During its consideration, the review and/or decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate the federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the review and/or decision-making body unless and until the review and/or decision-making body takes formal action to attach that condition to a development approval.
4. Unless otherwise provided in this UDC, any representations of the applicant in submittal materials or during public hearings shall be binding as conditions of approval.
5. Any conditions shall be listed in or attached to the approval document, and violation of any approved condition shall be a violation of this UDC.

2.4.7 Post-Decision Actions and Limitations⁹²

A. Notice of Decision

1. Within 10 days after a final decision on an application, the Director shall provide written notification of the decision via personal delivery, electronic mail, or first-class mail to the applicant and make a copy of the decision available to the public in the Development Services Department.
2. If the review involves a quasi-judicial hearing, the Director shall, within 10 days after a final decision on the application, also provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision before its effective date.

B. Effect of Approval

1. Approval of any development application in accordance with this Code, whether granted or deemed granted by expiration of a "shot clock," authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application.
2. Approvals, whether granted or deemed granted, do not vary or change this Code or excuse non-compliance, extent to the extent specified in a variance, interpretation, special exception, or amendment that is duly approved in writing by the authorized decision-maker.
3. If one development permit or approval is a prerequisite to another permit or approval (e.g., variance approval prior to a site plan approval), development may not take place until all required permits and approvals are obtained. Approval of one application does not necessarily guarantee approval of any subsequent application.

C. Appeal

1. A party aggrieved or adversely affected by any decision by the City Council, Planning and Zoning Commission, or Board of Zoning Adjustment may seek review of the decision in accordance with applicable state law.
2. A party aggrieved by other final decisions may appeal the decision in accordance with the procedures and standards in Section 2.10.5: *Appeal of Administrative Decision*.

D. Expiration and Revocation of Approval

1. Expiration of Approval

Approval under this article may be granted subject to a schedule of development or set time period of no earlier than the fifth anniversary date of the approval for development of specific improvements, and/or establishment of a special use or uses for which the approval is requested. Approval shall expire at the end of this period or, if a specific time period is not specified, after two years following the date upon which the final approval became effective, if none of the following have occurred:

⁹² This content is new and is intended to provide more direction and clarity to code users regarding what happens after an application has been acted on.

- a. The subject property has been improved for the development for which it was approved, and a building permit has been issued and construction commenced and is being diligently pursued toward completion of the site for which the approval was originally granted; or
- b. A Certificate of Occupancy has been issued for structure(s) that were the subject of the application; or
- c. The site has been occupied for a permitted use if no building permit or Certificate of Occupancy is required.
- d. For purposes of this subsection, progress towards completion of the project is as defined in Chapter 245 of the Texas Local Government Code.

2. Revocation of Approval

Upon expiration, the approval shall be considered revoked, unless a request for a time extension is made by the applicant to the Director at least 15 days prior to the date of the expiration of the original approval in accordance with established application submittal scheduling requirements. The applicant is responsible for keeping track of application expiration dates.

3. Request for Extension of Approval

Unless otherwise specified in a specific procedure, the original approval body may grant extensions of the expiration time period for up to one year, following a written request to the Director for such extension prior to the expiration date. The request shall include reasonable cause for an extension.

E. Modification or Amendment of Approval

1. Minor Changes Allowed

Development authorized by any approval under this article may incorporate minor changes from the approved plan, permit, or conditions of approval, as appropriate, without the need for a new application, subject to the limitations below.

- a. Authorized minor changes are limited to those that appear necessary in light of technical or engineering considerations first discovered during the preparation of final engineering and building plans and were not reasonably anticipated during the initial approval process, as long as they comply with the standards of this UDC and any other applicable approval conditions or design criteria.
- b. Minor changes may include minor deviations in the building footprint or relocation of infrastructure (roads and water or sewage lines) so long as the relocation complies with the conditions of any approval and this UDC.
- c. Minor changes shall not include reductions in the amount of open space, buffering, or increases in building floor area.
- d. The Director shall determine that the proposed minor changes:
 - i. Comply with the standards of this UDC and applicable design criteria;
 - ii. Are necessary to meet conditions of approval; and
 - iii. Would not significantly alter the function, form, intensity, character, demand on public facilities, or impact on adjacent properties as approved.

2. Major Changes

Any modification of an approved plan, permit, or condition of approval that the Director determines does not meet the criteria in paragraph 1 above shall require a new application that is submitted and reviewed in accordance with the applicable procedure and fee requirements.

F. Limitation on Subsequent Similar Applications

Following denial of an application, the decision-making body shall deny any applications that are the same or substantially similar within one year of the previous denial. This waiting period may be waived by the decision-making body provided that:

1. There is a substantial change to circumstances, or new information available, relevant to the issues or facts considered during the previous application review; or
2. The new application is materially different from the previous application, as determined by the Director.

G. Site Development Permit

Prior to the commencement of any improvements associated with an approved project, the applicant must obtain all necessary site development permits from the Town.

H. Building Permits⁹³

All applications for building permits shall be accompanied by an accurate plat and approved development plan in accordance with the Town’s administrative procedures.

I. Certificate of Occupancy⁹⁴

1. Compliance Required

No building hereafter erected or structurally altered shall be used, occupied, or changed in use until a certificate of occupancy has been issued by the Building Official or Director.

2. Procedures

- a. Certificates of occupancy shall be applied for following the approval of the necessary building permits for each project type and shall be issued within 10 days after the erection or structural alteration of such building shall have been completed in conformity with the provisions of this UDC.
- b. Certificates of occupancy shall be applied for following a change in ownership or tenant of buildings requiring a building permit.⁹⁵
- c. No permit for excavation for any building shall be issued before application has been made for a site development permit.

3. Record of Certificate of Occupancy

A record of all certificates shall be kept on file in the Development Services Department and copies shall be furnished in accordance with the Town’s administrative procedures upon request to any person having a propriety or tenancy interest in the building affected.

⁹³ From current Article XXVII Sec. 1. We did not carry forward the submittal requirements for the plat – these should be relocated to the administrative manual.

⁹⁴ Replaces current Article XXVI, Sec. 1.

⁹⁵ New.

2.5 Rezoning, Zoning Text, and Plan Amendment Procedures

2.5.1 Special Use Permit⁹⁷

A. Purpose

The Special Use Permit review procedure provides a mechanism for the Town to evaluate proposed development and land uses that have unique or widely varying operating characteristics or unusual site development features to ensure compatibility with surrounding areas and the goals of the Comprehensive Plan and this UDC. The procedure considers the location, design, configuration, intensity, density, natural hazards, and other relevant factors pertaining to the proposed use to evaluate the potential impacts of such uses on surrounding properties and to ensure that such uses are compatible with surrounding properties and that adequate mitigation is provided to minimize potential impacts on those surrounding properties and/or the Town.

B. Applicability

Special use permit review is required for certain land uses and zoning districts as specified in [Table ---⁹⁸](#). Special use permit review approval is also required for modification or expansion of an existing special use.

C. Special Use Permit Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Special Use Permit applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

a. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

⁹⁷ Replaces current Appendix A, Article XX and the “conditional use permit” procedures applicable to the UC zoning district located in Appendix A, Article XIX, Sec. 10.

⁹⁸ Link to Table of Allowed Uses to be added in Consolidated Draft.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.1D: *Review Criteria* and shall forward its recommendation to the City Council.

b. City Council Review and Decision

The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.5.1D: *Review Criteria*, and in consideration of the following:

- i. Whether the request complies with all site specifications adopted by the City, including the base zoning district and/or the PD entitlements;
- ii. Whether the site, buildings, and use meet the criteria specified for the use in §---, *Use-Specific Standards*;
- iii. Whether the proposed use will be detrimental to the adjacent properties or to the City as a whole;
- iv. Whether the proposed uses are compatible in terms of scale (building massing, form, orientation, and location), intensity, and operating characteristics with uses and structures on adjacent properties and properties in the vicinity of the proposed application; and
- v. Whether potential impacts associated with such use are adequately mitigated through enhanced site or building design, including but not limited to additional landscaping, buffers, or screening, to minimize adverse impacts on surrounding uses and the City.

6. Post-Decision Actions and Limitations¹⁰¹

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply with the following modifications:

a. Lapse of Permit

If no building permit has been issued within one year of date of approval of the Special Use Permit, such permit shall lapse and construction shall not be permitted, nor use be established, until a new application for Special Use Permit is submitted and approved for the intended use.

b. Extension

If the applicant requests an extension of the Special Use Permit in writing at least 60 days prior to the date of lapse to the City Council, the City Council shall consider such extension request, prior

¹⁰¹ From current Appendix A, Article XX, Sec. 1 and Article XIX, Sec. 10.

to the expiration date. For good cause shown, the permit may be extended for a period not to exceed one year.

c. Effect

Every Special Use Permit granted under the provisions of this article shall be considered as an amendment to the zoning ordinance as applicable to such property.

d. Certificate of Occupancy

In granting such permit the City Council may impose conditions that shall be complied with by the grantee before Certificate of Occupancy may be issued by the Building Official for the use of the buildings on such property pursuant to said Special Use Permit. Such conditions shall not be construed as conditions precedent to the granting of a Special Use Permit for the change in zoning of such property but shall be construed as conditions precedent to the granting of the Certificate of Occupancy.

e. Revocation

The City Council may revoke approval of a special use permit pursuant to §1.7, *Enforcement*, if it determines that the conditions of the approval have not been met or if the plan contains, or is based upon, incorrect information which affects a significant health or safety interest.

D. Review Criteria

In reviewing a proposed Special Use Permit application, the review and decision-making body shall consider the general approval criteria in paragraph 2.4.6C: *General Approval Criteria*, and if the proposed Special Use Permit:

1. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity shall exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, streets, potable water, sewer, stormwater management infrastructure, schools, public safety, fire protection, parks, trails, open space, and recreation features, and vehicle/pedestrian connections and access within the site and to adjacent properties.

2. Minimizes or Mitigates Adverse Impacts

- a.** The proposed use and development shall not result in the excessive destruction, loss, or damage of any natural, scenic, or historic feature of significant importance, as determined by the Town.
- b.** The proposed development shall not cause significant adverse impacts on surrounding properties nor create a nuisance by reason of noise, smoke, odors, vibrations, or objectionable lights.
- c.** The hours of operation, outside lighting, and trash and waste collection shall not pose a hazard, hardship, or nuisance to the neighborhood.
- d.** The applicant shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the pre-submittal neighborhood meeting process for the specific use proposal.

2.5.2 Rezoning¹⁰²

A. Purpose

Under the provisions of Texas Local Government Code Chapter 211, the City Council is authorized to amend by ordinance the boundaries of the various zoning districts. The Rezoning procedure is intended to make amendments to the Official Zoning Map of the Town of Addison to reflect changes in public policy,

¹⁰² Replaces current Article XXIX, Sec. 1 through Sec. 16.

changed conditions, or to advance the welfare of the Town. The purpose is neither to relieve particular hardships nor to confer special privileges or rights on any person.

B. Applicability

1. A Rezoning may be approved by the City Council following review and recommendation by the Planning and Zoning Commission.
2. Rezonings should not be used when a Special Use Permit, or Minor Modification could be used to achieve a similar result.
3. Changes to the characteristics of zoning districts (such as setback requirements) and development standards (such as parking requirements) shall be processed as Zoning Text Amendments according to §2.5.4: *Zoning Text Amendment*.
4. A Rezoning to a Planned Development is a distinct type of amendment to the Official Zoning Map and shall follow the procedures in §2.5.3: *Rezoning to Planned Development*.

C. Zoning Map Amendment Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of zoning map amendment applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

a. Pre-application conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing¹⁰³

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

¹⁰³ Did not carry forward the content of application requirements in current Article XXIX, Sec. 8. We recommend this material be relocated to an Administrative Manual outside of the UDC.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*, with the following modifications:

5. Review and Decision

The application shall be reviewed and decided upon by the Planning and Zoning Commission and City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.2D and shall forward its recommendation to the City Council.

b. City Council Review and Decision

The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.5.2D.

6. Post-Decision Actions and Limitations¹⁰⁴

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

- a. If a written protest against such proposed amendment has been filed pursuant to §2.4.5E, *Protest Procedures*, the amendment shall not become effective except by the favorable vote of six of the seven members of City Council.
- b. Where there is not a written protest against such a proposed amendment, supplement or change, and the decision of the Planning and Zoning Commission is for denial, a three-fourths vote of all of the City Council shall be required to overrule the decision of the Planning and Zoning Commission.
- c. Following approval of a Rezoning by City Council, the Director shall prepare a revision to the Official Zoning Map.

D. Review Criteria¹⁰⁵

In reviewing a proposed rezoning application, the review and decision-making body shall consider if the proposed rezoning application:

- a. Is consistent with the Comprehensive Plan and the purposes of this UDC;
- b. Is consistent with the purpose statement of the proposed zoning district;
- c. There have been significant changes in the area to warrant a zoning change;
- d. The intensity of development in the new zoning district is not expected to create significantly adverse impacts to surrounding properties or the neighborhood; and
- e. Public facilities and services are available to adequately serve the subject property while maintaining adequate level of service to existing development; and/or:
- f. There was an error in establishing the current zoning.

¹⁰⁴ Paragraphs (i) and (ii) are from current Article XXIX, Sec. 4. Replaced "governing body" with "City Council."

¹⁰⁵ New. For discussion purposes, these are review criteria we have drafted for other communities.

2.5.3 Rezoning to Planned Development (PD)

Commentary:

This section replaces and collapses several stand-alone procedures related to the review of concept, preliminary, and final development plans in the current MXR district; UC district; Belt Line district; and general Planned Development (PD) procedures. As recommended in the Assessment Report, this draft formalizes a uniform two-step approach to establishing a PD district and corresponding PD plan and PD agreement, rather than having discrete processes for different areas of the Town. This refined procedure is intended to simplify and streamline an otherwise complicated PD review process. This draft also introduces clearer and more objective standards and approval criteria to help review and decision-making bodies evaluate the merits of a PD request.

The following are the sections from the existing ordinance that help provide the foundation for this new section but that are intended to be replaced by this new procedure:

General PD procedure (Article XV). Single-step process requiring a Rezoning and concurrent development plan approval subject to review and recommendation by the Planning and Zoning Commission and final approval by the City Council.

MXR zoning district procedure (Article XVIII, Sec. 4). Two-step process (Concept Plan approval and development plan approval). Both steps require Planning and Zoning Commission review and recommendation and City Council approval.

UC zoning district procedure (Article XIX, Sec. 7; Sec. 8; and Sec. 9). Three-step process (concept review (concurrent with Rezoning), preliminary development plan approval, and final development plan approval). All three steps require Planning and Zoning Commission review and recommendation and City Council approval.

Belt Line zoning district process (Article XIX.A, Sec. VIII). Two-step process (concept review (concurrent with Rezoning, making direct reference to the procedures for the UC district), and development plan approval). The concept review and Rezoning require Planning and Zoning Commission review and recommendation and final review by the City Council. This procedure differs from the MXR and UC district standards because the City Manager is authorized to approve development plans (after concept approval); however, if a major amendment is requested as part of the development then that triggers review and recommendation by the Planning and Zoning Commission and final approval by the City Council. This procedure includes a two-tiered approach to waivers of development standards – minor and major. The City Manager is authorized to approve minor waivers, while major waivers require a public hearing before the Planning and Zoning Commission and City Council.

A. Purpose

The Rezoning to Planned Development (PD) procedure is intended to achieve greater flexibility than allowed by the strict application of this UDC, and to encourage unique or innovative land use concepts, while providing greater benefit to the Town and to ensure efficient provision of services and utilities. The Rezoning to PD procedure shall not be used when a Special Use Permit, Variance, Minor Modification, or Rezoning to an existing base zoning district could achieve a similar result.

B. Applicability

1. This procedure applies to new PD proposals, and to any proposed amendment to an existing PD that would affect either the text of the PD district ordinance or the general layout of any element of the preliminary PD plan, and that does not contain its own amendment procedures or qualify for approval pursuant to §2.10.3: *Minor Modification* 2.10.2.
2. Any property owner in a zoning district other than the M-4 or M-5 zoning district¹⁰⁶ may propose a PD zoning district in accordance with these procedures.
3. A parcel proposed for a PD is not required to be under single ownership. However, if not under single ownership, the multiple owners shall all consent to the development of their individual properties consistent with the requirements of the proposed PD district ordinance. Any transfer of land within the

¹⁰⁶ The M-4 and M-5 zoning districts are called out here to be consistent with the standards drafted in Part 1 (2.7.2B) prohibiting the establishment of a PD in the M-4 and M-5 districts.

Article 2: Administration and Procedures

2.5 Rezoning, Zoning Text, and Plan Amendment Procedures

2.5.3 Rezoning to Planned Development (PD)

development resulting in ownership within the development by two or more parties after an application has been filed shall not alter the applicability of the regulations contained in this UDC.

4. All applications that involve subdivision of a lot or parcel shall also be subject to the platting procedures in §2.9: *Platting Procedures*.

C. Overview of Two-Step PD Process

Evaluation and approval of an application for Rezoning to PD shall occur in two phases, each of which is further detailed in the sections that follow.

1. Preliminary PD Concept Plan

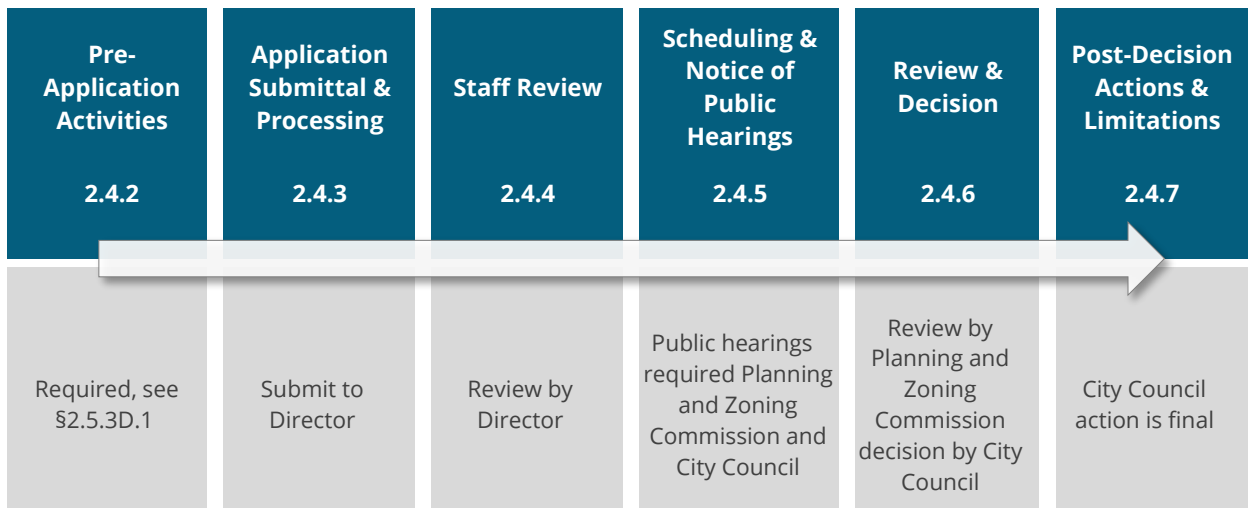
- a. The purpose of the Preliminary PD Concept Plan is to allow the applicant, the Town, and the public to evaluate and discuss basic concepts of the proposed PD and to consider whether the development of the property as a PD will result in a significant improvement over its development within a base zoning district.
- b. The review and consideration of the preliminary PD plan provides the opportunity to discuss and evaluate conceptual issues such as the appropriate number and types of residential units and commercial area; the types of uses and dimensional standards; the development standards applicable to the site; the general locations intended to be developed; and the initial planning for delivery of utilities and infrastructure and whether they will be provided on-site and/or connected to public systems.
- c. The outcome of the Preliminary PD Concept Plan review shall be an identification of issues and concerns that the applicant shall address to receive approval for a Final PD Site Plan from the Town.

2. Final PD Site Plan

The purpose of the Final PD Site Plan is for the applicant to respond to the issues raised during the review of the Preliminary PD Concept Plan and to prepare detailed engineering solutions to those issues and concerns that conform to the approved Preliminary PD Concept Plan.

D. Preliminary Planned Development (PD) Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of preliminary PD applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

a. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing¹⁰⁷

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

a. Preliminary PD Concept Plan

The complete Preliminary PD Concept Plan submittal requirements are identified in the Administrative Manual. At a minimum, the Preliminary PD Concept Plan shall indicate the following:

- i. Analysis as to why other flexibility and relief procedures in this UDC are not sufficient to accommodate the proposed development.
- ii. For the proposed development, the following characteristics, as applicable:
 - a. Description of the existing conditions of the site;
 - b. Statement of consistency with the Comprehensive Plan;
 - c. General site characteristics including but not limited to topography, utility corridors/easements, drainage patterns, significant natural features, or other details deemed necessary by the Director;
 - d. Proposed land uses, including the approximate number and type of residential units and the approximate square footage and type of nonresidential uses;
 - e. Floor area of proposed buildings;
 - f. General site planning layout, including vehicular and pedestrian access, open space, landscape area, and streetscape;
 - g. Preliminary façade plans such as conceptual renderings and/or precedent imagery, as determined by the Town;
 - h. Proposed public improvements;
 - i. Proposed deviations from this UDC; and
 - j. Proposed phasing schedule, if applicable.

b. PD Agreement

- i. The PD agreement shall specify the terms and conditions defining the development parameters and provide for management and maintenance of development.
- ii. The agreement shall establish the responsibility of the developer to design and construct or install required and proposed on- and off-site public facilities in compliance with applicable Town, state, and federal regulations. This shall include the responsibility to dedicate to the public the rights-of-way and easements necessary for the construction and installation of such improvements.

¹⁰⁷ We did not carry forward the detailed application submittal requirements listed in Article XIX, Sec. 8(B); Article XV, Sec. 5(2); or Article XIX, Sec. 7(B)(1). We recommend this list be relocated to and Administrative Manual outside of the UDC to allow for streamlined updates.

c. Phasing Plan

If development in the proposed PD is proposed to be phased, the Preliminary PD Concept Plan and agreement shall include a development phasing plan that includes the general sequence and timing of development, including types and number of units and the timing of infrastructure and public improvements.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.3F: *Review Criteria* and shall forward its recommendation to the City Council.

b. City Council Review and Decision

The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.5.3F: *Review Criteria*.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Expiration of Approval¹⁰⁸

- i. If a Final PD Site Plan has not been submitted within two years following approval of the Preliminary PD Concept Plan and PD agreement, the preliminary PD concept plan approval shall expire unless the property owner requests an extension prior to the expiration of the two-year period.
- ii. The Planning and Zoning Commission and City Council have the option to extend these time periods upon written request prior to the expiration. The burden is on the applicant to present evidence showing:¹⁰⁹
 - a.
 - b. Failure to proceed with development of the Final PD Site Plan was beyond the applicant's control;
 - c. The development complies with this UDC and the Comprehensive Plan; and
 - d. There is a reasonable likelihood that the next step in the development application will be submitted in the next calendar year.
- iii. Permitted time frames do not change with successive owners.

b. Effect of Approval

Approval of a Preliminary PD Concept Plan shall be deemed to authorize the applicant to submit to the Town an application for a Final PD Site Plan pursuant to the procedure below. It shall not

¹⁰⁸ Current Belt Line district standards.

¹⁰⁹ New. The proposed criteria to evaluate requests for time extensions is more objective.

constitute final approval for the PD. Preliminary PD concept plan approval vests no development rights.

E. Final Planned Development (PD) Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of final PD applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

a. Pre-application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

a. Plan Requirements¹¹⁰

The Final PD Site Plan submittal requirements are identified in the Administrative Manual. The Final PD Site Plan shall at a minimum include the following:

- i.** The location of individual development areas, identified by land use and development density and intensity;
- ii.** The land area, use types, and number of units by type;
- iii.** The location, amount, and type of common open space, parks, and recreation areas;
- iv.** The location of landscaping and installation plans;
- v.** The location of environmentally sensitive lands, wildlife habitat, areas of visual impact, and waterways;

¹¹⁰ We did not carry forward the detailed list of plan submittal contents in current MXR Article XVIII, Sec. 4(Q) or UC Article XIX, Sec. 9(B), we recommend this material be relocated to an Administrative Manual outside of the UDC to allow for more streamlined updates.

- vi. Tree inventory and tree preservation plan;
- vii. On-site circulation system, including the location of all public and/or private streets, drive aisles and fire lanes, existing transportation corridors, and pedestrian and bicycle paths and how they connect to existing and planned systems;
- viii. Final façade plans including colored elevations for each façade of all buildings proposed;
- ix. The location of water and wastewater facilities and how they will connect to existing and planned systems;
- x. The location of on-site storm drainage facilities and how they will connect to existing and planned systems;
- xi. The location of all other public facilities serving the development;
- xii. Provisions addressing how on- and off-site transportation, water, wastewater, stormwater management, and other public facilities will be provided to accommodate the proposed development;
- xiii. Any other provisions the Planning and Zoning Commission determine relevant and necessary regarding the development of the PD in accordance with applicable standards and regulations.

b. Public Benefit

An analysis of how the proposed PD addresses a demonstrated community need or otherwise results in one or more benefits that offset the impacts of the requested flexibility from the requirements of this UDC.

c. Conformance with the Preliminary PD Concept Plan and Agreement¹¹¹

The Final PD Site Plan shall conform to the approved Preliminary PD Concept Plan and agreement and any associated conditions of approval. If the Final PD Site Plan includes any of the following modifications from the Preliminary PD Concept Plan, then the application shall not be approved and a new application for a Preliminary PD Concept Plan shall be required.

- i. A reduction by greater than five percent of the open space proposed;
- ii. An increase by greater than 10 percent in the proposed commercial floor area;
- iii. An increase by greater than five percent of the approved number of residential dwelling units; or
- iv. Any change that is substantially inconsistent with a condition of the preliminary PD plan approval.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

¹¹¹ These criteria replace those found in current Article XIX, Sec. 12 that define a “minor amendment” to a development plan: “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 five percent; 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.” This also replaces the amendment and “minor” and “major” waiver standards in the current Belt Line standards found in Article XIX.A, Sec. III(C) and Article XIX.A, Sec. VIII(E). These revised criteria are for discussion purposes and may be revised in future drafts following discussion with staff and stakeholders.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

a. Planning and Zoning Commission Review and Recommendation

After receipt of the staff report, the Planning and Zoning Commission shall conduct a public hearing on the application for the Final PD Site Plan. The Planning and Zoning Commission shall recommend to the City Council to approve, approve with conditions, or deny the application for a Final PD Site Plan and agreement based on the criteria in Subsection 2.5.3F: *Review Criteria* and whether it conforms to the approved Preliminary PD Concept Plan.

b. City Council Review and Decision

After receipt of a recommendation from the Planning and Zoning Commission, the City Council shall conduct a public hearing on the application for the final PD plan and PD agreement. The City Council shall approve, approve with conditions, or deny the application for a final PD plan and agreement based on the criteria in Subsection 2.5.3F: *Review Criteria* and whether it conforms to the approved preliminary PD plan.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Map Revision

Following approval of a Rezoning to PD, the Director shall prepare an appropriate revision to the Official Zoning Map.

b. Effect of Approval¹¹²

Review of a Final PD Site Plan may be conducted simultaneously with Preliminary Platting review pursuant to §2.9: *Platting Procedures*, if applicable. Platting requirements otherwise applicable to the development may be waived by the Planning and Zoning Commission where it finds that such waiver is not in conflict with zoning district standards and regulations and the approved Preliminary PD Concept Plan.

c. Binding Approval

An approved Final PD Site Plan shall be binding upon the petitioner, their successors and assigns, and shall limit and control the issuance and validity of all certificates of zoning compliance.

d. Expiration of Approval¹¹³

- i.** If a building permit has not been obtained within two years following approval of the Final PD Site Plan, the Final PD Site Plan shall expire unless the property owner requests an extension prior to the expiration of the two-year period.
- ii.** If the Final PD Site Plan consists of more than a single use, the property owner must make substantial progress in obtaining building permits for the remainder of the uses authorized by the Final PD Site Plan, in accordance with an adopted phasing plan. The Planning and Zoning 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 City Council determines that significant progress is not being made, following notice and a public hearing, the City Council

¹¹² From current Article XVIII, Sec. 4 (S).

¹¹³ Replaces current Article XVIII, Sec. 4(T); and Article XIX, Sec. 13.

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2.5.3 Rezoning to Planned Development (PD)

may terminate the PD plan and PD agreement or may attach additional conditions to the extension of the PD plan or PD agreement.

- iii. The Planning and Zoning Commission and City Council have the option to extend these time periods upon written request prior to the expiration. The burden is on the applicant to present evidence showing:¹¹⁴
 - a. Failure to proceed with development of the PD plan was beyond the applicant's control;
 - b. The development complies with this UDC and the Comprehensive Plan; and
 - c. There is a reasonable likelihood that the next step in the development application will be submitted within the next calendar year.
- iv. Permitted time frames do not change with successive owners.

e. Reversion to Previous Zoning

If a Final PD Site Plan expires, the Director may initiate a Rezoning process to consider a reversion to the prior zoning designation.

f. Relationship to Code

Except as expressly provided otherwise in a Final PD Site Plan, all development of property within the PD district shall conform to all other standards of this UDC. If the approved Final PD Site Plan falls silent concerning a requirement but this UDC does not, the UDC shall be the controlling document. If the Final PD Site Plan conflicts with this UDC, the Final PD Site Plan shall control.

g. Amendments to Preliminary Concept and Final Planned Development Site Plan¹¹⁵

i. Generally

- a. The applicant or its successors may request amendments to the Preliminary PD Concept Plan and agreement or the Final PD Site Plan.
- b. Amendments to the approved Preliminary PD Concept Plan or Final PD Site Plan shall be delineated as major or minor amendments, according to the criteria set forth in this subsection.
- c. Amendments to the approved Preliminary PD Concept Plan or Final PD Site Plan will not affect development units not included in the proposed amendment.
- d. Upon receipt of a PD amendment application, the Director shall determine if the proposed amendment constitutes a major or minor amendment subject to the criteria in Sii and iii below.

ii. Major Amendments

- a. An amendment will be deemed major if it involves any one of the following:
 - i. A change in the overall PD district boundary;
 - ii. A significant change to the approximate boundary of one or more development unit(s) from that approved in the PD district, as determined by the Director. A change to an individual development unit generally shall be deemed to be significant if it represents a 10 percent increase to the approximate gross area of the development unit as approved in the PD district;
 - iii. An increase of five percent or more of the approved number of projected dwelling units or 10 percent of the gross leasable area (GLA) for an individual development unit;

¹¹⁴ New. The proposed criteria to evaluate requests for time extensions is more objective.

¹¹⁵ New provisions specifying the amount of minor changes that can be made to a final PD plan without requiring a new Rezoning request.

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- iv. Any change in land use or density that is likely to substantially impact or burden public facilities and utilities infrastructure as determined by the Director;
 - v. Any change in land use or density that is likely to substantially impact or burden mobility adjacent to the PD district or to the overall major street system;
 - vi. Any other proposed change to the Preliminary PD Concept Plan or Final PD Site Plan, which substantively alters one or more components of the PD district.
- b. If the Director determines the amendment to be major, the amendment request shall be processed under the Rezoning procedure described in this subsection.

iii. Minor Amendments

Amendments not meeting one or more of the criteria listed above for major amendments shall be considered minor. If the Director determines the amendment to be minor, the Director may administratively act on the amendment and attach stipulations or conditions of approval thereto, to protect the public health, safety, and welfare.

F. Review Criteria¹¹⁶

Amending the Official Zoning Map to approve a PD is a matter committed to the legislative discretion of the City Council. In deciding the application, the Planning and Zoning Commission in their review and recommendation, and the City Council in their decision shall consider whether and the extent to which the proposed PD meets the general approval criteria for Rezoning in §2.5.2D, and also the following:

1. Whether the proposed PD plan:
 - a. Addresses a unique situation;
 - b. Provides benefit to the Town;
 - c. Incorporates innovative design, layout, or configuration resulting in enhanced development feasibility and quality over what could have been accomplished through strict application of a base zoning district or other standards of this UDC. The improvements in quality may include, but are not limited to:
 - i. Improvements in open space provision and access;
 - ii. Enhanced landscape;
 - iii. Environmental protection;
 - iv. Tree/vegetation preservation;
 - v. Creation of multiple-use projects including residential, commercial, and social amenities;
 - vi. Efficient provision of streets, utilities, and public services; or
 - vii. Increased diversity of housing options and neighborhood typologies;
2. Whether the proposed PD plan meets the other standards of this UDC not expressly modified by the PD plan or development agreement; and
3. The applicant's proposal is impracticable to achieve within one of the Town's residential, mixed-use, or nonresidential base zoning districts in accordance with **Article ---¹¹⁷**, but is consistent with the above criteria.

¹¹⁶ New approval criteria for PDs used to directly evaluate each proposal.

¹¹⁷ Link to Article 2: *Zoning Districts* to be added in Consolidated Draft.

2.5.4 Zoning Text Amendment¹¹⁸

A. Purpose

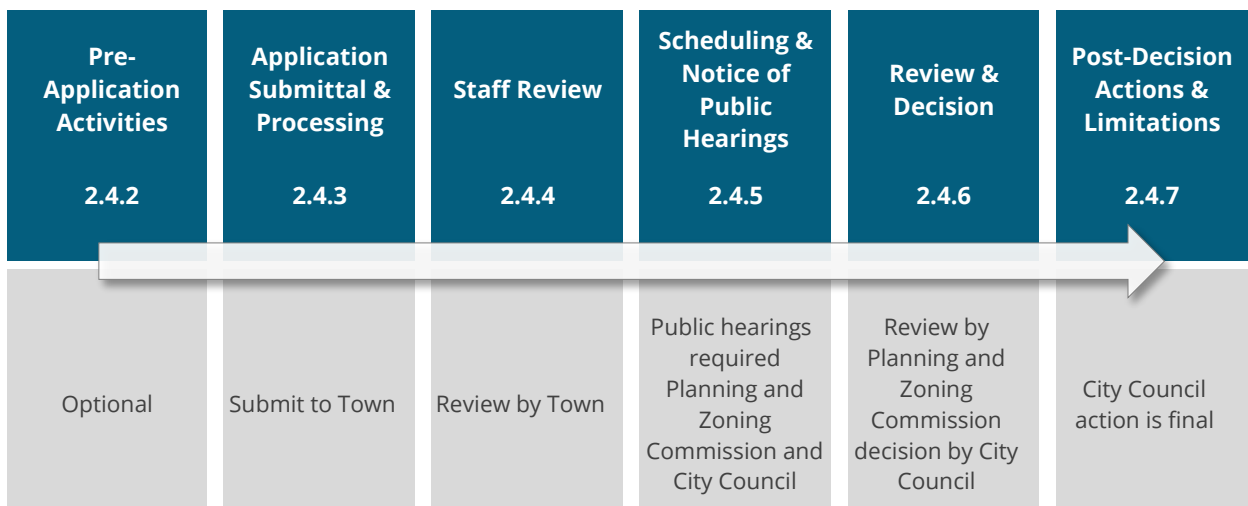
Under the provisions of Texas Local Government Code Chapter 211, the City Council is authorized to amend, change, or supplement by ordinance the text of this UDC. The Zoning Text Amendment procedure is intended to provide a method for changing the text of this UDC.

B. Applicability

The provisions of this UDC may periodically be amended or repealed.

C. Zoning Text Amendment Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Zoning Text Amendment applications. Additions or modifications to the common review procedures are noted below.



1. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a. A Zoning Text Amendment application shall be prepared by the Director. If the Zoning Text Amendment is initiated by the Planning and Zoning Commission or City Council, the Director shall prepare the application at the request of the Planning and Zoning Commission or City Council.

2. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

3. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

4. Review and Decision

The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

¹¹⁸ New. This procedure formalizes the process by which amendments to the text of this UDC can be made.

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.4D: *Review Criteria* and shall forward its recommendation to the City Council.

b. City Council Review and Decision

The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.5.4D: *Review Criteria*.

5. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

- a. Approval of a Zoning Text Amendment authorizes the approved revision to the text of this UDC only. A Zoning Text Amendment shall not authorize specific development activity.
- b. A Zoning Text Amendment shall remain valid until the revised text of this UDC is subsequently amended in accordance with this §2.5.4: *Zoning Text Amendment*.

D. Review Criteria

In reviewing a proposed Zoning Text Amendment application, the review and decision-making body shall consider if the proposed Zoning Text Amendment:

- 1. Is consistent with the Comprehensive Plan, other adopted plans, and other Town policies;
- 2. Does not conflict with other provisions of this UDC or other provisions in the Addison Code of Ordinances or state law;
- 3. Is necessary to address a demonstrated community need;
- 4. Is necessary to respond to changes in conditions and/or policy;
- 5. Is necessary to correct an omission or error in this UDC; and/or
- 6. Is consistent with the general purpose and intent of this UDC.

2.5.5 Comprehensive Plan Amendment¹¹⁹

A. Purpose

The Comprehensive Plan Amendment procedure is intended to provide a mechanism for the Town to amend the text and or maps of the Comprehensive Plan or for adoption of a new Comprehensive Plan. The amendment process is established to provide flexibility in response to changing circumstances and to reflect changes in public policy, and to advance the general welfare of the Town.

B. Applicability

An amendment to the Comprehensive Plan may be initiated by the City Council, the Planning and Zoning Commission, the Director, or the property owner(s) with an application executed by all property owners, or their authorized agents.

C. Comprehensive Plan Amendment Procedure

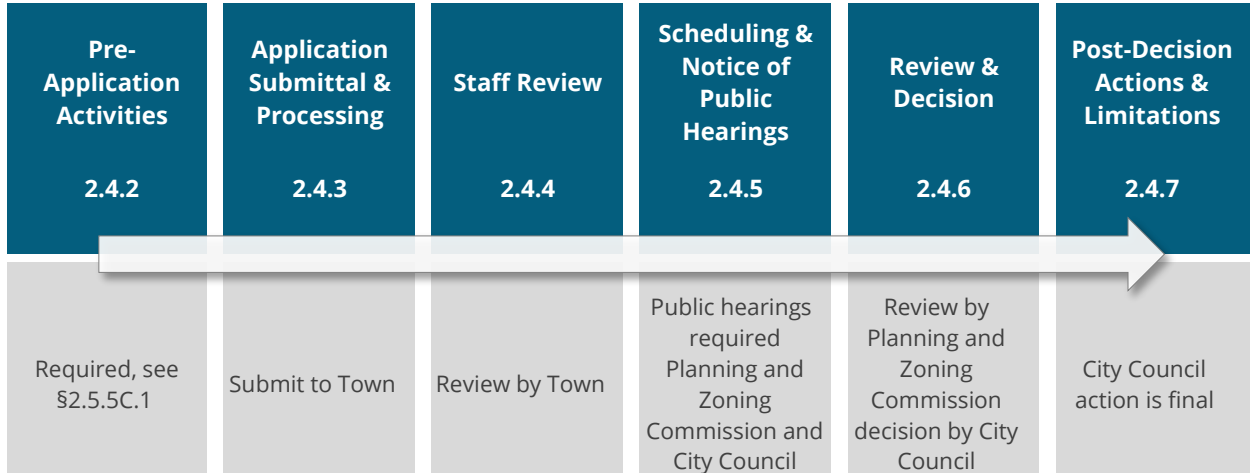
The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Comprehensive Plan Amendment applications. Additions or modifications to the common review procedures are noted below.

¹¹⁹ New. While the Town has a Comprehensive Plan, there is not an established procedure in the current Code of Ordinances for processing amendments. It is intended more for targeted amendments to the plan, as opposed to wholesale plan revisions.

Article 2: Administration and Procedures

2.5 Rezoning, Zoning Text, and Plan Amendment Procedures

2.5.5 Comprehensive Plan Amendment



1. Pre-Application Activities

a. Pre-application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*, with the following modifications.

5. Review and Decision

The application shall be reviewed and decided upon by the City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.5D, and shall forward its recommendation to the City Council.

b. City Council Review and Decision

The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.5.5D.

6. Post-Decision Actions and Limitations

The City Council decision is a final action and may not be appealed.

D. Review Criteria¹²⁰

In reviewing a proposed Comprehensive Plan Amendment application, the review and decision-making body shall consider if:

1. There was an error in the original Comprehensive Plan adoption;
2. Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; and/or
3. Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.
4. The amendment is not in conflict with any portion of the goals and policies of the plan.
5. The amendment constitutes a substantial benefit to the Town and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.
6. The proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.

2.5.6 Annexation**A. Procedure**

Annexation into the Town of Addison may occur in accordance with the procedures in Texas Local Government Code (TLGC), Chapter 43 and §212.172; §1.04 of the Town's Charter; and other applicable Town ordinances.¹²¹

B. Concurrent Zoning¹²²

In the event that the Planning and Zoning Commission holds a hearing on proposed Annexation, it may, at its discretion, at the same time hold a hearing upon the permanent zoning that is to be given to the area or tract to be annexed, and make a recommendation on both matters to the city council so that the city council can, if it desires, act on the matter of permanent zoning and Annexation at the same time.

C. Newly Annexed Territory¹²³

All territory annexed to the Town hereafter shall be temporarily classified for R-1 single-family dwelling purposes only until permanently zoned by the governing body of the Town. The Planning and Zoning Commission shall, as soon as practicable after Annexation of any of the territory to the town, institute proceedings on its own motion to give the newly annexed territory a permanent zoning, and the procedure to be followed shall be the same as is in §2.5.2, *Rezoning*.

¹²⁰ New. These are review criteria we have drafted for other communities.

¹²¹ New.

¹²² Replaces Appendix A, Article XXV, Sec. 3.

¹²³ Replaces Appendix A, Article II, Sec. 1.

2.6 Site Planning and Miscellaneous Permits

2.6.1 Concept Plan¹²⁴

A. Purpose

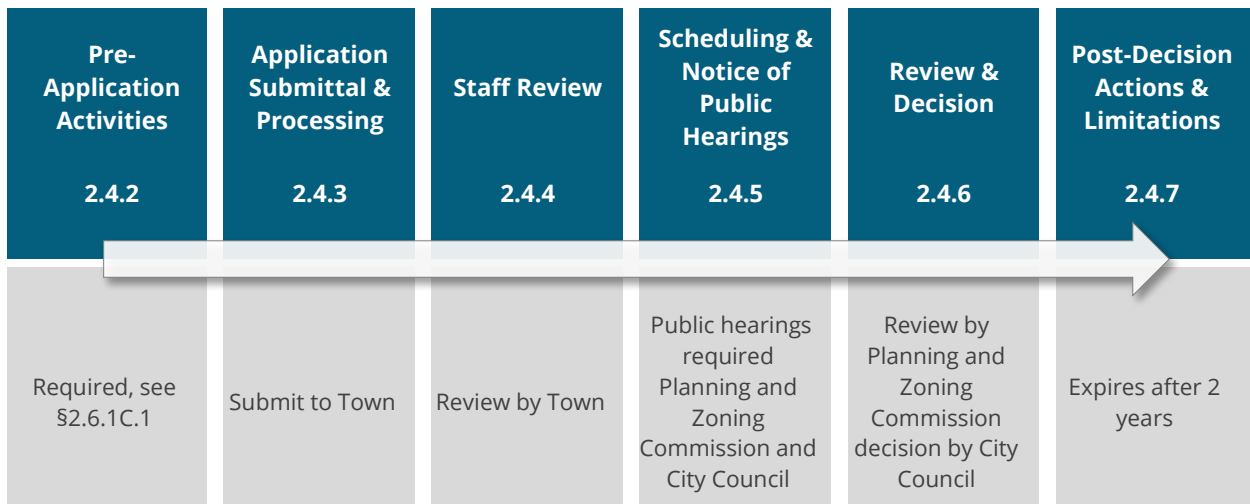
The Concept Plan review procedure is intended to provide a mechanism for review of large and/or complex or phased projects as well as to provide an option to assist any applicant for development in determining the general feasibility of land. A Concept Plan may be submitted either in conjunction with an application for Rezoning or as a precursor to the preparation and submittal of the more specific and detailed plans required for platting of land, major Site Plan, or Special Use Permit approvals.

B. Applicability¹²⁵

1. A Concept Plan shall be required for any application that meets either of the following criteria:
 - a. The application proposes to phase initiation of the development over three or more years; or
 - b. The Director determines that the application is unusually complex or raises potentially unique or serious impacts on the town or the surrounding areas.
2. A Concept Plan is optional for any other platting of land, major Site Plan, or Special Use Permit application.

C. Concept Plan for Rezoning Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Concept Plan applications submitted in conjunction with a request for Rezoning. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

a. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

¹²⁴ New.

¹²⁵ The proposed limitations are a starting point for discussion and may be further refined in the Consolidated Draft.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a. The Concept Plan must contain a general site layout plan that includes the following:¹²⁶
 - i. Overall property boundary;
 - ii. Proposed and existing thoroughfares, boulevards and large streets;
 - iii. A time schedule of development;
 - iv. Identification of development areas such as districts, blocks or parcels, with proposed phasing; and
 - v. All other features necessary to show the arrangement and pattern of public and private land uses.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

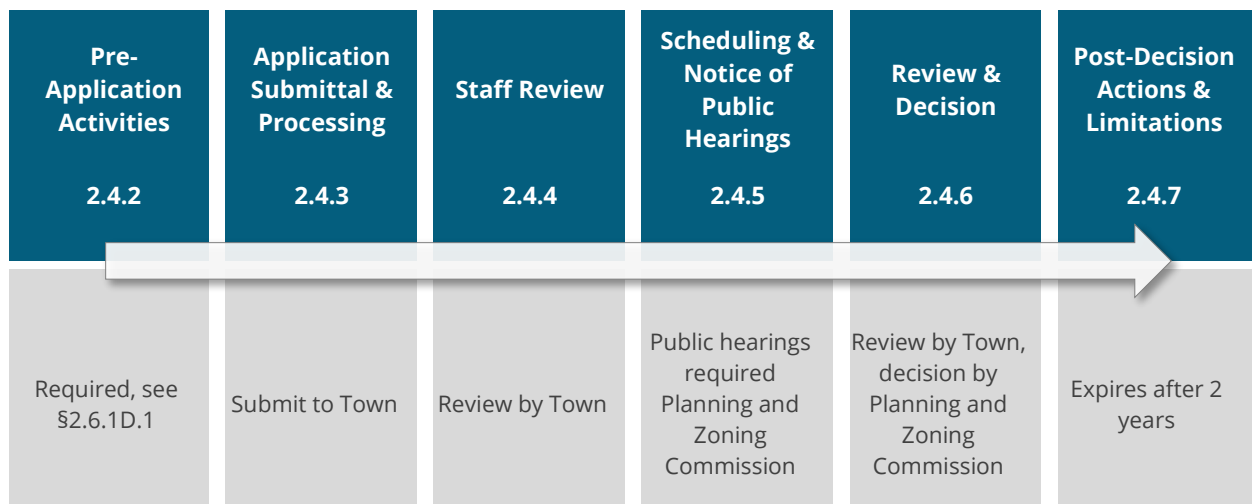
The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*, and the approval criteria in §2.6.2F: *Review Criteria*.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

D. All Other Concept Plans Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Concept Plan applications that are not associated with requests for Rezoning. Additions or modifications to the common review procedures are noted below.



¹²⁶ Based on Sec. 4, Article XVIII (Concept Plans in the MXR residential district).

1. Pre-Application Activities

a. Pre-Application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a.** The Concept Plan must contain a general site layout plan that includes the following:¹²⁷
 - i.** Overall property boundary;
 - ii.** Proposed and existing thoroughfares, boulevards and large streets;
 - iii.** A time schedule of development;
 - iv.** Identification of development areas such as districts, blocks or parcels, with proposed phasing; and
 - v.** All other features necessary to show the arrangement and pattern of public and private land uses.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*, and the approval criteria in §2.6.2F: *Review Criteria*.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

E. Review Criteria

In reviewing a proposed Site Plan application, the review and decision-making body shall consider the general approval criteria in §2.4.6C: *General Approval Criteria*.

¹²⁷ Based on Sec. 4, Article XVIII (Concept Plans in the MXR residential district).

2.6.2 Site Plan Review¹²⁸

Commentary:

While Addison currently requires Site Plan review for development permits, there are no clear processes established in the development regulations outlining that procedure (though there is a “preliminary Site Plan” application on the website). Other revisions to the UDC are intended to reduce reliance on PDs, in part by improving the regulations generally through a better lineup of zoning districts; more complete use permissions that respond better to market demand; and more calibrated, flexible, and predictable development standards. If all those tools are embraced, and by-right development does become more common in Addison, then a revised Site Plan tool would provide an important mechanism for the Town to evaluate compliance with the new UDC, and to make more efficient use of Town resources.

A. Purpose

The Site Plan review process is intended to ensure compliance with the development and design standards of this UDC and to encourage quality development reflective of the adopted goals and objectives of the Town. The Site Plan review process also ensures that proposed development applications address and mitigate potential adverse impacts prior to issuance of a building or site development permit.

B. Applicability

1. Review Required

Major or Minor Site Plan review is required for the following types of activities:

- a. New construction of nonresidential buildings, or residential buildings or sites resulting in three or more additional dwelling units;
- b. Change in use that involves or requires other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this UDC;
- c. Modifications to site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this UDC; and
- d. As a component of any Special Use Permit, request to rezone to Planned Development, or request to amend an existing Planned Development or Special Use Permit.

2. Exemptions from Site Plan Review

Site Plan review is not required for the following activities, but such activities shall be subject to the standards of this UDC and building permit review:

- a. Construction of a single-family detached dwelling on a single lot or duplex dwelling on a single lot and/or additions to such dwellings or structures accessory to such dwellings;
- b. A change in use that does not involve a Rezoning or Special Use Permit, or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this UDC;
- c. Tenant improvements that do not involve a Rezoning or Special Use Permit, or require other site improvements such as parking, landscaping, screening, buffering, drainage facilities, or other changes to the site that may be required by this UDC;
- d. Construction or erection of accessory buildings or structures, fences, or screening walls;
- e. Construction or erection of temporary uses or structures; and
- f. Any project where the Director determines that the review criteria for Site Plan review in §2.6.2F: *Review Criteria*, have been met or will be satisfied through the building permit process.

¹²⁸ New. As recommended in the Assessment Report, this section formalizes two Site Plan procedures (minor and major) and strengthens the approval criteria to ensure more predictable outcomes.

C. Thresholds for Site Plan Review Type¹²⁹

1. Minor Site Plan

The following types of projects may be approved by the Director through the Minor Site Plan approval process:

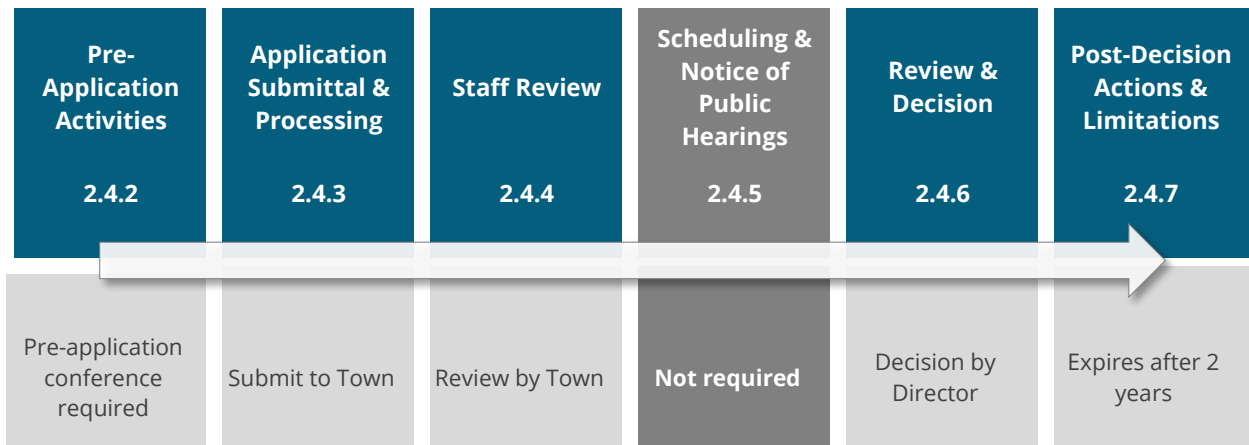
- a. A single use proposed in an existing structure that is less than 10,000 square feet in gross floor area for that use, not including a single-family detached or duplex dwelling.
- b. A combination of uses proposed in an existing structure that is less than 20,000 square feet in gross floor area, not including a single-family detached or duplex dwelling.
- c. Any new nonresidential structure less than 5,000 square feet in gross floor area.
- d. Any single-family attached development comprised of 40 or fewer dwelling units.
- e. Any application that does not exceed the thresholds for minor redevelopment, listed below:¹³¹
 - i. Expansions, alterations, or modifications that increase the gross floor area of an existing structure by the greater of 10,000 square feet or between 10 and 50 percent;
 - ii. Expansions, alterations, or modifications that increase the total number of existing dwelling units on a lot by the lesser of 10 dwelling units or between 10 and 25 percent;
 - iii. The alteration or expansion of any vehicular parking area by the greater of six spaces or 50 percent, excluding resurfacing or restriping;
 - iv. Any expansion or enlargement of a structure or land use that requires a Special Use Permit; or
 - v. Applications for building permits or for certificates of occupancy for buildings previously unoccupied for a period of six consecutive months.

2. Major Site Plan

All other applications that meet the criteria in subsection 2.6.2B, *Applicability*, but that may not be processed as Minor Site Plans shall require a Major Site Plan.

D. Minor Site Plan Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Minor Site Plan applications. Additions or modifications to the common review procedures are noted below.



¹²⁹ This subsection requires further discussion and will be further refined in the Consolidated Draft.

¹³¹ These thresholds (drafted in the Development Standards draft) will be revisited and further refined in the Consolidated Draft.

1. Pre-Application Activities

a. Pre-application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application in accordance with §2.4.4: *Staff Review*.

4. Review and Decision

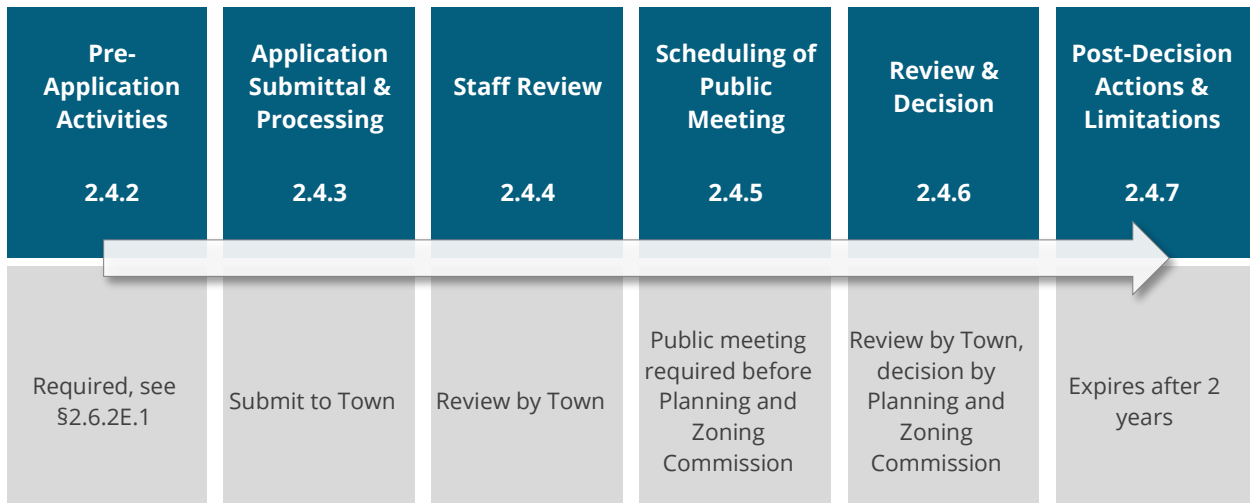
The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision*, and the review criteria in §2.6.2F: *Review Criteria*.

5. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

E. Major Site Plan Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Major Site Plan applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

a. Pre-application Conference

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

b. Neighborhood Meeting

A neighborhood meeting is recommended in accordance with §2.4.2B: *Neighborhood Meeting*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Meeting

The application shall be scheduled for a public meeting before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*, and the approval criteria in §2.6.2F: *Review Criteria*.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

F. Review Criteria

In reviewing a proposed Site Plan application, the review and decision-making body shall consider the general approval criteria in 2.4.6C: *General Approval Criteria*.

2.6.3 Temporary Use Permit¹³²

A. Purpose

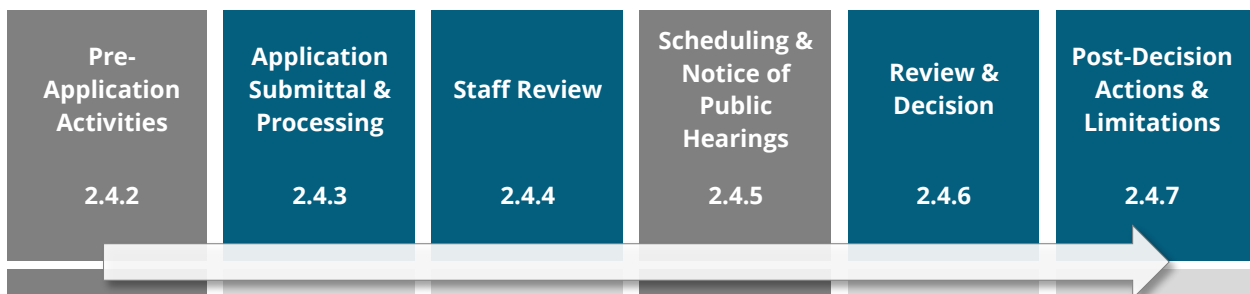
The temporary use permit review procedure is intended to provide a mechanism for enforcement of the temporary use regulations of this UDC, in order to allow short-term and minor deviations for uses that are temporary in nature, that will not adversely impact surrounding properties and land uses, and that can be terminated and removed at will.

B. Applicability

A temporary use permit is required before establishing, constructing, or installing any temporary or seasonal use or structure designated as requiring a temporary use permit in §--- or §---.¹³⁴

C. Temporary Use Permit Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of temporary use permit applications. Additions or modifications to the common review procedures are noted below.



¹³² New. This section establishes a procedure to obtain a temporary use permit associated with the new temporary use and structure standards introduced in Installment 1.

¹³⁴ Links to §3.5 and §3.2 to be added in Consolidated Draft.

Article 2: Administration and Procedures

2.6 Site Planning and Miscellaneous Permits

2.6.3 Temporary Use Permit

Pre-Application Activities	Application Submittal & Processing	Staff Review	Scheduling & Notice of Public Hearings	Review & Decision	Post-Decision Actions & Limitations
Not required	Submit to Town	Review by Town	Not required	Decision by Director	Expiration based on approval, see text

1. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

2. Staff Review

The staff shall review the application in accordance with §2.4.4: *Staff Review*.

3. Review and Decision

The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision*, and the review criteria in §2.6.3D: *Review Criteria*.

4. Post-Decision Actions and Limitations¹³⁵

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Effect of Approval

A temporary use permit authorizes establishment, construction, or installation of the approved temporary use or structure in accordance with the terms and conditions of the permit.

b. Expiration of Approval

- i. A temporary use permit shall be valid beginning on the date specified on the permit and shall remain valid for the time period¹³⁶ indicated on the permit, but in no event, longer than 12 months.
- ii. Upon request, the Director may grant a one-year extension; however, in no case shall a temporary use permit be valid for more than one year after its original expiration date. This one-year extension period may not be further extended.
- iii. Any temporary use permit requesting an approval period beyond one year shall require a special use permit approval pursuant to §2.5.1: *Special Use Permit*.

c. Removal and Restoration

Before the expiration of a temporary use permit, the permittee shall discontinue all temporary uses and remove all temporary structures, and associated property and equipment, and free the temporary use site from all trash, litter, and debris to the satisfaction of the Director.

¹³⁵ In addition to the post-decision provisions below, a temporary use permit could be revoked under the general enforcement authority contained in Section 1.7.

¹³⁶ If there are any specific time periods that should be codified for specific temporary uses, we recommend those periods be included in the use-specific standards for those uses.

D. Review Criteria

In reviewing a proposed temporary use permit application, the review and decision-making body shall consider the general approval criteria in §2.4.6C: *General Approval Criteria*, and the standards in §---.¹³⁷

2.6.4 Sign Permit¹⁴⁴

A. Purpose¹⁴⁵

The Sign Permit procedure is intended to provide a mechanism for enforcement of the sign regulations of this UDC in order to:

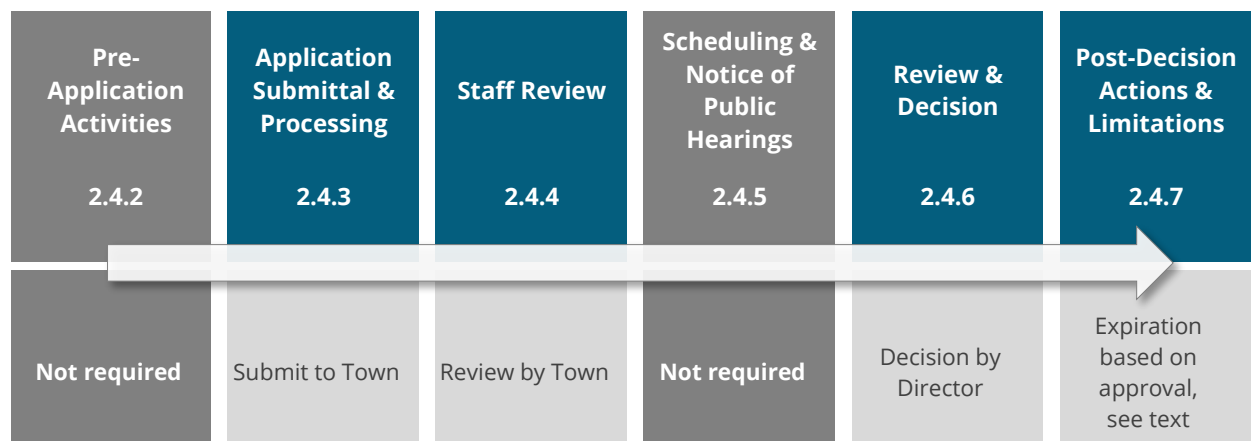
1. Establish for all signs located on any premises a reasonable and impartial means to permit adequate communication;
2. Control confusing sign displays that present a hazard to pedestrians and motorists along streets;
3. Ensure light, air, and open space;
4. Protect the natural beauty and environment of the Town;
5. Safeguard and enhance property values;
6. Protect public and private investment in buildings and open spaces;
7. Protect the public health, safety, and general welfare; and
8. Comply with all state and federal laws and settle case law applicable to the Town concerning freedom of expression.

B. Applicability¹⁴⁶

No person shall cause a sign to be erected, constructed, relocated, altered, repaired, or maintained until a permit for such has been issued and the fee paid, except as otherwise provided in this UDC.

C. Sign Permit Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Sign Permit applications. Additions or modifications to the common review procedures are noted below.



¹³⁷ Link to §3.5: *Temporary Uses and Structures*, will be added in Consolidated Draft.

¹⁴⁴ Replaces permitting procedures in Chapter 62.

¹⁴⁵ New.

¹⁴⁶ From current Chapter 62, Sec. 62-51.

1. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

a. Application Contents¹⁴⁷

All applications for permits under this article shall include a drawing to scale of the proposed sign, all existing signs maintained on the premises and visible from the right-of-way, a site plan or property survey, and façade plan indicating the proposed location of the sign and specifications.

2. Staff Review

The staff shall review the application in accordance with §2.4.4: *Staff Review*.

3. Review and Decision

The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision*, and the review criteria in §2.6.3D: *Review Criteria*.

4. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Electrical Permit¹⁴⁹

Prior to issuance of a Sign Permit for a sign in which electrical wiring and connections are to be used, an electrical permit must be obtained according to the existing fee schedule. The electrical inspector shall examine the plans and specifications submitted with the application to ensure compliance with the electrical code of the Town. No sign shall be erected in violation of the electrical code.

b. Lapse of Sign Permit¹⁵⁰

A Sign Permit shall lapse automatically if not renewed or if the Certificate of Occupancy of business registration for the premises expires, is revoked, or is not renewed.

c. Revocation¹⁵¹

The Director may suspend or revoke any Sign Permit issued under the provisions of this UDC whenever they determine that the permit was issued in error or on the basis of incorrect or false information supplied, or if such permit was issued in violation of any of the provisions of this UDC or any other local, state, or federal law. Such suspension or revocation shall be effective when communicated in writing to the person to whom the permit is issued, the owner of the sign or the responsible party of the premises upon which the sign is located.

d. Duration¹⁵³

If the work authorized by a Sign Permit issued under this UDC has not commenced within 180 days after the date of issuance, the permit shall become null and void.

e. Abandoned Signs¹⁵⁴

Within 30 days after any business has abandoned its location or tenant space, the building or former tenant owner, or the building or former tenant agent, or the person having beneficial use

¹⁴⁷ From current Chapter 62, Sec. 62-52.

¹⁴⁹ From Chapter 62, Sec. 62-58.

¹⁵⁰ Replaces Chapter 62, Sec. 62-54.

¹⁵¹ From Chapter 62, Sec. 62-55. Generally, we need to decide whether to maintain several of these application-specific revocation provisions, or instead rely on the general enforcement authority. We recommend the latter.

¹⁵³ From Chapter 62, Sec. 62-56.

¹⁵⁴ From Chapter 62, Sec. 62-81.

of the building, structure, or the lot or tract where such business was located shall remove all signs related to such business or have the sign face replaced with a weatherproof, blank face.

f. Notice of Condemnation¹⁵⁵

Signs adjudged by the Director to be structurally unsafe or to be more than 50 percent destroyed or dilapidated may be referred to the Board of Adjustment for consideration for condemnation. A condemnation letter will be sent to the owner of the property stating that the sign must be demolished within 15 days of the receipt of the letter. If the sign is not removed within the period allotted, the Town may remove the sign at the property owner's expense.

D. Review Criteria

In reviewing a proposed Sign Permit application, the review and decision-making body shall consider the general approval criteria in §2.4.6C: *General Approval Criteria*, and the standards in §---,¹⁵⁶

2.6.5 Zoning Verification Letter¹⁵⁷

A. Purpose

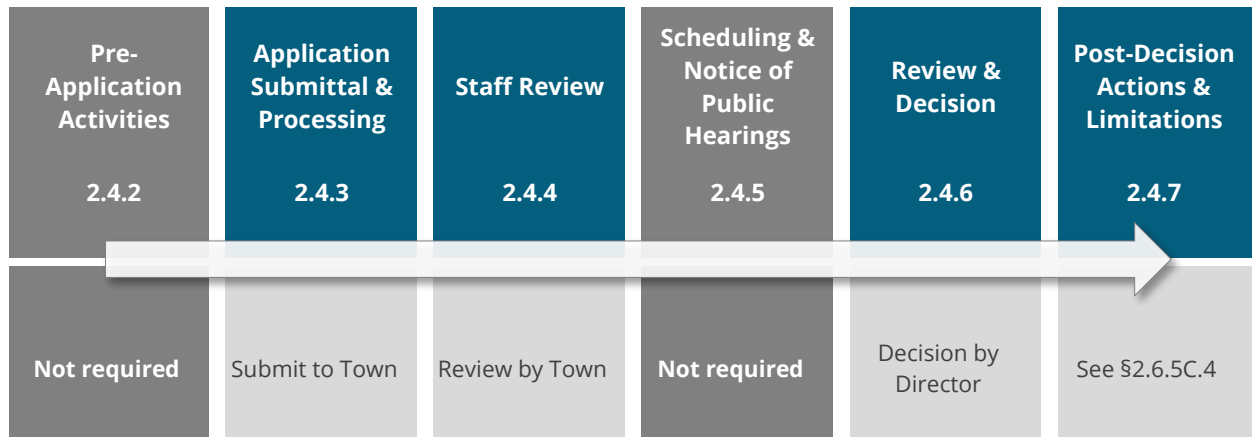
The Zoning Verification Letter review procedure is intended to provide a mechanism for the Town to issue a formal confirmation of a property's zoning. The Zoning Verification Letter is an informational document not intended to grant approval for land development in any way.

B. Applicability

A Zoning Verification Letter can be requested by any property owner or entity seeking to confirm the zoning of a property.

C. Zoning Verification Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Zoning Verification Letter applications. Additions or modifications to the common review procedures are noted below.



1. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

¹⁵⁵ From Chapter 62, Sec. 62-59. Changed from Director authority to BOA.

¹⁵⁶ Link to §4.10: *Signs* to be added in Consolidated Draft.

¹⁵⁷ New.

2. Staff Review

The staff shall review the application in accordance with §2.4.4: *Staff Review*.

3. Review and Decision

The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision*.

4. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modification: A Zoning Verification Letter serves as confirmation of the zoning of a property.

2.6.6 Change or Elimination of Nonconformity¹⁵⁸

A. Purpose

The Change or Elimination of Nonconformity review procedure is intended to provide a mechanism for the Town to review minor changes to nonconforming properties and issue a formal confirmation of a property's loss of nonconforming status.

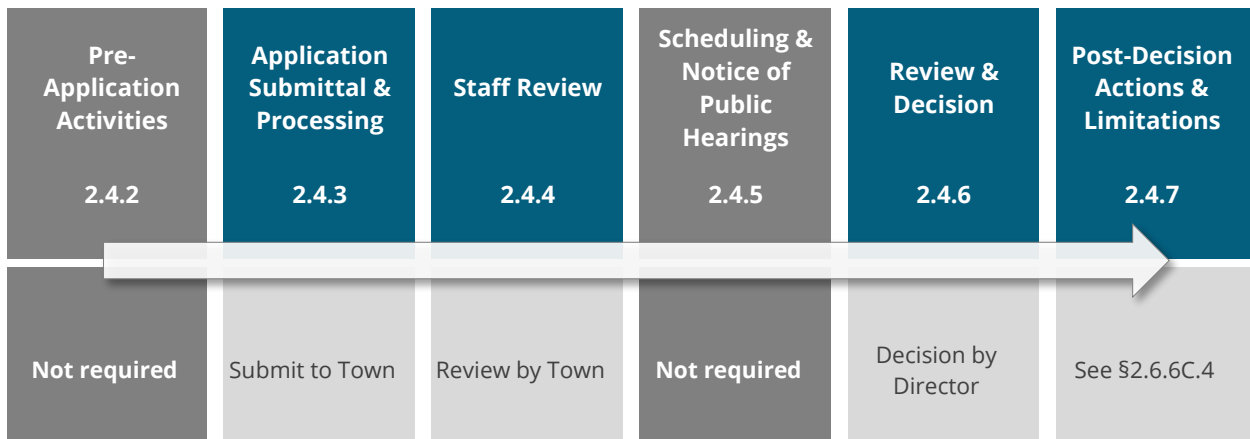
B. Applicability

A Change or Elimination of Nonconformity is required:

1. For all applications by a property owner for maintenance or minor repair of a legal nonconformity;
2. To reflect changes in ownership tenancy, or management of property with an existing nonconformity; and
3. To provide evidence of and confirm the loss of nonconforming status as described in §1.6.2A.4.

C. Change or Elimination of a Nonconformity Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Change or Elimination of a Nonconformity applications. Additions or modifications to the common review procedures are noted below.



1. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

2. Staff Review

The staff shall review the application in accordance with §2.4.4: *Staff Review*.

¹⁵⁸ New.

Article 2: Administration and Procedures

2.6 Site Planning and Miscellaneous Permits

2.6.6 Change or Elimination of Nonconformity

3. Review and Decision

The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision*.

4. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

2.7 Engineering Plans, Studies, and Site Development Permits¹⁵⁹

2.7.1 Purpose

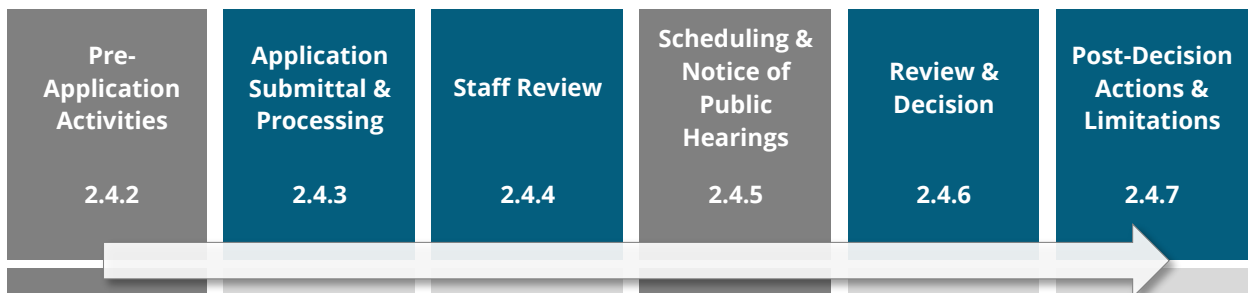
The engineering plans, studies, and site development procedure is intended to ensure compliance with the development standards of this UDC and technical standards of associated Criteria Manuals and to protect the general health, safety, and welfare of the public by reducing the risk of flooding private property and public rights-of-way and ensure that development provides the facilities necessary to accommodate the traffic impacts of the proposed development.

2.7.2 Applicability

- A. This procedure shall be required for the following plans, studies, and permits:
 1. Civil engineering plans
 2. Minor and major traffic impact analysis
 3. Parking study
 4. Drainage study
 5. Utility study
 6. Site development permit
 7. Flood hazard development permit
- B. The plans, studies, and permits listed above may be submitted concurrently with any other required development application.
- C. Flood hazard development permits shall also comply with the following:
 1. A flood hazard development permit must be obtained before construction or development begins within any special flood hazard area (SFHA) and known flood prone areas to ensure conformance with the provisions of this UDC.
 2. Compliance with the standards in this UDC shall not relieve any person of the independent obligation to comply with all applicable standards and practices established in federal and state law and all other applicable rules, regulations, standards and specifications of the Town regarding development within a SFHA.

2.7.3 Procedures

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of the applications listed in §2.7.2. Additions or modifications to the common review procedures are noted below.



¹⁵⁹ New.

Pre-Application Activities	Application Submittal & Processing	Staff Review	Scheduling & Notice of Public Hearings	Review & Decision	Post-Decision Actions & Limitations
Not required	Submit to Town	Review by Town	Not required	Decision by Director	Expiration based on approval, see §2.7.3D

A. Application Submittal & Processing¹⁶⁰

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

B. Staff Review

The staff shall review the application in accordance with §2.4.4: *Staff Review*.

C. Review and Decision

The application shall be reviewed and decided upon by the Director or Floodplain Administrator in accordance with §2.4.6: *Review and Decision*, and the review criteria in §2.7.4: *Review Criteria*.

D. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

1. Prior to Construction¹⁶¹

Prior to authorizing construction, the Director of Public Works and Engineering¹⁶² shall be satisfied that the following conditions have been met:

- a. All required contract documents shall be completed and filed with the Public Works and Engineering Department.
- b. All necessary easements or dedications not shown on the Final Plat must be completed, properly signed, and filed with the County Clerk. The original of the filed documents, bearing the stamp of the County Clerk, shall be filed with the Development Services Department.
- c. All contractors participating in the construction shall be presented with a set of approved plans bearing the stamp of approval of the Public Works and Engineering Department. These plans shall remain on the job site at all times.
- d. If required by the Director of the Public Works and Engineering, all parties participating in the construction shall meet for a preconstruction conference to discuss the project prior to beginning work.
- e. A complete list of the contractors, their representatives on the site, e-mail addresses, and telephone numbers where a responsible party may be reached at all times, must be submitted to the Director of Public Works and Engineering.
- f. Manufacturer's drawings for all fabricated appurtenances or special construction items shall be submitted to the Director of Public Works and Engineering.

¹⁶⁰ Removed application contents from current Sec. 42-59. We recommend this material be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

¹⁶¹ Carries forward Appendix B, §XI.

¹⁶² Updated reference from "Town Engineer."

2. Construction of Improvements¹⁶³

- a. Construction shall be supervised by the Public Works and Engineering Department.
- b. Completion of construction in accordance with the approved plans and standard specifications of the Town is the entire responsibility of the developer and their contractors. The responsibility of the Public Works Department is to assure conformance to the approved plans and specifications.
- c. Any change in design required during construction shall be made by the engineer whose seal and signature are shown on the plans and shall be approved by the Director of Public Works and Engineering.

3. Acceptance of Improvements¹⁶⁴

- a. After completion of all items required in the plans and specifications, the contractor shall submit a bond in the amount of 10 percent of the contract amount guaranteeing workmanship and materials for a period of one year from the date of final acceptance by the Town. The Director of Public Works and Engineering shall verify that all items have been completed, including filing of the plat and all related easements and documents, and payment of all applicable development fees.
- b. The Director of Public Works and Engineering shall conduct a final inspection of the project and, if all work is found to be acceptable, shall issue a letter of acceptance. Any items of exception noted in the acceptance letter shall be immediately satisfied.
- c. Acceptance of the public improvements shall mean that title to all improvements is vested in the Town. The applicant and their contractor shall, however, be bound to the town for a period of one year to repair any defects in the improvements.

4. As-Built Plans¹⁶⁵

Within 30 days of acceptance of the subdivision, the applicant shall submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "As-Built" stamp bearing the signature of the Director of Public Works and Engineering and the date. In addition, one reproducible drawing of the utility plan sheets, containing the as-built information, shall be submitted to the Public Works and Engineering Department.

2.7.4 Review Criteria

A. Review Criteria for Flood Hazard Permits

In reviewing a proposed flood hazard development permit application, the review and decision-making body shall consider the standards of §---, *Floods*,¹⁶⁶ general approval criteria in §2.4.6C: *General Approval Criteria*, and the following relevant factors:

1. The danger to life and property due to flooding or erosion damage;
2. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
3. The danger that materials may be swept onto other lands to the injury of others;
4. The compatibility of the proposed use with existing and anticipated development;
5. The safety of access to the property in times of flood for ordinary and emergency vehicles;
6. The costs of providing governmental services during and after flood conditions including maintenance and repair of streets and bridges, and public utilities and facilities such as sewer, gas, electrical, and water systems;

¹⁶³ Carries forward Appendix B, §XII.

¹⁶⁴ Carries forward Appendix B, §XIII.

¹⁶⁵ Carries forward Appendix B, §XIV.

¹⁶⁶ Consolidated draft: Reference 4.3, *Floods*.

Article 2: Administration and Procedures

2.7 Engineering Plans, Studies, and Site Development Permits

2.7.4 Review Criteria

7. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;
8. The necessity to the facility of a waterfront location, where applicable;
9. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use; and
10. The relationship of the proposed use to the Comprehensive Plan for that area.

B. Review Criteria for All Other Engineering Plans, Studies, and Site Development Permits

In reviewing civil engineering plans, a minor or major traffic impact analysis, a parking study, a drainage study, a utility study, or a site development permit, the review and decision-making body shall consider the general approval criteria in §2.4.6C: *General Approval Criteria*, and all applicable requirements of the associated Criteria Manuals.

2.8 Agreements

2.8.1 Development Agreement

A. Purpose

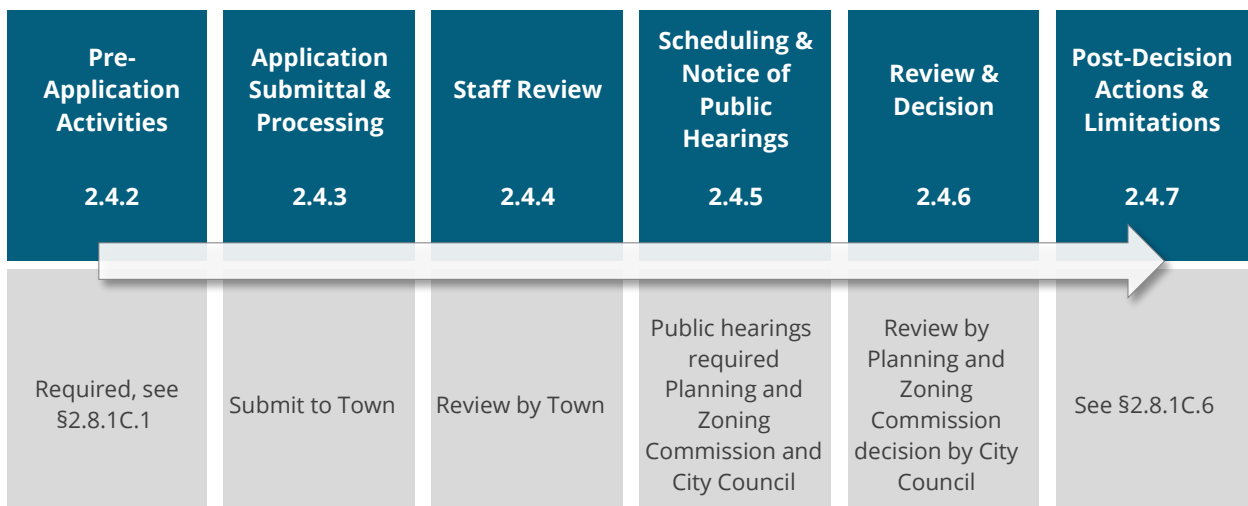
1. The City Council finds and determines that development agreements may be useful to both the City and developers of land in the city by providing more regulatory certainty, establishing a schedule for development, assisting both developers and the City coordinate the provision of adequate public facilities to serve development, coordinating the phasing of development, and administering management efforts to maintain open space and environmentally sensitive lands.
2. The purpose of this section is to authorize development agreements to be entered into between a developer and the City Council in accordance with the procedures and standards of this section to encourage comprehensive planning and capital facilities planning, ensure the provision of adequate public facilities for development, encourage the efficient use of resources, while providing certainty in the process of obtaining development permits and approvals, and reduce the economic costs of development by providing greater regulatory certainty.

B. Applicability

The City Council may enter into a development agreement with a developer, subject to Texas LGC 212.172. In entering into a development agreement, the City may not exercise any authority or make any commitment not authorized by general or local law and may not impose any tax or fee not authorized by otherwise applicable law.

C. Development Agreement Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of development agreements. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing¹⁶⁷

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and City Council and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*, with the following modifications:

5. Review and Decision

The application shall be reviewed and decided upon by the Planning and Zoning Commission and City Council in accordance with §2.4.6: *Review and Decision*, with the following modifications:

a. Planning and Zoning Commission Review and Recommendation

The Planning and Zoning Commission shall review the application in accordance with the approval criteria in §2.5.2D and shall forward its recommendation to the City Council.

b. City Council Review and Decision

The City Council may review and approve, approve with conditions, or deny the application in accordance with the approval criteria in §2.5.2D.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Recordation

A Development Agreement shall be recorded in accordance with Texas LGC 212.172.

b. Effect of Approval

Development pursuant to the Development Agreement shall be subject to the terms and conditions of the agreement and to the laws in force at the time of execution of the agreement unless otherwise provided by specific provisions in the agreement or Texas LGC 212.172.

c. Periodic Review

At least every 12 months following execution of the agreement, the Director shall conduct a periodic review during which the developer shall be required to demonstrate good faith compliance with the terms of the agreement. If the periodic review finds a material breach of the terms or conditions of the Development Agreement has occurred, notice of the breach and a reasonable opportunity to correct it shall be provided. If the breach is not cured within the time given, the City may terminate or modify the Development Agreement.

d. Expiration, Termination, or Modification of Agreement

i. A Development Agreement shall expire in accordance with the provision of the agreement, and may be terminated or modified by mutual consent of the parties to the agreement or their successors in interest, or in accordance with the provisions of this section or Texas LGC 212.172.

¹⁶⁷ Did not carry forward the content of application requirements in current Article XXIX, Sec. 8. We recommend this material be relocated to an Administrative Manual outside of the UDC.

- ii. Major modification of the agreement shall follow the same procedures as required for initial approval of a Development Agreement.
- iii. With the mutual consent of the other parties to the agreement, the Director may approve minor modifications of the Development Agreement, without following the same procedures as required for initial approval of the agreement. Before doing so, the Director shall make written findings that the proposed minor modifications would not significantly change the use, intensity, or design of the development, would be consistent with the purposes and goals of the agreement, would comply with this UDC, and would not adversely affect the public health, safety, or general welfare.

D. Review Standards

A development agreement shall meet and be subject to all requirements and provisions in Texas LGC 212.172.

2.8.2 Parking Management Agreement

[To be addressed in Consolidated Draft]

2.8.3 Real Estate Application

[To be addressed in Consolidated Draft]

2.9 Platting Procedures¹⁶⁹

Commentary:

This draft aligns platting procedures with the Texas Local Government Code to help streamline and simplify the development review process. The first §5.5.1 identifies the procedural requirements applicable to all subdivision types, beyond those procedures identified in §5.3.

Generally, discussion is necessary regarding the recently approved Texas HB 3699, and consideration of possible Director authority to approval all plats.

2.9.1 Standards that Apply to All Platting Procedures

A. Applicability

1. Generally

This article shall apply to all land and all developments within the corporate limits of the Town of Addison, except as otherwise provided in this subchapter.

2. Land Included

Except where otherwise specifically provided for in this article, all the provisions of this article shall apply to the following lands located within the corporate limits of the Town:

- a. Any tract of land that has not been recorded by plat in the plat records of Dallas County, Texas, and that is intended to be sold, leased, or otherwise subdivided from another tract of land or which is intended or proposed to be used for the purpose of development.
- b. Any lot of record prior to and upon which no development has been constructed or placed prior to the effective date of this article.
- c. The division of any previously platted lot into two or more parts.
- d. The removal of one or more lot lines of any platted lot so as to permit the combining of two or more contiguous platted lots into one or more new lots.
- e. Any easements for right-of-way, access, utilities, and drainage included on a plat.

3. Exemptions

The following are exempt from the subdivision regulations of this article, but are subject to all other standards in this UDC:

- a. The division of land into two or more parts, other than for purposes of development, if the smallest resulting parcels, tract, or site is five acres or larger in size where each part has access and no public improvement is being dedicated.
- b. Construction of additions or alterations to an existing building where no drainage, street, utility extension or improvement, additional parking or street access changes required to meet the standards of this article are necessary to support such building addition or alterations.
- c. Construction of accessory structures or fences.
- d. Dedication of easement or right-of-way by separate document recordable in the county records if approved by Town.
- e. Cemeteries complying with all state and local laws and regulations.
- f. Divisions of land created by order of a court of competent jurisdiction.
- g. A change in ownership of a property through inheritance or the probate of an estate.
- h. Divisions of land resulting from acquisition or condemnation to support public projects.

¹⁶⁹ Replaces Appendix B of the current Code of Ordinances. Current Appendix B, §VII was not carried forward because it overlaps with the traditional purposes of a Preliminary Plat and to better align with current practices.

B. Zoning¹⁷⁰

All divisions of land shall conform to all applicable zoning regulations. A plat submission reflecting a condition not in conformity with applicable zoning regulations shall not be approved until any available relief from the Board of Zoning Adjustment has been finally obtained. If the property is not zoned as required for the proposed division of land, permanent zoning shall be requested. Application for zoning includes completion of application forms, payment of required fees, and performance of other requirements of the UDC and the rules and regulations of the Town, as amended.

C. Finding of Proportionality¹⁷¹

Any payment of fees or construction costs or required easement, dedication, or reservation of land included on any plat application required in this section shall meet the requirements of TLGC § 212.904.

D. Completeness Review

If the Director determines that any plat is incomplete or does not meet all requirements, they shall provide written confirmation of the determination and the reasons therefore. If the applicant disagrees with a determination that the plat does not comply with all requirements, the applicant shall submit a written objection to the Director within five business days of the postmark date of the written confirmation. If a written objection is submitted, the director shall schedule the plat for consideration by the Planning and Zoning Commission. The official filing date for any plat that is not checked and verified as to its completeness within 10 days of its submission shall be the 11th day after its submission.¹⁷²

2.9.2 Preliminary Plat or Preliminary Replat¹⁷³

A. Purpose

The Preliminary Plat and Preliminary Replat review procedure is intended to provide a mechanism for the Town to review an overall plan for proposed platting or replatting of land to ensure compliance with this UDC, the Comprehensive Plan, and the adequate provision of facilities and services within the Town.

B. Applicability¹⁷⁴

A Preliminary Plat is required if the proposed subdivision meets any of the following:

- a. Is on land that has not yet been platted;
- b. Is on land that will be developed in phases;
- c. Will include the dedication of public right-of-way, other public tracts, or public improvements not determined to be eligible for Minor Plat processing; or
- d. Is not eligible to be processed as a Minor Plat, pursuant to §2.9.5: *Minor or Amending Plat*.

2. A Preliminary Replat is required if:

- a. A Replat necessitates the construction of public infrastructure or requires amendments to previously approved infrastructure construction plans;
- b. The Director determines a proposed Replat unusually complex or raises potentially unique or serious impacts on the town or the surrounding areas; or
- c. The applicant of a Replat requests a Preliminary Replat review.

¹⁷⁰ Replaces Appendix B, §VI.

¹⁷¹ New.

¹⁷² Carries forward a portion of Appendix B, §IX.

¹⁷³ Replaces Appendix B, §VIII. References to Preliminary Replat are new.

¹⁷⁴ New.

C. Preliminary Plat Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Preliminary Plat and Preliminary Replat applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing¹⁷⁵

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a. The application is also subject to the standards in §2.9.1: *Standards that Apply to All Platting Procedures*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Meetings

The application shall be scheduled for a public meeting before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Effect of Approval

Approval of the Preliminary Plat or Preliminary Replat shall in no way constitute final acceptance or approval of the subdivision.

¹⁷⁵ Did not carry forward the content of application requirements in current Appendix B, §VIII. We recommend this material be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

b. Preliminary Plat Expiration

- i. When a Preliminary Plat or Preliminary Replat has been approved, a Final Plat or Replat for all or a part of the area shall be submitted within two years; otherwise, the approval of the Preliminary Plat or Preliminary Replat shall terminate and shall be void. However, prior to the expiration of such approval, the time for filing of the application for Final Plat or Replat may be extended at the written request of the property owner. The first filing extension (not to exceed 90 days) shall be granted by the Director. Any further requests for extensions shall be considered by the Planning and Zoning Commission.
- ii. If a Final Plat or Replat for any portion of the area shown on the Preliminary Plat or Preliminary Replat has been filed for record with the county clerk, the Preliminary Plat or Preliminary Replat approval shall remain valid indefinitely.
- iii. In no Final Plat or Replat is filed, the Preliminary Plat or Preliminary Replat approval shall remain valid for so long as any associated development agreement, Annexation agreement, or facilities agreement remains binding or in effect.
- iv. Following the expiration of the Preliminary Plat or Preliminary Replat, the property owner may submit a new Preliminary Plat or Preliminary Replat for Planning and Zoning Commission approval following the procedures and regulations then in effect.

D. Review Criteria¹⁷⁶

In reviewing a proposed Preliminary Plat or Preliminary Replat application, the review and decision-making body shall consider the general approval criteria in §2.4.6C: *General Approval Criteria* and if the proposed Preliminary Plat or Preliminary Replat:

- 1. Is consistent with the intent and complies with applicable use requirements of the underlying zoning district;
- 2. Complies with applicable dimensional and development standards in this UDC;
- 3. Does not affect a recorded easement without approval from the easement holder, unless otherwise approved by the Director;
- 4. Provides a layout of lots, streets, utilities, drainage, and other public facilities and services that minimize the disturbance to sensitive natural areas or resources;
- 5. Provides evidence of public water and sewer provision; and
- 6. Proposes reasonable phasing as it relates to infrastructure capacity.

¹⁷⁶ New.

2.9.3 Final Plat

A. Purpose

The purpose of the Final Plat procedure is to demonstrate compliance with an approved Preliminary Plat and applicable standards of this UDC.

B. Final Plat Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Final Plat applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

A pre-application conference is optional, and if elected shall be held in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing¹⁷⁷

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a. The application is also subject to the standards in §2.9.1: *Standards that Apply to All Platting Procedures*.
- b. The Final Plat application shall be submitted within two years of Preliminary Plat approval and shall not be submitted prior to the approval and implementation of all required civil engineering and construction plans.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for a public meeting before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

¹⁷⁷ Did not carry forward the content of application requirements in current Appendix B, §IX. We recommend this material be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

5. Review and Decision¹⁸⁰

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*, with the following modifications:

- a. The Planning and Zoning Commission shall not approve any Final Plat of any subdivision within any area where a petition or ordinance for Annexation or a recommendation for Annexation to the town is pending before the City Council.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modification:

a. Recording¹⁸¹

After approval of the Final Plat by the Planning and Zoning Commission, the applicant shall submit the required number of copies for recording, along with all tax certificates required for recording by the County Clerk to the Development Services Department. These copies shall bear all signatures but those of the Town officials. After signature by the Town officials, the Development Services Department shall complete the recording process and return two filed copies to the applicant or the applicant may elect to complete the recording process. Said copies shall show the volume and page of the map and plat records into which the plat was filed by the County Clerk.

b. Expiration

A recorded Final Plat shall not expire.

C. Review Criteria¹⁸⁹

In reviewing a proposed Final Plat application, the Planning and Zoning Commission shall consider the general approval criteria in §2.4.6C: *General Approval Criteria*

2.9.4 Replat¹⁹⁰

A. Purpose

The Replat procedure is intended to provide a process for replatting any portion of an approved Final Plat, other than those used to amend through Minor Plats or vacate the plat through the vacation procedures.

B. Applicability

1. A Replat of a subdivision or part of a subdivision may be recorded and controls over the preceding plat without vacation of that plat if the Replat:
 - a. Is signed and acknowledged by the owners of the property being replatted;
 - b. Is approved in accordance with Chapter 212 of the Texas Local Government Code; and
 - c. Does not attempt to amend or remove any covenants or restrictions.
2. In the instance of large tracts or blocks of land contained within a recorded subdivision and intended or designed for replatting into smaller tracts, lots, or building sites, the replatting shall comply with all provisions of this UDC.

¹⁸⁰ Carries forward Article XXV, Sec. 1 and 2.

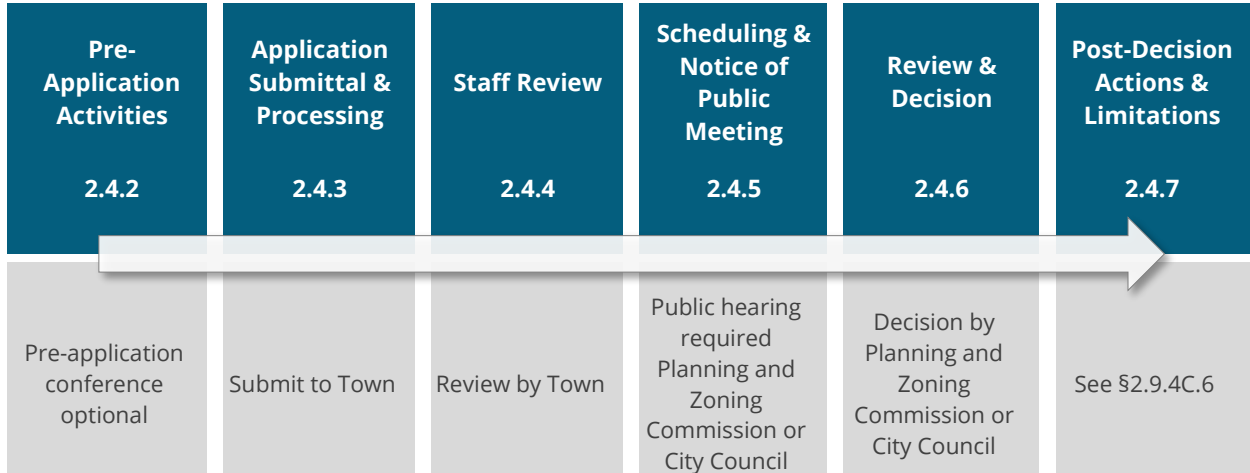
¹⁸¹ Replaces Appendix B, §X.

¹⁸⁹ Paragraphs 3-6 of Appendix B, §XVI.G.2-5 related to undergrounding utilities will be moved into the Subdivision Design Standards in Article 4 in the Consolidated Draft.

¹⁹⁰ New. The current *Code of Ordinances* does not specifically describe the process to submit and file a Replat but includes Replat in the general definition of plat.

C. Replat Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Replat applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

A pre-application conference is optional, and if elected shall be held in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing¹⁹¹

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a. The application is also subject to the standards in §2.9.1: *Standards that Apply to All Platting Procedures*.
- b. The Final Plat application shall be submitted within two years of Preliminary Plat approval and shall not be submitted prior to the approval and implementation of all required civil engineering and construction plans.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for a public hearing before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*, with the following modifications:

- a. For any proposed replat that requires a variance, waiver, or special exception, a public hearing shall be held prior to taking action on the proposed replat.
- b. If a proposed replat requires a variance, waiver, or exception and includes (i) any property that was limited by an interim or permanent zoning classification to residential uses for not more than two residential units per lot at any time during the preceding five years, or (ii) any lot from the

¹⁹¹ Did not carry forward the content of application requirements in current Appendix B, §IX. We recommend this material be relocated to an Administrative Manual outside of the UDC to allow for streamlined updates.

preceding plat that was limited by deed restrictions to residential uses for not more than two residential units per lot, a public hearing shall be held regarding the replat by the Planning and Zoning Commission or City Council.¹⁹⁴

- c. If the proposed Replat requires a variance or waiver and is protested in accordance with this subsection, the proposed Replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the Planning and Zoning Commission or City Council, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the Planning and Zoning Commission or City Council, or both, prior to the close of the public hearing. In computing the percentage of land area under this subsection, the area of streets and alleys shall be included.

5. Review and Decision¹⁹⁵

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*, with the following modification:

- a. If a proposed Replat for residentially zoned or deed-restricted property as specified in Texas Local Government Code § 212.015 does not require a variance or exception and is approved by the City Council or Planning and Zoning Commission, the Town will deliver a written notice by mail regarding the approval of the replat no later than the 15th day after the date the replat is approved to each owner of a lot in the original subdivision that is within 200 feet of the lots that were replatted according to the most recent Town tax roll.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modification:

a. Recording¹⁹⁶

After approval of the Replat by the Planning and Zoning Commission or City Council, the applicant shall submit the required number of copies for recording, along with all tax certificates required for recording by the County Clerk to the Development Services Department. These copies shall bear all signatures but those of the Town officials. After signature by the Town officials, the Development Services Department shall complete the recording process and return two filed copies to the applicant or the applicant may elect to complete the recording process. Said copies shall show the volume and page of the map and plat records into which the plat was filed by the County Clerk.

b. Expiration

A recorded Replat shall not expire.

2.9.5 Minor or Amending Plat²⁰⁴

A. Purpose

The Minor Plat review procedure is intended to provide a mechanism for administrative platting decisions, to address plat errors, and to apply minor adjustments to property boundaries.

¹⁹⁴ We need to clarify how to determine who is responsible for this decision CC or P&Z. Right now, the code has P&Z as the replat authority, but this makes it seem like there's the ability for CC to make the decision sometimes (based on....some criteria)?

¹⁹⁵ Carries forward Article XXV, Sec. 1 and 2.

¹⁹⁶ Replaces Appendix B, §X.

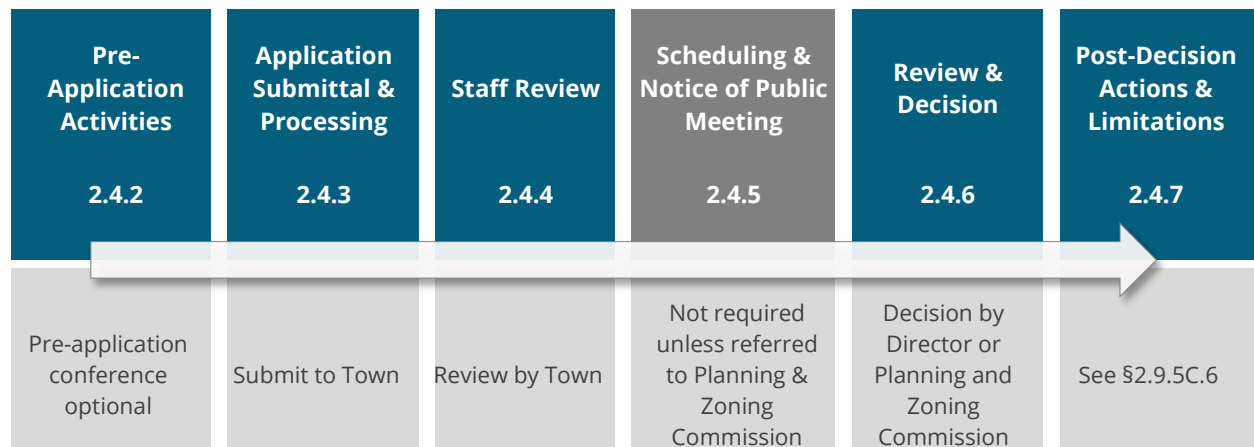
²⁰⁴ New. This section introduces an abbreviated subdivision process for smaller projects.

B. Applicability²⁰⁵

1. In accordance with TLGC § 212.0065, the Minor Plat procedure shall apply to plats that:
 - a. Involve four or fewer lots;
 - b. Front onto an existing street;
 - c. Do not require dedication of public right-of-way or other public improvements; and
 - d. Do not require the creation of any new street or the extension of municipal facilities.
2. The Director shall also have authority to approve Amending Plats using this Minor Plat procedure provided the Amending Plat is intended for one or more of the following purposes:
 - a. To correct an error in a course or distance shown on the preceding plat;
 - b. To add a course or distance that was omitted on the preceding plat;
 - c. To correct an error in a real property description shown on the preceding plat;
 - d. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - e. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - f. To correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - g. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the application for amending the plat;
 - ii. Neither lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

C. Minor Plat Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Minor Plat applications. Additions or modifications to the common review procedures are noted below.



²⁰⁵ Includes thresholds from TLGC § 212.0065 and carries forward Appendix B, §XVII.

1. Pre-Application Activities

A pre-application conference is optional, and if elected shall be held in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and if referred to Planning and Zoning Commission, prepare a staff report and recommendation, in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Meeting

Public notice and a public meeting is not required unless the Director refers a Minor Plat application to the Planning and Zoning Commission for review and decision. If the application is referred to the Planning and Zoning Commission, then the application shall be scheduled for a public meeting before the Planning and Zoning Commission.²⁰⁶

5. Review and Decision

The application shall be reviewed and decided upon by the Director in accordance with §2.4.6: *Review and Decision*, with the following modifications:

- a. The Director shall review the Minor Plat application according to the approval criteria in §2.9.5D, below.
- b. The Director may, for any reason, elect to refer the Minor Plat to the Planning and Zoning Commission for approval.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Recording

Following approval of a Minor Plat, the applicant shall submit, and the Town shall record the plat in accordance with the requirements for Final Plats in §2.9.3: *Final Plat*.

D. Review Criteria

In reviewing a proposed Minor Plat application, the Director shall consider the general approval criteria in §2.4.6C: *General Approval Criteria* and if the proposed Minor Plat:

- 1. Is consistent with the intent and complies with the applicable use requirements of the underlying zoning district;
- 2. Complies with applicable dimensional and development standards in this UDC;
- 3. Does not affect a recorded easement without approval from the easement holder, unless otherwise approved by the Director;
- 4. Will not result in adverse impacts to surrounding property; and
- 5. Will not limit the Town's ability to provide adequate and sufficient facilities or services.

²⁰⁶ It seems this is consent agenda item and does not require a public hearing. Do we need to reference in Common Procedures that consent agenda items do not require hearings?

2.9.6 Vacating Plat²⁰⁷

A. Purpose

The Vacating Plat review procedure is intended to outline the process for vacation of all or a portion of a prior-approved plat.

B. Applicability

The property owner of the tract covered by a plat may vacate the plat pursuant to TLGC § 212.013, as amended.²⁰⁸

C. Vacating Plat Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Vacating Plat applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Meeting

The application shall be scheduled for a public meeting before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.4.6: *Review and Decision*, with the following modification:

²⁰⁷ New procedure for vacating plat as allowed by state law.

²⁰⁸ "TLGC" is defined as "Texas Local Government Code."

- i. As a condition of approval, the Planning and Zoning Commission may require the applicant to prepare a revised Vacating Plat in accordance with §2.9.3: *Final Plat*.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modification:

- a. Regardless of the Planning and Zoning Commission's action on the application, the applicant will have no right to a refund of any monies, fees, or charges paid to the Town nor to the return of any property or consideration dedicated or delivered to the Town except as may have previously been agreed to by the Planning and Zoning Commission.

D. Review Criteria

In reviewing a proposed vacating plat application, the Planning and Zoning Commission shall consider the general approval criteria in §2.4.6C: *General Approval Criteria*.

2.10 Flexibility and Relief Procedures

2.10.1 Variance

Commentary:

There are several references to a Variance procedure in Addison; however, the current *Code of Ordinances* does not specifically describe the process for seeking a Variance. This new subsection codifies current practice and includes specific review criteria by which the Board of Zoning Adjustment would make a determination.

A. Purpose

The Variance procedure provides a mechanism for the Town to authorize Variances from the development standards of this UDC when it is demonstrated that such a Variance will not be contrary to the public interest or the spirit of this UDC, where, owing to special conditions, literal enforcement of this UDC will result in practical difficulties or unnecessary hardship.

B. Applicability

Any property owner seeking relief from this UDC may request a Variance when the strict application of this UDC meet the approval criteria listed in §2.10.1D.

C. Variance Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Variance applications. Additions or modifications to the common review procedures are noted below.



1. Pre-Application Activities

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Board of Zoning Adjustment and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

- a. The application shall be reviewed and decided upon by the Board of Zoning Adjustment in accordance with §2.10.1D.
- b. After closing the public hearing, the Board of Zoning Adjustment shall take action consistent with this UDC and state law. A concurring vote of 75 percent of the members of the Board of Zoning Adjustment shall be required to approve a Variance request.²⁰⁹

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

D. Review Criteria

- 1. In reviewing a Variance application, the Board of Zoning Adjustment shall find that all of the following exist:
 - a. Special circumstances or conditions apply to the lot or parcel for which the Variance is sought, which circumstances or conditions are peculiar to such lot or parcel and do not apply generally to other lot or parcels in the same zoning district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this UDC would deprive the applicant of the reasonable use of such lot or parcel;
 - b. The granting of the Variance will not be detrimental to the public welfare or injurious to other property or improvements in the zoning district or neighborhood in which the lot or parcel is located;
 - c. The Variance requested is the minimum Variance that will accomplish this purpose;
 - d. The literal enforcement and strict application of the provisions of this UDC will result in an unnecessary hardship inconsistent with the general provisions and intent of this UDC and that in granting such Variance the spirit of the UDC will be preserved and substantial justice done;
 - e. The granting of a Variance is not solely for the purpose of mitigating a financial hardship; and
 - f. The condition or feature that creates the need for the Variance did not result from the owner's actions.
- 2. Any person desiring to erect or increase the height of any structure, or permit the growth of any object of natural growth or use his property, in violation of the airport zoning regulations prescribed in §---²¹⁰ shall comply with the following standards:²¹¹

²⁰⁹ Carries forward Appendix A, Article XXIV, Sec. 5.

²¹⁰ Link to §2.8.1: *AO-Airport Overlay* to be added in Consolidated Draft.

²¹¹ Carries forward Chapter 14-127.

Article 2: Administration and Procedures

2.10 Flexibility and Relief Procedures

2.10.2 Subdivision Variance

- a. The applicant shall provide determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
- b. Such Variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but will do substantial justice, and will be in accordance with the spirit of §---, ²¹² pursuant to V.T.C.A., Local Government Code Chapter 41.
- c. No application for Variance to the requirements of §--- ²¹³ shall be considered by the Board of Zoning Adjustment unless a copy of the application has been furnished to the building official for advice as to the aeronautical effects of the Variance. If the building official does not respond to the application within 15 days after receipt, the Board of Zoning Adjustment may act on its own to grant or deny such application.

2.10.2 Subdivision Variance²¹⁴

A. Purpose

1. The Subdivision Variance procedure provides a mechanism for the Town to authorize variances from the strict application of the UDC, where literal enforcement of the UDC will result in an unnecessary hardship from the subdivision regulations and where the Subdivision Variance is necessary to develop a specific parcel of land which cannot otherwise be developed in the same manner allowed for other similar parcels due to unique conditions on the property.
2. The Subdivision Variance procedure may not allow a use in a zoning district where it is not currently permitted or alleviate inconveniences or financial burdens imposed on landowners.

B. Applicability

Any property owner seeking relief from the standards in §---²¹⁵ may request a Subdivision Variance when the strict application of this UDC meet the approval criteria listed in §2.10.2D.

C. Subdivision Variance Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of Subdivision Variance applications. Additions or modifications to the common review procedures are noted below.



²¹² Link to §2.8.1: *AO-Airport Overlay* to be added in Consolidated Draft.

²¹³ Link to §2.8.1: *AO-Airport Overlay* to be added in Consolidated Draft.

²¹⁴ New.

²¹⁵ Link to Article 5, Subdivision Standards will be added in Consolidated Draft.

1. Pre-Application Activities

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The variance application shall be submitted at the same time as the underlying application from which a variance is being sought. The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

- a. The application shall be reviewed and decided upon by the Planning and Zoning Commission in accordance with §2.10.2D.
- b. The Planning and Zoning Commission shall take action consistent with this UDC and state law. A majority vote of the Planning and Zoning Commission shall be required to approve a subdivision variance application.
- c. The Planning and Zoning Commission shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement, decision, or determination which comes before it under the provision of this UDC.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

D. Review Criteria

In reviewing a Subdivision Variance application, the Planning and Zoning Commission shall find that all of the following exist:

- 1. The proposed Subdivision Variance is appropriate based on a finding that unreasonable hardships or difficulties may result from strict compliance with the subdivision regulations or the purposes of the regulations may be served to a greater extent by an alternative proposal;
- 2. The granting of the Subdivision Variance will not be detrimental to the public safety, health, or welfare or injurious to other property;
- 3. Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the subdivision regulations is carried out;
- 4. The Subdivision Variance will not in any manner vary the provisions of the Comprehensive Plan or the UDC, except that those documents may be amended in the manner prescribed by law; and
- 5. The special or peculiar conditions upon which the request is based did not result from or were not created by the act or commission of the owner or any prior owner, subsequent to the date of creation of the requirement from which a Subdivision Variance is sought.

2.10.3 Minor Modification

Commentary:

This procedure replaces the current waiver procedures available in the UC and MXR zoning districts (current Article XVIII, §5; Article XIX, §6; and Article XIX, §11). The Minor Modification procedure is now available for properties town-wide allowing for slight deviations from some development standards and is reviewed concurrently with another application type. Applications that would already require a public hearing, would include the evaluation of the Minor Modification request during that public hearing (and would not authorize all Minor Modifications administratively). The review standards are intended to ensure that they are approved only when justified by unique circumstances, rather than assumed an automatic deviation by right. This procedure is intended to streamline development review times and to allow a degree of flexibility often required when developing challenging sites.

Many communities use the Minor Modification procedure modestly at first, and then revise it to add additional adjustments or remove adjustments if the tool proves successful. In this draft, we include a table of allowable Minor Modifications to indicate which standards may be adjusted, and to what extent.

A. Purpose

The purpose of the Minor Modification procedure is to allow adjustments, modifications, or deviations from the dimensional or numerical standards of this UDC. Minor modifications are intended to provide greater flexibility when necessary without requiring a formal zoning amendment. The Minor Modification procedure is not a waiver of standards, but rather a procedure for modifying standards up to a specified amount when circumstances or site conditions warrant such modification.

B. Applicability

1. Table of Allowable Minor Modifications

An application for a Minor Modification that is not related to a request for reasonable accommodation under the federal Fair Housing Act Amendments of 1988 (FFHA) or the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA) may request only the types of modifications shown below.

UDC Standard	Allowable Modification (maximum percentage)
Site Standards	
Lot width, minimum	10
Lot depth, minimum	10
Lot area, minimum	10
Building coverage, maximum	10
Total impervious coverage, maximum	10
Block length	10
Lot Dimensional Standards	
Front building setback, minimum	15
Build-to range, minimum/maximum	15
Front building façade at build-to range, minimum	15
Side building setback, minimum	15
Rear building setback, minimum	15
Building Standards	
Building height, maximum	10

UDC Standard	Allowable Modification (maximum percentage)
Building height, minimum for street facing facades	10
Development Standards	
Number of required vehicle parking spaces, minimum	20
Minimum landscaped\ area	10
Residential density	10

2. Limitations on Minor Modifications

The Minor Modification procedure shall not be used to:

- a. Modify standards outside of this UDC;
- b. Modify the uses or activities allowed on the property;
- c. Modify the standards that apply to a specific use or activity, including dimensional and numerical standards; or
- d. Modify a standard that is already modified through a separate Minor Modification, Variance, or other adjustment procedure.

3. Reasonable Accommodations Under the FFHA

- a. The Town may approve a Minor Modification to accommodate requirements under the FFHA provided:
 - i. The modification is the minimum change from the provisions of this UDC necessary to comply with the requirements of the FFHA; and
 - ii. The modification will not cause adverse impacts on the surrounding area.
- b. The Town may approve a type of accommodation that is different than the applicant’s request if the Town deems such accommodation would satisfy the requirements of the FFHA and have fewer impacts on the surrounding area.
- c. The Town may be required to approve requests for reasonable accommodations under the FFHA regardless of whether such request qualifies as a Minor Modification.

4. Accommodations Under RLUIPA

- a. The Town may approve a modification beyond those listed in the above table to avoid or eliminate a substantial burden on religious exercise as guaranteed by RLUIPA.
- b. Under no circumstance may the Town approve a modification that allows a use, structure, or activity in a zoning district where such use, structure, or activity is prohibited.
- c. The Town may approve a modification to accommodate a person’s free exercise of religion pursuant to RLUIPA.

C. Minor Modification Procedure

1. Application

- a. An application for a Minor Modification may only be submitted and reviewed as part of a concurrent application for a Special Use Permit, Major or Minor Site Plan, Temporary Use Permit, or platting procedure. Standalone Minor Modification applications shall not be considered.
- b. Multiple requests for eligible modifications pursuant to §2.10.3B.1 may be considered under the same Minor Modification application.

2. Review and Decision

a. Applications Approved Administratively

When the request for a Minor Modification is submitted concurrently with and associated with an application that requires approval by the Director, the Director shall review and approve, approve with conditions, or deny the modification in accordance with the criteria in subsection 2.10.3C.3.a below.

b. Applications Approved by the Planning and Zoning Commission or City Council

When the request for a Minor Modification is submitted concurrently with and associated with an application that requires approval by the Planning and Zoning Commission or City Council, the applicable final decisionmaker shall review the modification and approve, approve with conditions, or deny the modification in accordance with the criteria in subsection 2.10.3C.3.a below.

3. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Effect of Approval

- i. Approval of a Minor Modification only authorizes the modifications as approved and only on the subject property associated with the application.
- ii. A Minor Modification may be suspended or revoked after notice and an opportunity to be heard is provided to the applicant, if there is:
 - a. A failure to comply with related provisions of this UDC; or
 - b. A failure to comply with any conditions included with the Minor Modification.

b. Expiration of Minor Modification

Approval of a Minor Modification shall automatically expire if the development application or permit associated with the Minor Modification is denied or otherwise deemed invalid.

D. Review Criteria

- 1. In reviewing a request for a Minor Modification, the decisionmaker shall consider whether the Minor Modification would result in development that complies with or exceeds the intent of the standard being modified and the overall intent of this UDC, and the extent to which the requested Minor Modification:
 - a. Is technical in nature;
 - b. Compensates for an unusual site condition or circumstance not shared by surrounding properties in general;
 - c. Meets all other applicable building and safety codes;
 - d. Benefits the Town by protecting community assets, features, and sensitive areas; and
 - e. Avoids creating adverse impacts to surrounding areas.
- 2. An application shall be approved if the application supports the criteria listed above, and the applicant has provided any additional data and references, if requested by the Director, the Planning and Zoning Commission, or the City Council.

2.10.4 Alternative Equivalent Compliance²¹⁸

A. Purpose

The alternative equivalent compliance procedure is intended to encourage creative and unique design by allowing development to occur in a manner that meets the intent of this section, yet through an alternative design that does not strictly adhere to the section’s standards. This is not a general waiver of regulations. Rather, this authorizes a discretionary approval by the Director of a site-specific plan that is equal to or better than the strict application of the standard.

B. Applicability

The alternative equivalent compliance procedure is available for the standards in Article 5: *Development Standards*, unless otherwise described in the applicable subsection.

C. Alternative Equivalent Compliance Procedure



1. Pre-Application Activities

A pre-application conference is required in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing* with the following modifications:

- a. Review for compliance with these standards shall occur at the time of Minor or Major Site Plan review. Where Site Plan review is not required, review for compliance with these standards shall occur prior to issuance of a building permit.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

If submitted with a Major Site Plan, the application shall be scheduled for public hearings before the Planning and Zoning Commission and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

²¹⁸ New. This procedure is intended to provide flexibility for certain development standards that would not be possible under the Minor Modification tool. This is more for qualitative deviations, rather than quantitative deviations. This is an example of how such a tool can be structured in the procedures chapter. If this is a good direction, then we will need to coordinate it with the alternative compliance references scattered in the development standards article.

5. Review and Decision

- a. The application shall be reviewed and decided upon by the Director or the Planning and Zoning Commission in accordance with §2.10.2D.
- b. Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply.

D. Review Criteria

In reviewing a proposed Alternative Equivalent Compliance application, the appropriate decision-making authority shall consider if the proposed alternative:

- 1. Achieves the intent of the subject standard to the same or better degree than the subject standard;
- 2. Advances the goals and policies of this UDC to the same or better degree than the subject standard;
- 3. Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard; and
- 4. Imposes no greater impacts on surrounding properties than would occur through compliance with the specific requirements of this UDC.

2.10.5 Appeal of Administrative Decision²¹⁹

A. Purpose

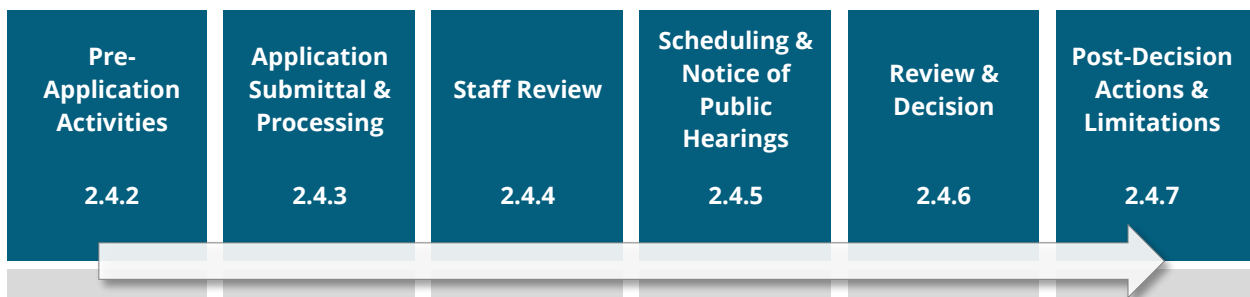
The appeal of administrative decision procedure is intended to establish a remedy whereby persons claiming to have been aggrieved by a decision of the Director or other administrative official in administering this UDC may appeal that decision.

B. Applicability

Any person may appeal a decision of the Director or other officer of the Town made in the administration or enforcement of this UDC. Appeals shall be made to the appropriate body as indicated in §2.3: *Summary Table of Review Procedures*, and in accordance with state law.

C. Appeal of Administrative Decision Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of appeal of administrative decision applications. Additions or modifications to the common review procedures are noted below.



²¹⁹ New. This procedure formalizes and codifies the appeal process for any administrative decision related to this UDC. This section incorporates procedural details in Appendix A, Article XXIV, Sec. 2.

Article 2: Administration and Procedures

2.10 Flexibility and Relief Procedures

2.10.5 Appeal of Administrative Decision

Pre-Application Activities	Application Submittal & Processing	Staff Review	Scheduling & Notice of Public Hearings	Review & Decision	Post-Decision Actions & Limitations
Optional, see §2.10.5C.1	Submit to Town within 20 days of decision being appealed	Review by Town	Hearing required with appeal decision authority, depending on application type	Review and decision depends on application type	Further appeals to the Courts

1. Pre-Application Activities

A pre-application conference is optional, but if elected such meeting shall be held in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

a. Time Limit

Appeals shall be made in writing and filed with the Director within 20 calendar days of the action or decision being appealed.

b. Pause of Proceedings

An appeal pauses all proceedings from further action unless the Director determines that a stay would create adverse impacts to the health, safety, or welfare of the Town or neighborhood. In such case, proceedings shall not be stayed, otherwise than by a restraining order which may be granted by the Board of Zoning Adjustment or by a court of record or application on notice to the officer from whom the appeal is taken and on due cause shown.

3. Staff Review

The staff shall review the application and prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*.

4. Scheduling and Notice of Public Hearings

The application shall be scheduled for public hearings before the appropriate appeal authority and shall be noticed pursuant to §2.4.5: *Scheduling and Notice of Public Hearings*.

5. Review and Decision

- a. The appropriate appeal authority may affirm, reverse, or amend a decision or interpretation made by the Director or an administrative official in accordance with the approval criteria in §2.10.5D: *Review Criteria*.
- b. The appropriate appeal authority may reverse a previous decision in whole or in part, or may modify the order, requirement, decision, or determination appealed from.
- c. The appropriate appeal authority may attach conditions of approval on any appeal to ensure the health, safety, and welfare of the Town.

6. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply. Any further appeals from the appropriate appeal authority shall be made to the courts in accordance with state law.

D. Review Criteria

In reviewing a proposed appeal of administrative decision application, the appropriate appeal authority shall consider the following:

1. The facts stated in the application, as presented by the appellant and/or the Director;
2. The written and oral testimony of the public;
3. The testimony of the appellant;
4. The requirements and intent of the applicable standards from this UDC compared to the written decision that is being appealed; and
5. The testimony of the administrative official or body from which the appeal is taken.

2.10.6 Interpretations²²⁰

A. Purpose

The interpretations procedure is intended to provide a uniform mechanism for rendering formal written interpretations of this UDC.

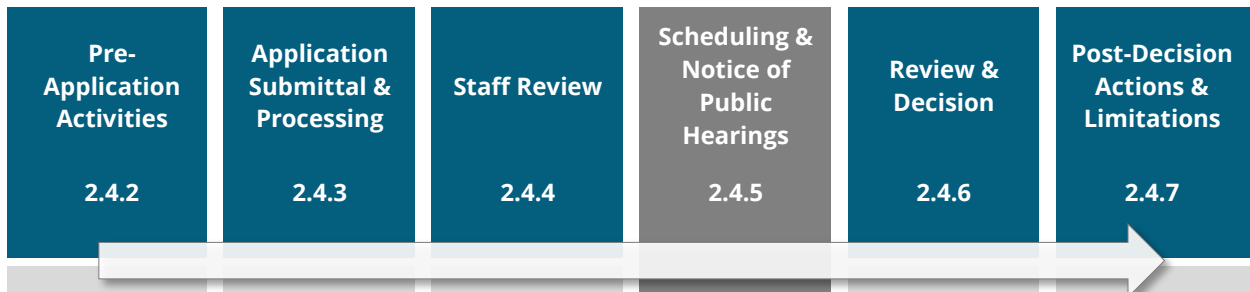
B. Applicability

Responsibility for making interpretations of provisions of this UDC is assigned as follows:

1. The Director shall be responsible for all interpretations of the zoning and platting provisions in the text of this UDC, including, but not limited to: interpretations as to which is the stricter and thus controlling provision in case of conflict with this UDC and other provisions of the Municipal Code of Ordinances; interpretations of compliance with a condition of approval; and interpretations of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district. The Director shall also be responsible for interpretations of the zoning district boundaries on the Official Zoning Map.
2. The Director of Public Works and Engineering shall be responsible for all interpretations of the floodplain management and engineering provisions in the text of this UDC.
3. The Building Official or Fire Marshall shall be responsible for all interpretations of Building and Fire Code provisions as they relate to this UDC including interpretations relating to issuance of a Certificate of Compliance/Occupancy.

C. Interpretation Procedure

The process diagram below identifies the applicable steps from §2.4: *Common Review Procedures*, that apply to the review of interpretation applications. Additions or modifications to the common review procedures are noted below.



²²⁰ New. This procedure formalizes and codifies the interpretation process for any matter related to this UDC. This procedure replaces the general interpretation language in Article XXXI, Sec. 1 and Sec. 2.

Article 2: Administration and Procedures

2.10 Flexibility and Relief Procedures

2.10.6 Interpretations

Pre-Application Activities	Application Submittal & Processing	Staff Review	Scheduling & Notice of Public Hearings	Review & Decision	Post-Decision Actions & Limitations
Optional, see §2.10.6C.1	Submit to Town	Review by Town	Not required	Review and interpretation by appropriate authority	See §2.10.6C.5

1. Pre-Application Activities

A pre-application conference is optional, but if elected such meeting shall be held in accordance with §2.4.2A: *Pre-Application Conference*.

2. Application Submittal & Processing

The application shall be submitted, accepted, revised, and may be withdrawn, in accordance with §2.4.3: *Application Submittal and Processing*, with the following modifications:

- a. A request for administrative interpretation may be filed by any person having a legal or equitable interest in property that gives rise to the need for an interpretation; provided that interpretations shall not be sought by any person based solely on hypothetical circumstances or where the interpretation would have no effect other than as an advisory opinion.

3. Staff Review

The staff shall review the application and may choose to prepare a staff report and recommendation in accordance with §2.4.4: *Staff Review*, as determined by the Director.

4. Review and Decision

The application shall be reviewed and decided upon by the appropriate interpretation authority in accordance with §2.10.6D: *Review Criteria*. The decision shall be in the form of a written interpretation and the decision-maker shall consult with the City Attorney and affected Town officials before rendering the interpretation.

5. Post-Decision Actions and Limitations

All common procedures in §2.4.7: *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. Effect of Approval

The written interpretation shall be binding on subsequent decisions by the Director or other Town administrative officials in applying the same provision of this UDC or the Official Zoning Map in the same circumstance, unless the interpretation is reversed or modified on appeal pursuant to §2.10.5: *Appeal of Administrative Decision*.

b. Official Record of Interpretations

The Director shall maintain a record of written interpretations that shall be available for public inspection, on reasonable request, during normal business hours.

D. Review Criteria

In reviewing a proposed interpretation application, the appropriate interpretation authority shall consider the following:

1. Statutory References

Unless otherwise specified, statutory references are to be construed as currently amended or superseded.

2. Text Provisions

Interpretation of text provisions and their application shall be based on the standards in §7.1: *Rules of Construction*, and the following considerations:

- a. The clear and plain meaning of the provision's wording, as defined by the meaning and significance given specific terms used in the provision as established in Article 7: *Definitions*, and by the common and accepted usage of the term;
- b. The intended purpose of the provision, as indicated by purpose statements, its context and consistency with surrounding and related provisions, and any legislative history to its adoption;
- c. The intent to give every provision meaning;
- d. The general purposes served by this UDC, as set forth in §1.3: *Purpose*; and
- e. Consistency with the Comprehensive Plan and other applicable Town policies.

3. Unspecified Uses

Interpretation of whether an unspecified use falls within a use classification, use category, or use type allowed in a zoning district shall be based on the standards in §---²²¹, and the Comprehensive Plan.

4. Zoning Map Boundaries

Interpretation of zoning district boundaries on the Official Zoning Map shall be in accordance with the standards in §---²²², and consistent with the Comprehensive Plan.

Article 3: Zoning Districts

[Submitted with Part 1]

Article 4: Use Regulations

[Submitted with Part 1]

Article 5: Development Standards

[Submitted with Part 2]

Article 6: Subdivision Standards

[Submitted with Part 2]

²²¹ Link to §3.2.5: *Classification of New and Unlisted Uses* to be added in Consolidated Draft.

²²² Link to §2.2.2: *Zoning District Boundaries* to be added in Consolidated Draft.

Article 7: Definitions²²³

Commentary:

This section includes general rules of construction and defined terms. Many of the rules of construction are new. This definitions article will continue to grow as future material is developed. Many of the terms were carried forward from the current Code of Ordinances and revised as noted. New terms are also noted and are based on our work in other jurisdictions and tailored for Addison. There are several placeholders where we will prepare graphics to supplement the text definitions, both by updating existing graphics and creating new graphics.

7.1 Rules of Construction²²⁴

7.1.1 Meanings and Intent

All provisions, terms, phrases, and expressions contained in this UDC shall be construed according to the general purpose set forth in §1.3, and the specific purpose statements set forth throughout this UDC. When, in a specific section of this UDC, a different meaning is given for a term defined for general purposes in this UDC, the specific section's meaning and application of the term shall control.

7.1.2 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control.

7.1.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

7.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the Town, or other day that Town offices are not open, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the Town, or other day that Town offices are not open. References to days are calendar days unless otherwise stated.

7.1.5 Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

7.1.6 Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are discretionary.

²²³ Discussion Item: There may be several definitions in current Chapter 18 of the Code of Ordinances that may need to be reconciled with definitions found in this UDC (e.g., dwelling unit, owner, structure, etc.). We recommend a uniform set of definitions be used in the UDC and the Code of Ordinances, if possible.

²²⁴ New.

7.1.7 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

7.1.8 Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

7.1.9 Titles and Headings

All titles and headings of articles, sections, or subsections of this UDC are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

7.2 Use-Related Definitions

[Included in Part 1]

7.3 Other Defined Terms

Commentary

New terms added are highlighted **yellow**.

The following words, terms and phrases when used in this UDC, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

7.3.1 Flood Definitions

[Reference Part 2: Development Standards]

7.3.2 Airport Definitions

Airport

The area of land owned by the Town and known as Addison Airport.

Employee

For purposes of airport regulations, an individual who works for an aircraft owner, and for which the aircraft owner files federal income taxes and tax withholding with the IRS on behalf of the employee.

Entity

For purposes of airport regulations, a person, firm, corporation, partnership, limited liability company, or other entity recognized in law.

Lease

For purposes of airport regulations, a written contractual agreement by and between the Town and an entity granting the entity the exclusive right to use and occupy certain airport land and/or facilities in consideration of the payment of rent and other terms and conditions. In addition, lease also includes a sublease agreement between an airport tenant (who has a legal and authorized lease with the Town) and an entity in which the tenant grants to the entity a right to use and occupy all or a portion of the airport land and/or facilities that the tenant leases from the Town, but only if the sublease was properly contracted, executed and agreed to according to the rules and regulations and was consented to in writing by the Town.

7.3.3 All Other Definitions

Abandon

For purposes of airport regulations, that property has been left on non-leased property at the airport without the consent of the Town for a period of 48 hours or more without the owner moving or claiming it, or on leased property at the airport without the consent of the tenant.

Access or Access Way²²⁵

The place, means, or way by which pedestrians or vehicles shall have safe, adequate, and usable ingress/egress to a property or use as required by this UDC.

Administrative Official

That person within a Town department having the final decision-making authority within the department relative to a zoning issue such as the Building Official or Director of Public Works and Engineering or their designees.

Alley²²⁶

A minor or secondary right-of-way that provides only a secondary means of access to abutting property and that is used primarily for vehicular service to the back or side of properties that otherwise front on a street.

Applicant

The owner(s), developer(s), or their representative(s) with written authorization to act on behalf of said parties from all of the lots in the proposed subdivision or property owners' association, as the context allows.

Board of Zoning Adjustment

The Board of Zoning Adjustment appointed to hear appeals under this UDC.

Building

Any structure or building for the support, shelter, and enclosure of persons, animals, possessions, or movable property of any kind. For purposes of airport regulations, the main portion of each structure, all projections or extensions therefrom, and any additions or changes thereto including, but not limited to, garages, outside platforms, docks, carports, canopies, eaves, and porches.

Building Façade, Primary

Any façade that fronts a public or private street or open space.

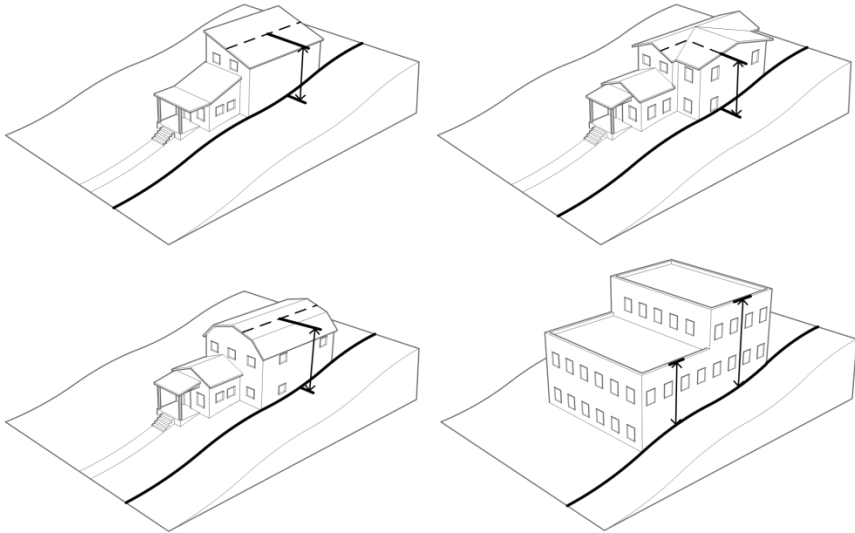
Building Height²²⁸

The height of a building measured as the vertical distance above the average finished grade measured to the highest point of the roof of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.

²²⁵ New.

²²⁶ Replaces current definition.

²²⁸ Did not carry forward last sentence exempting some architectural features, those are addressed in building height exceptions. Replaces current definition, did not carry forward references to the street lot line or average natural ground level. Illustration is new. Consolidated draft: Add labels to each image showing what type of roof it is. Bottom left photo shown is a gambrel roof, but text references a mansard roof, which should have a flat deck line. Mansard roof needs to be shown with a separate image measuring to the highest, flat part. Add gambrel roof to text and adjust the supported image so the dashed line shown is at the highest point of the roof.

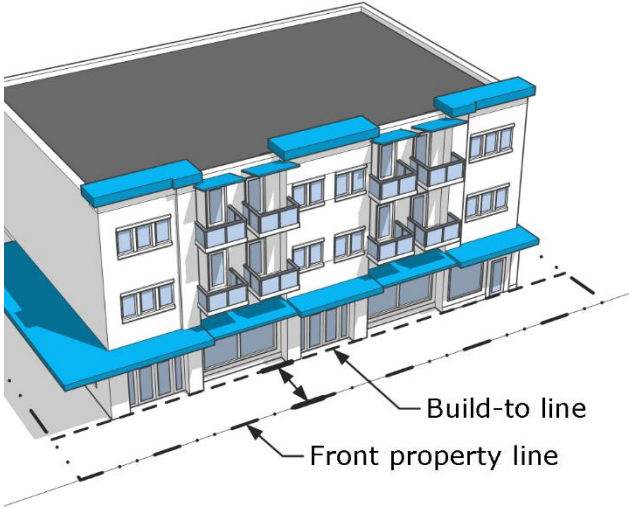


Building Official

The Building Official of the Town of Addison or their designated representative.

Build-to

An alignment establishing a certain distance from the front property line where a building must be constructed.



Business

Any for-profit or non-profit commercial, industrial, or professional operation, occupation, work, or trade, or any other business of any kind, including, without limitation, any sole proprietorship, partnership, limited partnership, joint venture, association, corporation, limited liability company, franchisee, cooperative, or any other entity recognized by law that owns, leases, or occupies any premises.

City Council (or "Council")

The city council of the Town of Addison, Texas.

Criteria Manual

Any document containing formally established design standards for the Town of Addison including but not limited to engineering technical standards, construction details, and other technical specifications.

Dedication

An offer of real property by its owner(s) and its acceptance by the Town for any general or public use.

Development²²⁹

The new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

Director²³⁰

Unless otherwise specified, the Director of Development Services or their designee.

Driveway

The primary improved or unimproved parking surface that provides egress and ingress from a garage, carport, or off-street parking area to an adjacent street or alley.

Dwelling Unit

A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters.

Easement

The portion of a lot or lots reserved for present or future use by a person or agency other than the legal fee owner(s) of the property. The easement may be for use under, on or above said lot or lots.

Fence

A vertical device used as a boundary or means of providing protection, confinement or privacy.

Final Plat

The Final Plat of a subdivision prepared for recording in conformance with Section 2.9.3: *Final Plat*.

Floodplain²³¹

See §---²³² for definitions.

Frontage²³³

The width of a lot or parcel abutting a public right-of-way measured at the front property line.

Gross Floor Area (GFA)²³⁴

The total floor area of all stories of a building or buildings, measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage (including basements), but not including any uncovered or unenclosed porches, patios, or decks, unless otherwise permitted in this UDC.

²²⁹ Updated to align with TLGC Chapter 212.

²³⁰ New.

²³¹ New.

²³² Link to §7.3.1: *Flood Definitions* to be added in Consolidated Draft.

²³³ New.

²³⁴ Replaces current definition.

Impervious Coverage²³⁵

Any hard surface, man-made area that does not absorb water, including but not limited to principal and accessory building roofs, sidewalks, paved parking, driveways, and other paved surfaces.

Improved Parking Surface²³⁶

An area used for the parking or storage of vehicles that is overlaid or otherwise paved with concrete, asphalt, paving stones or other approved hard surfaced durable material.

Landscape Plan²³⁷

A detailed drawing that identifies the quantities or numbers, placement, type, and common and botanical names of plant materials to be used on a development site.

Lot²³⁸

A designated parcel, tract or area of land established by a plat to be used, developed, or built upon as a unit.

Lot of Record

See “lot.”

Lot Area²³⁹

The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

[Consolidated draft: Add graphics of lot area, depth, lines, and width.]

Lot Depth²⁴⁰

The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

Lot Lines²⁴¹

A boundary of a lot. "Lot line" is synonymous with "property line."

Lot Width²⁴²

The horizontal distance between the side lines, measured at the front property line adjacent to the public right-of-way. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned.

Maximum Extent Feasible²⁴³

As determined by the Director, no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining “maximum extent feasible.”

²³⁵ Replaces current definition for “lot coverage.”

²³⁶ Did not carry forward “as approved by the Building Official.”

²³⁷ Detailed specifications removed.

²³⁸ Replaces current definition.

²³⁹ Replaces current definition for “area of the lot.”

²⁴⁰ Replaces current definition.

²⁴¹ Replaces current definition.

²⁴² Replaces current definition.

²⁴³ New.

Maximum Extent Practicable²⁴⁴

As determined by the Director, under the circumstances, reasonable efforts have been undertaken to comply with the regulation, the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance with the regulation.

Minor Plat

A map, drawing, or chart prepared according to the provisions of this UDC, and containing all engineering and legal data, dedications, and certificates necessary to the recording of same in the map and plat records of the county, and meeting the criteria defined in §2.9.2.

Nonconforming Lot

A lawfully established lot created prior to adoption of this UDC that does not comply with the minimum lot size requirements of this UDC.

Nonconforming Sign

A lawfully established sign constructed or installed prior to adoption of this UDC or any amendment thereafter that does not comply with the sign regulations of this UDC.

Nonconforming Site Feature

Any site feature that that lawfully existed prior to adoption of this UDC but does not comply with the standards of this UDC.

Nonconforming Structure

A lawfully established building or structure constructed or installed prior to adoption of this UDC or any amendment thereafter that does not comply with the area, height, or placement regulations of this UDC. A nonconforming structure shall not be deemed to include signs.

Nonconforming Use²⁴⁵

A use that lawfully existed prior to adoption of this UDC or any amendment thereafter, but does not comply with the terms of this UDC.

Nonconformity

An existing use, structure, lot of record, site feature, or sign that was lawfully established prior to the Effective Date or any amendment thereafter and that does not conform to one or more provisions of this UDC.

Nonconformity, Illegal

Any site feature or land use that did not lawfully exist per Town regulations at the time of construction, and is, therefore, not protected under the nonconformities section of this UDC.

Parking Area²⁴⁶

An area designed and constructed for the parking, storage and maneuvering of vehicles.

Parking Space²⁴⁷

A space within a public or private parking area, exclusive of driveways, ramps, columns, offices, and work areas, which is for the temporary parking or storage of one vehicle.

²⁴⁴ New.

²⁴⁵ Replaces current “nonconforming uses” definition.

²⁴⁶ New.

²⁴⁷ New.

Person²⁴⁸

An individual, assumed name entity, partnership, joint venture, association, corporation, or other legal entity, including the Town and other governmental entities. For purposes of airport regulations, an individual, corporation, company, association, firm, partnership, society, government, tenant, lessee, concessionaire, passenger, visitor, customer, contractor, and other entities doing business on, employed at, or otherwise using Town property as the context shall deem appropriate. It includes a trustee, receiver, assignee, successor, or similar representative of any of them.

Planning and Zoning Commission

The Planning and Zoning Commission of the Town of Addison, Texas.

Preliminary Plat

A map showing the conceptual design of a proposed development as required by this UDC submitted for the purpose of preliminary consideration prior to the submission of a Final Plat or Replat.

Plat

The graphic presentation of one or more lots or tracts of land, or of a subdivision, resubdivision, combination, or recombination of lots or tracts.

Property Owner

The owner, occupant, tenant, manager, or other person in control of property or his agent or designee.

Public Property

Interests in easements, rights-of-way, fee simple property and public ways owned by the town.

Replat

A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Right-of-Way²⁴⁹

The surface of and the space above and below, any street, road, highway, freeway, tollway, lane, path, drainageway, channel, fee interest, public way or place, sidewalk, alley, boulevard, parkway, drive, fire lane, or other easement now or hereafter held by the Town or over which the Town exercises any rights of management or control and shall include, but not be limited to, all easements now held, or hereafter held, by the Town, but shall specifically exclude private property.

Setback

The minimum distance between a lot line and a building or structure required by this UDC.

[Consolidated draft: Add graphic.]

Site Plan, Major

See §2.6.2C.2.

Site Plan, Minor

See §2.6.2C.1.

²⁴⁸ From current Chapter 70, Article VII, Sec. 70-320.

²⁴⁹ From current Sec. 70-36.

Special Flood Hazard Area (SFHA)²⁵⁰

The land subject to a one percent or greater chance of flooding in any given year. The SFHAs within the Town of Addison are generally identified as such on the Incorporated Area Flood Insurance Rate Map prepared by the Federal Emergency Management Agency (FEMA), as amended, revised, and prepared by the Federal Emergency Management Agency with the most recent date.

Street²⁵¹

Any thoroughfare or public driveway, other than an alley, that has been dedicated or deeded to the public for public use.

Structure

Any manmade construction in, on, or over the ground or water that is affixed to a site or usually left in one place for an indefinite period of time.

Subdivision

The division of any tract or parcel of land into two or more lots for the purpose, whether immediate or future, of sale or building development, and shall include resubdivision. "Subdivision" shall also mean the division or redivision of an existing subdivision together with any change of lot size therein or with the relocation of any street. "Subdivision" shall also mean the combination of lots or tracts into one or more lots and shall include recombination. "Subdivision" shall also mean a tract of land intended to be built upon and for which a building permit is required.

TLGC

The Texas Local Government Code.

Town

The Town of Addison, Texas. For purposes of airport regulations, the Town of Addison, Texas. Where approval, enforcement, or other act on the part of the Town is referred to herein, the Town shall act by and through its Town ordinances unless otherwise specifically indicated.

Unified Development Code (UDC)

This Code, including any and all amendments to this UDC.

Utility Services

The facilities of any person, firm or corporation providing electrical, telephone, television cable or any other such item or service for public use that are within the present or future town limits of the Town of Addison, Texas.

Vacating Plat

A plat that is granted pursuant to the terms of §2.9.6: *Vacating Plat*.

Zoning District²⁵²

A specific delineated area on the Zoning Map established by this UDC within which a prescribed set of use and development standards are applied to various types of development.

²⁵⁰ New.

²⁵¹ Specific street type definitions (e.g., "arterial," "collector," and "local" streets) should be in a criteria manual.

²⁵² New.

ADDISON, TEXAS



UNIFIED DEVELOPMENT CODE PART 1: ZONING DISTRICTS AND USES (UPDATED)

CLARION

APRIL 2024
PUBLIC DRAFT

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Article 1: General Provisions

[Drafted in Part 3]

Article 2: Zoning Districts

Commentary:

Generally:

This article is based on the zoning district standards from current Appendix A of the Addison Code of Ordinances and introduces a revised lineup of zoning districts. Each district in this draft includes a purpose statement (most of which are new), a district illustration, and lot/building dimensional standards. Any regulations governing the use of land (permitted and special uses) have been relocated to Article 3: *Use Regulations*.

As indicated in the [Development Regulations Assessment Report](#), we propose several updates to the current lineup of zoning districts to better align with and respond to the current and future needs of Addison. Some existing districts are proposed to be consolidated, renamed, eliminated, and/or carried forward as a legacy district (i.e., a district that is carried forward, but that cannot be used in future rezonings). This draft also introduces three new zoning districts, a mixed-use urban corridor district (M-3), and a community facilities district (CF).

The current zoning regulations for several districts appear to have been drafted independently from one another, resulting in several methods for defining and regulating dimensional and other development standards. For example, there are currently three methods for measuring front setbacks in Addison (measured from back-of-curb, property line, and right-of-way). Rather than carrying forward these variations across districts, this draft establishes a uniform method of measurement to simplify administration of zoning regulations across districts. We also propose removing minimum dwelling unit size standards and not carrying forward reference to building height in stories. Instances where building height is referenced in stories, we have converted it to feet using 11.5 feet per story, based on the current definition for “standard story.” Any standards related to legally established lots that do not meet the minimum lot area will be relocated to the nonconformity section during the drafting of Part 3 of the UDC project.

Purpose Statements, Graphics, and Summary Tables

The district purpose statements are drafted based on current language in the *Code of Ordinances*, existing built conditions, and language in the *Comprehensive Plan*. The supplemental graphics help illustrate the general character of the district and demonstrate the basic dimensional standards. In cases where zoning district consolidations resulted in inconsistent standards, we generally opted for the more flexible or generous standard. Proposed changes to current standards are identified with footnotes throughout the document.

Build-to Standards

In some mixed-use districts, the current “build-to-line” standards have been replaced with “build-to-range” standards. This provides added flexibility for building placement while still achieving the overall goal of creating a pedestrian-friendly environment. For example, a 10-foot build-to line can be replaced with a build-to-range of 10 to 15 feet, allowing buildings to be appropriately placed to accommodate outdoor dining areas, plazas, landscaping, or other amenities. This also provides flexibility for addressing site constraints that may prohibit the building from being placed exactly on the build-to-line due to utility boxes, easements, etc.

Generally, the current build-to-line standard is the lower of the two numbers provided in the build-to-range. All build-to requirements are proposed to be measured from the proposed right-of-way line (as indicated in the *Addison Transportation Master Plan*) rather than from the current property line or back-of-curb; ensuring consistency and providing a mechanism for the Town to implement the *Transportation Master Plan* (and street cross-sections) as properties redevelop.

Setback Requirements for Corner Lots

The current regulations are inconsistent (and sometimes silent) regarding setback requirements for the yards fronting a street. This draft treats all corner lots as if they have two front yards (i.e., each corner lot has two front yard setbacks).

Building Height

There are currently two methods for measuring building height in Addison: height in feet (most districts) and height in stories (UC and Belt Line districts). Some districts use both (R-1 and R-16). This draft proposes measuring all building height in feet rather than stories. Where no maximum in feet is provided, we have converted the maximum height in stories to feet by multiplying the number of stories by 11.5 feet (based on the definition of “standard story”).

Impervious Coverage

There are currently two zoning districts where maximum lot coverage standards are established (MXR and the UC Residential Subdistrict). For consistency and clarity, we have introduced impervious total coverage standards for all zoning districts. These standards are intended to limit the area of a lot that can be covered with impervious surfaces (buildings, paving, etc.), to improve stormwater quality, and to reduce the volume of water entering the Town’s stormwater infrastructure.

Residential Density

To help support a pedestrian- and transit-oriented environment, this draft introduces minimum residential density requirements in the mixed-use zoning districts. Research and literature suggest density plays a significant role in promoting walkability and transit use. The minimum densities proposed in this draft are based on research and literature from leading experts and have been tailored to respond to the desired scale and character of each mixed-use zoning district.

Neighborhood Transition Standards

This draft carries forward current building height and setback standards aimed at ensuring development compatibility and neighborhood transitions. The current standards are not consistent and could be improved to broaden their applicability. These standards will likely be reconsidered during the drafting of Part 2: *Development Standards*, so that they align with proposed revisions to landscaping, buffering, screening, fencing, and other site feature standards.

2.1 Zoning Districts Established¹

The following zoning districts are established by the Town’s adoption of the Official Zoning Map pursuant to §2.2.

Table 2.1-1: Summary Table of Review Procedures

Residential Districts	Section
R-1 - Residential	2.4.1
R-2 - Residential	2.4.2
R-3 - Residential	2.4.3
R-4 - Residential	2.4.4
R-5 - Residential	2.4.5
Mixed-Use Districts	
M-1 - Mixed-Use Neighborhood	2.5.1
M-2 - Mixed-Use Suburban Corridor	2.5.2
M-3 - Mixed-Use Urban Corridor	2.5.3
M-4 - Mixed-Use Center	2.5.4
Nonresidential Districts	
CL - Commercial Limited	2.6.1
CG - Commercial General	2.6.2
LI - Light Industrial	2.6.3
AA - Addison Airport	2.6.4
CF - Community Facilities	2.6.5
PO - Parks and Open Space	2.6.6

¹ Replaces current Appendix A, Article II, §1: *Districts*.

Table 2.1-1: Summary Table of Review Procedures

Planned Development Districts	
PD - Planned Development	2.7
Overlay Districts	
AO - Airport Overlay	2.8.1
Legacy Districts	
A - Apartment Dwelling	8.1
PD-TH –Townhouse/Condominium	8.2

2.2 Official Zoning Map²

2.2.1 Incorporation of Zoning Map

The location and boundaries of the zoning districts established in this UDC are shown upon the Official Zoning Map of the Town of Addison, which is on file in the office of the City Secretary, available on the Town website, and made a part of this UDC.

2.2.2 Zoning District Boundaries³

Zoning district boundaries on the Official Zoning Map shall be interpreted as follows:

- A. Zoning district boundaries shown within or parallel to the lines of roads, easements, and transportation rights-of-way shall be deemed to follow the centerline of the affected road, easement, or right-of-way.
- B. Zoning district boundaries indicated as following or being parallel to section or fractional sectional lines, lot lines, or Town corporate boundary lines shall be construed as following or paralleling such lines.
- C. Zoning district boundaries indicated as approximately following the centerline of streams, rivers, or other bodies of water shall be construed to follow such centerlines.
- D. Whenever any street, alley, public way, railroad right-of-way, waterway, or other similar area is vacated by proper authority, the zoning districts adjoining each side of vacated areas shall be extended automatically to the center of the vacated area. All areas included in the vacation shall after the vacation be subject to all regulations of the extended zoning districts. In the event of a partial vacation, the adjoining zoning district, or zoning district nearest the portion vacated, shall be extended automatically to include all the vacated area.
- E. A lot that is fully covered (bounded) by an overlay district shall be interpreted to be subject to the overlay district standards found in §2.8: *Overlay Districts*.
- F. A lot that is partially covered (transected) by an overlay district shall be interpreted to be subject to the overlay district standards to the extent the lot area is covered by the overlay district.

2.2.3 Zoning District Boundary Clarification⁴

- A. If a zoning district boundary is unclear or is disputed, the Director shall determine the location of the zoning district boundary.
- B. Any appeal of the Director’s determination of the zoning district boundary shall be heard by the Board of Zoning Adjustment pursuant to § .

² Replaces current Appendix A, Article II, §2: *Boundaries*. Reworded for clarity.

³ Replaces current Article XXXII, §1: *Boundaries of Districts*.

⁴ New.

2.2.4 Amendments to the Official Zoning Map⁵

Changes in the boundaries of any zoning district shall require an amendment to the Official Zoning Map pursuant to §---. All changes in district boundaries shall be noted on the Official Zoning Map following approval by the City Council.

2.2.5 Annexations⁶

- A. All territory annexed to the Town shall be classified in the R-1 Residential zoning district until a different zoning designation is assigned by the governing body of the Town pursuant to §---.
- B. The Planning and Zoning Commission may institute proceedings on its own motion to assign the newly annexed territory a zoning designation pursuant to §---.⁷

2.3 Organization of this Article

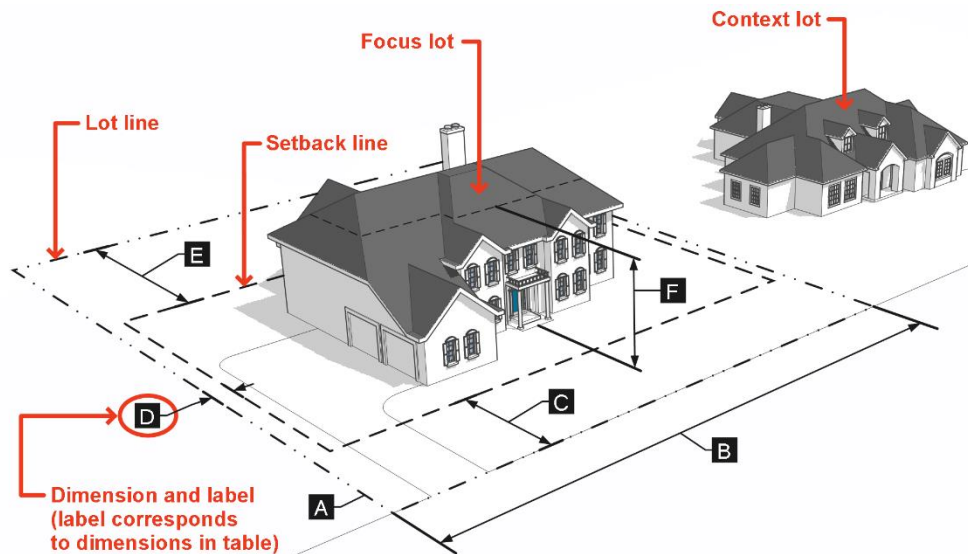
2.3.1 Base Zoning Districts

A. Content

Sections 2.4 through 2.6 of this article follow a common structure and describe the purpose and intended character of the zoning districts, the lot and building standards applying to development in the districts, and any district-specific development standards.

B. Graphics

For each base zoning district, this article includes an illustration depicting how the district’s lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.



⁵ From current Appendix A, Article XXIX, §5. Reworded for clarity.

⁶ Replaces current Appendix A, Article III, §1. Reworded for simplicity and clarity. Did not carry forward Appendix A, Article III, §2: *Issuance of Permits*. We recommend that general permitting requirements apply to newly annexed properties.

⁷ Replaced reference to “planning and zoning commission” with “town.”

2.3.2 Overlay Zoning Districts

- A. Overlay zoning districts are established by an amendment to the Official Zoning Map (see § 2.3.2). They are superimposed over one or more underlying base or planned development zoning districts. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, planned development district, or another overlay district, the more restrictive standards shall apply.
- B. §2.8: *Overlay Districts*, identifies the overlay zoning districts and establishes each overlay district's purpose and the standards that modify those of underlying districts.

2.3.3 Legacy Zoning Districts⁸

- A. The Apartment Dwelling (A) and Planned Development - Townhouse/Condominium (PD-TH) zoning districts are declared legacy districts upon adoption of this UDC.
- B. No land will be rezoned to a legacy zoning district. The City Council may modify the allowed uses, special uses, and development standards within these zoning districts. Landowners are encouraged to rezone land from a legacy zoning district classification.
- C. Development in a legacy zoning district is subject to the requirements and conditions that were in place at the time the properties were rezoned under the Addison Code of Ordinances (as amended). In addition, all other standards of this UDC shall apply to legacy zoning districts, including the standards in Article 4: *Development Standards*, and Article 5: *Subdivision Standards*, unless otherwise stated in the requirements and conditions in place at the time the properties were rezoned under the Addison Code of Ordinances (as amended).

⁸ New.

2.4 Residential Zoning Districts⁹

2.4.1 R-1 – Residential¹⁰

A. Purpose

The R-1 district is intended to accommodate larger-lot single-family detached residential development. Secondary uses include parks, limited community and educational uses, and accessory uses. This zoning district requires a minimum lot size of 25,000 square feet, allows buildings up to 30 feet¹¹ in height, and is appropriate adjacent to other single-family zoning districts.

B. Dimensional Standards

Lot Dimensions (minimum)¹²

A	Lot Area (sq ft)	25,000 ¹³
B	Lot Width (ft)	80

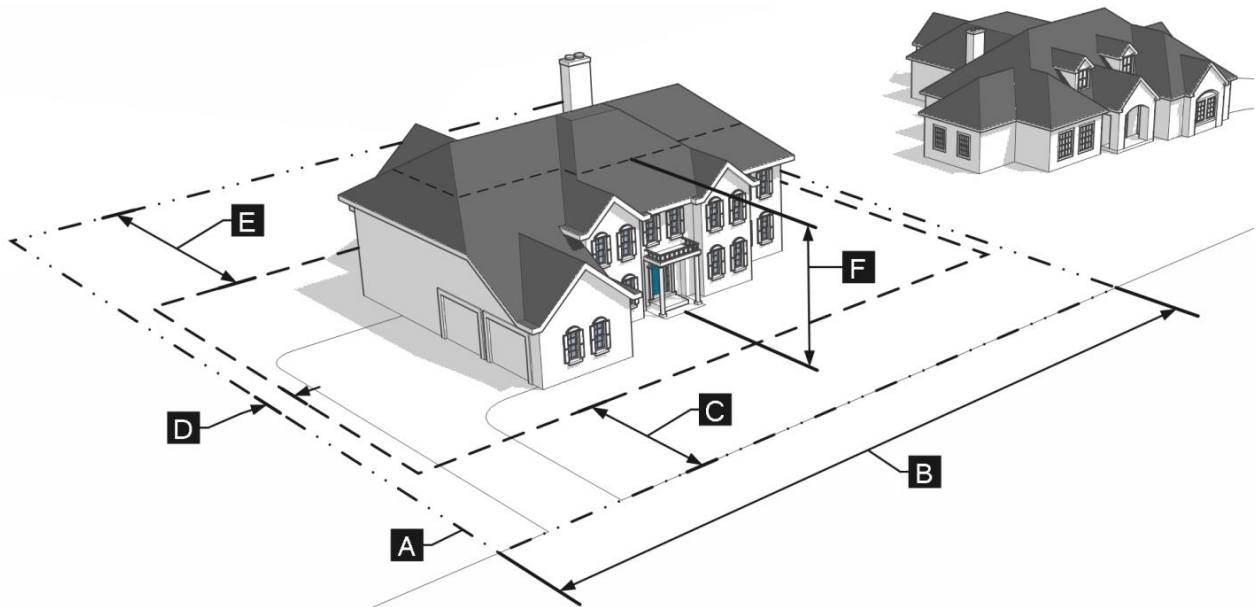
Building Setbacks (minimum)¹⁴

C	Front (ft)	30
D	Side, Interior (ft)	5
	Side, Street (ft)	30
E	Rear (ft)	50

Other Standards (maximum)

F	Building Height (ft)	30
	Impervious Coverage (percent of lot area)	Total Coverage 60

Figure 2.1: R-1 Dimensional Standards



⁹ Did not carry forward current Appendix A, Article V: *R-2 Single-Family*; and Article VI: *R-3 Single-Family*. These zoning districts have not been applied to any properties in Addison.

¹⁰ From current Appendix A, Article IV: *R-1 Single-Family*.

¹¹ Increased from 29 feet.

¹² Did not carry forward minimum lot depth standards (120 feet); we recommend retaining only the minimum lot area and width standards.

¹³ Currently 12,000 square feet. Revised to preserve the existing large-lot character of areas zoned R-1 (ranging from 26,900 to 87,000 square feet).

¹⁴ Current side (20 percent of lot width or five feet, whichever is less) and rear (20 percent of lot depth).

2.4.2 R-2 – Residential¹⁵

A. Purpose

The R-2 district is intended to accommodate single-family detached residential development on large suburban lots. Secondary uses include parks, limited community and educational uses, and accessory uses. This zoning district requires a minimum lot size of 16,000 square feet and allows buildings up to 30 feet¹⁶ in height. This district may be used as a transition between larger-lot residential development and smaller-lot residential development.

B. Dimensional Standards

Lot Dimensions (minimum)¹⁷

A	Lot Area (sq ft)	16,000
B	Lot Width (ft)	100

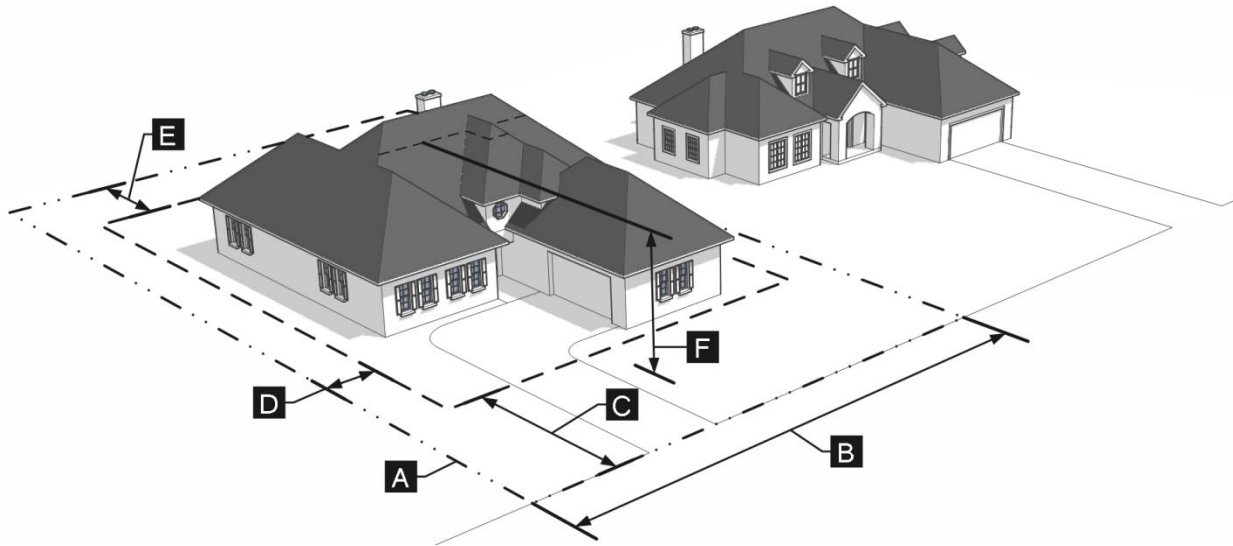
Building Setbacks (minimum)¹⁸

C	Front (ft)	35
D	Side, Interior (ft)	10
	Side, Street	20
E	Rear (ft)	20

Other Standards (maximum)

F	Building Height (ft)	30
	Impervious Coverage (percent of lot area)	Total Coverage 60

Figure 2.2: R-2 Dimensional Standards



¹⁵ From current Appendix A, Article VII: R-16 Single-Family.

¹⁶ Increased from 29.

¹⁷ Did not carry forward minimum lot depth standards (80 feet); we recommend retaining only the minimum lot area and width standards.

¹⁸ Current side (10 percent of lot width or 10 feet, whichever is less) and rear (20 percent of lot depth or 20 feet, whichever is more).

2.4.3 R-3 – Residential¹⁹

A. Purpose

The R-3 district is intended to accommodate moderately compact single-family detached residential development in a low-density urban neighborhood context. Secondary uses include parks, limited community and educational uses, and accessory uses. This district requires a minimum lot size of 5,500 square feet and allows buildings up to 40 feet in height. This district may be used as a transition between residential development on larger-lots and more intense residential development.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	5,500 ²⁰
B	Lot Width (ft)	55

Building Setbacks²¹

C	Build-to Line (ft)	Arterial or Collector Street [1]	20
		All other	15
D	Side, Minimum (ft)	None [2]	
E	Rear, Minimum Front-Entry (ft)	10	
	Rear, Minimum Rear-Entry (ft)	5	

Other Standards

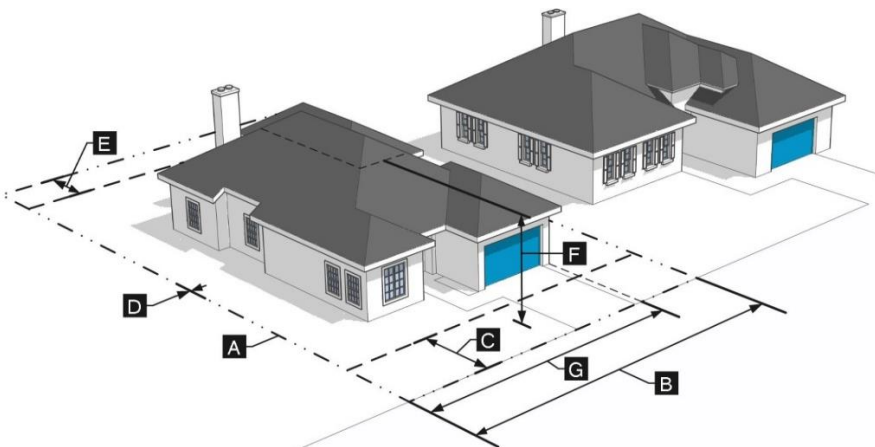
F	Building Height (maximum, ft)	Arterial or Collector Street	40
		All other	32
G	Building façade at build-to-line (minimum, percent)	60	
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	80

Notes:

[1] Residential dwellings are not permitted to front on arterial streets. Residential dwellings shall be permitted to front on collector streets if a rear-entry garage is provided.²³

[2] Minimum 10-foot building separation required.

Figure 2.3: R-3 Dimensional Standards



¹⁹ Derived from the “low-density subdistrict” standards in current Appendix A, Article XVIII: *MXR Mixed Use Residential*. Removed maximum dwelling unit/gross acre density limitation.

²⁰ New, currently no minimum established. Standard is derived from the current lot width (55 feet) and lot depth (110 feet) for the “low density” subdistrict of MXR.

²¹ Replaced reference to “large street” with “arterial or collector street.”

²³ New.

2.4.4 R-4 – Residential²⁴

A. Purpose

The R-4 district is intended to accommodate a variety of compatible residential housing types including single-family detached, single-family attached, duplex, triplex, fourplex, and small-scale multi-family dwellings. Secondary uses include parks, limited community and educational uses, and accessory uses. This district is typically characterized by moderately compact residential blocks and a variety of lot sizes. It allows a maximum density of 12 dwelling units per acre and buildings up to 40 feet in height. This district may be used as a transition between less-intense residential development and more-intense residential development and/or small-scaled mixed-use development.

B. Dimensional Standards²⁵

Lot Dimensions (minimum)		Single-Family (detached) [1]	Single-Family (attached)	Duplex	Triplex/Fourplex	Multifamily
A	Lot Width (ft)	40 ²⁶	20 ²⁷	40 ²⁸	60 ²⁹	None
B	Lot Depth (ft)	75 ³⁰	75 ³¹	75 ³²	75 ³³	None

Lot Dimensions (maximum)³⁴

	Lot Width (ft)	55	30	55	75	None
	Lot Depth (ft)	100	100	100	100	None

Building Setbacks

C	Build-to Range (min-max, ft) ³⁵	5-15 ³⁶				
D	Side, Minimum (ft)	5 ³⁷	None	5 ³⁸	5 ³⁹	5 ⁴⁰
E	Rear, Minimum (ft)	10	10	10	10	10 ⁴¹

Other Standards

F	Building Height (maximum, ft)	32	32	32	32	40 ⁴³
G	Building façade at build-to-range (minimum percent)	60	75	75	60	75

²⁴ Derived from the “medium-density subdistrict” standards in current Appendix A, Article XVIII: *MXR Mixed Use Residential*.

²⁵ Renamed housing types to align with local and national naming conventions. Consolidated “single-family,” “zero-lot-line,” and “townhouse” to “single-family detached;” and “city home” and “townhouse-condominium” to “multifamily.” Live/work dwellings will be added to this table in the Consolidated Draft.

²⁶ Decreased from 55.

²⁷ Increased from none.

²⁸ Decreased from 55.

²⁹ Decreased from 80.

³⁰ Decreased from 100.

³¹ Increased from none.

³² Decreased from 80.

³³ Decreased from 100.

³⁴ New.

³⁵ Proposed range is derived from the smallest (15 feet) and largest (20 feet) build-to-lines. Existing nuances based on street type are now captured in the build-to-range. Did not carry forward variable minimum (30 feet) or maximum (60 feet) setback for townhouse/condo.

³⁶ Decreased from 15-20.

³⁷ Decreased from 6.

³⁸ Decreased from 6.

³⁹ Decreased from 6.

⁴⁰ Increased from none.

⁴¹ Did not carry forward minimum rear setback (15 feet) for “city home.”

⁴³ Did not carry forward allowance for townhouse/condominium projects to be built to 48 feet if a 1:3 residential proximity slope is maintained.

Article 2: Zoning Districts

2.4 Residential Zoning Districts

2.4.4 R-4 – Residential

Impervious Coverage (maximum, percent of lot area) ⁴⁴	Total Coverage	80	90	90	90	85
Density (maximum, du/gross acre)		12				

Notes:

[1] For zero-lot-line dwelling dimensional standards, see §3.3.2D: *Dwelling, Single-Family (attached)*
Any tandem parking design for a garage is prohibited.

Dwelling, Single-Family (detached).

Figure 2.4: R-4 Dimensional Standards



⁴⁴ Revised total coverage from 65 percent for duplex, triplex, and fourplex uses, revised to simplify and align with single-family and multifamily figures.

2.4.5 R-5 – Residential⁴⁵

A. Purpose

The R-5 district is intended to accommodate a variety of compatible residential housing types including single-family detached, single-family attached, duplex, triplex, fourplex, small-scale multi-family dwellings, and live/work dwelling. Secondary uses include parks, limited community and educational uses, and accessory uses. This district is typically characterized by moderately compact residential blocks and a variety of lot sizes. It allows a maximum density of 24 dwelling units per acre and buildings up to 40 feet in height. This district may be used as a transition between moderately-compact residential development and small- to medium- scaled mixed-use development.

B. Dimensional Standards⁴⁶

Lot Dimensions (minimum)		Single-Family (detached) [1]	Single-Family (attached)	Duplex	Triplex/Fourplex	Multifamily
A	Lot Width (ft)	55	None	120	80	None
B	Lot Depth (ft)	100	None	100	100	None

Lot Dimensions (maximum)⁴⁷

	Lot Width (ft)	70	None	70	90	None
	Lot Depth (ft)	130	None	130	130	None

Building Setbacks

C	Build-to Range (min-max, ft) ⁴⁸	15-20				
D	Side, Minimum (ft)	6	None	6	6	None
E	Rear, Minimum (ft)	10	10	10	10	None ⁴⁹

Other Standards

F	Building Height (maximum, ft)	32 [2] ⁵⁰	40	40	40	40 ⁵¹	
G	Building façade at build-to-range (minimum percent)	60	75	75	60	75	
	Impervious Coverage (maximum, percent of lot area) ⁵²	Total Coverage	70	90	65	65	70
	Density (maximum, du/gross acre)	24 ⁵³					

⁴⁵ This district is derived from the “high-density subdistrict” standards in current Appendix A, Article XVIII.

⁴⁶ Live/work dwellings will be added to this table in the Consolidated Draft.

⁴⁷ New. Further discussion needed on lot sizes. As proposed, these lot sizes are all larger than R4.

⁴⁸ Proposed range is derived from the smallest (15 feet) and largest (20 feet) build-to-lines. Existing nuances based on street type are now captured in the build-to-range. Did not carry forward variable minimum (30 feet) or maximum (60 feet) setback for townhouse/condo.

⁴⁹ Did not carry forward minimum rear setback (15 feet) for “city home.”

⁵⁰ Currently 32 feet, revised to 40 feet to align with height maximums for other building types.

⁵¹ Did not carry forward allowance for townhouse/condominium projects to be built to 48 feet if a 1:3 residential proximity slope is maintained.

⁵² Revised total coverage from 65 percent for duplex, triplex, and fourplex uses, and from 80 to 60 percent for attached single-family to simplify and align with single-family detached and multifamily figures.

⁵³ Did not carry forward the density limit of 12/du/acre from the current definition for “city home” and carried forward the density limit from the MXR high-density subdistrict (24 du/acre). We recommend removing the density max in the definition and using 24 du/acre instead. Density limitations for clustered development plans will be addressed in a future draft.

Notes:

[1] For zero-lot-line dwelling dimensional standards, see §3.3.2D: *Dwelling, Single-Family (attached)*
Any tandem parking design for a garage is prohibited.

Dwelling, Single-Family (detached).

[2] For manufactured home development (HUD-code), see §3.3.2F, *Manufactured Home Development (HUD-Code)*.

Figure 2.5: R-5 Dimensional Standards



2.5 Mixed-Use Zoning Districts

2.5.1 M-1 – Mixed-Use Neighborhood

Commentary:

The M-1 district is derived from the “Residential Subdistrict” in current Appendix A, Article XIX: *UC Urban Center*, and Ord. 095-019. This draft generally carries forward the substance of the Residential Subdistrict but includes revisions to be more consistent with other mixed-use districts and to align with a uniform Town-wide approach to methods of measurement. This draft also removes references that restrict the Residential Subdistrict’s application to a specific area in Addison Circle, thus, allowing the Town to apply these standards in other areas in the future if desired.

A. Purpose⁵⁴

The M-1 district is intended to accommodate small- to medium-scale mixed-use development that supports a pedestrian- and transit-oriented development pattern and that accommodates infill and redevelopment. This district allows for a variety of compatible residential, commercial, retail, office, service-oriented, and accessory uses, and is commonly located adjacent to areas where higher pedestrian activity is desired. Higher-intensity uses are located adjacent to key corridors and transit facilities while lesser intense uses are located adjacent to residential districts.⁵⁵ Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

B. Dimensional Standards⁵⁶

Lot Dimensions (minimum)⁵⁷

		Residential	Mixed-Use/ Nonresidential
A	Lot Width (ft)	See R-5 District	None
B	Lot Depth (ft)		None

Building Setbacks⁵⁸

C	Build-to-Range (min-max, ft) ⁵⁹ [1]	Arterial Street	10-15
		Collector Street	10-15
		Local Street	5-10
		Alley/Mew Street	0-5
		Public Park/Open Space	5-10
D	Building façade at build-to-range (minimum, percent)		75
E	Side (minimum, ft) [2]		None
F	Rear (minimum, ft) [2]		None

⁵⁴ New. This purpose statement borrows and updates language from current Appendix A, Article XIX, §1 so the district can be applied in other areas of the Town. Did not carry forward references to review procedures or the Comprehensive Plan. The placement/design of higher intensity uses along adjacent key corridors and transit facilities requires further discussion and may be addressed in Part 2.

⁵⁵ Additional discussion necessary as to whether specific location restrictions are appropriate to ensure that higher-intensity uses are located near corridors, or if it would be sufficient to rely just on this purpose statement.

⁵⁶ From current Appendix A, Article XIX, §3, and Ord. 095-019. Minimum dwelling sizes have been relocated to use-specific standards in Article 3: *Use Regulations*.

⁵⁷ Did not carry forward 200-foot minimum lot width or depth standards for multifamily, hotel, retail, office, and mixed-use development. Replaced current residential dimensional standards with the proposed R-5 standards. Residential uses: current lot width (25 feet) and lot depth (60 feet).

⁵⁸ Residential use types: currently maximum of 75% of the block front to be constructed at the build-to-line, with the remainder of the block face constructed no closer than 8 feet nor more than 25 feet. Side and rear setbacks currently not listed. Did not carry forward “perimeter setbacks.”

⁵⁹ Replaced references to street categories with corresponding street classifications identified in the *Addison Master Transportation Plan*. Current build-to equivalents: arterial (10 ft), collector (10 ft), local (5 ft), alley/mew (0 ft), park/open space (5 ft).

Article 2: Zoning Districts

2.5 Mixed-Use Zoning Districts

2.5.1 M-1 – Mixed-Use Neighborhood

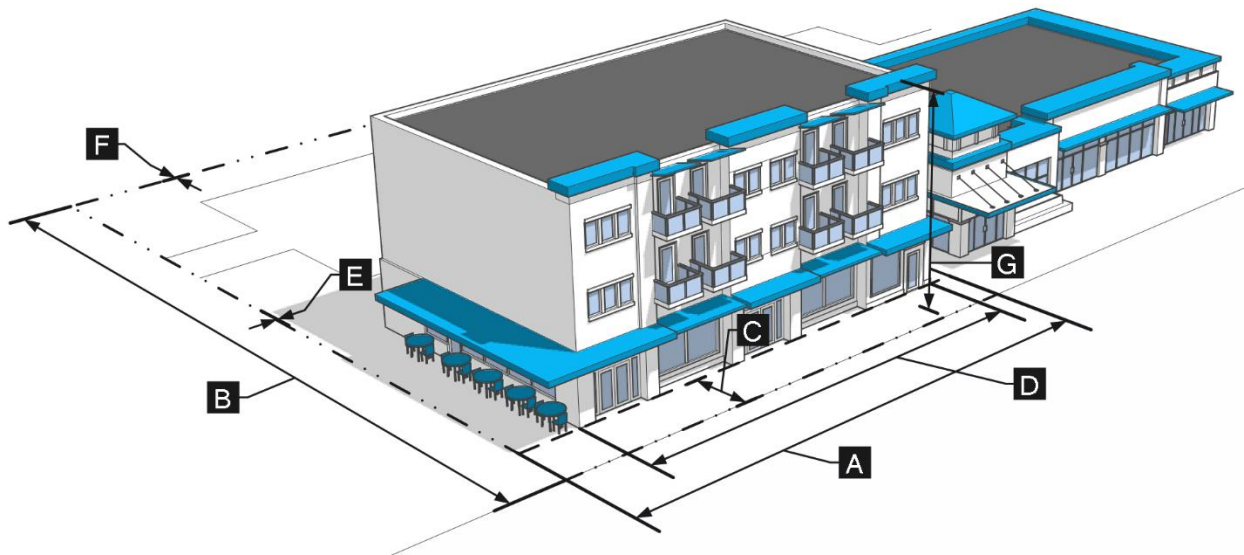
Other Standards

	Building Height (minimum, ft)		25
G	Building Height (maximum, ft)		50 [3]
	Impervious Coverage (maximum, percent of lot area)	Total Coverage	See R-5 District
	Residential density (minimum/maximum, du/gross acre)		20/35

Notes:

- [1] The area between the street back-of-curb and the inside edge of the public sidewalk shall be dedicated as public right-of-way or have a public access easement.
- [2] Buildings abutting a property in the R-1, R-2, R-3, R-4, or R-5 zoning district shall comply with the neighborhood transition standards in §--.⁶²
- [3] Buildings may exceed 50 feet in height when additional height is set back from the setback line/build-to-line one additional foot for each two feet of height above 50 feet.

Figure 2.6: M-1 Dimensional Standards



⁶² Replaces current standard in the UC residential subdistrict: "primary buildings and parking structures shall be set back from subdistrict boundary lines a minimum of 10 feet;" and the UC commercial subdistrict: "when abutting a residential use, a minimum side yard setback of 10 feet is required," and "when abutting a residential use, a minimum corner side yard setback of 25 feet is required."

2.5.2 M-2 – Mixed-Use Suburban Corridor

Commentary:

The M-2 zoning district is derived from the Belt Line Subdistricts in current Appendix A, Article XIX.A: *Belt Line District Regulations*; and Ord. 006-024. This district is intended to allow for the reinvestment and gradual redevelopment of commercial properties along major corridors (e.g., Belt Line Road, Midway Road, Inwood Road) without requiring a major shift in established suburban-style development patterns to urban-style patterns, as this would likely be unrealistic and cost-prohibitive in many cases.

The minor differences among the four existing Belt Line subdistricts did not warrant carrying them forward intact. For example, the purpose statements for each of the subdistricts are unique; however, the building and development standards are nearly identical for all, except that building heights are limited to four stories in Les Lacs Village and six stories elsewhere. This variation in height allowances can be carried forward using other tools, such as neighborhood transition standards. The current subdistricts also differ with regard to a few use permissions. For example, residential uses are currently not allowed in the Epicurean District; however, based on its location relative to the airport runway and noise contours, residential uses would likely not be allowed anyways, making it unnecessary to retain a separate subdistrict to maintain that distinction.

A. Purpose⁶³

The M-2 district is intended to accommodate a mix of small- to medium-scale mixed-use development that promotes sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent residential neighborhoods. This district allows for a variety of compatible residential, commercial, retail, office, service-oriented, and accessory uses, and is commonly located adjacent to high-traffic corridors and designed to allow for safe access by pedestrians, bicyclists, transit users, and motorists. Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

B. Dimensional Standards⁶⁴

Lot Dimensions (minimum) ⁶⁵

A	Lot Width (ft)	None
B	Lot Depth (ft)	None

Building Setbacks

C	Build-to-Range (min-max, ft) [1]	Arterial Street	10-90 ⁶⁶
		Collector Street	10-90
		Local Street	10-90
		Alley/Mew Street	0-5 ⁶⁷
		Public Park/Open Space	0-5 ⁶⁸

⁶³ Replaces current Appendix A, Article XIX, Sec. I.

⁶⁴ From current Appendix A, Article XIX.A, §III; and Ord. 006-024. Proposed changes are identified with footnotes.

⁶⁵ Did not carry forward 200-foot minimum lot width or depth standards for multifamily, hotel, retail, office, and mixed-use development. Did not carry forward current standard, “continuous building frontage will be considered to be met if 80% or more of the primary building façade is located within 15 feet of the build-to-line requirement.” Did not carry forward minor waiver (administrative approval) to allow reduction to 70% or major waiver (Council approval) for a reduction beyond 70%.

⁶⁶ Replaces current build-to-line standards for Street Type A.1 (94 feet); B.1 (24 feet); B.2 (29 feet); and C.1 (17.5 to 20.5 feet), currently measured from the back-of-curb. New build-to-range allows for added flexibility for redeveloping properties. Replaced references to specific street names with references to equivalent street classifications identified in the *Addison Master Transportation Plan*. Did not carry forward reduced build-to-line of 29 feet (measured from back-of-curb) for Montfort or increased setbacks that accommodate parking in front of the building. Did not carry forward language, “includes 60 feet for a driving aisle and 2 bays of parking and additional landscaping between the parking and the roadway.” Same for collector street.

⁶⁷ Currently zero-foot build-to.

⁶⁸ New.

G	Building façade at build-to-range (minimum, percent)	80 ⁶⁹
D	Side (minimum, ft) [2]	None
E	Rear (minimum, ft) [2]	None

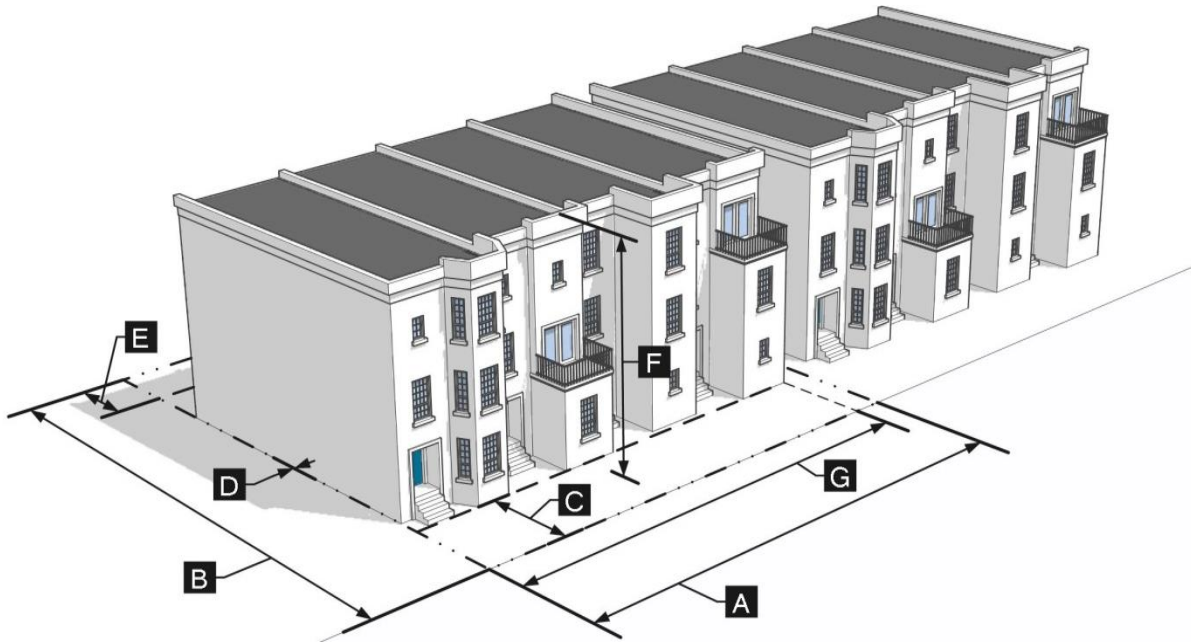
Other Standards⁷⁰

	Building Height (minimum, ft)	25 ⁷¹
F	Building Height (maximum, ft) [2]	69 ⁷²
	Impervious Coverage (maximum, percent of lot area)	Total Coverage 75
	Residential density (minimum/maximum, du/gross acre)	20/35 ⁷³

Notes:

- [1] The area between the street back-of-curb and the inside edge of the public sidewalk shall be dedicated as public right-of-way or have a public access easement.
- [2] Buildings abutting a property in the R-1, R-2, R-3, R-4, or R-5 zoning district shall comply with the neighborhood transition standards in §--⁷⁴

Figure 2.7: M-2 Dimensional Standards



⁶⁹ Replaces current standard, “continuous building frontage will be considered to be met if 80% or more of the primary building façade is located within 15 feet of the build-to-line requirement.” Did not carry forward minor waiver (administrative approval) to allow reduction to 70% or major waiver (Council approval) for a reduction beyond 70%.

⁷⁰ Did not carry forward the minimum building height of two stories.

⁷¹ Currently 2 stories.

⁷² Currently 6 stories. Did not carry forward the dimensional standards for the “Addison Les Lacs Village” subdistrict. These standards were identical to the other subdistricts, except for minimum/maximum building height (2/4 stories). Did not carry forward additional height allowance through the “major waiver” process (requiring Council approval). The minor modification tool introduced in future drafts will allow for minor deviations to height maximums. Did not carry forward maximum height limit of two stories for structures within 200 feet of a single-family zoned property; the new neighborhood transition standards will address building height stepbacks.

⁷³ Maximum residential density limitations are new.

⁷⁴ New.

2.5.3 M-3 – Mixed-Use Urban Corridor⁷⁵

Commentary:

The M-3 zoning district is intended to allow properties along major corridors (e.g. Belt Line Road, Midway Road, Inwood Road) to transition from a suburban-style development pattern to a more urban-style development pattern, similar to those found in Vitruvian or Addison Circle (e.g., buildings closer to the street, vehicle parking areas strategically located behind or to the side of buildings, improved pedestrian amenities).

A. Purpose⁷⁶

The M-3 district is intended to accommodate a mix of medium- to large-scale mixed-use development that supports pedestrian- and transit-oriented uses. This district allows for a variety of compatible residential, commercial, retail, office, service-oriented, and accessory uses, and is commonly located adjacent to areas where higher pedestrian activity is desired along key corridors. Higher-intensity uses are located adjacent to major roads and transit facilities while lesser intense uses are located adjacent to residential districts.⁷⁷ Additional standards are included to ensure that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Width (ft)	None
B	Lot Depth (ft)	None

Building Setbacks

C	Build-to-Range (min-max, ft) [1]	Arterial Street	0-10
		Collector Street	0-10
		Local Street	0-10
		Alley/Mew Street	0-5
		Public Park/Open Space	0-5
D	Building façade at build-to-range (minimum, percent)	80	
E	Side (minimum, ft) [2]	None	
F	Rear (minimum, ft) [2]	None	

Other Standards

	Building Height (minimum, ft)	25
G	Building Height (maximum, ft) [2]	69
	Impervious Coverage (maximum, percent of lot area)	Total Coverage 75
	Residential density (minimum/maximum, du/gross acre)	20/35 ⁷⁸

Notes:

- [1] The area between the street back-of-curb and the inside edge of the public sidewalk shall be dedicated as public right-of-way or have a public access easement.
- [2] Buildings abutting a property in the R-1, R-2, R-3, R-4, or R-5 zoning district shall comply with the neighborhood transition standards in §--.

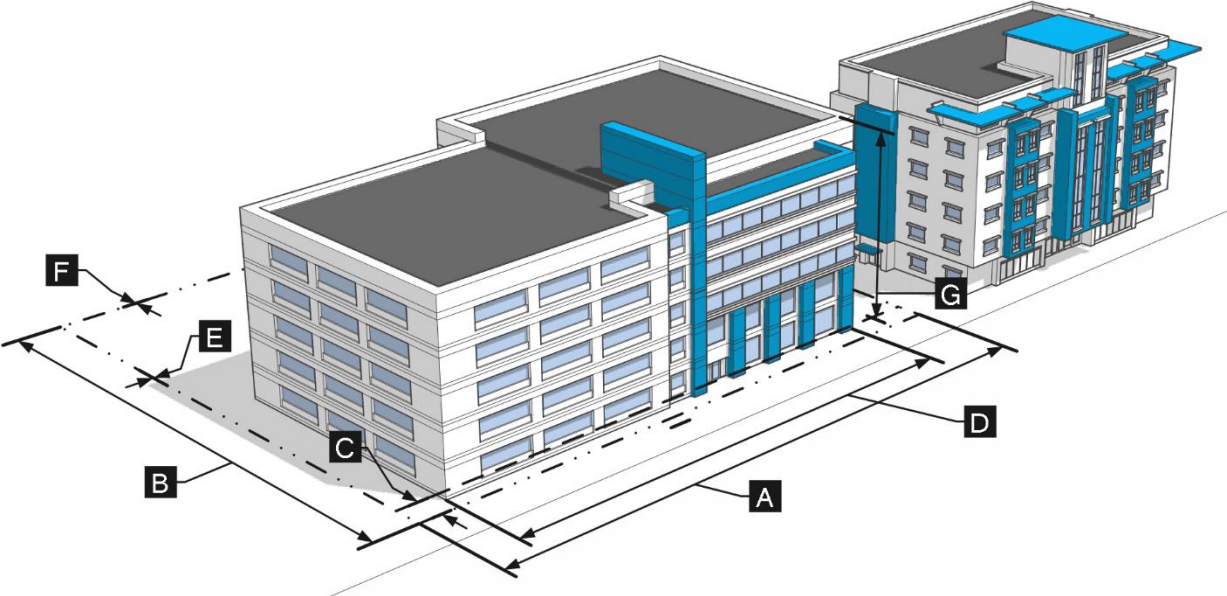
⁷⁵ New.

⁷⁶ The placement/design of higher intensity uses along adjacent key corridors requires further discussion and may be addressed in Part 2.

⁷⁷ Additional discussion necessary as to whether specific location restrictions are appropriate to ensure that higher-intensity uses are located near corridors, or if it would be sufficient to rely just on this purpose statement.

⁷⁸ Maximum residential density limitations are new.

Figure 2.8: M-3 Dimensional Standards



2.5.4 M-4 – Mixed-Use Center

Commentary:

The M-4 zoning district is derived from the “Commercial Subdistrict” in current Appendix A, Article XIX: *UC Urban Center*, and Ord. 095-019 and further adjusted to help implement the Addison Comprehensive Plan and the Addison Circle Special Area Study. This draft removes references that restrict the Commercial Subdistrict’s application to a specific area in Addison Circle, thus, allowing the Town to apply these standards in other areas in the future if desired.

A. Purpose⁷⁹

The M-4 district is intended to support the most intensive, transit supportive development to create a unique, mixed-use, and integrated regional destination. This district allows for a mix of compatible residential, commercial, retail, office, service-oriented, and accessory uses, with a strong activity anchor focused around the DART transit station. Development intensity in this district is intended to support an effective transit- and pedestrian-oriented environment that delivers a high-quality pedestrian experience, supports major civic events, and emphasizes a well-connected trail and open space system.

B. Dimensional Standards⁸⁰

Lot Dimensions (minimum)

A	Lot Width (ft)	None
B	Lot Depth (ft)	None

Building Setbacks

C	Build-to-Range (min-max, ft) ⁸¹ [1]	Arterial Street	0-10
		Collector Street	0-10
		Local Street	0-10
		Alley/Mew Street	0-5
		Public Park/Open Space	0-5
D	Building façade at build-to-range (minimum, percent)	90 ⁸²	
E	Side (minimum, ft) [2]	None	
F	Rear (minimum, ft) [2]	None	

Other Standards

	Building Height (minimum, ft)	40
G	Building Height (maximum, ft) [3]	None [4] ⁸³
	Impervious Coverage (maximum, percent of lot area)	Total Coverage 100
	Residential density (minimum/maximum, du/gross acre)	60/75 ⁸⁴

⁷⁹ New. This purpose statement borrows language from current Appendix A, Article XIX, §1, and has been updated to more clearly identify the intent of the current UC Commercial Subdistrict. References to the development process have been removed and concepts from the *Addison Circle Special Area Study* have been included.

⁸⁰ From current Appendix A, Article XIX, §5, and Ord. 095-019.

⁸¹ Current build-to equivalents: arterial (10 ft), collector (15 ft), local (10 ft), alley/mew (not specified), park/open space (not specified).

⁸² Replaces current standard, “continuous building frontage will be considered to be met if 80% or more of the primary building façade is located within 15 feet of the build-to-line requirement.” Did not carry forward minor waiver (administrative approval) to allow reduction to 70% or major waiver (Council approval) for a reduction beyond 70%.

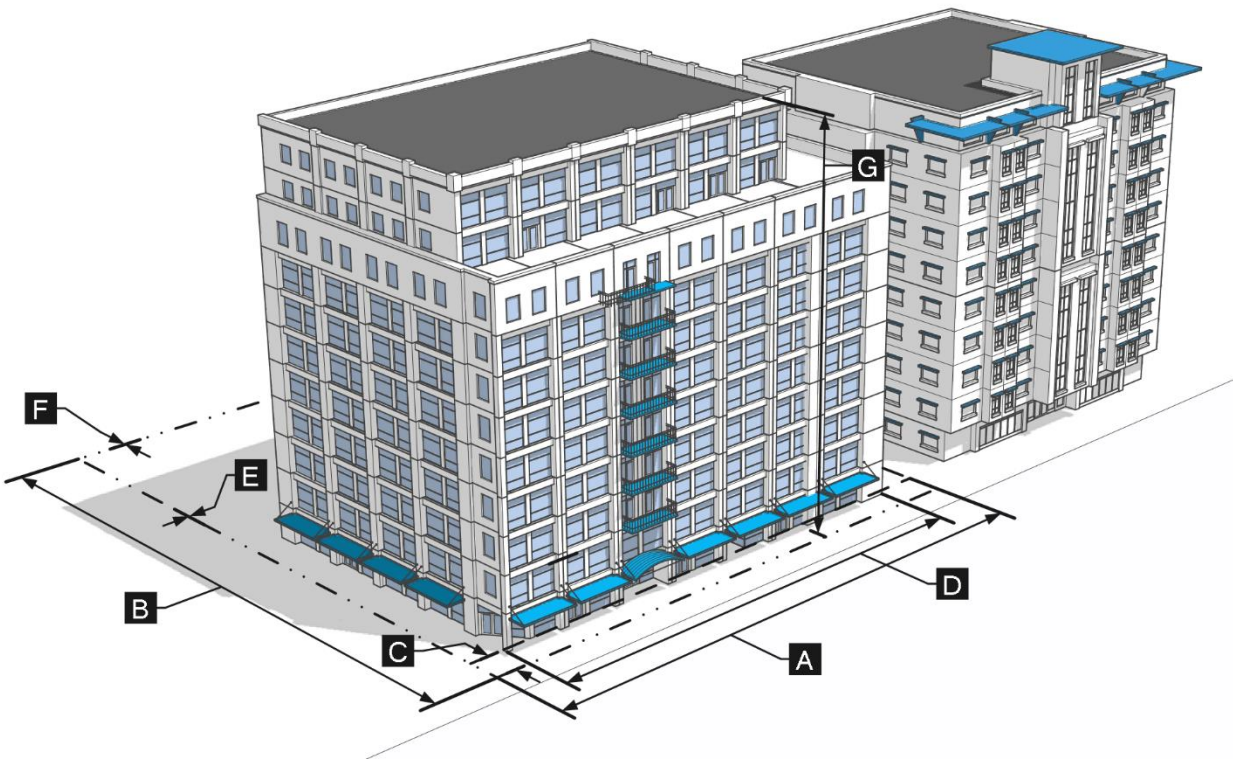
⁸³ Currently 6 stories. We have carried forward the current maximum building heights in the UC-Commercial Subdistrict; however, we think these standards could be revisited to look beyond just the UC-Residential Subdistrict (proposed M-1 district). These height limitations proximate to the M-1 zoning district may be revised when neighborhood transition standards are drafted during Part 2.

⁸⁴ Maximum residential density limitations are new.

Notes:

- [1] The area between the street back-of-curb and the inside edge of the public sidewalk shall be dedicated as public right-of-way or have a public access easement.
- [2] Buildings abutting a property in the R-1, R-2, R-3, R-4, or R-5 zoning district shall comply with the neighborhood transition standards in §--.⁸⁵
- [3] No building shall exceed 69 feet in height unless the additional height is set back from the property line one foot for each two feet of height above 69 feet.
- [4] Subject to the height limitations of the Airport Overlay

Figure 2.9: M-4 Dimensional Standards



⁸⁵ Replaces current standard in the UC residential subdistrict: "primary buildings and parking structures shall be set back from subdistrict boundary lines a minimum of 10 feet;" and the UC commercial subdistrict: "when abutting a residential use, a minimum side yard setback of 10 feet is required," and "when abutting a residential use, a minimum corner side yard setback of 25 feet is required."

2.6

2.6 Nonresidential Zoning Districts⁸⁷

2.6.1 CL - Commercial Limited⁸⁸

A. Purpose

The CL district is intended to accommodate small-scale commercial, retail, office, service-oriented, and accessory uses. This district is typically located along collector and arterial corridors and is designed to allow for safe access by pedestrians, bicyclists, transit users, and motorists. The CL district is intended to promote sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent residential neighborhoods.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	None
B	Lot Width (ft)	None

Building Setbacks (minimum)

C	Front (ft)	25
D	Side (ft)	None [1]
E	Rear (ft)	None [1]

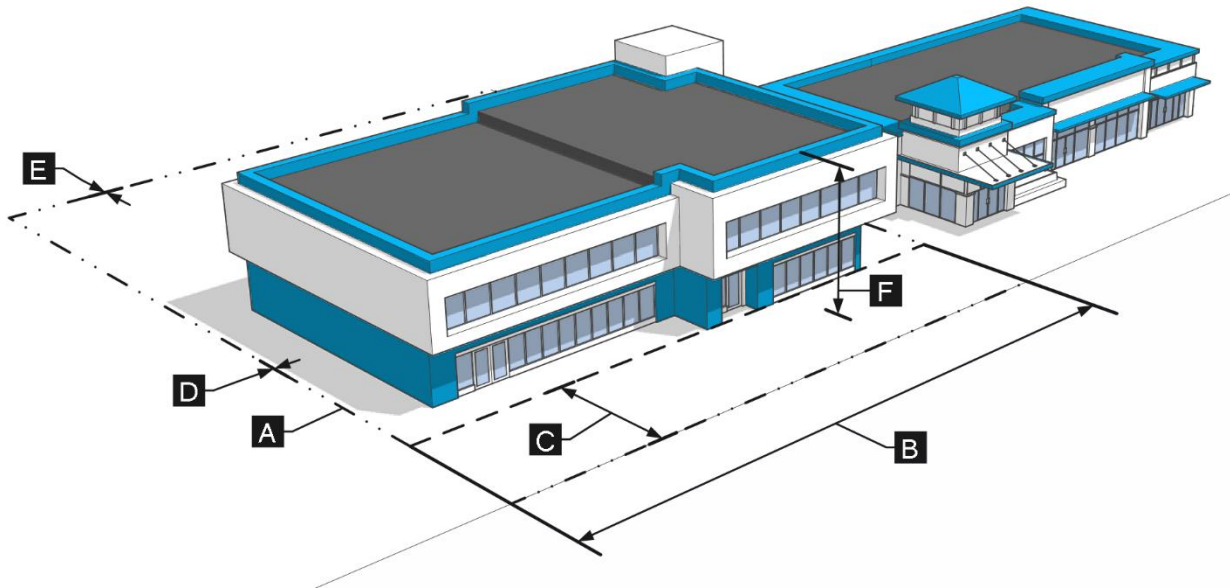
Other Standards (maximum)

F	Building Height (ft)	30
	Impervious Coverage (percent of lot area)	Total Coverage 80

Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, or A zoning districts.⁸⁹

Figure 2.10: CL Dimensional Standards



⁸⁷ A new zoning district for public utilities with standards that differ depending on whether or not the building is intended to be occupied will be added in the Consolidated Draft.

⁸⁸ From current Appendix A, Article IX. Renamed from "LR Local Retail District."

⁸⁹ Added R-1 and R-2.

2.6.2 CG - Commercial General⁹⁰

A. Purpose

The CG district is intended to accommodate medium- to large-scale commercial, retail, office, service-oriented, and accessory uses. This district is typically located along collector and arterial corridors and is designed to allow for safe access by pedestrians, bicyclists, transit users, and motorists. The CG district is intended to promote sustainable infill and redevelopment of older commercial sites, while ensuring that the site design, uses, and scale are consistent with adjacent areas.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	None
B	Lot Width (ft)	None

Building Setbacks (minimum)

C	Front (ft)	25
D	Side (ft)	None [1]
E	Rear (ft)	None [1]

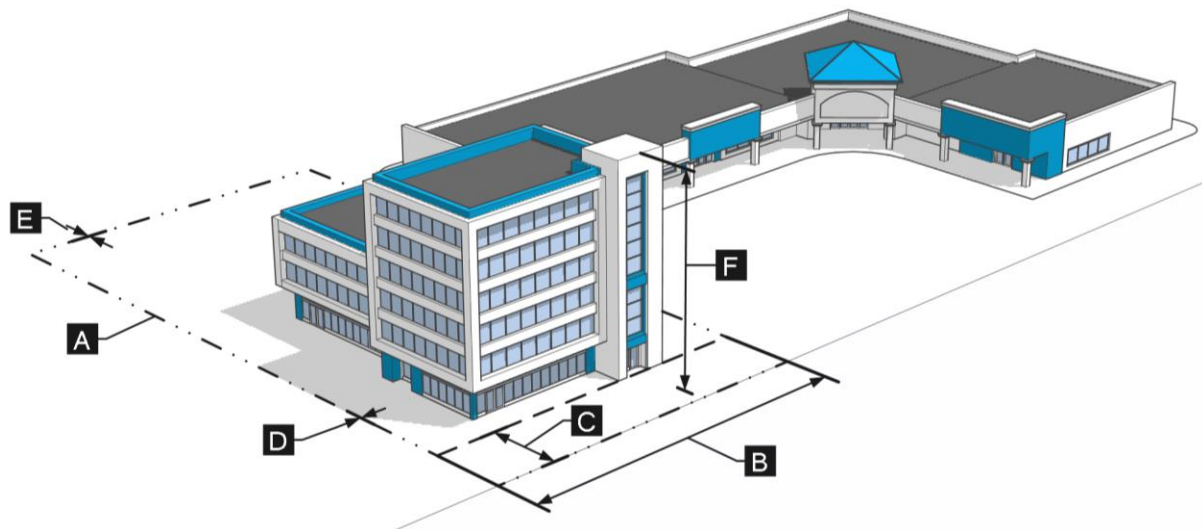
Other Standards (maximum)

F	Building Height (ft) [2]	70 ⁹¹
	Impervious Coverage (percent of lot area)	Total Coverage 80

Notes:

- [1] Minimum of 10 feet when adjoining the R-1, R-2, or A zoning districts.⁹²
- [2] No buildings shall exceed 70 feet in height unless the additional height is set back from the setback line one additional foot for each two feet of height above 70 feet.⁹³

Figure 2.11: CG Dimensional Standards



⁹⁰ From current Appendix A, Article X. Renamed from “C-1 Commercial-1 District.”

⁹¹ Currently 6 stories. Current language implies that a building can be built to an undefined maximum height, so long as it complies with the additional set back standards. The same applies in the LI and MA zoning districts, requires further discussion.

⁹² Added R-1 and R-2.

⁹³ Did not carry forward height regulations from the I-1 zoning district.

2.6.3 LI - Light Industrial⁹⁴

A. Purpose

The LI district is intended to accommodate a mix of light manufacturing, warehousing and distribution, auto-oriented uses, research and development operations, offices, showrooms, and a limited range of associated retail services, and accessory uses. This district is typically located along collector and arterial corridors away from residential development. This district promotes sustainable infill and redevelopment of older industrial and commercial sites, while ensuring that the site design, uses, and development scale are consistent with adjacent development.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	None
B	Lot Width (ft)	None

Building Setbacks (minimum)

C	Front (ft)	25
D	Side (ft)	None [1]
E	Rear (ft)	None [1]

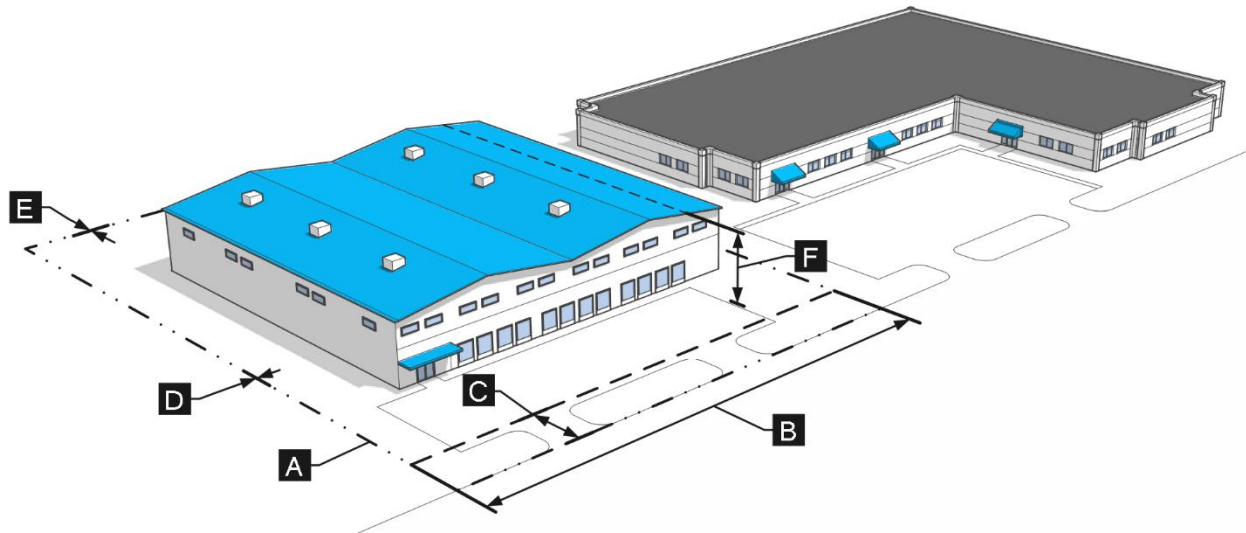
Other Standards (maximum)

F	Building Height (ft) [2]	70 ⁹⁵
	Impervious Coverage (percent of lot area)	Total Coverage 90

Notes:

- [1] Minimum of 10 feet when adjoining the R-1, R-2, or A zoning districts.⁹⁶
- [2] No buildings shall exceed 70 feet in height unless the additional height is set back from the setback line one additional foot for each two feet of height above 70 feet.⁹⁷

Figure 2.12: LI Dimensional Standards



⁹⁴ Consolidated current C-2, I-1, and I-2 zoning districts and renamed to LI.

⁹⁵ Currently 6 stories.

⁹⁶ Added R-1 and R-2.

⁹⁷ Did not carry forward height regulations from the I-1 zoning district.

2.6.4 AA – Addison Airport⁹⁸

A. Purpose

The AA district is intended to support and optimize operational efficiency of the Addison Airport and to support the airport’s role as a key economic engine for the Town and region. The AA district allows a variety of flexible uses that support the airport, that are responsive to the dynamic aviation industry, and that ensure public safety and security. This district is predominantly located within the airport operations area (airside) of Addison Airport and ensures that the development quality of periphery properties is compatible with adjacent and nearby development.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	None
B	Lot Width (ft)	None

Building Setbacks (minimum)

C	Front (ft)	25
D	Side (ft)	25 [1]
E	Rear (ft)	None [1]

Other Standards (maximum)

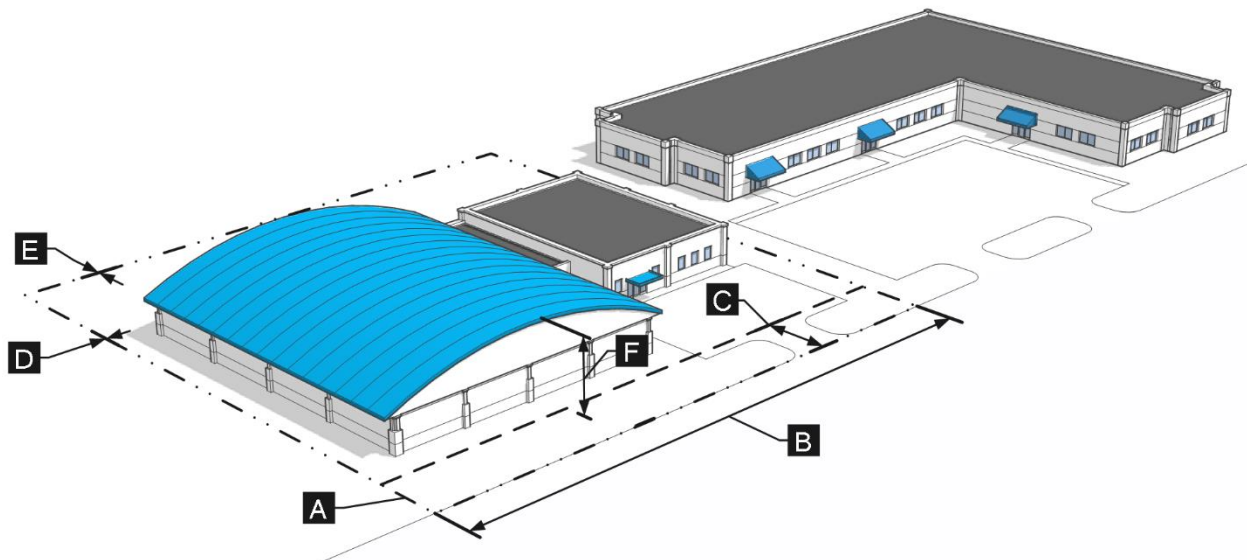
F	Building Height (ft)	None ⁹⁹	
	Impervious Coverage (percent of lot area)	Total Coverage	95

Notes:

[1] Minimum of 10 feet when adjoining the R-1, R-2, or A zoning districts.¹⁰⁰

[2]

Figure 2.13: AA Dimensional Standards



⁹⁸ From current Appendix A, Article XIV. Renamed from “I-3 Industrial District.”

⁹⁹ Currently 6 stories. New height limit is derived from the current definition of “standard story” which is 11.5 feet in height.

¹⁰⁰ Added R-1 and R-2.

2.6.5 CF – Community Facilities¹⁰²

A. Purpose

The CF district is intended to accommodate public and semi-public uses (other than street rights-of-way). This district allows community uses such as public safety facilities, schools, recreation centers, municipal buildings, public utilities, and other incidental and accessory uses.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	None
B	Lot Width (ft)	None

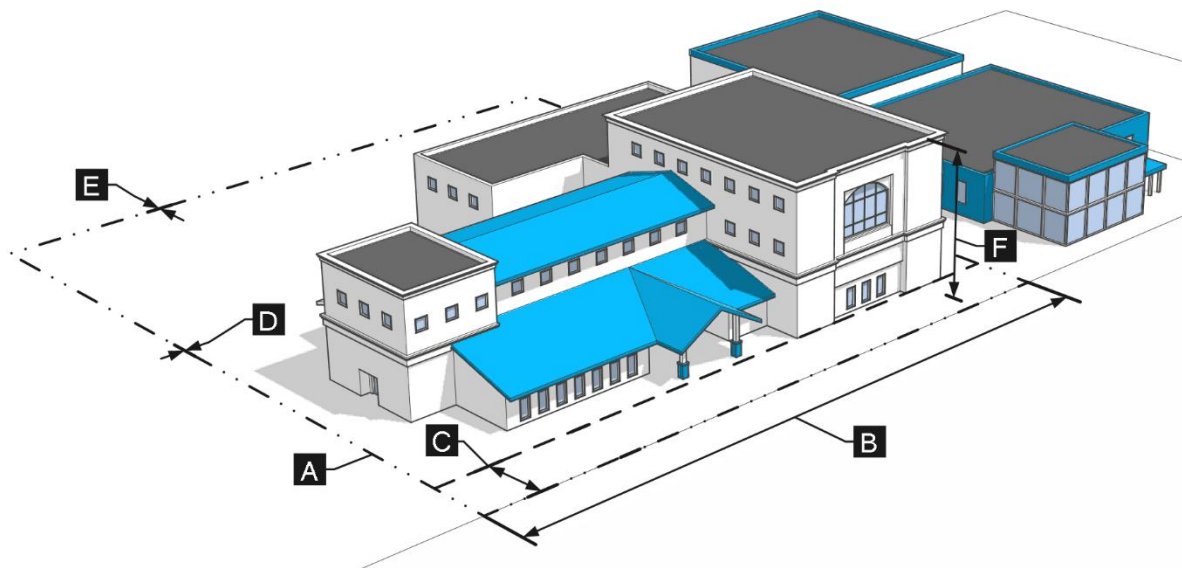
Building Setbacks (minimum)

C	Front (ft)	20
D	Side (ft)	None
E	Rear (ft)	None

Other Standards (maximum)

F	Building Height (ft)		70
	Impervious Coverage (percent of lot area)	Total Coverage	100

Figure 2.14: CF Dimensional Standards



¹⁰² New district.

2.6.7 PO – Parks and Open Space¹⁰³

A. Purpose

The PO district is intended to provide adequate lands for recreational use and the preservation of natural and/or open spaces. This district allows public and semi-public uses, active and passive recreation uses, and accessory uses.

B. Dimensional Standards

Lot Dimensions (minimum)

A	Lot Area (sq ft)	None
B	Lot Width (ft)	None

Building Setbacks (minimum)

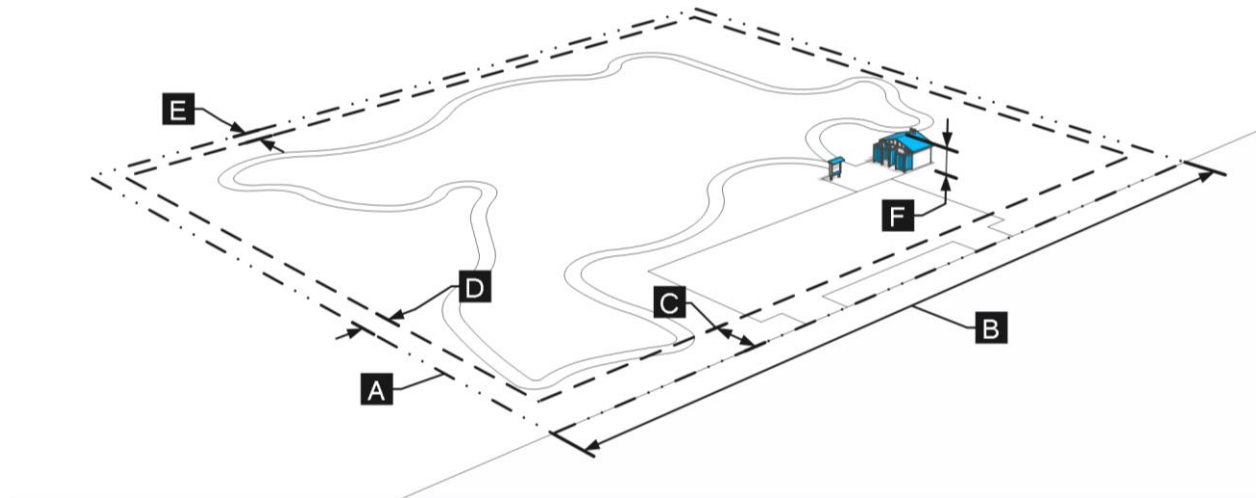
C	Front (ft)	20
D	Side (ft)	10
E	Rear (ft)	10

Other Standards (maximum)

F	Building Height (ft)	None	
	Impervious Coverage (percent of lot area)	Total Coverage	20

Notes:

Figure 2.15: PO Dimensional Standards



¹⁰³ New district.

2.7 PD – Planned Development District

Commentary:

This section replaces current Appendix A, Article XV: *Planned Development District*. Addison has a very large number of PDs which has led to challenges in administering the Town’s overall zoning system. The underlying concept is that if a developer is given greater leeway and flexibility to design a project and mix uses, communities will benefit from more creative development and from a higher level of amenities and community benefits, such as open space, than would otherwise be required. This draft proposes several new qualifying standards for PDs (section 2.7.2 below) to help limit the number of future PD requests the Town receives.

In addition to these general standards, some communities include more specific qualifying criteria to ensure that PDs are not overused. For discussion purposes, the following are examples of additional PD qualifying criteria that we have drafted for other communities that Addison may consider:

- Limit the block length/perimeter to encourage small-scale walkable development;
- Centralized gathering and recreation spaces for the entire development;
- Internally and externally connected park, trail, and open space system;
- Low-impact development design features throughout the development;
- Solar orientation of building forms and other passive energy-efficient design strategies throughout the development,
- Community-level renewable energy production;
- Protection of specific natural, environmental, or scenic resources or green spaces; and
- Retaining natural landforms throughout the development.

Specific standards related to administration and procedures will be included in future drafts. Current Appendix A, Article XVI: *Planned Development, Townhouse/Condominium*, has been relocated to Appendix A of this UDC as legacy districts. We did not carry forward Appendix A, Article XVII: *Planned Development, Condominium Conversions*.

2.7.1 Purpose¹⁰⁴

The PD district is intended to encourage new and imaginative concepts in urban design and land development to promote and improve the health, safety, and general welfare of the citizens of Addison and to create distinct neighborhoods with unique urban design, commercial areas, employment centers, amenities, and substantial additional benefit to the Town that would not otherwise be required by this UDC. The PD district is also intended to accommodate innovative development layouts that preserve the natural, environmental, and scenic features of the site or address challenges presented by specific site conditions.

2.7.2 Qualifying Standards¹⁰⁵

An application for rezoning to a PD district may only be considered if the following criteria are met, as determined by the Director:

- A. The land included in the proposed PD district is not within the Mixed-Use Center (M-4) zoning districts;¹⁰⁷
- B. The proposed PD could not be developed using conventional zoning districts or standards established in this UDC; and
- C. The land included in the proposed PD is under single ownership or control. Single control of property under multiple ownership may be considered when the application includes enforceable agreements, covenants, or commitments that run to the benefit of the Town and that the Town may require to be recorded if the PD is approved.

¹⁰⁴ Replaces current Appendix A, Article XV, §1; substantially revised to better align with the true intent of the district.

¹⁰⁵ New.

¹⁰⁷ Some communities don’t allow the PD tool to be used in areas where departure from the base standards is not desired (i.e., Addison Circle).

2.7.3 Permitted Uses¹⁰⁸

- A. Land uses in a PD district are subject to the approval of the Planning and Zoning Commission and City Council.
- B. Land uses shall be determined based on consistency with the Comprehensive Plan, the existing zoning district designation of the area being rezoned to a PD district, the land uses contiguous to the area being rezoned to a PD district, and the development standards and design standards of this UDC.
- C. If the terms of the PD approved by the City Council do not clearly address the availability of specific uses in all or part of the development, then the uses and use-specific standards that would otherwise be applicable to development of the same character and scale if it were zoned into one of the base zone districts in Subsections 2.4.1 through 2.6.6, as determined by the Director, shall apply.

2.7.4 Development Standards¹⁰⁹

- A. The development standards in a PD district are subject to the approval of the Planning and Zoning Commission and City Council.
- B. The development standards shall be determined based on consistency with the Comprehensive Plan, the existing zoning district designation of the area being rezoned to a PD district, and the development and design standards of this UDC.
- C. If the terms of the PD approved by City Council do not state that the development standards or subdivision standards differ from those listed in Article 4: *Development Standards*, or Article 5: *Subdivision Standards*, then the standards in those Articles that would otherwise be applicable to development of the same type and scale if it were zoned into one of the base zone districts in Subsections 2.4.1 through 2.6.6, as determined by the Director, shall apply.

2.7.5 Review and Approval Procedures¹¹⁰

See §--- for specific procedures and review criteria for evaluating a rezoning to PD district request.

¹⁰⁸ Replaces current Appendix A, Article XV, §3; substantially revised to provide more clarity and direction in approving and administering PD developments moving forward.

¹⁰⁹ New. This language helps to clarify that where a PD ordinance is silent on a particular standard that the base standards of the UDC apply.

¹¹⁰ The specific review procedures and criteria for PDs will be included in future drafts.

2.8 Overlay Districts

2.8.1 AO – Airport Overlay¹¹¹

A. Purpose¹¹²

The AO overlay district is intended to regulate and restrict the height of structures and objects of natural growth and the use of property in the vicinity of the Addison Airport to prevent the creation or establishment of obstructions that are a hazard to air navigation. Application of this district will help prevent the encroachment of noise sensitive or otherwise incompatible land uses which may endanger the health, safety, and welfare of the owners, occupants, or users of the land. This district is also intended to implement state and federal rules associated with land uses in the vicinity of airports. Such state and federal rules shall apply within the AO district.

B. Airport Overlay District Established¹¹³

1. Federal Aviation Regulations (FAA) part 77 establishes civil airport imaginary surfaces for the regulation of airspace surrounding airports.¹¹⁴ The AO overlay district is the area generally located within the zones created and established in paragraphs 2.8.1B.1.a through 2.8.1B.1.d that includes all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surface and conical surface as they apply to Addison Airport. Such zones are shown on zoning map consisting of one sheet, prepared by Riewe & Wischmeyer, Inc., and dated April 1979, which is attached to this article and made a part hereof by reference.¹¹⁵ An area located in more than one of the following zones is considered to be only in the zone with more restrictive height limitation. The various zones are hereby established and defined as follows:

a. Approach Zones

Approach zone is established beneath the approach surface at the end of Runway 15/33 on Addison Airport for 50:1 landings and take-offs. The inner edge of the approach zone shall have a width of 1,000 feet which coincides with the width of the primary surface at a distance of 200 feet beyond each end of the runway, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond each end of the primary surface, its centerline being the continuation of the centerline of the runway.

b. Transition Zones

Transition zones are hereby established beneath the transition surface adjacent to each runway and approach surface as indicated on the zoning map. Transition surfaces, symmetrically located on either side of runways, have variable widths as shown on the zoning map. Transitional surfaces extend outward and upward at right angles to the runway centerline and the runway centerline extended at a slope of seven to one from the sides of the primary surface and from the sides of approach surfaces. Transitional surfaces for those portions of the precision approach surface which project through and beyond the limits of the conical surface extend 5,000 feet measured horizontally from the edge of the approach surface and at right angles to the runway centerline.

c. Horizontal Zone

The area beneath a horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of the runway and connecting the adjacent arcs by lines tangent to those arcs.

¹¹¹ From current Chapter 14, Article IV: *Airport Zoning*. Content related to administration and procedures will be included in future drafts.

¹¹² New.

¹¹³ From current Chapter 14, Article IV, Sec. 14-122. Renamed heading from "zones." Reworded first sentence for clarity.

¹¹⁴ New.

¹¹⁵ Town staff is preparing an updated map to include in the new UDC.

d. **Conical Zone**

The area beneath the conical surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

2. **Changes and Amendments¹¹⁶**

The City Council may from time to time amend, supplement or change by ordinance the boundaries of the airport approach zones, transition zones and the airport hazard areas established in this §2.8.1. A public hearing shall be held by the City Council before adopting any proposed amendment, supplement, or change. At least 15 days' notice of the hearing shall be published in the official paper, or a paper of general circulation in the Town, stating the time and place of such hearing.

State Law reference— Amendment of airport zoning restrictions, TLGC §§ 241.005, 241.017.

C. **FAA Requirements¹¹⁷**

All development within the AO overlay district shall comply with FAA regulations.

D. **Height Limitations¹¹⁸**

Except as otherwise provided in this article, no structure shall be erected, altered, or maintained, and no object of natural growth shall be allowed to grow in any zone created by this article to a height in excess of the following applicable height limits established for each zones as follows:

1. **Approach Zones**

Runway 15/33: One foot in height for each 50 feet in horizontal distance beginning at the end of and at the elevation of the primary surface and extending to a point 10,000 feet from the end of the primary surface, then rising one foot in height for each 40 feet in horizontal distance for an additional 40,000 feet from the end of the primary surface.

2. **Transition Zones**

Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of 150 feet above the airport elevation, which is 643 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.

3. **Horizontal Zone**

Established at 150 feet above the airport elevation, or a height of 793 feet above mean sea level.

4. **Conical Zone**

Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

5. **Excepted Height Limitations**

Nothing in this article shall be construed as prohibiting the growth, construction, or maintenance of any object of natural growth or structure to a height up to 50 feet above the surface of the land.

¹¹⁶ From current Chapter 14, Article IV, Sec. 14-146.

¹¹⁷ New.

¹¹⁸ From current Chapter 14, Article IV, Sec. 14-123.

E. Use Restrictions¹¹⁹

Notwithstanding any other provisions of this §2.8.1, no use may be made of land or water within any zone established by this article in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport.

F. Nonconforming Uses¹²⁰

1. Regulations Not Retroactive

The regulations prescribed by this §2.8.1, shall not be construed to require the removal, lowering, or other change or alteration of any structure or object of natural growth not conforming to the regulations as of November 25, 1980, or otherwise interfere with the continuance of any nonconforming use. Nothing contained in this §2.8.1, shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to November 25, 1980, and is diligently prosecuted.

2. Marking and Lighting

Notwithstanding paragraph (F)(1) above, the owner of any nonconforming structure or object of natural growth is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Director to indicate to the operators of aircraft in the vicinity of the airport, the presence of such airport hazards. Such markers and lights shall be installed, operated and maintained at the expense of the owner.
State Law reference— Nonconforming uses, TLGC § 214.019.

G. Permits¹²¹

1. Future Uses

Except as specifically provided in paragraphs (1)(a), (b), and (c) below, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no object of natural growth shall be planted in any zone established in this §2.8.1, unless a permit therefore shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or object of natural growth would conform to the regulations prescribed in this subsection. If such determination is in the affirmative, the permit shall be granted. No permit for a use inconsistent with the provisions of this subsection shall be granted unless a variance has been approved in accordance with paragraph 2.8.1H.

- a. In the area lying within the limits of the horizontal zone and conical zone, no permit shall be required for any object of natural growth or structure less than 75 feet of vertical height above the grounds, except where, because of terrain, land contour, or topographic features, such object of natural growth or structure would extend above the height limits prescribed for such zones.
- b. In areas lying within the limits of the approach zones, but at a horizontal distance of not less than 4,200 feet from each end of the runway, no permit shall be required for any object of natural growth or structure less than 75 feet of vertical height above the ground, except when such object of natural growth or structure would extend above the height limit prescribed for such approach zones.
- c. In the areas lying within the limits of the transition zones beyond the perimeter of the horizontal zone, no permit shall be required for any object of natural growth or structure less than 75 feet of vertical height above the ground, except when such object of natural

¹¹⁹ From current Chapter 14, Article IV, Sec. 14-124.

¹²⁰ From current Chapter 14, Article IV, Sec. 14-125. Replaced "title" with "subsection reference."

¹²¹ From current Chapter 14, Article IV, Sec. 14-126. Updated references.

growth or structure, because of terrain, land contour, or topographic features, would extend above the height limit prescribed for such transition zones.

- d. Nothing contained in any of the exceptions in paragraphs (1)(a), (b), and (c) above shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any object of natural growth in excess of any of the height limits established by Sections 2.4 through 2.6, or this §2.8.1, except as set forth in paragraph 2.8.1D.5.¹²²

2. **Existing Uses**¹²³

No permit shall be granted that would allow the establishment or creation of any airport hazard or permit a nonconforming use, structure, or object of natural growth to be made or become higher, or become a greater hazard to air navigation, than it was on the effective date of the ordinance from which this article is derived or any amendments to this article or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

3. **Nonconforming Uses Abandoned or Destroyed**

Whenever the Building Official determines that a nonconforming structure or object of natural growth has been abandoned or more than 80 percent torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or object of natural growth to exceed the applicable height limit or otherwise deviate from the zoning regulations.

H. **Variances**¹²⁴

1. Any person desiring to erect or increase the height of any structure, or permit the growth of any object of natural growth or use his/her property, in violation of the regulations prescribed in this §2.8.1, may apply to the Board of Zoning Adjustment for a variance from such regulations in question.
2. The application for variance shall be accompanied by a determination from the Federal Aviation Administration as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace.
3. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and the relief granted would not be contrary to the public interest, but will do substantial justice, and will be in accordance with the spirit of this §2.8.1, pursuant to TLGC Chapter 241.
4. No application for variance to the requirements of this §2.8.1 may be considered by the Board of Zoning Adjustment unless a copy of the application has been furnished to the Director of Development Services for advice as to the aeronautical effects of the variance. If the Director of Development Services does not respond to the application within 15 days after receipt, the Board of Zoning Adjustment may act on its own to grant or deny such application.¹²⁵

State Law reference— Variances, TLGC § 241.034.

I. **Obstruction Marking and Lighting**¹²⁶

Any permit or variance granted may, if such action is deemed advisable by the Building Official or the Board of Zoning Adjustment to effectuate the purpose of this §2.8.1, and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or object of natural growth in

¹²² Added reference to Sections 2.4 through 2.6 to clarify that the height limits established in the base zoning districts still apply.

¹²³ Discussion Item: This paragraph may need to be re-worded to reflect the new adoption date of the UDC rather than the original date. Currently discussing with Town staff.

¹²⁴ From current Chapter 14, Article IV, Sec. 14-127. Updated references.

¹²⁵ Replaced references to "Building Official" with "Director of Development Services."

¹²⁶ From current Chapter 14, Article IV, Sec. 14-128. Updated references.

Article 2: Zoning Districts

2.8 Overlay Districts

2.8.1 AO – Airport Overlay

question to allow the building official to install, operate and maintain, at the expense of owner, such markings and lights as may be necessary.

(State Law reference— Similar provisions, TLGC § 241.035.

2.9 Measurements and Exceptions¹²⁷

2.9.1 Purpose

The purpose of this section is to provide uniform methods of measurement for interpretation and enforcement of the lot and building standards in this UDC.

2.9.2 Density

Density shall be calculated by the number of dwelling units per gross acre within a proposed development site.

2.9.3 Lot and Space Requirements

A. Minimum Lot Dimensions

1. Any lot that is created, developed, used, or occupied shall meet the minimum lot dimensional requirements established in this UDC for the zoning district in which it is located, except as otherwise established in this UDC for particular uses. New lots shall also meet the applicable development standards established in Article 4: *Development Standards*, and Article 5: *Subdivision Standards*.
2. Any area needed to meet the dimensional standards, parking, or other requirements of this UDC for a lot or building may not be sold or leased away from such lot or building.
3. No parcel of land that has less than the minimum lot width or lot area requirements for the zoning district in which it is located may be divided from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot.

B. Number of Principal Buildings per Lot¹²⁸

1. Except for projects approved as a cottage development pursuant to §3.3.2A: *Cottage Development*, or a manufactured home development pursuant to §3.3.2F: *Manufactured Home Development (HUD-Code)*, only one principal building for single-family, duplex, triplex, and fourplex uses, with permitted accessory buildings, may be located upon a lot or parcel. Every dwelling shall have legal means of access to a right-of-way.
2. Where a lot or parcel is used for multifamily, mixed-use, commercial, or industrial purposes, more than one principal building may be located upon the lot or parcel, provided such buildings conform to all applicable requirements of this UDC.
3. No lot or parcel shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

2.9.4 Setback and Build-To Requirements

A. Measurement

Setback and build-to requirements referred to in this UDC shall be measured as stated in Article 7: *Definitions*, under the terms "setback" and "build-to."

B. Multiple Buildings on One Lot¹²⁹

1. Multiple buildings on one lot shall be construed as one structure for purposes of measuring setbacks.

¹²⁷ New.

¹²⁸ Replaces current Appendix A, Article XXII, §5: *Location of Dwellings and Buildings*.

¹²⁹ New.

2. For purposes of setback calculations for side-by-side multifamily, mixed-use, commercial, or industrial buildings, only those buildings that do not share a common wall with an adjacent unit need observe the required side setback for the district.

C. Exceptions to Setback and Build-To Requirements¹³⁰

Every part of a required setback shall be unobstructed from ground level to the sky, except as follows:

1. The setback and build-to exceptions established in this section shall not authorize the encroachment of any development across property lines, into a public right-of-way, or into or over a recorded easement.
2. Setback restrictions do not apply to slabs, uncovered patios, walks, steps, landscaping and/or hedges, or retaining walls; however, such features are subject to [vision clearance standards].¹³¹
3. Certain architectural features and improvements may encroach into required setbacks and extend beyond required build-to areas as follows:

Type of Exception	Extent of Exception
Balconies, canopies, decks and awnings (residential)	Up to 18 inches into a side setback and up to 4 feet into a front setback
Balconies, canopies, decks and awnings (nonresidential)	No limit, provided that they are no closer than two feet from the property line and they do not substantially interfere with pedestrian movement and street tree growth. ¹³³
Front porches and stoops	Up to 8 feet into required front yard, provided such porch or stoop is open on the front and each side and is no closer than 10 feet from the front property line. ¹³⁴
Ground-mounted mechanical equipment	Up to 5 feet into required side and rear yards, provided no element is located closer than 2 feet from any property line and the equipment complies with screening standards in §---.
Incidental architectural features	Up to 5 feet, provided that pedestrian flow will not be impeded. Examples of incidental architectural features include, but are not limited to exterior steps, chimneys, fireplaces, bay windows, eaves, planters and light wells for a below-grade floor ¹³⁵
Mobility access ramps and lifts	As necessary upon written request to the Director.
Swimming pools	No limit, provided the swimming pool is no closer than 5 feet from any property line and is not located within the front yard and meets the standards of the most recently adopted Building Code.

D. Contextual Front Setbacks¹³⁶

For properties where a build-to-line or build-to-range is not required, the front setback for infill development may be established as a range based on the locations of the primary structures on abutting lots in the same zoning district located on the same street frontage as, and on each side of, the subject lot (e.g., two abutting lots set the range), as approved by the Director. (See Figure ---.)

¹³⁰ New, unless otherwise noted. There are several variations of allowances for encroachments in different zoning districts, we have consolidated exceptions into one table and carried forward the most permissive allowance. Unless otherwise noted, special approval through a waiver or other similar process is not required for listed encroachments. Did not carry forward current Appendix A, Article XXII, §2(E) or Appendix A, Article XXII, §3.

¹³¹ Patios (except for sidewalk cafes) are currently not allowed to encroach in required setbacks within the UC Residential Subdistrict. "Patio" is currently not defined.

¹³³ Consolidated current Appendix A, Article XIX.A, §IV(B)(2)(e); d Appendix A, Article XIX.A, §III(E)(4)(b) and (c); Appendix A, Article XIX, §3(E)(6).

¹³⁴ Currently 5 feet.

¹³⁵ From current Appendix A, Article XIX.A, §IV(B)(2)(e).

¹³⁶ New. Replaces current Appendix A, Article XXII, §2: *Front Yard [Exceptions]*.

[insert figure here]¹³⁷

E. Corner Lots¹³⁸

1. On corner lots, the required front yard setback and build-to requirement, as applicable, shall be observed along both street frontages upon which the building is located.
2. Corner lots shall comply with the vision clearance standards established in §---. (See Figure ---.)

[insert figure here]¹³⁹

F. Double-Frontage Lots¹⁴⁰

Lots with multiple street frontages, except for corner lots, shall be required to comply with the required front setback and build-to requirements, as applicable, along each lot line abutting a street. (See Figure -- -.)

[insert figure here]¹⁴¹

G. Irregularly Shaped Lots

1. Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that any lot line abutting a street shall comply with the front setback and the lot line farthest from the front lot line shall comply with the rear setback. (See Figure ---.)
2. The Director may establish alternative setbacks for properties with irregularly shaped lots based on unique site and/or lot conditions.

[insert figure here]¹⁴²

2.9.5 Building Height

A. Measurement

Heights referred to in this UDC shall be measured as stated in Article 7: *Definitions*, under the term "building height."

B. Special Height Limitations in Airport Controlled Area

Building and structure height may be further limited according to §2.8.1: *AO – Airport Overlay*.

C. Exceptions to Height Requirements¹⁴³

1. The height exceptions established in this section shall not authorize the encroachment of any development into any zones or areas identified in §2.8.1: *AO – Airport Overlay*.
2. Certain architectural features and improvements may exceed maximum building heights as follows:

¹³⁷ Graphic to be added in Consolidated Draft.

¹³⁸ The current regulations are inconsistent (and sometimes silent) regarding setback requirements for corner lots. This draft proposes treating all corner lots as if they have two front yards, meaning they corner lots have two front yard setbacks.

¹³⁹ Graphic to be added in Consolidated Draft.

¹⁴⁰ Replaces current standard found in several zoning district standards (e.g., Appendix A, Article VII, §3(1)(B); Appendix A, Article IX, §3(1)(B), etc.).

¹⁴¹ Graphic to be added in Consolidated Draft.

¹⁴² Graphic to be added in Consolidated Draft.

¹⁴³ New unless otherwise noted.

Type of Exception	Extent of Exception
Chimneys and other ornamental architectural features	Up to 10 feet above the maximum height limit.
Parapet walls	Up to 5 feet above the maximum height limit on a maximum of 70% of each facade.
Rooftop mechanical equipment	Up to 5 feet beyond the maximum height limit, provided the equipment complies with screening requirements set forth in §---. Examples of rooftop mechanical equipment include, but are not limited to cupolas, chimney ventilators, skylights, water tanks, elevator overrides, solar collection equipment, and similar mechanical equipment.
Turret, spire, or tower	Up to 15 feet, provided that such turret, spire, or tower has a floorplate 10 percent or less than the ground floor area of the building of which it is a part. ¹⁴⁴

2.9.6 Impervious Coverage¹⁴⁵

The area of the lot or parcel covered by the following shall be included in the calculation of total impervious coverage in all zoning districts:

- A. Principal buildings;
- B. Accessory buildings, parking garages, carports, pools, and utility and storage sheds;
- C. Stairways, elevated walkways, or paved areas; and
- D. Parking areas and driveways, regardless of surfacing materials unless an alternative pervious paving system is approved by the Director.

2.9.7 Minor Modification

Minor modifications to some of the dimensional standards in this section may be available through the minor modification process established in §---.

¹⁴⁴ From current Appendix A, Article XIX, §3(D) and Appendix A, Article XIX, §5(B)(3).

¹⁴⁵ Did not carry forward exemption for porches and arcades from lot coverage calculations in the UC district. Added “pools.”

Article 3: Use Regulations

3.1 Purpose and Organization¹⁴⁸

3.1.1 Purpose

The article identifies the land uses allowed in Addison’s zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

3.1.2 Organization

- A. §3.2: *Table of Allowed Uses*, lists uses allowed by zoning district and provides cross-references to applicable use-specific standards.
- B. §3.3: *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- C. §3.4: *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- D. §3.5: *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

3.2 Table of Allowed Uses¹⁴⁹

COMMENTARY:

The proposed Table of Allowed Uses in this section is based on the current lists of permitted uses in the Addison Code of Ordinances, with several proposed consolidations and additions. The Table of Allowed Uses also reflects the new and renamed zoning districts listed in Article 2: *Zoning Districts*.

The existing ordinances use inconsistent terminology to describe similar uses, which required significant consolidation and renaming of uses. We noted most issues related to naming of uses in the related definitions article, which appears later in this draft.

Many specific existing uses are grouped into new, more general use categories. For example, the many specific types of existing retail uses were significantly consolidated in “retail sales.” Many new uses are also proposed in the table.

Next, we show some suggested changes to the level of permission for some uses in some districts. These are shown by the shading of the cell. A cell shaded green means the level of permission has changed to be more permissive (e.g., S to P). A cell shaded red means the level of permission has changed to be more restrictive (e.g., P to prohibited), and the previous level of permission is stricken (e.g., ~~P~~).

Proposed changes to the levels of permission for certain uses are based on one or more factors:

- 1) To be consistent with stakeholder comments, the themes described in the Development Regulations Assessment Report, and/or current planning trends;
- 2) Use-specific standards allow for a more permissive level of approval with less discretion.

In many cases, the Town may not want to finalize the appropriate level of permission for a particular use until after reviewing the entire draft of the new UDC. For example, updated multifamily development standards may influence the zoning districts in which that use is allowed, and by what process.

Use types labeled (NEW) generally mean that they are not listed in the current ordinance. This does not, however, mean that the use is new to Addison. For example, “warehouse or wholesale facility” is a “new” use because it consolidates several previously listed uses.

¹⁴⁸ New.

¹⁴⁹ New.

The Table of Allowed Uses includes a cross-reference in the far-right column if use-specific standards are applicable. Many of the use-specific standards are carried forward from the current ordinance but have been revised significantly for clarity and consistency. Additionally, some new use-specific standards are included to ensure compatibility with surrounding uses and to protect the general health, safety, and welfare of the community. These standards, whether existing or new, are indicated as such in the footnotes. The use-specific standards generally follow the same organization and order as the table of allowed uses.

The final sections of this article address accessory and temporary uses and structures. The current ordinance contains very little on this subject.

§3.2.8: *Table of Allowed Uses* lists the uses allowed within all base zoning districts. Each listed use is defined in §---

3.2.1 Explanation of Table Abbreviations

A. Uses Permitted By-Right

A "P" in a cell indicates that the use is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this UDC.

B. Uses Requiring a Special Use Permit

An "S" in a cell indicates that the use is only permitted in the respective zoning district with approval of a special use permit pursuant to §---

C. Prohibited Uses

A blank cell indicates that the use is prohibited in the respective zoning district.

D. Accessory Uses

An "A" in a cell indicates that the use is only permitted in the respective zoning district as an accessory use. If the letter "A" is accompanied by the letter "S" in the same cell, the use is only permitted in the respective zoning district as an accessory use and requires approval of a special use permit pursuant to §---

E. Use-Specific Standards

A use permission that includes an "*" indicates that a use specific standard applies to that land use in the respective zoning district. Regardless of whether or not a use is allowed by right or with approval of a special use permit, additional standards may be applicable to that use. Use-specific standards are identified and cross-referenced in the last column of the table.

3.2.2 Table Organization

§3.2.8: *Table of Allowed Uses*, land uses and activities are classified into general use categories and specific use types based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each use category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory. For example, the use category "Residential" contains two use subcategories "Household Living" and "Group Living." Specific use types such as "Dwelling, Duplex" and "Assisted Living Facility" are regulatory.

3.2.3 Use for Other Purposes Prohibited¹⁵⁰

Approval of a use listed in §3.2.8: *Table of Allowed Uses*, and compliance with the applicable use-specific standards for that use, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in §3.2.8: *Table of Allowed Uses*. All other uses not specifically listed are prohibited and shall be unlawful unless the Director has determined an appropriate use type for the unlisted use pursuant to the procedure in §3.2.4 below.

3.2.4 Required Licenses, Permits, and Operational Rules¹⁵¹

- A. All uses required by any unit of local, state, or federal government to have an approval, license, or permit to operate are required to have that local, state, or federal approval, license, or permit in effect at all times, and failure to do so is a violation of this UDC.
- B. All uses subject to the operational standards of a local, state, or federal government agency, including without limitation the regulations contained in the Addison Code of Ordinances, shall operate in compliance with those standards and regulations at all times, and failure to do so is a violation of this UDC.

3.2.5 Classification of New and Unlisted Uses

The following procedure shall apply if an application is submitted for a use type that is not specifically listed in §3.2.8: *Table of Allowed Uses*. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

A. Director Determination of Appropriate Use Type

The Director shall determine the appropriate use type for the proposed use. In making such determination, the Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

B. Uses and Use-Specific Standards Requiring a UDC Text Amendment

In making a determination on a new or unlisted use, the Director may determine that such new or unlisted use requires a text amendment of this UDC. The Director may also determine that UDC text amendments for additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community. UDC text amendments shall follow the procedures in §---.

C. Appeal of Director’s Determination

An appeal of the Director’s determination shall be made pursuant to the procedures in §---.

3.2.6 Townwide Performance Standards¹⁵²

A. Noise

- 1. All land uses shall comply with the airport noise regulations established in the Addison Code of Ordinances, Chapter 18, Article 2, Sec. 18-78: *Airport Noise*.

¹⁵⁰ Replaces general language found at the beginning of each zoning district section under “Use Restrictions,” and current Appendix A, Article 3, §3; and Appendix A, Article XIX, §2(A) and (B). Did not carry forward the limitation that all uses in the UC and MXR district are subject to approval of a concept plan and development plan.

¹⁵¹ New.

¹⁵² Discussion Item: There are several references to airport noise contours, several of which live outside the current ordinances. Town staff is verifying referenced documents exist and/or are accurate to ensure proper administration and if there a reference map that can be included here to help illustrate where contours exist that can apply generally for all residential uses. Chapter 18, Article II, Sec. 18-78, also includes building code amendments related to airport noise, and may be referenced here in a future draft.

2. No operation shall emit noise beyond the thresholds established in Addison Code of Ordinances, Chapter 34, Article 3: *Noise*.

3.2.7 District Specific Standards¹⁵³

A. M-1 Zoning District¹⁵⁴

1. Residential uses are not permitted within the 65 LDN contour as defined by the Addison airport master plan.¹⁵⁵
2. Any structures fronting Addison Circle between Mildred Place/Lewis Place and Dallas Parkway shall have a minimum floor-to-ceiling height of 12 feet to accommodate ground-level nonresidential uses.¹⁵⁶
3. A stand-alone retail building is prohibited.¹⁵⁷

B. M-2 Zoning District¹⁵⁸

1. Where required retail use is designated on an approved concept or site plan, the ground floor adjacent to the street shall be constructed to retail building standards for a depth of at least 50 feet; however, a smaller depth may be allowed if the retail is serving as a liner use which is masking a parking garage by minor waiver.
2. No residential uses shall be permitted within the approved FAA Noise Contours as established in the Addison Airport 14 CFR Part 150 Noise Compatibility Study, May 2005.¹⁵⁹
3. Residential will be limited to the area west of the north-south section of beltway due to the noise contours from Addison Airport which cross Belt Line to the east.¹⁶⁰

C. M-4 Zoning District

1. A stand-alone retail building is prohibited along Spectrum Drive.¹⁶¹
2. A maximum of 50 percent of the acreage east of Spectrum Drive of the commercial subdistrict, as defined in the approved concept plan, may be put to residential or mixed use with residential uses.

¹⁵³ These standards may be relocated to other sections of the UDC in future drafts. For now, we have located them here.

¹⁵⁴ Did not carry forward current Appendix A, Article XIX, §2(E)(5) requiring a minimum of 1,500 residential dwelling units in the first two phases of development in the UC-Residential subdistrict; and current Appendix A, Article XIX §4(E)(3) limiting 50 percent of the acreage east of Spectrum Drive in the UC-Commercial subdistrict to residential or mixed-use with residential uses. We assume these areas have already been developed.

¹⁵⁵ From current Appendix A, Article XIX, §2(E)(4).

¹⁵⁶ From current Appendix A, Article XIX, §2(E)(1) and Appendix A, Article XIX, §4(E). Replaced general reference to “designed for retail” with specific floor-to-ceiling height requirements; a 12-foot floor-to-ceiling height is typical for a nonresidential use. Replaced reference to “retail” with “nonresidential” because current standards allow “office, civic, or special uses” in the ground-floor space.

¹⁵⁷ Reworded from “freestanding retail” to a “stand-alone retail building.”

¹⁵⁸ From current Appendix A, Article XIX.A, §3(D)(2). Replaced reference to “regulating plan” with “approved concept or site plan.”

¹⁵⁹ From current Appendix A, Article XIX.A, Sec. III(D)(3).

¹⁶⁰ From current Appendix A, Article XIX.A, Sec. III(B)(2). Currently only applies to the Belt Line Dining Subdistrict.

¹⁶¹ Reworded from “freestanding retail” to a “stand-alone retail building.”

3.2.8 Table of Allowed Uses

P = permitted use **S** = special use permit required **A** = accessory use **T** = temporary use **Blank Cell** = prohibited use

X = more permissive than current **X** = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Residential																
Household Living¹⁶²																
Cottage development (NEW)				S												3.3.2A
Dwelling, duplex				P	P											
Dwelling, fourplex				P	P	P										
Dwelling, live/work			S	P	P	P	P	P	P							3.3.2B
Dwelling, multifamily				S	P	P	P	P	P							3.3.2C
Dwelling, single-family (attached)				P	P	P	P									3.3.2D
Dwelling, single-family (detached)	P	P	P	P	P	P										3.3.2E
Dwelling, triplex				P	P	P										
Manufactured home development (HUD-Code)	S	S	S	S	S	S	S	S	S	S	S	S	S			3.3.2F
Group Living¹⁶³																
Assisted living facility	S	S	S	S	S					S	S	S	S			
Continuing care retirement facility (NEW)				S	S	P	P	P	P							
Group care home, FHAA small ¹⁶⁴	P	P	P	P	P	P	P	P	P	S	S	S	S			3.3.2G
Group care home, FHAA large				P	P	P	P	P	P							3.3.2G
Supportive housing, small (NEW)								S	S	S						
Supportive housing, large (NEW)									S							

¹⁶² Did not carry forward "loft unit" from the Belt Line district, currently not defined.

¹⁶³ Did not carry forward lodges, fraternity and sorority houses, boarding houses, rooming houses."

¹⁶⁴ Currently allowed with a special use permit in the C-1 and C-2 districts (proposed CG and LI) and in all zoning districts on a site of 20 acres or more. To better align with case law, we recommend permitting this use by-right in zoning districts where similar-sized residential dwellings are allowed.

Article 3: Use Regulations

3.2 Table of Allowed Uses
3.2.8 Table of Allowed Uses

P = permitted use **S** = special use permit required **A** = accessory use **T** = temporary use **Blank Cell** = prohibited use
X = more permissive than current **X** = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Public, Institutional, and Civic Uses																
Community and Cultural Facilities¹⁶⁵																
Cemetery or interment facility (NEW)														P		
Police, fire, or rescue facility	PS	PS	S	S	S	S	S	P	P	P	P	P	S	P		
Club or lodge							S	S	S	S	S		S			3.3.3A
Conference or convention center							S				P			P		
Day care center, adult or child ¹⁶⁶						S	SP	P	SP	P	P	A	A	A		3.3.3B
Day care home, adult or child	A	A	A	A	A	A	A	A	A	A						3.3.3C
Funeral facility										P	P					
Library	P				S	P	SP	P	P	P	P	P	S	P		
Museum	P				S	P	SP	P	P	P	P	P	S	P	P	
Park or open space, active ¹⁶⁷	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Park or open space, passive (NEW)	P	P	P	P	P	P	P	P	P	P	P	P		P	P	
Place of worship ¹⁶⁸	S	S	S	S	S	S	SP	P	SP	SP	SP	SP	S			
Educational Facilities																
School, college or university							PS	S				P		P		
School, public or private	S	S	S	S	S	S	S	S	S	S	S	S		P		
School, vocational or trade								S	S		P	P	S			

¹⁶⁵ Did not carry forward “any public building to be erected or used by the Town, county, state, or federal government in any district” and “civic (defined under Article XXX). The uses listed in the use table should adequately provide for the construction of any public building. Did not carry forward “historic marker or monument site,” this is typically not a principal use of property and would generally be allowed anywhere in the Town where such a designation is appropriate.

¹⁶⁶ “Children’s homes” is currently allowed in all districts with a special use permit.

¹⁶⁷ Did not carry forward standard requiring special use permit review for parks not owned and operated by the Town.

¹⁶⁸ “Church, synagogue or temple (religious organization or facility)” is currently permitted in the Belt Line District (proposed M-2); however, other religious uses consolidated in this use type require special use permit.

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	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Healthcare Facilities																
Hospital	S	S	S	S	S	S	S	S	S	S	S	S				
Medical clinic						SP	P	P	P	P	P	P	P			3.3.3D
Treatment facility (NEW)												S				3.3.3E
Rehabilitation facility (NEW)												S				3.3.3E
Commercial																
Agricultural and Animal Uses¹⁶⁹																
Kennel, commercial	S	S	S	S	S	S	S		S	S	S					3.3.4A
Plant nursery or greenhouse	S	S	S	S	S	S	S	S	S	SP	SP	SP				
Urban agriculture, noncommercial	P	P	SA	SA	SA	SA	SA	A	SA	SA	SA	SA		A	S	3.3.4B
Veterinary hospital or clinic	S	S	S	S	S	S	SP		S	SP	SP	SP				3.3.4C
Recreation and Entertainment																
Recreation facility, indoor ¹⁷⁰	SA	SA	SA	SA	SA	SA	SP	P	SP	P	P	SP	A			3.3.4D
Recreation facility, outdoor ¹⁷¹	SA	SA	SA	SA	SA	SA	SP	P	S	SP	SP	SP	A			3.3.4E
Sexually oriented business ¹⁷²												PS				3.3.4F

¹⁶⁹ Did not carry forward "commercial stable."
¹⁷⁰ "Movie picture theater" is allowed with special use in all zoning districts. Other recreation and entertainment uses consolidated into this use type are primarily allowed with special use review in the Belt Line, C-2, I-1, and I-2 zoning districts (proposed M-2 and LI). Did not carry forward standards limiting dance halls to 10 acres outside of the C-1 and C-2 districts, and standards limiting use of facilities to occupants of a development. Health club and studio uses (are generally allowed by-right in the M-1, M-2, M-4, CL, CG, LI, and MA zoning districts. "Health club" is currently allowed with a special use permit in the M-1 zoning district.
¹⁷¹ "Golf course, but not including mini golf, driving range, or any other commercial amusement" is allowed by-right in the R-1 zoning district (proposed R-1); however, it is also allowed with special use permit approval in all zoning districts. Private clubs and community buildings on a site larger than 3 acres or in an apartment district currently require special use permit approval.
¹⁷² This use is currently only permitted in the C-2 zoning district (proposed LI); however, after consolidating the C-2, I-1, and I-2 zoning districts (and subsequently rezoning those properties to LI) this land use will allowed on more properties (provided they meet location requirements in use-specific standards). It is common for SOBs to require special use permit review (rather than being permitted by-right) to ensure any potentially negative impacts are addressed.

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3.2 Table of Allowed Uses
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	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Food and Beverage																
Beer and Wine sales, off-premise consumption ¹⁷³						S	S	S	S		S	S	S			
Brewpub, distillery, or winery											S	P	P	P		
Catering establishment											P	P	P	P		
Liquor sales, off-premise consumption	See Addison Code of Ordinances, Chapter 6: <i>Alcoholic Beverages</i>															
Microbrewery ¹⁷⁴	S	S	S	S	S	S	S	S	S		S	S	S			3.3.4G
Mobile food truck park (NEW)						S	S	S	S		S	S	S	S	S	3.3.4H
Restaurant ¹⁷⁵	S	S	S	S	S	S	S	S	S		S	S	S	S		3.3.4I
Lodging¹⁷⁶																
Bed and breakfast				S	S	S	S									3.3.4J
Hotel, Full Service	S	S	S	S	S	S	S	S	S		S	S	S	S		3.3.4K
Hotel, Limited Service							S	S			S	S	S	S		
Residence Hotel							S	S								
Office, Business, Professional, and Personal Services																
Bank or financial institution						P	P	P	P		P	P	P	P		
Credit access business (NEW) ¹⁷⁷											S					3.3.4L

¹⁷³ Currently allowed with special use approval in the LR zoning district (proposed CL) and the Beltline Epicurean Subdistrict. It is unclear where alcohol sales for off-site consumption can occur in Addison. The Addison Code of Ordinances, Chapter 6, limits sales to a specific area defined by meets and bounds; however, Current Appendix A, Article XX, §1(A)(27) allows “the sale of beer and wine for off-premise consumption” in any LR, UC, or PD district, or in conjunction with a special use permit for a hotel.

¹⁷⁴ Current Appendix A, Article XX, §1(A)(39) allows a “microbrewery” in any district with a special use permit. We recommend only allowing this use type in zoning districts where “restaurant” is allowed.

¹⁷⁵ Did not carry forward current Appendix A, Article XX, §1(A)(30), that limits restaurants without drive-in facilities to only provide service within an enclosed building (outdoor seating/dining helps foster a pedestrian-oriented environment) or restaurants without drive-in facilities from serving vehicles parked on a public street (this is an unusual standard). Relocated standards regulating the sale of alcohol to the “Accessory Use” category.

¹⁷⁶ Discussion Item: The types of lodging facilities and their levels of permission in each zoning district require more discussion.

¹⁷⁷ New. We have included a minimum separation requirement of 1,000 ft. in the use-specific standards which is common for several communities. Discussion Item: further discussion required to determine if additional standards and licensing/registration with the Town should be required.

Article 3: Use Regulations

3.2 Table of Allowed Uses
3.2.8 Table of Allowed Uses

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	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Laundromat, self-service				A	A	A	P	P	P	P	P	P	A			
Office ¹⁷⁸						P	P	P	P	P	P	P	P			
Personal services ¹⁷⁹						P	P	P	P	P	P	P	P			
Retail Sales																
Building supply store (NEW)											P	P				
Pawn shop ¹⁸⁰													PS			
Retail sales, less than 15,000 sq. ft. GFA						S	S	S	S	P	P	P	P			
Retail sales, 15,000 to 50,000 sq. ft. GFA							P	P	P	P	P	P	P			
Retail sales, more than 50,000 sq. ft. GFA						S	S		S	S	SP	SP	S			
Transportation, Vehicles, and Equipment¹⁸¹																
Airport, public-owned ¹⁸²													P			
Equipment sales or rental (NEW)											S	P	P			3.3.4M
Fleet services ¹⁸³							P					P	P			3.3.4N
Parking facility, private						P	PS	S	PS	PS	PS	PS	P			

¹⁷⁸ Did not carry forward current standards applicable to commercial and industrial districts (proposed CG, LI, and MA) related to limiting office/showroom components and the service component of a facility to not more than 75 percent of the floor area. Revised level of permission in the UC-Residential subdistrict (proposed M-1) to permitted. Current standard in Appendix A, Article XIX, §2(E)(6) prohibits office uses unless the applicant submits a detailed facilities study that includes a traffic assessment to demonstrate project can adequately support the office use. This is better reviewed via special-use permit.

¹⁷⁹ Did not carry forward 6,000 sq. ft. limitation for “cleaning and pressing shops” in the C-1, C-2, LR, or UC-Commercial (proposed LC, CG, LI, and M3) districts or the 3,000 sq. ft. limitation in the Belt Line district (proposed M-2).

¹⁸⁰ This use is currently permitted only in the C-2 zoning district (proposed LI); however, after consolidating the C-2, I-1, and I-2 zoning districts (and subsequently rezoning those properties to LI) this land use will be allowed on more properties. It is common for these types of land uses to require special use permit review (rather than being permitted by-right) to ensure any potentially negative impacts are addressed.

¹⁸¹ Did not carry forward “trail transportation distribution system” and “railroad distribution system;” both currently allowed with a special use permit in the Belt Line district (proposed M-2). Discussion Item: The uses in this subcategory and their levels of permission require further discussion.

¹⁸² Did not carry forward “airport or landing field or airport facilities” from Appendix A, Article XX: *Special Uses*. This standard reads as-if “airport or landing field or airport facilities” is allowed with a special use in any zoning district; however, “airport” is a permitted use only in the I-3 district. We propose airport should be “permitted” in the AA zoning district.

¹⁸³ “Limousine service” is currently allowed as an accessory use in the Belt Line district (proposed M-2).

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3.2 Table of Allowed Uses
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X = more permissive than current **X** = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Parking facility, public						P	P	P	P	P	P	P	P	P	P	
Transit terminal or station ¹⁸⁴	S	S	S	S	S	S	S	S	S	S	S	PS	PS	S		
Vehicle fuel station ¹⁸⁵	S	S	S	S	S	S			S	S	P	SP	SP			3.3.4O
Vehicle repair, major (NEW) ¹⁸⁶												P	P			3.3.4P
Vehicle repair, minor ¹⁸⁷												P	P			3.3.4P
Vehicle sales or leasing, indoors ¹⁸⁸							PS					P				3.3.4Q
Vehicle wash ¹⁸⁹											P	P	P			3.3.4R
Industrial¹⁹⁰																
Manufacturing and Processing¹⁹¹																
Commercial laundry facility												P				
Food production or processing						P	P	P	P	P	P	P				3.3.5A
Manufacturing, artisan (NEW)							P	P	P	P	P	P	P			3.3.5B
Manufacturing, low-impact ¹⁹²											S	P				3.3.5C
Resource or mineral extraction ¹⁹³	S	S	S	S	S	S	S	S	S	S	S	S	S	S		

¹⁸⁴ "Railway right-of-way and tracks, railway passenger station but not including railroad yards, team tracks or storage yards" is listed in Appendix A, Article XX as allowed with a special use permit in any zoning district. Use-specific standard is new.
¹⁸⁵ "Gasoline service stations and/or convenience stores" is listed in Appendix A, Article XX as allowed with a special use permit in any zoning district. Use-specific standards are new.
¹⁸⁶ Includes current use "paint shop." Use-specific standards are new.
¹⁸⁷ Use-specific standards are new.
¹⁸⁸ Use-specific standards are new.
¹⁸⁹ Use-specific standards are new.
¹⁹⁰ Did not carry forward references to "acetylene gas manufacture or gas storage," "airplane motor shops or motor test blocks," "animal fertilizer factories," "any other use which is obnoxious or offensive by reason of odor, dust, smoke, gas or noise," "batching plant," "foundry," "manufacture or storage of gun powder, fireworks, or other explosives," "slaughterhouse," "smelter," and "stockyards."
¹⁹¹ Did not carry forward "dyeing plant" and "beverage container recycling and processing facility" and "ice delivery station."
¹⁹² Use-specific standards are new.
¹⁹³ Appendix A, Article XX: *Special Uses*, allows "rock quarries, sand, gravel, and earth excavations" in any district. Discussion Item: We have renamed and broadened this land use with a clear definition; however this still requires further discussion.

Article 3: Use Regulations

3.2 Table of Allowed Uses
3.2.8 Table of Allowed Uses

P = permitted use **S** = special use permit required **A** = accessory use **T** = temporary use **Blank Cell** = prohibited use
X = more permissive than current **X** = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards	
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO		
Storage and Warehousing																	
Contractor’s office (NEW)													P	P			
Storage, self-service													S	SP			
Storage, outdoor ¹⁹⁴	A	A	A	A	A	A	A						A	A	P		
Warehouse or wholesale facility (NEW)													P	P			
Utilities and Communication																	
Communication facility ¹⁹⁵							S							S			
Public utility, major ¹⁹⁶	S	S	S	S	S	S	PS	S	S			S	S	P	P	P	S
Public utility, minor	P	P	P	P	P	P	P	P	P			P	P	P	P	P	
Satellite earth station	A	A	A	A	A	A	A	A	A			A	A	A	A	A	
Solar energy system	A	A	A	A	A	A	A	A	A			A	A	P	P	P	A
Wind energy system, more than 100 kW	S	S	S	S	S	S	S		S			S	S	S	S	S	
Wind energy system, less than 100 kW	SA	SA	SA	SA	SA	SA	SA	A	SA			SA	SA	SA	SA	A	A
Accessory Uses																	
Alcohol sales, on-premise consumption						SA	SA	SA	SA			SA	SA	SA	SA	SA	SA
Drive-through (NEW)							A					A	A	A	A		
Drop box, self-service (NEW)							A	A	A			A	A	A	A	A	
Dwelling, accessory (ADU) (NEW)	A	A	A	A	A	A											
Guest quarters ¹⁹⁷	A	A	A	A	A	A											

¹⁹⁴ Current Chapter 18, Article 3, Sec. 18-130 prohibits outside storage in residential areas for more than seven days. We think blank cells in the table for all residential zones indirectly carries forward this prohibition.
¹⁹⁵ “Antenna support structure” is currently allowed with a special use permit while “communications tower” is allowed as a permitted use in the Belt Line district. The regulations drafted in Part 4 of the UDC will be incorporated in the Consolidated Draft.
¹⁹⁶ Current use permissions of the uses that were consolidated into this use varies.
¹⁹⁷ Use-specific standards are new. Increased the level of permission to allow this use where single-family dwellings are permitted.

Article 3: Use Regulations

3.2 Table of Allowed Uses
3.2.8 Table of Allowed Uses

P = permitted use **S** = special use permit required **A** = accessory use **T** = temporary use **Blank Cell** = prohibited use
X = more permissive than current **X** = less permissive than current (strikethrough indicates current permission)

	Residential					Mixed-Use				Nonresidential						Use-Specific Standards
	R-1	R-2	R-3	R-4	R-5	M-1	M-2	M-3	M-4	CL	CG	LI	AA	CF	PO	
Home occupation	A	A	A	A	A	A	A	A	A							3.4.4E
Valet parking service (NEW) ¹⁹⁸						A	A	A	A	A	A	A	A	A		3.4.4F
Caretaker's quarters						A	A	A	A	A	A	A	A	A		
Temporary Uses¹⁹⁹																
Construction support activities	T	T	T	T	T	T	T	T	T		T	T	T	T	T	3.5.5A
Mobile food truck park, temporary (NEW)	T	T	T	T	T	T	T	T	T		T	T	T	T	T	3.5.5B
Mobile food vendor (NEW)	T	T	T	T	T	T	T	T	T		T	T	T	T	T	3.5.5C
Outdoor retail and display ²⁰⁰						T	T	T	T		T	T	T	T		3.5.5D
Portable storage structure	T	T	T	T	T	T	T	T	T		T	T	T	T	T	3.5.5E
Real estate sales or model home	T	T	T	T	T	T	T	T	T		T	T	T	T	T	3.5.5F
Seasonal sales	ST	ST	ST	ST	ST	ST	ST	T	ST		ST	ST	ST	T	T	3.5.5G
Special event (NEW)	T	T	T	T	T	T	T	T	T		T	T	T	T	T	3.5.5H

¹⁹⁸ Use-specific standards have been consolidated and relocated from various chapters of the *Code of Ordinances*.
¹⁹⁹ Did not carry forward "portable school buildings in the R-1, R-2, and R-3 districts..." or "temporary support structure." Did not incorporate standards from the Property Maintenance Code (Chapter 18, Sec. 18-129) regulating the display and sale of personal vehicles on private property (e.g., can't park in ROW, limited to two vehicles at a time per calendar year, have to be vehicles registered to the occupant of property, etc.). We think those standards should remain there.
²⁰⁰ Currently allowed with special use permit review in the Belt Line Epicurean Subdistrict.

3.3 Use-Specific Standards²⁰¹

3.3.1 General Applicability

- A. The use-specific standards listed in this section shall apply to those uses listed on the same line of the Allowed Use Table in §3.2.8, regardless of their respective level of permission.
- B. These use-specific standards cannot be modified through the special use permitting process, but relief may be granted through the Variance procedure established in §---.
- C. In case of a conflict between these use-specific standards and the standards in Article 4: Development Standards, these use-specific standards shall apply unless otherwise noted.

3.3.2 Residential

A. Cottage Development

Commentary:

Cottage housing development is a new housing concept in Addison and is being introduced to diversify housing choice. Cottage development refers to projects that feature a cluster of smaller single-family homes built around a common open space. Typically, each dwelling is around 1,000 square feet, but some may be smaller (sometimes referred to as “tiny homes.” This type of development was used around small parks and opens spaces historically and can be found in some parts of older cities. Recent cottage housing developments have been established as infill projects, offering a middle ground between single-family residences and multifamily development. Cottage housing can offer a smaller-scale housing choice, which are suitable for meeting a variety of needs, compared to traditional detached single-family homes. We have proposed several general standards that are often times included with cottage-style development patterns. These standards are for discussion purposes and may be amended throughout the drafting process.

1. **Maximum Density**
Cottage developments shall not exceed a gross density of 10 dwelling units per acre.
2. **Setbacks**
 - a. **Parking lot**
Minimum of 30 feet from the right-of-way.
 - b. **Minimum Dwelling Separation**
Minimum of 10 feet between dwelling units.
 - c. **Building Setbacks**
All other setbacks for the project site (not individual units) shall comply with those applicable in the underlying zoning district.
3. **Central Open Space²⁰²**
Each cottage development shall include at least one centrally located shared open space area of at least 400 square feet per dwelling unit. Parking areas do not count toward open space requirements.
4. **Parking and Access**
 - a. Parking shall be designed to limit curb cuts and most efficiently park vehicles.
 - b. Parking may take place on a shared, paved parking lot or in shared driveways.
 - c. Shared driveways may access individual garages.
 - d. Project perimeter sidewalks are required, and internal walkways shall connect each cottage unit to the project perimeter sidewalks.

²⁰¹ Use-specific standards for the Addison Airport district will be incorporated in the Consolidated Draft.

²⁰² These standards may be updated or replaced with general town-wide open space standards in Article 4: *Development Standards*.

5. **Architecture**
 - a. All structures shall meet the design standards applicable to single-family homes in the zoning district where the property is located.
 - b. Dwelling units shall have a maximum 1:3 width to depth ratio for the first floor.

B. Dwelling, Live/Work²⁰³

1. The residential component of a work/live dwelling shall not exceed 50 percent of the total gross floor area.
2. The residential component shall be located above or behind nonresidential portions of the structure and the primary access to the nonresidential portion shall not be shared with dwelling access.
3. Signs are limited to a maximum of two non-illuminated wall or window signs that shall not exceed six square feet in total combined area.
4. The residential dwelling unit shall have a minimum of 400 square feet of living space floor area.
5. The work activities shall not create adverse noise or operational impacts on adjacent residential properties.
6. The nonresidential use shall be owned and operated by a resident of the work/live dwelling. Individuals that do not reside at the work/live dwelling may be employed by the owner.

C. Dwelling, Multifamily

1. Dwelling Unit Size²⁰⁴

- a. The floor area for each unit shall average 800 square feet per building, based upon the following minimum floor area requirements:

Unit Type	Minimum Floor Area per Unit²⁰⁵
Efficiency	450 sq. ft.
1-bedroom	600 sq. ft. ²⁰⁶
2-bedroom	850 sq. ft.
3-bedroom	1,000 sq. ft.

- b. The minimum floor area for up to five percent of each unit type may be reduced by 25 percent, provided the overall unit mix per building averages a minimum of 750 square feet.²⁰⁷

D. Dwelling, Single-Family (attached)²⁰⁸

Any tandem parking design for a garage is prohibited.

E. Dwelling, Single-Family (detached)

The following dimensional standards apply to zero-lot-line dwellings:

²⁰³ New per staff request.

²⁰⁴ From current Appendix A, Article XIX, §3(C), and Appendix A, Article XIX, §5(A). Reworded for clarity. These standards now apply Town-wide (currently only applicable in Addison Circle).

²⁰⁵ Revised to reflect unit sizes approved in more recent areas (Vitruvian and Addison Grove). Previously efficiency 500 sq. ft.; 1-bedroom 700 sq. ft.; and 2-bedroom 900 sq. ft.

²⁰⁶ Did not carry forward the minimum area of 750 sq. ft. for the UC Commercial subdistrict.

²⁰⁷ Did not carry forward minimum 800 sq. ft. reference from UC Commercial subdistrict.

²⁰⁸ New per staff request.

Lot Dimensions (minimum)		Zero-Lot-Line	Townhouse ²⁰⁹
Lot Width		55 feet	30 feet
Lot Depth		100 feet	90 feet
Building Setbacks			
Front Build-to Range ²¹⁰		15-20 feet	
Side (minimum)		None [1]	None
Rear (minimum)		10 feet	10 feet
Other Standards			
Building Height (maximum)		40 feet	40 feet
Building Width (minimum, percent of lot width)		70%	100%
Impervious Coverage (maximum, percent of lot area)	Total Coverage ²¹²	75%	80%
Density (maximum)		per underlying zoning district	

Notes:

[1] Minimum building separation of 10 feet is required.

F. Manufactured Home Development (HUD-Code)

The minimum lot area required for a manufactured home development (HUD-Code) shall be 20 acres.²¹³

G. Group Care Home, FHAA (Small and Large)²¹⁴

1. Group care homes for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988 (FHAA), as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, may be established in any Residential zoning district or portion of a Mixed-Use zoning district or PD district that permits residential dwellings, provided that they meet the definition of “small” and “large” facilities in Article 7: *Definitions*, and are located in zoning districts where facilities of that size are allowed pursuant to §3.2.8: *Table of Allowed Uses*, and subject to the licensing requirements of the state and the Town of Addison.
2. In the R-4, R-5, and M-1 zoning districts, group homes shall not be designed for or occupied by more than 20 residents living together.

3.3.3 Public, Institutional, and Civic Uses²¹⁵

A. Club or Lodge²¹⁶

The sale of alcoholic beverages shall only be allowed in the CL zoning district.

B. Daycare Center, Adult or Child²¹⁷

In the M-4 zoning district, the following shall apply:

²⁰⁹ Should these townhouse standards be relocated to the single-family attached section in the consolidated draft?

²¹⁰ Replaced “build-to-line” with “build-to-range” for added flexibility. Proposed range is derived from the smallest (15 feet) and largest (20 feet) build-to-lines. Existing nuances based on street type are now captured in the build-to-range. Did not carry forward variable minimum (30 feet) or maximum (60 feet) setback for townhouse/condominium.

²¹² New.

²¹³ Currently only applies to the C-1 and C-2 districts (proposed CG and LI).

²¹⁴ New standards. Did not carry forward the 20-acre minimum site area requirement for all zones (except in C-1 and C-2).

²¹⁵ Did not carry forward current Appendix A, Article XX, §1(A)(2), school use-specific standards.

²¹⁶ From current Appendix A, Article XX, §1(A)(29).

²¹⁷ From current Appendix A, Article XIX, §14(A).

1. Freestanding day care facilities shall not be permitted.
2. Daycare facilities shall only be permitted on the ground level floor.
3. Daycare facilities shall not exceed 5,000 square feet GFA.

C. Daycare Home, Adult or Child²¹⁸

1. The care of more than four persons at one time requires special use permit approval pursuant to §---.
2. Daycare homes shall only operate between the hours of 7:00am and 12:00am midnight.

D. Medical Clinic²¹⁹

In the M-4 zoning district the following shall apply:

1. Freestanding medical clinics shall not be permitted.
2. Medical clinic facilities shall not exceed 3,000 square feet GFA.

E. Treatment Facility or Rehabilitation Facility²²⁰

1. Each facility shall be at least 1,000 feet from the nearest property line of a lot containing a primary use that is a "Household Living" use, a "Group Living" use, a "Place of Worship," or a "Public or Private School."
2. Each facility shall include a waiting and departure lounge large enough to accommodate all scheduled patrons, which shall be open to patrons at least one hour before and after any official business is to be conducted. Such areas shall include restroom facilities that shall be open at least one hour prior to the beginning of scheduled donations.

3.3.4 Commercial

A. Kennel, Commercial²²¹

1. **Enclosed Building Requirement**
The parts of a building where animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.
2. **Kennels with Outdoor Facilities²²²**
Outdoor facilities, including outdoor runs, shall not be located within 150 feet of any single-family residential zoning district.

B. Urban Agriculture, Noncommercial²²³

1. **Generally**
 - a. Retail sales shall be prohibited on the noncommercial urban agriculture site, except for the sale of produce grown on that site. Such sales shall be in compliance with §20.03.030(h)(4) (Farm Produce Sales).
 - b. The site drainage and maintenance shall prevent water and fertilizer from draining onto adjacent property that is not part of the contiguous land in the urban agricultural use.

²¹⁸ Replaced "children" with "persons" to capture range of persons that can be in care. Reworded for clarity and consistency.

²¹⁹ From current Appendix A, Article XIX, §14(E).

²²⁰ New.

²²¹ New standards, unless otherwise noted. Did not carry forward current Appendix A, Article XX, §1(A)(7) that requires a minimum 5-acre lot in the M-2, LI, and MA zoning districts.

²²² Chapter 10, Article 1, Sec. 10-6 includes a five-foot separation requirement for animal enclosures adjoining residential properties. We recommend that standard be eliminated and that this one takes its place.

²²³ New. Did not carry forward limitation requiring poultry or livestock, other than normal household pets, to be housed a minimum of 100 feet from any property line. Current Chapter 10, Article 1, Sec. 10-9 includes standards for keeping fowl and livestock. Those standards may be repealed and replaced with these; or these standards may be relocated to Chapter 10 and cross-referenced in the UDC. Still being discussed with staff. Consider relocating this to the Accessory Use section in the consolidated draft.

- c. Compost piles shall not exceed six feet in height. Refuse and compost area shall be enclosed at ground level to be rodent-resistant.
- d. No outdoor work activity that involves power equipment or generators may occur between sunset and sunrise.

2. **Backyard Chickens**

a. **Where Allowed**

The keeping or raising of chickens or bees shall be allowed as an accessory use subject to City permitting requirements. In residential districts, it shall be allowed only on lots with an occupied dwelling unit.

b. **Permitting**

- i. It is unlawful to keep backyard chickens without a permit pursuant to City Code.
- ii. For the keeping of chickens as an accessory use, permits may only be issued to properties with dedicated rear yards; shared outdoor spaces for single-family attached or multifamily dwellings shall not be eligible for permits.

c. **Number and Type of Chickens Allowed²²⁴**

A maximum two chickens are allowed per lot, roosters shall be prohibited.

d. **Chicken Coop Standards**

A coop is a physical structure providing protection and shelter to chickens. Coops shall comply with the following:

- i. Chickens shall be kept in a coop from dusk until dawn.
- ii. No chickens shall be kept in any part of any dwelling or building used for human occupation.
- iii. The coop size shall not exceed 120 square feet and shall provide at least four square feet of space per chicken.
- iv. The coop height shall not exceed six feet in height.
- v. The coop shall be located in the rear yard and shall be a minimum of 15 feet from side and rear property lines and a minimum of 25 feet from adjacent dwellings.
- vi. The coop shall be designed to be resistant to predators.
- vii. The coop shall be kept clean and free from offensive odors.
- viii. Feed shall be stored within a structure in a rodent-proof, fastened container.

e. **Ranging Standards**

- i. If a chicken run or other enclosure is used, a minimum of 20 square feet of permeable surface per chicken shall be provided within the enclosure, and access to bare earth shall also be provided.
- ii. Chickens are allowed to range in the rear yard up to the side and rear property line, provided a fence around such yard is a minimum of four feet in height and adequate for containing animals.

f. **Slaughtering Prohibited**

Slaughtering shall be prohibited within the Addison City limits.

C. **Veterinary Hospital or Clinic²²⁵**

A veterinary hospital or clinic shall comply with the same requirements for a commercial kennel in 3.3.4A. The following additional standards shall apply:

- 1. Outdoor kennel facilities are prohibited in the M-2 zoning district.
- 2. Kennels and/or boarding areas are limited to 50 percent of the gross floor area of the building.

²²⁴ Current Chapter 10, Sec. 10-9 limits the number of fowl to two.

²²⁵ New. Did not carry forward minimum lot area requirement of five acres for non-commercially zoned properties.

D. Recreation Facility, Indoor

1. In the R-1, R-2, R-3, R-4, R-5, and M-1 zoning districts, indoor recreation facilities are only allowed as an accessory use to a principal residential dwelling unit(s) the same lot, or as a shared amenity on a parcel under common ownership.
2. In the M-4 zoning district, indoor recreation facilities shall not exceed 10,000 square feet GFA, unless the primary entrance is located directly adjacent to required parking for the use.²²⁶

E. Recreation Facility, Outdoor

In the R-1, R-2, R-3, R-4, R-5, and M-1 zoning districts, outdoor recreation facilities are only allowed as an accessory use to principal residential dwelling unit(s), or as a shared amenity on a parcel under common ownership.

F. Sexually Oriented Businesses²²⁷

1. Purpose and Intent

- a. It is the purpose of this §3.3.4F, to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the Town, and to establish reasonable and uniform regulations to prevent the continued concentration of sexually oriented businesses within the Town. The provisions of this §3.3.4F, have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent or the effect of this article to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market.
- b. It is the intent of the City Council that the locational regulations of paragraph 3.3.4F.3.b are promulgated pursuant to TLGC Chapter 243. It is the intent of the City Council that all other provisions of this §3.3.4F, are promulgated pursuant to the Town Charter and TLGC §§ 51.072, 54.004 and 215.075.

c. Defense to Prosecution

- i. It is a defense to prosecution under paragraphs 3.3.4F.2.a and 3.3.4F.3.b and paragraph 3.3.4F.3.c that a person appearing in a state of nudity did so in a modeling class operated:
 - a. By a proprietary school licensed by the state; a college, junior college, or university supported entirely or partly by taxation;
 - b. By a private college or university which maintains and operates educational programs in which credits are transferrable to a college junior college, or university supported entirely or partly by taxation; or
 - c. In a structure:
 - i. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing;
 - ii. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 - iii. Where no more than one nude model is on the premises at any one time.
- ii. It is a defense to prosecution under paragraphs 3.3.4F.2.a and 3.3.4F.3.b that each item of descriptive printed film, or video material offered for sale or rental, taken as a whole, contains serious literary, artistic, political or scientific value.

²²⁶ From current Appendix A, Article XIX, §14(D). Current standards only apply to “health clubs.”

²²⁷ From current Chapter 22, Article IV: *Sexually Oriented Businesses*. Relocated definitions to Article 7: Definitions and added “for purposes of sexually oriented business regulations” as necessary to clarify the meaning of terms that may be used elsewhere in this UDC.

d. **Classification**

Sexually oriented businesses are classified as follows:

- i. Adult arcades;
- ii. Adult bookstores or adult video stores;
- iii. Adult cabarets;
- iv. Adult motels;
- v. Adult motion picture theatres;
- vi. Adult theatres;
- vii. Escort agencies;
- viii. Nude model studios; and
- ix. Sexual encounter centers.

2. **Permit**

a. **Required**

A person commits an offense if he/she operates a sexually oriented business without a valid permit, issued by the Town for the particular type of business.

State Law reference— Authority to require permit, TLGC § 243.007(a).

b. **Application; Contents**

- i. An application for a sexually oriented business permit must be made on a form provided by the Chief of Police. The application form shall be sworn to and shall include:
 - a. The name and address of the applicant;
 - b. A statement as to whether or not the applicant meets each of the requirements set forth in paragraph 3.3.4F.2.c;
 - c. The name and address of each person required to sign the application pursuant to paragraph (iv) below, and the name, address and type of entity of each entity required to sign the application pursuant to paragraph (iv) below, and, as to each entity which is required to sign the application, the name and address of each person or entity which owns an interest in each such entity;
 - d. The name and address of each employee, agent and independent contractor of the sexually oriented business; and
 - e. Such other matters, consistent with this §3.3.4F, as may be specified in the application form, including, without limitation, driver's license numbers, dates of birth and identifying photographs of each person required to be identified in the application.
- ii. The application shall be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches.
- iii. The applicant shall be qualified according to the provisions of this §3.3.4F.
- iv. If a person who wishes to operate a sexually oriented business is an individual, he/she shall sign the application for a permit as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who directly or indirectly through one or more intermediaries owns or controls a 20 percent or greater interest in the business shall sign the application for a permit as applicant. Each applicant shall be qualified under paragraph 3.3.4F.2.c and each applicant shall be considered a permittee if a permit is granted.

c. Issuance

- i. The Chief of Police shall approve the issuance of a sexually oriented business permit to an applicant within 30 days after receipt of an application unless the Chief of Police finds one or more of the following to be true:
 - a. An applicant is under 18 years of age;
 - b. An applicant or an applicant's spouse is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against or imposed upon the applicant or the applicant's spouse in relation to a sexually oriented business;
 - c. An applicant has failed to provide information reasonably necessary for issuance of the permit or has falsely answered a question or request for information on the application form;
 - d. An applicant or an applicant's spouse has been convicted of a violation of a provision of this §3.3.4F, within two years immediately preceding the application. The fact that a conviction is being appealed shall have no effect;
 - e. An applicant is residing with a person who has been denied a permit by the Town to operate a sexually oriented business within the preceding 12 months, or residing with a person whose permit to operate a sexually oriented business has been revoked within the preceding 12 months;
 - f. The permit fee required by this §3.3.4F, has not been paid;
 - g. An applicant has been employed in a sexually oriented business in a managerial capacity within the preceding 12 months and has demonstrated an inability to operate or manage a sexually oriented business premises in a peaceful and law-abiding manner, thus necessitating action by law enforcement officers;
 - h. An applicant or the proposed establishment is in violation of or is not in compliance with paragraphs 3.3.4F.2.e; 3.3.4F.3.a; 3.3.4F.3.b; 3.3.4F.3.d; 3.3.4F.3.e; 3.3.4F.3.f; 3.3.4F.3.g; or 3.3.4F.3.h.
 - i. The proposed location for the sexually oriented business is not provided by or is not in accordance with this UDC for such use;
 - j. An applicant or an applicant's spouse has been convicted of a crime involving any of the following offenses as described in V.T.C.A., Penal Code Ch. 43:
 - i. Prostitution;
 - ii. Promotion of prostitution;
 - iii. Aggravated promotion of prostitution;
 - iv. Compelling prostitution;
 - v. Obscenity;
 - vi. Sale, distribution, or display of harmful material to a minor;
 - vii. Sexual performance by a child;
 - viii. Possession of child pornography;
 - k. An applicant or an applicant's spouse has been convicted of a crime involving any of the following offenses as described in V.T.C.A., Penal Code Ch. 21:
 - i. Public lewdness;
 - ii. Indecent exposure;
 - iii. Indecency with a child;
 - l. An applicant or an applicant's spouse has been convicted of a crime involving sexual assault or aggravated sexual assault as described in V.T.C.A., Penal Code Ch. 22;
 - m. An applicant or an applicant's spouse has been convicted of a crime involving incest, solicitation of a child, or harboring a runaway child as described in V.T.C.A., Penal Code Ch. 25;

- n. An applicant or an applicant's spouse has been convicted of a crime involving criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses described herein;
 - o. An applicant or an applicant's spouse has been convicted of a crime for which less than five years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;
 - p. An applicant or an applicant's spouse has been convicted of a crime for which less than ten years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
 - q. An applicant or an applicant's spouse has been convicted of a crime for which less than 10 years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of two or more felony or misdemeanor offenses, occurring within any 36-month period.
- ii. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or applicant's spouse.
 - iii. An applicant who has been convicted or whose spouse has been convicted of an offense listed herein may qualify for a sexually oriented business permit only when the time period required by paragraphs (o), (p), and (q) above have elapsed.
 - iv. The permit, if granted, shall state on its face the name of the person to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.
- d. **Expiration**
- i. Each sexually oriented business permit shall expire one year from the date of issuance and may be renewed only by making application as provided in paragraph 3.3.4F.2.b. Application for renewal should be made at least 30 days before the expiration date, and when made less than 30 days before the expiration date, the expiration of the permit will not be affected.
 - ii. When the Chief of Police denies renewal of a sexually oriented business permit, the applicant shall not be issued a permit for one year from the date of denial. If, subsequent to denial, the chief of police finds that the basis for denial of the renewal permit has been corrected or abated, the applicant may be granted a permit if at least 90 days have elapsed since the date denial became final.
- e. **Transfer**
- A permittee under this §3.3.4F, shall not transfer their permit to another, nor shall a permittee operate a sexually oriented business under the authority of a permit at any place other than the address designated in the application.
- f. **Suspension**
- The Chief of Police shall suspend a sexually oriented business permit for a period not to exceed 30 days if they determines that a permittee or an employee of a permittee has engaged in any one of the following activities and/or occurrences:
- i. Has violated or is not in compliance with any one of the following paragraphs:
 - a. 3.3.4F.2.e;
 - b. 3.3.4F.3.a;
 - c. 3.3.4F.3.b;
 - d. 3.3.4F.3.d;

- e. 3.3.4F.3.e;
 - f. 3.3.4F.3.f;
 - g. 3.3.4F.3.g; or
 - h. 3.3.4F.3.h.
- ii. Has been "legally intoxicated" as such term is defined by the laws of the state pertaining to driving while intoxicated, while on the sexually oriented business premises.
 - iii. Has refused to allow an inspection of the sexually oriented business premises as authorized by this §3.3.4F.
 - iv. Has knowingly permitted gambling by any person on the sexually oriented business premises.
- g. Revocation**
- i. The Chief of Police shall revoke a sexually oriented business permit if a cause of suspension in paragraph 3.3.4F.2.f occurs after the permit has previously been suspended and within 12 months following the date of such previous suspension.
 - ii. The Chief of Police shall revoke a permit if he determines that any one of the following situations, activities, or events has occurred:
 - a. A permittee gave false or misleading information in the material submitted to the chief of police during the application process;
 - b. A permittee or an employee has knowingly allowed possession, use or sale of controlled substances on the premises;
 - c. A permittee or an employee has knowingly allowed prostitution on the premises;
 - d. A permittee or an employee operated the sexually oriented business during a period of time when the permittee's permit was suspended;
 - e. A permittee has been convicted of an offense listed in paragraph 3.3.4F.2.c.i, for which the time period required in paragraphs 3.3.4F.2.c.i.o through 3.3.4F.2.c.i.q has not elapsed;
 - f. On two or more occasions within a 12-month period, a person committed an offense occurring in or on the permitted premises of a crime listed in paragraph 3.3.4F.2.c.i for which a conviction has been obtained, and the person was an employee of the sexually oriented business at the time the offense was committed;
 - g. A permittee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in or on the permitted premises. The term "sexual contact" shall have the same meaning as it is defined in V.T.C.A., Penal Code § 21.01; or
 - h. A permittee is delinquent in payment to the Town for hotel occupancy taxes, ad valorem taxes, or sales taxes related to the sexually oriented business.
 - iii. The fact that a conviction is being appealed shall have no effect on the revocation of the permit.
 - iv. Paragraph 3.3.4F.2.g.ii.g of this section does not apply to adult motels as a ground for revoking the permit unless the permittee or employee knowingly allowed the act of sexual intercourse, sodomy, oral copulation, masturbation, or sexual contact to occur in a public place or within public view.
 - v. When the Chief of Police revokes a permit, the revocation shall continue for one year and the permittee shall not be issued a sexually oriented business permit for one year from the date revocation became effective. If, subsequent to revocation, the chief of police finds that the basis for the revocation has been corrected or abated, an applicant may be granted a permit if at least 90 days have elapsed since the date the

revocation became effective. If the permit was revoked under paragraph 3.3.4F.2.g.ii.e of this section, an applicant may not be granted another permit until the appropriate number of years required under has elapsed.

h. Appeal

If the Chief of Police denies the issuance of a sexually oriented business permit or suspends or revokes a permit, the Chief of Police shall send to one applicant or permittee, by certified mail, return receipt requested, written notice of the action and the right to an appeal. The aggrieved party may, not later than 10 days after such notice is mailed, appeal the decision of the Chief of Police to the City Council. The filing of an appeal stays the action of the Chief of Police in suspending or revoking a permit until the City Council makes a final decision. The appeal shall be filed with the City Secretary. The City Council shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed, postage prepaid, to one applicant or permittee, at their last known address, at least five days prior to the date of the hearing.

3. Operational Restrictions and Requirements

a. Inspection

- i. An applicant or permittee under this §3.3.4F shall permit representatives of the Police Department, Health Department, Fire Department, and Building Inspection Division to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.
- ii. A person who operates a sexually oriented business or their agent or employee commits an offense if he refuses to permit a lawful inspection of the premises by a representative of the Police Department at any time it is occupied or open for business.
- iii. The provisions of this section do not apply to areas of an adult motel which are, at the time of such inspection, being rented by a customer for use for a period longer than 10 hours, and then actually occupied by such customer, unless one-hour notice is provided to such customer.

b. Location of Sexually Oriented Businesses

- i. A person commits an offense if they operate or cause to be operated a sexually oriented business within 1,000 feet of:
 - a. A place of worship;²²⁸
 - b. A school, college or university; school, public or private; or school, vocational or trade;²²⁹
 - c. A boundary of a residential zoning district as established in §2.1: *Zoning Districts Established*;²³⁰
 - d. A park or open space adjacent to a residential district as established in §2.1: *Zoning Districts Established*;; or²³¹
 - e. The property line of a lot devoted to a residential use.

These locational provisions apply whether or not the uses listed above are located within or outside the Town.
- ii. A person commits an offense if they cause or permit the operation, establishment, substantial enlargement or transfer of ownership or control of a sexually oriented business within 1,000 feet of another sexually oriented business.

²²⁸ Renamed from “church” to align with the Table of Allowed Uses.

²²⁹ Renamed from “school” to align with the Table of Allowed Uses.

²³⁰ Included reference to districts table for clarity.

²³¹ Renamed from “public park.” Added reference to districts table for clarity.

- iii. A person commits an offense if they cause or permit the operation, establishment or maintenance of more than one sexually oriented business in the same building, structure, or portion thereof, or they increase the floor area of any sexually oriented business in any building structure, or portion thereof, to contain another sexually oriented business.
 - iv. For the purposes of paragraph 3.3.4F.3.b.i of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church or school, or to the nearest boundary of an affected public park, residential district, or residential lot.
 - v. For purposes of paragraph 3.3.4F.3.b.ii of this section, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
 - vi. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the new location of those uses listed in paragraph (b)(i.a) through (i.e.) within 1,000 feet of the sexually oriented business subsequent to the grant or renewal of the sexually oriented business permit. This provision applies only to the renewal of a valid permit and does not apply when an application for a permit is submitted after a permit has expired or has been revoked.
 - vii. Paragraphs (ii) and (vi) of this section shall apply to any sexually oriented business located within the Town, whether or not the measurement of the 1,000 feet is made wholly within the boundaries of the Town, or includes within such 1,000 feet area within the boundaries of any municipality adjoining the boundaries of the Town.
 - viii. A sexually oriented business shall be located or operated only where such use is provided by and is in accordance with this UDC.
- c. Exemption from Location Restrictions**
- i. If the Chief of Police denies the issuance of a permit under this §3.3.4F, to an applicant because the location of the sexually oriented business is in violation of paragraph 3.3.4F.3.b, then the applicant may, not later than 10 calendar days after the mailing of the notice of the denial, file with the Town a written request for any exemption from the locational restrictions of paragraph 3.3.4F.3.b.
 - ii. If the written request is filed with the City Secretary within the 10-day limit, the City Council shall consider the request. The City Secretary shall set a date for the hearing within 60 days from the date the written request is received.
 - iii. The City Council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.
 - iv. The City Council may, in its discretion, grant an exemption from the locational restrictions of paragraph 3.3.4F.3.b if it makes the following findings:
 - a. The location of the proposed sexually oriented business will not have a detrimental effect on nearby properties or be contrary to the public safety or welfare;
 - b. The granting of the exemption will not violate the spirit and intent of this §3.3.4F;
 - c. The location of the proposed sexually oriented business will not downgrade the property values or quality of life in the adjacent areas or encourage the development of urban blight;
 - d. The location of an additional sexually oriented business in the area will not be contrary to any program of neighborhood conservation or interfere with any efforts of urban renewal or restoration; and

- e. All other applicable provisions of this §3.3.4F will be observed.
 - v. The City Council shall grant or deny the exemption by a majority vote. Failure to reach a majority vote shall result in denial of the exemption. Disputes of fact shall be decided on the basis of a preponderance of the evidence. The decision of the City Council is final.
 - vi. If the City Council grants the exemption, the exemption is valid for one year from the date of the Council's action. Upon the expiration of an exemption, the sexually oriented business is in violation of the locational restrictions of paragraph 3.3.4F.3.b until the applicant applies for and receives another exemption.
 - vii. If the City Council denies the exemption, the applicant may not re-apply for an exemption until at least 12 months have elapsed since the date of the Council's action.
 - viii. The grant of an exemption does not exempt the applicant from any other provisions of this §3.3.4F, other than the locational restrictions of paragraph 3.3.4F.3.b.
- d. **Escort Agencies**
- i. An escort agency shall not employ any person under the age of 21 years.
 - ii. A person commits an offense if they act as an escort or agree to act as an escort for any person under the age of 21 years.
- e. **Nude Model Studios**
- i. A nude model studio shall not employ any person under the age of 21 years.
 - ii. A person under the age of 21 years commits an offense if they appear in a state of nudity in or on the premises of a nude model studio. It is a defense to prosecution under this subsection if the person under 21 years was in a restroom not open to public view or persons of the opposite sex.
 - iii. A person commits an offense if they appear in a state of nudity or knowingly allows another to appear in a state of nudity in an area of a nude model studio premises which can be viewed from the public right-of-way.
 - iv. A nude model studio shall not place or permit a bed, sofa or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.
- f. **Adult Theaters and Adult Motion Picture Theaters**
- i. A person commits an offense if they knowingly allow a person under the age of 21 years to appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
 - ii. A person under the age of 21 years commits an offense if they knowingly appear in a state of nudity in or on the premises of an adult theater or adult motion picture theater.
 - iii. It is a defense to prosecution under paragraphs (a) and (b) of this section if the person under 21 years was in a restroom not open to public view or persons of the opposite sex.
- g. **Adult Motels**
- i. Evidence that a sleeping room in a hotel, motel, or similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel.
 - ii. A person commits an offense if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented business license, they rent or subrent a sleeping room to a person and, within ten hours from the time the room is rented to such person, they rent or subrent the same sleeping room again to another different person.

- iii. For purposes of subsection (b) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

h. Exhibition of Sexually Explicit Films or Videos

- i. A person who operates or causes to be operated a sexually oriented business other than an adult motel, which exhibits on the premises in a viewing room of less than 150 square feet of floor space, a film, video cassette, or other video reproduction which depicts specified sexual activities or specified anatomical areas, shall comply with the following requirements:
 - a. Upon application for a sexually oriented business license, the application shall be accompanied by a diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted. A manager's station may not exceed 32 square feet of floor area. The diagram shall also designate the place at which the permit will be conspicuously posted, if granted. A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions of all areas of the interior of the premises to an accuracy of plus or minus six inches. The Chief of Police may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.
 - b. The application shall be sworn to be true and correct by the applicant.
 - c. No alteration in the configuration or location of a manager's station may be made without the prior approval of the Chief of Police.
 - d. It is the duty of the owners and operator of the premises to ensure that at least one employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
 - e. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two or more manager's stations designated, then the interior of the premises shall be configured in such manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one of the manager's stations. The view required in this subsection must be by direct line of sight from the manager's station.
 - f. It shall be the duty of the owners and the operator, and it shall also be the duty of any agents and employees present in the premises to ensure that the view area specified in paragraph (i)(e) of this section remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted in application filed pursuant to subsection (i)(a) of this section.
 - g. The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle as measured at the floor level.
 - h. It shall be the duty of the owners and operator, and it shall also be the duty of any agents and employees present on the premises, to ensure that the

illumination described in subsection (i)(g) of this section is maintained at all times that any patron is present in the premises.

- ii. A person having a duty under subsections (i)(i.a) through (i)(i.h) of this section commits an offense if they knowingly fail to fulfill that duty.

G. Microbrewery²³²

- 1. Microbreweries shall remain in compliance at all times with the applicable permits and licenses described in paragraph (3) below, and with all applicable laws, rules, and regulations of the State of Texas, and with the Charter and Ordinances of the Town of Addison.
- 2. Microbreweries shall promptly provide to the Town information requested, and in form and format determined by the Town, in order to determine compliance with these standards.
- 3. In the M-1 and M-4 zoning districts, microbreweries shall maintain at least 50 percent of the gross floor area of the facility for public use as a restaurant or tasting area.²³³
- 4. In the M-2 zoning district, microbreweries shall maintain at least 25 percent of the gross floor area of the facility for public use as a restaurant or tasting area.²³⁴

H. Mobile Food Truck Park²³⁵

- 1. **Number and Location**
 - a. Food trucks and associated seating areas shall not be located in any required landscaping area, access easement, driveway, or fire lane(s).
 - b. All eating, drinking, service, and delivery activity shall occur outside of setbacks, landscaping, and the public right-of-way.
- 2. **Site Design**
 - a. Mobile food trucks shall be placed on an improved surface.
 - b. The site shall provide at least 250 square feet in space for each individual food truck.
 - c. There shall be at least three feet of clearance between each individual food truck and between each permanent or accessory structure and at least 10 feet of unobstructed clearance for food trucks parked side-by-side.
 - d. Seating for the consumption of food and drink shall be provided.
 - e. Accessible restroom facilities, including handwashing facilities, shall be provided.
- 3. **Operational Standards**
 - a. A food service license is required and shall be available on site for inspection by government officials.
 - b. When located adjacent to a Residential zoning district, the hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.
 - c. Any amplified sound shall comply with Article III, Chapter 34, Noise, of the Code of Ordinances.

I. Restaurant²³⁶

- 1. In the M-1, M-2 and M-3 zoning districts, restaurants that operate after 12:00 a.m. shall close all outdoor seating areas and turn off amplified sound by 10:00 p.m.
- 2. In the M-3 and M-4 zoning districts:
 - a. Freestanding restaurants shall not be permitted.
 - b. Restaurant facilities shall be limited to no more than 7,000 square feet GFA.

²³² From current definition of “microbrewery” in Appendix A, Article XXX, §1(72.1), unless otherwise footnoted as “new.”

²³³ New.

²³⁴ New.

²³⁵ New.

²³⁶ From current Appendix A, Article XIX, §14(B). Did not carry forward special standards for outdoor seating areas in current Appendix A, Article XIX, §14(C).

J. Bed and Breakfast²³⁷

1. Bed and breakfast lodging shall not be allowed in any dwelling unit(s) permitted as an Accessory Dwelling Unit.
2. The structure shall be owner-occupied or shall be occupied by a resident manager.
3. Guest stays shall be limited to a maximum of 30 days.
4. Any kitchen and dining facilities shall not be operated in the manner of a commercial restaurant and shall serve only residents and guests. No cooking facilities such as stoves, hot plates, or microwave ovens are permitted in the guest rooms.
5. Any signage on the subject property shall be non-illuminated, shall architecturally compliment the principal structure, and shall comply with applicable sign regulations in §---.
6. Other than serving guests, a bed and breakfast shall not conduct any other commercial activities such as for-profit private parties or receptions, retail sales, or similar activities.

K. Hotel, Full Service²³⁸

1. The entrance to each guest room shall only be gained from a completely enclosed area, except first floor units which may also have direct access from an interior courtyard or swimming pool area.
2. The structure shall contain a lobby, fitness center, full commercial kitchen and a minimum of 5,000 square feet of meeting facilities, and may contain a restaurant, business center, gift shop and other various personal services as accessory uses.
3. Not more than 30 percent of the rooms in a hotel or motel may contain a kitchenette or a parlor and sleeping area separated by a floor to ceiling partition.
4. Customary hotel services such as daily linen, maid services, and upkeep of furniture shall be provided.

L. Credit Access Business²³⁹

Credit access businesses shall not be located within 1,000 feet of another credit access business, measured in a direct line from property line to property line.

M. Equipment Sales or Rental²⁴¹

1. Maintenance of equipment shall be conducted entirely within an enclosed building.
2. The storage of inoperable or wrecked equipment or materials outside of an enclosed building shall be prohibited.
3. Equipment stored outside of an enclosed structure shall be screened from public view in accordance with §---.

N. Fleet Services²⁴²

1. Maintenance of vehicles and equipment shall be conducted entirely within an enclosed building.
2. The storage of inoperable or wrecked vehicles or equipment outside of an enclosed building shall be prohibited..
3. Vehicles or equipment stored outside of an enclosed structure shall be screened from public view in accordance with §---.

²³⁷ New.

²³⁸ From Appendix A, Article XXX, §1(57). These standards apply to the current UC-Residential district; however, we have broadened their applicability to all zoning districts.?

²³⁹ New.

²⁴¹ New.

²⁴² New.

O. Vehicle Fuel Station²⁴⁴

1. A vehicle fuel station shall only be allowed on a lot or parcel with a minimum of 100 feet of frontage along an existing or future arterial street, as indicated in the *Addison Master Transportation Plan*. Access to the vehicle fuel station shall be gained from the arterial street.
2. Fuel dispensers shall be located not less than 20 feet from the street right-of-way and not less than 30 feet from all other property lines.
3. In the CL zoning district, vehicle fuel stations shall be limited to a total of four metered fuel dispenser units.

P. Vehicle Repair, Major; Vehicle Repair, Minor²⁴⁵

1. Maintenance of vehicles and equipment shall be conducted entirely within an enclosed building.
2. The storage of inoperable or wrecked vehicles, equipment, and materials outside of an enclosed building shall be prohibited.
3. The sale or leasing of vehicles shall be prohibited.

Q. Vehicle Sales or Leasing²⁴⁶

All vehicle sales or leasing uses are limited to indoor operations and display only and shall not include vehicle repair activities.²⁴⁷

R. Vehicle Wash

1. A vehicle wash shall only be allowed on a lot or parcel with a minimum of 100 feet of frontage along an arterial street, as indicated in the *Addison Master Transportation Plan*. Access to the vehicle wash shall be gained from the arterial street.
2. In the CL zoning district, a vehicle wash shall only be allowed on a lot or parcel with a lot area of less than or equal to one acre.

3.3.5 Employment

A. Food Production or Processing²⁴⁸

1. **All Zoning Districts**
Food production or processing facilities located within 200 feet of the R-1, R-2, R-3, R-4 or R-5 zoning districts require special use permit approval pursuant to §---.
2. **M-1, M-2, M-4, and CL Districts**
 - a. Only on-premises sales shall be allowed. Distribution, warehousing, or wholesaling activities are prohibited.
 - b. Food production or processing facilities larger than 5,000 square feet GFA require special use permit approval pursuant to §---.

B. Manufacturing, Artisan²⁴⁹

1. In the M-2, M-4, and CL zoning districts, artisan manufacturing establishments shall be limited to 5,000 square feet GFA.
2. All activities shall occur entirely within an enclosed structure.

²⁴⁴ New.

²⁴⁵ New.

²⁴⁶ Discussion Item: Is Addison interested in allowing auto sales/leasing establishments that allow the outdoor display of vehicles? Some communities allow outdoor display if additional screening/landscaping/setback standards are introduced to mitigate negative visual impacts. If so, outdoor display would likely only be allowed in the LI and possibly the CG zoning districts.

²⁴⁷ New.

²⁴⁸ New.

²⁴⁹ New.

C. Manufacturing, Low-Impact²⁵⁰

1. **All Zoning Districts:**
All activities shall occur entirely within an enclosed structure.
2. **CG and AA Districts:**
 - a. Retail sales associated with low-impact manufacturing is allowed; however, distribution, warehousing, and/or wholesaling activities are prohibited.
 - b. Low-impact manufacturing establishments shall be limited to 10,000 square feet GFA.

D. Storage, Self-Service²⁵¹

1. **Layout and Design**
All storage shall be contained within a fully enclosed structure and access doors to storage units shall be accessed from interior hallways.
2. **Operations**
 - a. Self-service storage facilities within 150 feet of the R-1, R-2, R-3, R-4, or R-5 zoning district shall have operating hours not earlier than 7:00 a.m. and not later than 10:00 p.m.
 - b. The incidental retail sale of products associated with the business (e.g., boxes, moving supplies, locks, bubble wrap) is allowed.
 - c. No business activity other than the rental of storage units shall be conducted on the premises.

E. Storage, Outdoor²⁵²

1. **LI, AA, and CF Districts**
 - a. Outdoor storage areas shall be located in the rear yard, material shall be setback from all property lines a minimum of five feet and shall not exceed six feet in height.
 - b. Outdoor storage areas shall not obstruct access to recorded easements or vehicular or pedestrian circulation routes.
 - c. Outdoor storage shall be opaquely screened from public view pursuant to the screening standards in §---.
2. **R-1, R-2, R-3, R-4, R-5, and M-1 Districts²⁵³**
Outdoor storage shall be prohibited, except that one recreational vehicle per lot or parcel may be stored behind the front building line if:
 - a. The principal use on the lot or parcel is residential, except multifamily; and
 - b. The recreational vehicle is screened from public view by a fence or wall not less than six feet in height.

F. Warehouse or Wholesale Facility²⁵⁴

Warehouse or wholesale facilities larger than 50,000 square feet GFA require special use permit approval pursuant to §---.

²⁵⁰ New.

²⁵¹ New.

²⁵² Replaces current Appendix A, Article XII, §7; and Appendix A, Article XIV, §7. Specific standards for screening will be drafted in later parts of the UDC rewrite project.

²⁵³ From current Chapter 18, Article 3, Sec. 18-133. Reworded for clarity.

²⁵⁴ New.

3.3.6 Utilities and Communication

A. Satellite Earth Station²⁵⁵

1. Purpose

- a. The City Council finds that the maintenance and integrity of neighborhood beauty is important to all citizens. The uncontrolled proliferation of receive-only satellite television antennas is likely and such proliferation will adversely affect the health, safety, and general welfare of the citizens of the Town. Receive-only satellite earth stations are distinct from conventional television and/or radio antennas in that satellite television earth stations:
 - i. Are less likely to blend in with their surroundings, thereby creating visual blight and potentially reducing the economic value of adjacent properties; and
 - ii. Create safety concerns as a result of their size (e.g., such earth stations may be subject to a high amount of wind force as a result of the shape of the earth station; therefore, both the satellite dish and the supporting structure must be constructed in a manner that will allow for great amounts of wind force).
- b. These standards are adopted for these reasons and based upon these findings.

2. Building/Fire Code Board of Appeals²⁵⁶

- a. Any person aggrieved by the application of these standards may appeal its effect to a Board of Appeals, being denominated as the Building/Fire Code Board of Appeals, which shall consist of the members of the Board of Zoning Adjustment appointed by the City Council pursuant to Appendix A, Article XXIV, of the Addison Code of Ordinances. The provisions applicable to the Board Of Appeals as set forth and described in §113 of the International Building Code adopted by the Town, including, without limitation, general provisions, powers of the board, and appeal process, but save and except §113.2 of the said International Building Code, shall be applicable to and govern appeals and the said board of appeals for purposes of these standards.
- b. Upon a clear and convincing showing by an appellant that the regulations set forth in this article either prohibit or unreasonably limit reception by the satellite earth station of satellite delivered signals, the Board Of Appeals may grant an exception from the terms of these standards and authorize the issuance of a building permit so as to avoid unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.

3. Permit Required

No person shall install, construct, or place a satellite earth station on any property within the Town without first obtaining a building permit from the Town.

4. Size, Location, Number, and Design

- a. Satellite earth stations shall:
 - i. Not exceed 10 feet in height from the ground to the highest point of the station;
 - ii. Not exceed 10 feet in diameter;
 - iii. Be installed, constructed, or placed in the back one-half of the lot;
 - iv. Be screened from view on all sides by a solid fence, wall, or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the Town's fence regulations, and to the extent that the maximum operating height of the satellite dish exceeds the permitted maximum height of a fence or wall, landscaping shall be used as a screening device.

²⁵⁵ From current Chapter 18, Article 11: *Satellite Earth Stations*. STAFF: These standards are outdated; we are researching Texas models to base specific updates on. We will include those updates in the Public Draft.

²⁵⁶ These standards may be relocated to Article 6 in a future draft.

- Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;
 - v. Conform to all building and electrical codes, including proper grounding;
 - vi. Shall not be portable or moveable; and
 - vii. Shall be of a neutral color designed to blend in with the surroundings.
- b. A satellite earth station that is one meter or less in diameter:
- i. Is to be located or placed on property zoned for residential use shall not be required to comply with subsections (a.i) or (a.iv) of this section; provided, however, that no such satellite earth station shall be located or placed on or within property so that the satellite earth station is visible from a public street or other public right-of-way (exclusive of public alleys); or
 - ii. Is to be located or placed on property zoned for commercial or industrial use shall be exempt from these standards.
- c. No lot or any parcel of land in any district shall have, at any one time, more than one satellite earth station.

B. Solar Energy System²⁵⁷

1. Purpose

The City Council finds that the maintenance and integrity of neighborhood beauty is important to all citizens. The uncontrolled proliferation of solar energy systems is likely and such proliferation will adversely affect the health, safety, and general welfare of the citizens of the Town.

2. Permit Required

No person shall install, construct, or place solar energy systems on any property within the Town without first obtaining a building permit from the Town.

3. Size, Location, Design

a. Ground-Mounted Solar Energy Systems

Ground-mounted solar energy systems shall:

- i. Be installed, constructed, or placed in the back one-half of residential lots or parcels (excluding multifamily) and behind the front building line on multifamily and nonresidential lots or parcels.
- ii. Be screened from view on all sides by a solid fence, wall, or landscaping to a minimum height that shall be equal to the tallest point of the structure at its operating height; provided, however, that no fence or wall used as a screening device shall exceed the height permitted by the Town's fence regulations, and to the extent that the maximum operating height of the system exceeds the permitted maximum height of a fence or wall, landscaping shall be used as a screening device. Screening shall be of a material that is compatible with the building materials or landscaping, as appropriate, used in the area;
- iii. Conform to all adopted building, electrical, plumbing, and mechanical codes;
- iv. Not be portable or moveable;
- v. Not be pole-mounted; and
- vi. Be of a neutral color designed to blend in with the surroundings.

b. Roof-Mounted Solar Energy Systems

Roof-mounted solar energy systems shall:

- i. Not be installed greater than six inches between the panel and the roof.
- ii. Conform to all adopted building, electrical, plumbing, and mechanical codes.
- iii. Not be portable or moveable; and

²⁵⁷ From current Chapter 18, Article 13: *Solar Energy Systems*.

- iv. Be a neutral color designed to blend in with the surroundings.
- c. **Freestanding Solar Collection Systems**
Freestanding solar collector systems shall not exceed 20 feet in height.
- 4. **Building/Fire Code Board of Appeals**
 - a. Any person aggrieved by the application of these standards may appeal its effect to a Board Of Appeals, being denominated as the Building/Fire Code Board of Appeals, which shall consist of the members of the Board of Zoning Adjustment appointed by the City Council pursuant to Appendix A, Article XXIV of the Addison Code of Ordinances. The provisions applicable to the Board Of Appeals as set forth and described in §113 of the International Building Code adopted by the Town, including, without limitation, general provisions, powers of the board, and appeal process, but save and except §113.2 of the said International Building Code, shall be applicable to and govern appeals and the said Board Of Appeals for purposes of these standards.
 - b. Upon a clear and convincing showing by an appellant that the regulations set forth in these standards either prohibit or unreasonably limit the use of ground-mounted or roof-mounted solar energy systems, the Board Of Appeals may grant an exception from the terms of these standards and authorize the issuance of a building permit so as to avoid unnecessary hardship and so that the spirit of this article shall be observed and substantial justice done.
- C. **Wind Energy Systems (all)²⁵⁸**
 - 1. In the R-1, R-2, R-3, R-4, and R-5 zoning districts, wind energy systems may exceed the maximum building height of the underlying zoning district by 10 feet.
 - 2. In the M-1, M-2 and M-4 zoning districts, wind energy systems may exceed the maximum building height of the underlying zoning district by 20 feet.
 - 3. In the CL, CG, LI, MA, CF, and PO zoning districts, wind energy systems may exceed the maximum building height of the underlying zoning district by 40 feet.
 - 4. Wind energy systems shall be set back from all property lines at least a distance equal to the height of the tower and blade with the blade in its highest vertical position.

3.4 Accessory Uses and Structures

Commentary:

This section consolidates standards for accessory uses and structures that are currently dispersed throughout the Code of Ordinances. Several of the current standards are unclear and difficult to administer (e.g., setback standards, building material standards, and heights are not consistent among districts). This section updates all accessory use and structure standards and includes a range of performance standards designed to make the regulation of such uses clear, efficient, and consistent (e.g., location on site, hours of operation, expiration times for temporary uses, signage, etc.).

3.4.1 Purpose

The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.

²⁵⁸ New.

3.4.2 Accessory Uses and Structures Allowed

- A. The specific accessory uses and structures identified in §3.2.8: *Table of Allowed Uses*, are allowed pursuant to the standards in this section.
- B. In addition, all principal uses allowed in a zoning district pursuant to §3.2.8: *Table of Allowed Uses*, shall be deemed to include those accessory uses, structures, and activities typically associated with that use, as identified in Article 7: *Definitions*, unless specifically prohibited in this section. Any reference to a permitted use shall include allowed accessory use(s).
- C. Accessory uses and structures are subject to the standards in this section and any applicable standards for the associated principal use pursuant to §3.3: *Use-Specific Standards*.

3.4.3 General Standards for All Accessory Uses and Structures²⁵⁹

A. Size

- 1. Accessory uses and structures shall be clearly subordinate in area, extent, and purpose to the principal use or structure.
- 2. Accessory uses and structures shall not violate the bulk, parking, landscaping, or open space standards of this UDC when taken together with the principal use or structure.
- 3. Accessory structures shall not exceed 25 feet in height.²⁶⁰
- 4. The floor area of any detached accessory structure shall not exceed 50 percent of the floor area of the principal structure. The Director may authorize a structure to exceed this percentage if the structure is used for animal production or crop production associated with an agricultural use.²⁶¹
- 5. The total combined floor area of all structures shall not exceed the maximum lot coverage for the zoning district in which it is located.

B. Relationship to Principal Uses and Structures

- 1. Any accessory use or structure shall be conducted and located on the same lot or parcel as the principal use and structure.
- 2. Unless otherwise allowed by this UDC, an accessory use or structure shall not be established prior to the establishment of the principal use or structure.
- 3. No accessory use or structure shall be allowed unless the primary structure or use is being used.

C. Accessory Structure Location

Commentary:

These standards replace the UC district (proposed M-1 and M-4) accessory setback requirements found in current Appendix A, Article XIX, §3(E)(4) and those in the current MXR (proposed R-3, R-4, and R-5) district. Generally, the UC district requires accessory structures to meet the setback standards for principal structures (except for the 40-foot front setback requirement for townhouse/condo, measured from the right-of-way line). It is common practice to require the accessory structure to be located behind the front building plane of the principal structure rather than establishing a minimum setback distance from the front property line. We recommend moving to a more uniform Town-wide approach that uses the same setback/build-to standards as the principal structure, with an exception for the rear setback in some cases. .

- 1. Accessory buildings shall meet the setback/build-to requirements applicable to the principal structure.
- 2. Accessory buildings shall be located behind the front building plane of the principal structure.

²⁵⁹ Did not carry forward standards allowing a temporary metal building less than 600 square feet; limiting private garages to five privately owned vehicles and one truck not to exceed one and one-half ton capacity; standards for servant's quarters, or standards for hobby shops.

²⁶⁰ Currently 20 feet, revised to be consistent with the height maximum for accessory dwelling units.

²⁶¹ Currently 50 percent of the minimum required rear yard in the case of a one-story building.

3. In the R-1, R-2, R-3, R-4, and R-5 zoning districts, one accessory building not exceeding 15 feet in height may project to within five feet of the rear property line, provided the accessory building is separated from the principal building by at least 10 feet.

D. Maintenance²⁶²

All accessory structures, including, but not limited to, carports, awnings, patio covers, garages, sheds, and storage buildings, shall be maintained structurally sound, and free of deterioration. All accessory structures shall be protected from the elements by periodic painting, staining or other weatherproofing or surface protection.

3.4.4 Additional Standards for Specific Accessory Uses and Structures

A. Drive-Through²⁶³

1. Drive-through facilities located within 200 linear feet of a residential use shall require special use permit approval pursuant to §---.
2. Drive-through lanes and stacking spaces are prohibited between the building façade and the adjacent right(s)-of-way.
3. Audible electronic devices such as loudspeakers, vehicle service order devices, and similar instruments shall not be audible beyond the property line of the site.

B. Drop Box, Self-Service²⁶⁴

A donation box shall not restrict the use or access of any pedestrian, bicycle, or vehicular route or bicycle or vehicle parking spaces that are required for the principal use on the lot and shall be screened from the public right-of-way pursuant to §---.

C. Dwelling, Accessory (ADU)²⁶⁵

1. **Purpose**
These accessory dwelling unit ("ADU") standards are intended to permit the creation of legal ADUs that are compatible with residential neighborhoods while also adding housing options for the Town's workforce, seniors, families with changing needs, and others.
2. **Generally**
 - a. ADUs shall only be permitted on lots or parcels where the principal use is a single-family detached dwelling.
 - b. Not more than one ADU may be located on one lot or parcel.
 - c. ADUs shall not have more than one bedroom.
 - d. Parking for the ADU shall be provided on the principal lot or parcel.
 - e. ADUs shall not exceed 50 percent of the square footage of the principal dwelling unit.
 - f. ADUs shall have a separate exterior entrance from the principal dwelling unit and shall contain separate cooking, sleeping, and sanitary facilities.
 - g. Separate water or sewer service for the ADU shall not be provided by the City. Separate metering of other utilities shall be allowed.
3. **Standards for Detached ADUs**
 - a. Detached ADUs shall meet the setback requirements of the principal building.
 - b. The building design standards applicable to the principal structure on the lot shall apply.
 - c. The maximum height of any detached ADU shall be 25 feet.

²⁶² From current Chapter 18, Article 3, Sec. 18-131.

²⁶³ New.

²⁶⁴ New.

²⁶⁵ New. Discussion Item: These are common standards that tend to be effective for other communities in regulating ADUs. We can tailor standards for Addison, but these are a good starting point for discussions with staff.

- d. Detached ADUs shall comply with the requirements for accessory structures in §---. Where one or more of the standards in §--- conflict with these use-specific standards, these use-specific standards shall govern.
4. **Owner Occupancy**
- a. Ownership of the ADU may not be legally severed from ownership of the associated lot and any other structures on such lot.
 - b. The owner of the lot or parcel on which the ADU is located shall be required to reside in either the principal dwelling unit or in the ADU.
 - c. The owner of each property on which an ADU is located shall sign an affidavit pledging agreement with the terms of this section. The affidavit shall specify which dwelling unit (either the primary dwelling unit or the ADU) the owner will occupy. If at any time the owner moves from one dwelling unit to the other, the owner shall file an updated affidavit. Otherwise, all affidavits shall be filed annually with the Development Services Department.
5. **Noticing**
- a. The Town shall notice to all persons owning land within 200 linear feet from the subject parcel(s) for which an ADU is being requested.
 - b. Mailed notices shall be postmarked and sent via first class mail at least 10 days prior to final approval by the Director.
 - c. The mailed notice shall include:
 - i. The physical address, zoning designation, and principal use of the subject property;
 - ii. A brief narrative summarizing the request and demonstrating compliance with this §20.03.030(g)(5);
 - iii. The location and hours where a copy of the application can be examined by the public; and
 - iv. Any other information pertinent to the petition as deemed appropriate by the Director.

D. Guest Quarters²⁶⁶

1. **Generally**
- a. Guest quarters shall only be permitted on lots or parcels where the principal use is a single-family detached dwelling.
 - b. Not more than one guest quarter use may be located on one lot or parcel.
 - c. Guest quarters shall not exceed 50 percent of the square footage of the principal dwelling unit.
 - d. Guest quarters shall not contain separate cooking, sleeping, and sanitary facilities.
 - e. Separate water or sewer service and separate metering of utilities is prohibited.
2. **Location and Design**
- a. Detached structures used for guest quarters shall meet the setback requirements of the principal building.
 - b. The guest quarter structure shall comply with the building design standards applicable to the principal structure on the lot.
 - c. The maximum height of any guest quarter shall be 25 feet.
 - d. Guest quarter structures shall comply with the requirements for accessory structures in §---. Where one or more of the standards in §--- conflict with these use-specific standards, these use-specific standards shall govern.

²⁶⁶ New. Did not carry forward current setback and area requirements for guest quarters, instead we recommend the general standards regulating accessory structures apply.

3. **Owner Occupancy**
 - a. Ownership of the guest quarter structure may not be legally severed from ownership of the associated lot and any other structures on such lot.
 - b. Guest quarters shall not be leased or rented to persons that do not meet the definition of "Family," as defined in Article 7: *Definitions*.
 - c. The owner of each lot or parcel on which a guest quarter use is located shall sign an affidavit pledging agreement with the terms of this section. All affidavits shall be filed annually with the Development Services Department.

E. Home Occupation²⁶⁷

1. **Operator Residency Required**

The operator of the home occupation shall reside in the dwelling unit.
2. **Maximum Number of Nonresident Employees**

Any home occupation shall be permitted a maximum of one employee who does not reside in the dwelling unit.
3. **Maximum Floor Area²⁶⁸**
 - a. No more than 15 percent of the total interior floor area of the dwelling unit may be used in connection with the home occupation. However, no home occupation shall be limited to less than 200 square feet, nor shall the area of a home occupation exceed 500 square feet.
 - b. If there is more than one home occupation being conducted within a dwelling unit, then all home occupations within the dwelling unit shall cumulatively use no more than 15 percent or 500 square feet of the dwelling unit, whichever is less.
 - c. Area used for storage of materials or products used in the home occupation shall be included in this calculation.
4. **Multiple Home Occupations**
 - a. More than one home occupation may be permitted within an individual dwelling unit.
 - b. Where multiple home occupations are conducted within an individual dwelling unit, the operations standards of this subsection shall be applied to the combined total of all home occupation activities, not to each home occupation individually.
5. **Residential Character**

There shall not be any interior or exterior, structural or aesthetic, alterations that change the residential character of the dwelling unit within which the home occupation operates.
6. **Location and Entrance**
 - a. The home occupation shall be conducted entirely within the principal structure or attached garage.
 - b. The use of an attached garage for a home occupation shall not interfere with the provision of any required off-street parking.
7. **Outdoor Display and Storage**

Outdoor display of goods, materials, supplies, or equipment is prohibited.
8. **Off-Street Parking and Loading**

No additional driveway to serve the home occupation shall be permitted.

²⁶⁷ Replaces current standards in "home occupations" and "home office" definitions in Appendix A, Article XXX, §1: *Terms Defined*. Most of these are new standards that tend to be effective for other communities in regulating home occupations. We can tailor standards for Addison, but these are a good starting point for discussions. The current standards generally applicable do not allow nonresident employees, signage, and prohibit beauty schools, beauty parlors, and doctor's offices. The current standards applicable in the UC district allows office uses to have two to three employees on the ground floor of the unit.

²⁶⁸ Did not carry forward standards in the UC-Residential subdistrict (proposed M-1) limiting home office uses to the ground level and 1,000 square feet gross floor area.

9. **Hours of Operation**
Customer visits in association with the home occupation shall not occur before 7:00 a.m. or after 8:00 p.m.
10. **Commercially Licensed Vehicles**
No vehicles requiring the operator to have a commercial driver's license shall be allowed in conjunction with any home occupation.
11. **Deliveries**
Deliveries to the property shall not be permitted, except those by typical residential delivery services at a similar frequency as homes that do not operate a home occupation.

F. Valet Parking Services²⁶⁹

1. **Applicability**
These standards apply to valet parking service provided in connection with a commercial establishment or commercial activity and does not apply to occasional valet parking service provided:
 - a. At a private residence; or
 - b. In connection with a social or fund-raising activity.
2. **Definitions**
As it relates to valet parking service standards, "Licensee" shall mean a person licensed under this UDC to operate a valet parking service. Licensee includes:
 - a. Any employee, agent, or independent contractor of the licensee who works in connection with a valet parking service, or
 - b. Any tenant or lessee of a licensee or any person retained or used by such tenant or lessee who operates a valet parking service.
3. **License Required; Application; Issuance**
 - a. A person commits an offense if, without a license issued by the Development Services Department, the person operates a valet parking service within the Town on or across any public right-of-way.
 - b. A licensee commits an offense if, at a time other than the hours and days of operation authorized in a license issued by the Development Services Department to the licensee, the licensee operates a valet parking service within the Town on or across any public right-of-way.
 - c. A person who desires to operate a valet parking service shall apply in writing to the Development Services Department for a valet parking service license. The form of the license shall be prepared and provided by the Development Services Department and shall be consistent with the terms of this UDC. The application must be made by (and a license shall be issued only to) the fee simple owner of the real property benefiting from the proposed valet parking service and must contain the following information:
 - i. The names, addresses, and telephone numbers of:
 - a. The applicant;
 - b. Any tenant or lessee of the applicant that will utilize a valet parking service;

²⁶⁹ From current Chapter 70, Article VII, Sec. 70-320. Discussion Item: Valet parking standards are currently located in a few places in the Addison Code of Ordinances (Chapter 22: Businesses; Chapter 70: Streets, Sidewalks and Other Public Spaces; and Chapter 78: Traffic and Vehicles). For now, we have relocated relevant standards here; however, relocation of standards may change the person and/or department responsible for administering and enforcing. The current standards define "Director" as, "the director of the department designated by the city manager to enforce and administer this division, or the director's designated representative." We have replaced the term "director" with "Development Services Department" throughout these standards. Further discussion with staff is required to determine if a separate valet permit should be established or if a general zoning compliance permit is sufficient. Some of the content in this section may be relocated to the administration and procedures chapter in a future draft.

- c. Any person the applicant or any tenant or lessee of the applicant will use to provide valet parking service;
- ii. The proposed location(s) of the valet parking service and any valet parking service stands;
- iii. The proposed hours and days of operation of the valet parking service;
- iv. The location of off-street parking to be used in connection with the valet parking service and a signed agreement or other documentation showing that the applicant has a legal right to park vehicles at that location;
- v. Proof of insurance required by 3.4.4F.11; and
- vi. A list of names and addresses of all property owners, or their representatives, located within 50 feet of, on the same side of the street as, and within the same block as the valet parking service location, either:
 - a. With signatures showing consent to the operation of a valet parking service by the applicant; or
 - b. Without signatures, in which case the director shall notify the listed persons of the valet parking service application and obtain comments.
- d. For each tract of land, only one license may be issued to the fee simple owner of such tract. If the fee simple title to two or more contiguous tracts of land are owned by the same owner or are owned by an owner and an affiliate or affiliates of the owner, no more than one license shall be issued to the owner for all of such tracts of land. For purposes hereof, "affiliate" means (i) all persons, if any, controlled by the owner, (ii) all persons, if any, which control the owner ("parent"), and (iii) all persons controlled by a parent. As used in this definition of affiliate, "control" means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through ownership of voting securities or partnership interests, by contract, or otherwise.
- e. The Development Services Department shall forward a copy of any completed application to any person listed in the application as described in §3.4.4F.3.c.vi and to the Town's Department of Public Works and any other department that might be affected by the proposed operation of a valet parking service. Each office or department, and any other notified persons, shall review the application and return it, with any comments, to the director within 10 days of receipt.
- f. After reviewing the application and comments of the departments and of any person notified in accordance with §3.4.4F.3.c.vi, and upon receiving payment of all fees required by this UDC, the Development Services Department may issue a valet parking service license unless denial is required by §3.4.4F.5.
- g. A licensee desiring to change the location or hours of operation of a valet parking service must submit a new application to the director in accordance with this UDC.

4. Fees

Fees shall be paid in accordance with the approved Fee Schedule.

5. Denial or Revocation of License; Temporary Suspension

- a. The Development Services Department shall deny a valet parking service license if:
 - i. The applicant fails to comply with the requirements of this division or other applicable law;
 - ii. The applicant makes a false statement of material fact on an application for a valet parking service license; or
 - iii. The Development Services Department determines that the operation of the valet parking service would:
 - a. Endanger the safety of persons or property or otherwise not be in the public interest;

- b. Unreasonably interfere with pedestrian or vehicular traffic;
 - c. Unreasonably interfere with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the proposed location of the valet parking service; or
 - d. Unreasonably interfere with an existing use permitted at or near the proposed location of the valet parking service.
 - b. The Development Services Department shall revoke a valet parking service license if:
 - i. The licensee fails to comply with the requirements of the valet parking service license, this division, or other applicable law;
 - ii. The licensee made a false statement of material fact on an application for a valet parking service license; or
 - iii. The Development Services Department determines that the operation of the valet parking service:
 - a. Endangers the safety of persons or property or is otherwise not in the public interest;
 - b. Unreasonably interferes with pedestrian or vehicular traffic;
 - c. Unreasonably interferes with the use of a pole, traffic sign, traffic signal, hydrant, mailbox, or other object permitted at or near the location of the valet parking service; or
 - d. Unreasonably interferes with an existing use permitted at or near the location of the valet parking service.
 - c. The city council may, at any time, unconditionally revoke a valet parking service license issued pursuant to this division.
 - d. The Development Services Department may temporarily suspend the operations of a valet parking service if the public right-of-way used by the valet parking service is needed for an emergency or temporary use, including, but not limited to, the construction, maintenance, or repair of a street or utility. The Development Services Department may refund a part of the annual license fee, prorated according to the duration of the suspension, unless the conditions necessitating the suspension were caused by the valet parking service.
- 6. **Expiration of License**

A valet parking service license expires one year from the date of issuance, unless sooner terminated by the Development Services Department or by the city council. A valet parking service license may be renewed by making application in accordance with §3.4.4F.3, at least 30 days before expiration of the license.
- 7. **Operational Standards**

A licensee shall:

 - a. Allow only individuals who hold a valid Texas driver's license, and who are covered by the insurance required by §3.4.4F.11, to operate any vehicle in connection with the valet parking service;
 - b. Operate the valet parking service in a manner that does not:²⁷⁰
 - i. Use or occupy more of the public right-of-way than is allowed by the valet parking service license;
 - ii. Use more of their allocated share of parking spaces as provided in a shared parking agreement in a multi-tenant area;²⁷¹
 - iii. Obstruct or impede a pedestrian's use of a sidewalk;
 - iv. Obstruct or impede the flow of traffic on a public street;

²⁷⁰ Paragraphs (ii), (iii), (iv), and (v) are new.

²⁷¹ New.

- v. Obstruct or impede access to fire lines;
 - vi. Use or occupy more off-street vehicle parking spaces than are required for that specific use pursuant to §---;
 - vii. Obstruct a vehicle operator's ability to see any part of an intersecting road;
 - viii. Injure, damage, or create a hazard to persons or property;
 - ix. Attempt to regulate motor vehicle traffic on any public right-of-way; or
 - x. Violate any law or ordinance regulating the operation or use of a motor vehicle.
- c. Place no more than one valet parking service stand on or in a public right-of-way except as may be approved by the Development Services Department;
 - d. Not park or allow the parking of a vehicle in a valet parking service space, but shall only use the space for loading and unloading passengers; in no event shall a vehicle be allowed to remain in a valet parking service space for more than five minutes;
 - e. Provide valet parking service only during the hours of operation authorized in the license;
 - f. Only use an off-street parking location to park a vehicle accepted for valet parking service and shall not park the vehicle on public right-of-way; and
 - g. Notify the Development Services Department within 10 days of a change in the location of off-street parking and provide the Development Services Department with a signed agreement or other documentation showing that the licensee has a legal right to park vehicles at the new location.
- 8. Valet Parking Stands**
- a. A licensee may place a valet parking service stand on the public right-of-way at a location or locations approved by the Development Services Department. The valet parking service stand must be necessary to the general conduct of the valet parking service and shall be used for such purposes, including, but not limited to, the dispatch of valets and the storage of keys, umbrellas, and other items used in connection with the valet parking service.
 - b. A valet parking service stand shall:
 - i. Not occupy an area of the public right-of-way exceeding four feet in width and four feet in depth;
 - ii. Not be affixed to the public right-of-way in any manner;
 - iii. Be easily moveable by one person; and
 - iv. Be removed from the public right-of-way when the valet parking service is not being operated.
 - c. A name and logo may be placed on a valet parking service stand for the sole purpose of identifying the valet parking service and shall not be used to identify any business for which the valet parking service is being provided. The identification of the valet parking service shall not:
 - i. Have dimensions greater than four feet high and four feet wide; or
 - ii. Be placed on more than two sides of the valet parking service stand.
 - d. For each valet parking service stand, a licensee may erect not more than two temporary and removable signs providing direction to the location of the valet parking service stand. Such signs shall be erected only during the hours of operation of the valet parking service and in the locations approved by the Development Services Department. The size and content of such signs shall be approved by the Development Services Department.
- 9. Location of a Valet Parking Service**
- a. Spaces and stands for a valet parking service shall be located as set forth in the license (as determined by the Development Services Department) and may not:
 - i. Be located within:
 - a. Ten feet of a crosswalk;

- b. Ten feet of a fire hydrant, fire call box, police or other emergency facility; or
 - c. Five feet of a driveway;
 - ii. Reduce the unobstructed sidewalk widths for the passage of pedestrians to less than four feet.
 - b. The Development Services Department may require greater or shorter distances than those prescribed above when warranted by special vehicular or pedestrian traffic conditions.
 - c. Only one valet parking service stand may be placed in any single location.
- 10. **Reflective Clothing²⁷²**
 - a. Any person engaged in the parking of vehicles for a valet parking service shall, during that time between a half hour after sunset and a half hour before sunrise, wear reflective clothing. Such reflective clothing shall be adequate to reflect brightly the headlights from a motor vehicle and shall consist of not less than 144 square inches of fluorescent orange material appearing on both the chest and back.
 - b. This standard shall apply only to a valet parking service provided in connection with a commercial establishment or commercial activity and does not apply to occasional valet parking service provided at a private residence or in connection with a social or fundraising activity. This section shall further apply only in those instances where a valet parking service is providing its services such that a person engaged in the parking of vehicles must cross a public street or other public right-of-way which is accessible by motor vehicles.
- 11. **Insurance**
 - a. A licensee shall procure, or cause to be procured, and keep in full force and effect and on file with the Development Services Department the following insurance requirements throughout the duration of a license:
 - i. Statutory limits of workers' compensation; and
 - ii. Garage liability for premises and operations and for any auto (symbol 1) or all owned autos (symbol 22), and non-owned autos (symbol 29), and all autos left with licensee for service (symbol 30) at limits of \$1,000,000.00 for bodily injury and property damage per occurrence or accident. The garage liability shall include coverage for contractual liability (including liability assumed under the indemnity protection provisions as set forth in this division), and the coverage should extend to products/completed operations (the coverage provisions must insure the public from loss or damage that may arise to any person or property by reason of the operation of the valet parking service).
 - iii. The garage liability policy must be endorsed to include coverage for garage keepers' legal liability at minimum limits of \$75,000.00 per vehicle/\$250,000.00 any one occurrence with respect to comprehensive and collision perils. Customary deductible of up to \$1,000.00 may be maintained for the garage keepers' legal liability.
 - iv. As an alternative to subsection (a)(ii) above, the required garage liability, including garage keepers legal liability, may be maintained in any combination of commercial automobile liability, commercial general liability, and garage keepers legal liability.
 - b. The above policies shall be endorsed to provide the following, as applicable:
 - i. In all liability policies, name as additional insureds the Town, its officers, agents, and employees;
 - ii. In all liability policies, provide that such policies are primary insurance to any other insurance available to the additional insureds, with respect to any claims arising out of activities conducted under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought; and

²⁷² From current Chapter 78, Article IV, Sec. 78-180.

- iii. Waiver of subrogation in favor of the Town of Addison must be included in all liability and worker's compensation policies.
 - c. All policies shall be issued by an insurance company authorized to do business in this state and in the standard form approved by the board of insurance commissioners of the state, and shall be endorsed to provide for at least 30 days' advance written notice to the Town of a material change in or cancellation of a policy. Certificates of insurance, satisfactory to the Town, evidencing all coverage above shall be furnished to the Town prior to the issuance of a license, with complete copies of policies furnished to the Town upon request.
12. **Indemnification**
Prior to the issuance of a license, a licensee, and any independent contractor used by the licensee, must execute a written agreement provided by the Town to indemnify the Town and its officers and employees against all claims of injury or damage to persons or property arising out of the operation of the valet parking service by the licensee.

3.5 Temporary Uses and Structures

Commentary:

The current development regulations do not address temporary structures or uses at all. This section introduces new temporary use and structure standards and includes a range of performance standards designed to make the regulation of such uses clear, efficient, and consistent (e.g., location on site, hours of operation, expiration times for temporary uses, signage, etc.).

3.5.1 Purpose

The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.

3.5.2 Temporary Uses and Structures Allowed

§3.2.8: *Table of Allowed Uses*, lists allowed temporary uses and structures alphabetically. Temporary uses and structures not listed in the table require approval under the procedure in §3.2.5: *Classification of New and Unlisted Uses*. All temporary uses are subject to the standards in this §3.5, in addition to any applicable requirements in §3.3: *Use-Specific Standards*.

3.5.3 Approval Process for Temporary Uses and Structures

Review and approval of Temporary Use Permits shall be in accordance with §---.

3.5.4 General Standards for All Temporary Uses and Structures²⁷³

Temporary uses and structures shall comply with the following general requirements unless otherwise specified in this Code:

- A. The temporary use or structure shall not be detrimental to surrounding properties or to the public health, safety, or general welfare;
- B. Permanent alterations to the site are prohibited;
- C. Temporary signs associated with a temporary use or structure shall be removed when the activity ends or permit expires, whichever occurs first;

²⁷³ Did not carry forward current Appendix A, Article XIX, §3(E)(1) from the UC-Residential subdistrict exempting temporary structures from build-to/setback standards. The location of temporary uses is reviewed on a case-by-case basis during the temporary use permit review process.

- D. A temporary use or structure shall not violate any applicable use-specific standards or conditions of approval applicable to a principal use on the site;
- E. Temporary uses shall not disturb any sensitive or protected resources, including floodplains, and required landscaping;
- F. At the conclusion of a temporary use or structure, all disturbed areas shall be restored to the condition that existed prior to the use, or improved;
- G. Temporary uses or structures shall not impede with normal operations of any permanent use located on the lot or parcel; and
- H. Off-street parking shall be sufficient to accommodate the proposed temporary use.

3.5.5 Additional Standards for Specific Temporary Uses and Structures

A. Construction Support Activities²⁷⁴

Contractor's offices, equipment storage, and portable lavatories are permitted on or adjacent to construction sites on lots or parcels owned or controlled by the owner of the lot or parcel on which the construction is taking place, subject to following:

- 1. Construction support activities may only be approved for licensed contractors working on construction projects for which permits have been issued. They shall be located on the same lot or parcel and within the same project area where the work is being performed and shall not encroach into any public right-of-way. Field or construction or offices shall be required to meet all applicable state and local building and set-up codes.
- 2. The use shall only occur between 14 days before and 14 days after the construction activity. All temporary facilities shall be removed within 14 days after completion of construction.
- 3. The Building Official may order the construction support activities to be discontinued.
- 4. The structures shall not contain sleeping or cooking facilities.
- 5. Portable lavatories shall be located on-site as to minimize impacts to adjacent uses.

B. Mobile Food Truck Park, Temporary²⁷⁵

- 1. **Location**
 - a. Food trucks and associated seating areas shall not be located in any required landscaping area, access easement, driveway, or fire lane(s).
 - b. All eating, drinking, service, and delivery activity shall occur outside of setbacks, landscaping, and the public right-of-way.
- 2. **Site Design**
 - a. Mobile food trucks may be placed on unimproved surfaces and the site shall provide at least 250 square feet in space for each individual food truck. There shall be at least three feet of clearance between each individual food truck and between each permanent or accessory structure and at least 10 feet of unobstructed clearance for food trucks parked side-by-side.
 - b. There is no limit to the total number of food trucks allowed on a site provided adequate fire access is maintained on site.
- 3. **Operational Standards**
 - a. A food service license is required and shall be available on site for inspection by government officials.
 - b. Each individual food truck shall contain an electrical hookup or generator, meet Fire Code, and maintain access to a commercial kitchen within Dallas County.

²⁷⁴ Current standards only require removal of support activities upon completion of the project. To provide added flexibility, we recommend a two-week window be allowed for set-up and removal of support activities.

²⁷⁵ New.

- c. When located adjacent to a Residential zoning district, the hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.

C. Mobile Food Vendor²⁷⁶

Mobile food trucks shall obtain a permit through and comply with the applicable standards of Dallas County.

D. Outdoor Retail and Display²⁷⁷

1. Operational Standards

- a. The outdoor retail and display uses shall be associated with an approved retail primary use on the property;²⁷⁸
- b. The outdoor retail and display area shall be of the same nature as the permanent retail activity conducted on the property; and²⁷⁹
- c. A temporary use permit shall be required and shall only be issued to the operator of the associated permanent retail use.²⁸⁰
- d. The outdoor retail and display areas shall be kept clean and free from litter, refuse, and debris;
- e. Outdoor retail and display operations shall comply with all applicable federal, state, and local regulations, including but not limited to those regulating the sale of alcohol, preparation and sale of food, and noise ordinances.²⁸¹
- f. The outdoor retail and display areas shall comply with all other reasonable conditions imposed by the Development Services Department.

2. Location and Design

- a. The outdoor retail and display area shall be contained on an improved surface such as asphalt, concrete, or pavers, and such areas shall be limited to 15 percent of the gross floor area of the principle structure.²⁸²
- b. The outdoor retail and display area shall not block handicapped parking areas, parking lot access aisles, sidewalk areas, fire lanes, required landscape areas, public rights-of-way, pedestrian ways, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO.
- c. All ice boxes, ice machines, vending machines, and similar kiosks shall be placed inside the principal building or located behind a screening wall where such walls are permitted.

3. Duration and Frequency

In those zoning districts where §3.2.8: *Table of Allowed Uses*, indicates that outdoor retail and display is a temporary use:

- a. Outdoor retail and display areas shall be allowed for a period not to exceed 14 days each calendar year, with a maximum of two permits issued per business, per calendar year.
- b. The 14-day time period is limited to the actual days and times of the event, except that set-up activities may occur up to 48 hours prior to the permitted event and take-down/clean-up activities may occur up to 24 hours after the permitted event.

²⁷⁶ New.

²⁷⁷ Replaces several “outside sales and/or commercial promotions” in nonresidential zoning districts. Did not carry forward requirement to submit a \$50 fee. Did not carry forward standard requiring merchandise to be displayed on a sidewalk within 10 feet of the principal building; this seems to conflict with the requirement to keep pedestrian ways clear. Did not carry forward requirement to obtain a permit at least 10 days before the event; this can be relocated to a separate administrative manual if desired. Reworded for clarity and simplicity; new standards are footnoted.

²⁷⁸ New.

²⁷⁹ New.

²⁸⁰ New.

²⁸¹ Current standard only references the food and alcohol sales and the Addison noise ordinance; however, we think more broad terminology is appropriate.

²⁸² New.

E. Portable Storage Structure²⁸⁴

1. No more than one portable storage structure may be located on the same lot or parcel at one time.
2. Portable storage structures shall be located no closer than 10 feet to any property line and shall be placed on an improved surface.
3. A portable storage structure may be located on a lot or parcel for a period not exceeding five consecutive days, from the time of delivery to the time of removal.
4. Portable storage structures shall not be located on the same lot or parcel more than one time in any given 30-calendar-day period. Each day that a portable storage structure remains after the removal date shall constitute a violation.
5. Portable storage structures shall not exceed eight feet six inches in height, 10 feet in width, nor 20 feet in length.
6. It shall be the obligation of the owner or user of the portable storage structure to secure it in a manner that does not endanger the safety of persons or property in the vicinity of the portable storage structure. In the event of high winds or other weather conditions in which such structure may become a physical danger to persons or property, the appropriate law enforcement officers may require the immediate removal of the portable storage structure.
7. Any portable storage structure shall be removed immediately upon the direction of a law enforcement officer for removal of such temporary structure for safety reasons

F. Real Estate Sales or Model Home

1. Real estate sales or model homes are permitted on the site of the development for which the sales are taking place. They are permitted to remain on the site of the development from 15 days before homes are offered for sale until 15 days after all home or home sites within the development are sold.²⁸⁵
2. The Building Official may order the removal or discontinuance of real estate sales or model home uses.

G. Seasonal Sales²⁸⁶

1. **Generally**
 - a. Except for seasonal sales allowed pursuant to (G)(2) below, seasonal sales shall be located on a lot or parcel that fronts a collector or arterial street.
 - b. Seasonal sales areas shall not block handicapped parking areas, parking lot access aisles, sidewalk areas, fire lanes, required landscape areas, public rights-of-way, pedestrian ways, and shall not reduce the number of parking spaces below any minimum requirement for the use in this UDO;
 - c. Temporary tents, structures, or stands used for seasonal sales shall not exceed 150 square feet.
 - d. Temporary use permits issued for seasonal sales shall be valid for a maximum of 30 consecutive days.
 - e. No lot or parcel shall be issued more than three seasonal sales temporary use permits in a calendar year.
2. **R-1, R-2, R-3, R-4 and R-5 Zoning Districts**

Seasonal sales shall be limited to the sale of fruits, vegetables, flowers, herbs, plants, jams, honey, pickled products, sauces, baked goods, and the like where the vendors are individuals who have

²⁸⁴ From current Chapter 18, Article 3, Sec. 18-134.

²⁸⁵ New.

²⁸⁶ New. These are common standards that tend to be effective for other communities in regulating seasonal sales. We can tailor standards for Addison, but these are a good starting point for discussions with staff. Did not carry forward date limitations for Christmas tree sales of between November 15 and December 26.

raised the produce or have crafted the product on the same lot or parcel where the seasonal sales are taking place.

H. Special Event²⁸⁷

1. Temporary use permits for other special events not listed separately in §3.2.8: *Table of Allowed Uses*, including but not limited to temporary wholesale activities, festivals, concerts, carnivals, and traveling circuses, shall be valid for a maximum of 14 consecutive days.
2. No property shall be issued more than six temporary use permit in a calendar year. Organized community events sponsored by the Town of Addison and located on publicly owned land is exempt from this requirement.

²⁸⁷ New.

Article 4: Development Standards

[To be drafted in Part 2]

Article 5: Subdivision Standards

[To be drafted in Part 2]

Article 6: Administration and Procedures

[To be drafted in Part 3]

Article 7: Definitions²⁸⁸

Commentary:

This section includes general rules of construction and defined terms. Many of the rules of construction are new. This definitions article will continue to grow as future material is developed. Many of the terms were carried forward from the current Code of Ordinances and revised as noted. New terms are also noted and are based on our work in other jurisdictions and tailored for Addison. There are several placeholders where we will prepare graphics to supplement the text definitions, both by updating existing graphics and creating new graphics.

7.1 Rules of Construction²⁸⁹

7.1.1 Meanings and Intent

All provisions, terms, phrases, and expressions contained in this UDC shall be construed according to the general purpose set forth in §---, and the specific purpose statements set forth throughout this UDC. When, in a specific section of this UDC, a different meaning is given for a term defined for general purposes in this UDC, the specific section's meaning and application of the term shall control.

7.1.2 Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this UDC and any heading, caption, figure, illustration, table, or map, the text shall control.

7.1.3 Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

7.1.4 Computation of Time

The time in which an act is to be done shall be computed by excluding the first day and including the last day. If a deadline or required date of action falls on a Saturday, Sunday, holiday observed by the Town, or other day that Town offices are not open, the deadline or required date of action shall be the next day that is not a Saturday, Sunday, holiday observed by the Town, or other day that Town offices are not open. References to days are calendar days unless otherwise stated.

7.1.5 Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

7.1.6 Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are discretionary.

²⁸⁸ Discussion Item: There may be several definitions in current Chapter 18, Article 8, Sec. 18-451; and Chapter 34, Article 34, that may need to be reconciled with definitions found in this UDC (e.g., dwelling unit, owner, structure, etc.). We recommend a uniform set of definitions be used in the UDC and the *Code of Ordinances*, if possible.

²⁸⁹ New.

7.1.7 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- A. "And" indicates that all connected items, conditions, provisions, or events apply; and
- B. "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

7.1.8 Tenses, Plurals, and Gender

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

7.1.9 Titles and Headings

All titles and headings of articles, sections, or subsections of this UDC are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

7.2 Use-Related Definitions

7.2.1 Residential Uses

Household Living

Uses characterized by residential occupancy of a dwelling unit by a "Family." Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

Cottage Development²⁹⁰

Commentary:

Cottage housing development is a new housing concept in Addison and is being introduced to diversify housing choice. Cottage development refers to projects that feature a cluster of smaller single-family homes built around a common open space. Typically, each dwelling is around 1,000 square feet, but some may be smaller (sometimes referred to as "tiny homes." This type of development was used around small parks and opens spaces historically and can be found in some parts of older cities. Recent cottage housing developments have been established as infill projects, offering a middle ground between single-family residences and multifamily development. Cottage housing can offer a smaller-scale housing choice, which are suitable for meeting a variety of needs, compared to traditional detached single-family homes.

A cluster of at least five attached or detached single-family dwellings located within a common development that use shared access, parking, and common spaces. Cottage developments can include homes on individual lots, homes owned as condominiums, or leased homes. This use can include communities of five or more factory built small single-family detached dwellings, provided that each home meets applicable Building Codes or the federal Manufactured Housing Construction and Safety Standards Law of 1974 (42 U.S.C. 5401 et seq.), and that each dwelling has any wheels removed, is mounted on a permanent foundation, and is connected to public water, sewer, and electric services. This definition does not include a "Manufactured Home Development (HUD-Code)".

²⁹⁰ New.

Dwelling, Duplex²⁹¹

A single building on a single lot or tract containing two dwelling units under one roof, each of which is occupied by one family.

Dwelling, Fourplex²⁹²

A single building on a single lot or tract containing four dwelling units under one roof, each of which is occupied by one family.

Dwelling, Live-Work²⁹³

A dwelling unit containing an integrated living and working space in different areas of the unit.

Dwelling, Multifamily²⁹⁴

One or more buildings or portion of buildings on a single lot or tract that contains five or more individual dwelling units, where each unit is occupied by one family living independently of each other and maintaining separate cooking facilities and where each unit has an individual entrance to the outdoors or to a common hallway. This definition includes condominium units as defined by the Texas Property Code.

Dwelling, Single-Family (attached)²⁹⁵

Three or more single-family dwelling units that are attached side by side under one roof that share a common vertical side or rear wall reaching from the building foundation to the roof structure, each of which is occupied by one family on its own lot or tract. This definition includes townhouses.

Dwelling, Single-Family (detached)²⁹⁶

A dwelling designed and constructed for occupancy by one family and located on a single lot or tract that has no physical connection to a building located on any other lot or tract. This definition includes a “Zero-Lot-Line Dwelling” and “Manufactured Home (HUD-Code) Dwelling.”

Dwelling, Triplex²⁹⁷

A single building on a single lot or tract containing three dwelling units under one roof, each of which is occupied by one family.

Manufactured Home Development (HUD-Code)²⁹⁸

A development on a single lot divided into more than one stand for the placement of manufactured home (HUD-Code) dwellings, accessory uses, and service facilities, meeting all requirements of this UDC and any other applicable deed restrictions and state laws.

Group Living

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of “Household Living.” Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a “Family.” Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses are

²⁹¹ Renamed from “two-family dwelling.” Reworded for clarity. Did not carry forward the reference to “boarders or lodgers.”

²⁹² Revised definition to apply Town-wide (currently only applies to the MXR district). Reworded for clarity.

²⁹³ New definition, currently not defined.

²⁹⁴ Replaces definitions for “city home;” “multi-family use;” “apartment house or complex;” and “townhouse-condominium.” Removed density maximum in the definition for “city home” (12 du/acre) due to conflicts with the density maximum in the definition for “townhouse-condominium” (24 du/acre). Note, the definition for “dwelling, multiple-family” in current Chapter 18, Article 2, Sec. 18-77, may need to be updated.

²⁹⁵ Renamed from “Townhouse.” The definition for “dwelling, single-family” in current Chapter 18, Article 2, Sec. 18-77, and the definition for “townhouse” in current Chapter 18, Article 7, Sec. 18-426.1 may need to be updated.

²⁹⁶ Consolidated “single-family dwelling;” “zero-lot-line; dwelling detached;” and “townhouse.” Reworded for clarity. There is no need to separately define a zero-lot-line dwelling or townhouse, the required side yard setback dictates if a building can be built on the property line. The definition for “dwelling, single-family” in current Chapter 18, Article 2, Sec. 18-77, may need to be updated.

²⁹⁷ Renamed from “three plex.” Revised definition to apply Town-wide (currently only applies to the MXR district). Reworded for clarity.

²⁹⁸ Replaces definition for “trailer camp or park.” Standards related to minimum site area has been relocated to the use-specific standards.

limited to recreational facilities and vehicle parking for occupants and staff. The group living category is not to be construed as a "group home." Specific use types within the group living use category include:

Assisted Living Facility²⁹⁹

A facility combining housing, supportive services, personalized assistance, and health care, designed to respond to the individual needs of those who need help with activities of daily living, such as dressing, grooming and bathing, diet, financial management, evacuation of a residence in the event of an emergency, or medication prescribed for self-administration, but do not require hospitalization. An "assisted living facility" does not contain equipment for surgical care or for treatment of disease or injury. This definition includes retirement homes, old people's homes, and convalescent homes.

Continuing Care Retirement Facility³⁰⁰

An establishment for care of the elderly that has common facilities and provides licensed intermediate and skilled nursing facilities for its residents, as well as other supportive services. This use generally includes a variety of housing types and provides a variety of levels of assistance and care so that its residents may obtain higher levels of care and service as they age without having to move to another residential care facility.

Group Care Home, FHAA³⁰¹

A residential dwelling or facility where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of citizens protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas, including but not limited to facilities providing housing for handicapped, mentally ill, or developmentally disabled persons.

Group Care Home, FHAA Small

A facility designed for and occupied by eight or fewer residents living together.

Group Care Home, FHAA Large

A facility designed for and occupied by nine or more residents living together.

Supportive Housing³⁰²

A dwelling where persons are living, together with staff, as a single housekeeping unit providing care, supervision, and treatment for the exclusive use of persons requiring medical, correctional, or other mandated supervision or a protective environment to avoid past or likely future violence or addiction and whose right to live together is not protected by the federal Fair Housing Act Amendments, as amended and as interpreted by the courts, and that does not meet the definition of another use in this UDC. This includes and is not limited to:

- 1) An owner-occupied or nonprofit residential dwelling for the exclusive use of at least two but not more than eight persons, who, together with staff, live as a single housekeeping unit but do not require 24-hour medical or nursing care.
- 2) A shelter for persons experiencing temporary homelessness.
- 3) A domestic violence shelter, which is a public or private building or structure housing residents for the purpose of the rehabilitation or special care for victims of domestic violence or emotional or mental abuse.

Supportive Housing, Small

A facility designed for and occupied by eight or fewer residents living together.

²⁹⁹ Consolidated "retirement home," "old people's homes," and "convalescent homes." New definition, currently not defined.

³⁰⁰ New.

³⁰¹ Renamed from "homes for the insane, alcoholics, feeble-minded, and narcotics." New definition, currently not defined.

³⁰² New.

Supportive Housing, Large

A facility designed for and occupied by nine or more residents living together.

7.2.2 Public, Institutional, and Civic Uses

Community and Cultural Facilities

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

Cemetery or Interment Facility³⁰³

Land used or intended to be used for the burial of the dead and dedicated for such purposes and includes columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such premises.

Police, Fire, or Rescue Facility³⁰⁴

An establishment operated by a government agency, for the protection of citizens and property and for providing public responses to, crime, fire, injury, or other emergencies. This use may include administrative offices, storage of equipment, temporary detention facilities, and the open or enclosed parking of associated vehicles.

Club or Lodge³⁰⁵

A nonprofit membership organization that holds regular meetings, whose members pay dues, that is organized for a common interest, usually cultural, civic, religious, or social, and that has formal written membership requirements. A "club or lodge" may, subject to other regulations controlling such uses, maintain dining facilities; engage in professional entertainment for the enjoyment of members and their guests; or store, sell, possess, or serve any alcoholic beverage permitted by the law of the State of Texas and the Town of Addison. This definition does not include any form of sleeping accommodations.

Conference or Convention Center³⁰⁶

A facility designed to accommodate and support meetings or conferences. The facility may be either freestanding or incorporated into a hotel or office facility and may include eating and drinking facilities.

Day Care Center, Adult or Child³⁰⁷

A facility, other than a "Day Care Home, Adult or Child," "Assisted Living Facility," "Continuing Care Retirement Facility," or where children or elderly and/or functionally impaired adults receive care from a provider for a period of less than 24 hours per day. The term "Day Care Center" includes but is not limited to the following: nursery schools, child care centers, kindergartens and play groups; but does not include kindergartens accredited or recognized by the Texas State Board of Education or that are supported in whole or in part by state tax funds. Where required by state law, day care centers shall be and remain licensed by the state and shall operate in accordance with their license and all applicable state laws. A "Day Care Center" exempt from state licensing requirements shall provide proof of exemption.

³⁰³ New.

³⁰⁴ Consolidates "civil defense, fire or police station," "fire stations," and "ambulance services." New definition, terms are not currently defined.

³⁰⁵ Consolidates "fraternal organization (lodge) with a private club," "fraternal organization (lodge) without a private club, civic or social organization or services," "other membership organizations," and "private clubs where alcoholic beverages may be served." New definition, terms currently not defined.

³⁰⁶ Renamed from "civic or convention trade show facility." New definition, currently not defined.

³⁰⁷ Consolidated "day care facility," "daycare center or nursery school," and "adult day care center." New definition, terms are not currently defined.

Day Care Home, Adult or Child³⁰⁸

A residential dwelling unit used as the primary residence of the day care provider where adults or children receive care from the provider, while unattended by a parent, legal guardian, or custodian, for a period of less than 24 hours per day. The maximum number of persons in care does not include persons for whom the provider is related by blood. Where required by state law, adult or child day care homes shall be and remain licensed by the state and shall be operated in accordance with their license and all applicable state laws. An "adult or child day care home" exempt from state licensing requirements shall provide proof of exemption.

Funeral Facility³⁰⁹

An establishment for the care, preparation, or disposition of the deceased for burial and the display of the deceased and rituals connected with and conducted before burial or cremation. This use includes mortuaries, which are facilities in which dead bodies are prepared for burial or cremation and funeral homes.

Library³¹⁰

A facility for storing and loaning books, periodicals, reference materials, audio and video media, and other similar media. A library may also include meeting rooms, offices for library personnel, and similar support facilities.

Museum³¹¹

An establishment operated as a repository for a collection of nature, scientific, literary curiosities, or objects of interest or works of art, not including the regular sale or distribution of the objects collected. A museum may also include meeting rooms, offices for museum personnel, and similar support facilities.

Park or Open Space, Active³¹²

Areas for recreational uses that require constructed facilities for organized activities including playing fields, playgrounds, and ball courts. Accessory uses may include group picnic shelters, hard surfaced pathways, restrooms, parking lots, and similar facilities.

Park or Open Space, Passive³¹³

Areas for recreational uses related to the functions and values of a natural area that require limited and low-impact site improvements, including trails, signs, pedestrian bridges, seating, viewing blinds, and observation decks. Accessory uses may include drinking fountains, picnic tables, restrooms, parking lots, and similar facilities.

Place of Worship³¹⁴

Structures and outdoor or indoor facilities used for public worship and accessory educational, cultural, and social activities.

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias,

³⁰⁸ Consolidated "day nursery" uses. Replaces current definition of "day nursery." Standards related to the number of persons in care and hours of operation have been relocated to the use-specific standards. Expanded use definition to allow adult care.

³⁰⁹ Consolidated "funeral home, mortuary" and "mortuary." New definition, currently not defined.

³¹⁰ Consolidated "library (public)," "library, rental," and "public libraries." New definition, currently not defined.

³¹¹ Consolidated "aquarium," "museum," and "public museums." New definition, terms currently not defined.

³¹² Consolidated "public park" and "public park, playgrounds or neighborhood recreation centers owned and operated by the Town of Addison." Added new terms "active" and "passive." New definition, terms currently not defined.

³¹³ New.

³¹⁴ Consolidated "church, synagogue or temple (religious organization or facility)," "institutions of a religious, educational or philanthropic nature," "other public assembly," and "religious and philanthropic institutions." New definition, terms currently not defined.

indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

School, College or University³¹⁵

An institution of higher learning other than a “School, Vocational or Trade” that provides full-time or part-time education beyond high school.

School, Public or Private³¹⁶

Any private school meeting all requirements of the compulsory education laws of the State of Texas. A facility or area for nursery, preschool, pre-kindergartens, kindergartens, learning center, elementary, or secondary education supported by a private organization, including a church or parish organization. This definition includes licensed private preschool facilities in which the principal use of the property is for preschool. This does not include home-schooling facilities that are located within residential structures or other structures on a part time basis, “School, Vocational or Trade”, or “School, College or University”.

School, Vocational or Trade³¹⁷

A private or public educational facility offering instruction in a professional, vocational, or technical field. This use includes establishments providing domestic, recreational, and other types of instruction focused upon skills required in business, trades, or the arts such as dance, gymnastics, cooking, music, martial arts, and handicrafts.

Healthcare Facilities

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide preventative health care, primary health services, and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

Hospital³¹⁸

An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, including related facilities, laboratories, outpatient departments, training facilities, and staff offices. Facilities and services operate on a continuous 24-hour basis with overnight beds and services for persons suffering from illness, injury, or conditions requiring medical services. This does not include "Assisted Living Facility" or "Medical Clinic".

Medical Clinic³¹⁹

A health care facility where patients are admitted for examination and treatment on an outpatient basis by one or more physicians, dentists, other licensed health care practitioners, psychologists, or social workers, and where patients are not lodged overnight. This definition includes emergency and urgent care facilities without ambulance services. Accessory uses may include incidental retail sales of products incidental to the services provided.

³¹⁵ Renamed from “college, university or professional school.” New definition, terms currently not defined.
³¹⁶ Consolidated “kindergarten,” “other schools,” “private or denominational school,” “private schools,” and “public school.” Specific standards related to setbacks, building heights, and minimum building area have been relocated to the use-specific standards. Replaced current definitions for “school facility,” “school,” and “kindergarten.”
³¹⁷ Consolidated “business or secretarial school,” “cosmetology school,” “fine art school,” and “karate and martial arts school.” New definition, terms currently not defined.
³¹⁸ Separated “hospital, children’s homes, convalescent homes, old people’s homes, maternity homes.” Replaces current definition for “hospital.”
³¹⁹ Consolidated “dental and medical offices and clinics,” “dentist office,” “health practitioners office,” “medical and dental offices,” “medical offices,” “out-patient care center,” and “physician’s office.” Replaces current definition for “clinic, medical” and “medical office.” New definition.

Treatment Facility³²⁰

A clinic or facility engaged in dispensing medication for the purpose of elimination or reduction of opiate or other drug use by individuals suffering from substance use disorder. This definition does not include “Rehabilitation Facility” or any facility that provides cares, supervision, and treatment of persons protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas.

Rehabilitation Facility³²¹

A facility, clinic, or office engaged in treating or counseling patients for reduction and management of opiate or other drug use, which may but need not include treatments involving medication, and where patients do not receive housing or overnight accommodation. This definition does not include “Treatment Facility” or any facility that provides cares, supervision, and treatment of persons protected by the provisions of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, or by any similar legislation of the State of Texas.

7.2.3 Commercial Uses

Agricultural and Animal Uses

This category includes agricultural activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve apiculture, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas.

Kennel, Commercial³²²

An establishment where any person engages in a business involving boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other domestic animals. This definition includes uses such as animal day care, animal grooming, obedience schools, and other veterinary services.

Plant Nursery or Greenhouse³²³

An establishment for the growth, display, and/or wholesale of plants, shrubs, trees, and materials used in indoor or outdoor planting, conducted within or outside of an enclosed building.

Stable, Commercial³²⁴

A facility or area where farm animals are kept, housed, boarded, lodged, fed, hired, trained, sold, or bred as a commercial activity. The definition includes accessory uses such as riding lessons, clinics, and similar activities.

Urban Agriculture, Noncommercial³²⁵

The cultivation of food and/or horticultural crops, composting, aquaponics, aquaculture and/or hydroponics. Such use may include the production and sale of food products from food grown on the premises. Noncommercial urban agriculture may be divided into separate plots for cultivation by one or more individuals and may include common areas maintained and used by users of the site. This definition includes gardens, container gardens, edible landscapes, residential greenhouses, herb gardens, rooftop gardens, berry patches, vegetable gardens and other similar activities. Urban agriculture uses shall not include the raising of animals, except as permitted elsewhere in the Addison Code of Ordinances.

³²⁰ New.

³²¹ New.

³²³ Renamed from “greenhouse and nurseries.” New definition, currently not defined.

³²³ Renamed from “greenhouse and nurseries.” New definition, currently not defined.

³²⁴ Renamed from “riding academy or public stable.” Relocated minimum lot requirements (5 acres) for all districts and the maximum capacity of four horses/mules to the use-specific standards. Replaces current definition for “public stables.”

³²⁵ Replaces “farm, truck, garden, orchard or nursery and greenhouse for the growing of plants, shrubs and trees, provided no retail, or wholesale business is maintained on the premises.” Did not carry forward the definition of “farm.”

Veterinary Hospital or Clinic³²⁶

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition. This use does not include a “Kennel.”

Recreation and Entertainment

This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

Recreation Facility, Indoor³²⁷

A commercial recreational use conducted entirely within a building, including arcades, bowling alleys, billiard parlors, skating rinks, motion picture theaters, spectator sports, assembly halls, athletic and health clubs, auditorium or exhibition hall, dance hall, community centers, gymnasiums, sports courts, sport fields, field house, swimming pools, gaming machines, or any other indoor recreational activity. Gaming machines do not include machines designed for the dispensing or vending of merchandise, music, or service, as those terms are defined in Vernon's Ann. Civ. St. tit. 132, ch. 8 (Vernon's Ann. Civ. St. art. 8801 et seq.). Accessory uses may include limited retail, concessions, and maintenance facilities. This definition does not include “Sexually Oriented Business.”

Recreation Facility, Outdoor³²⁸

Recreation and entertainment activities operated by a commercial enterprise that are mostly outdoors or partially within a building, including picnic areas, outdoor swimming pools, skateboard parks, sport courts, sport fields, golf courses, outdoor golf driving ranges, outdoor miniature golf course, amphitheatres, outdoor arenas, outdoor movie picture theaters, or any other outdoor recreational activity. Accessory uses may include limited retail, concessions, and maintenance facilities but such accessory uses are only allowed in mixed-use and nonresidential zoning districts.

Sexually Oriented Business³²⁹

An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.

Food and Beverage

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Specific use types include:

Beer and Wine Sales, Off-Premise Consumption³³⁰

A licensed retail sales establishment selling packaged and sealed alcoholic beer and wine for consumption off-site.

³²⁶ Separated “dog kennels” and “veterinary hospitals” into two separate uses. Relocated minimum lot requirement (5 acres) for non-commercial zoning districts to the use-specific standards. New definition, terms currently not defined.

³²⁷ Consolidated “arcade, billiard parlor, or bowling alley,” “arena or field house,” “auditorium or exhibition hall,” “dance hall,” “dinner theater,” “motion picture theater (excluding adult motion picture theater),” “movie picture theater,” “performing arts companies,” “spectator sports,” “public recreation or community center, athletic, or recreation facility,” “health club or athletic club (fitness and recreation sports),” “health club, public and private,” “health clubs,” “studios dance, music, drama,” “studios health, music, drama, health and reducing,” and “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.” Any specific standards have been relocated to the use-specific standards section. Replaces definitions for “arcade,” “billiard parlor,” “bowling alley,” and “gaming machine.” Other terms reference above were not previously defined. Discussion Item: Town staff is verifying if this current reference to the State Code is accurate.

³²⁸ Consolidated “amphitheater,” “arena or field house,” “drive-in theaters,” “golf course,” “nature parks and other similar institutions,” and “outdoor commercial recreational activity.” New definition, terms reference are not currently defined.

³²⁹ From current Chapter 22, Article IV, Division 1, Sec. 22-131.

³³⁰ Consolidated “beer and wine, off-premise consumption” and “sale of alcoholic beverages for off-premise consumption.” New definition, term currently not defined.

Brewpub, Distillery, or Winery³³¹

An establishment that may produce malt liquor, ale, beer, cider, spirits, wine, or other alcohol for consumption on- or off- the premises from a lawful container to the extent the sales or offers are allowed under the establishment’s valid licenses or permits. Product produced on-site shall not be sold to other drinking establishments or restaurants. Such uses may operate in conjunction with a restaurant.

Catering Establishment³³²

An establishment that prepares food on-site, then transports and serves the food off-site. On-site sale or consumption of food or beverages to patrons is prohibited.

Liquor Sales, Off-Premise Consumption³³³

A licensed retail sales establishment selling packaged and sealed alcoholic liquors (including beer, wine, and spiritous liquors) for consumption off-site.

Microbrewery³³⁴

An establishment defined as those activities permitted and described in §---.

Mobile Food Truck Park³³⁵

An area of land on which one or more food trucks sell food and/or beverages to the public, and on which the public may consume food and/or beverages.

Restaurant³³⁶

An establishment that sells food or beverages in a ready-to-consume state, in individual servings, that the customer consumes while seated at tables or counters located in or immediately adjacent to the building in which the use is located, and that may include carry-out service. This includes any portion of an establishment used for seating for the consumption of food on the premises that sells prepared food or beverages, such as a bakery, delicatessen, cafes, and coffee shops. Accessory uses may include an outdoor dining area or sidewalk café.

Lodging

Establishments that provide lodging services for a defined period of time with incidental food, drink, and other sales and services intended for the convenience of guests. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

Bed and Breakfast³³⁷

A single-family detached dwelling that is owner-occupied or occupied by a resident manager in which rooms are rented and meals may be served to transient guests on an overnight basis for a period of time less than 30 consecutive days. This definition does not include “Hotel or Motel.”

Hotel, Full Service³³⁸

A building or group of buildings providing transient lodging accommodations to the general public for compensation for periods of time not exceeding 30 consecutive days that includes ancillary facilities and

³³¹ Replaces current definition for “brewpub.” Renamed to also include “distillery, or winery.”
³³² Consolidates “caterer and wedding services,” and “caterers/catering hall.” New definition, terms currently not defined.
³³³ New definition, term currently not defined.
³³⁴ Relocated current definition to the use-specific standards section.
³³⁵ New.
³³⁶ Consolidated “restaurant,” “restaurant/restaurant with alcohol,” and “restaurants without drive-in service (service to be entirely within the building); and “restaurants with drive-in facilities,” and “restaurants without drive-in facilities.” Relocated specific standards to the use-specific standards section. “Drive-through” is now listed in the Permitted Use Table under “accessory uses” and identifies where drive-through facilities are permitted in the Town.
³³⁷ Renamed from “bed and breakfast inn.” New definition, currently not defined.
³³⁸ Consolidated “hotel (defined under article XXX),” “hotel and motel,” “hotel, full service,” and “hotel (defined under article XXI).” Replaces current definition for “hotel” in Appendix A, Article XXX. Specific standards related to minimum square feet of meeting facilities and ratio

services such as restaurants, meeting rooms, personal services, recreational facilities, daily housekeeping service, and 24-hour front desk service. The term "Hotel, Full Service" does not include "Bed and Breakfast," "Hotel, Limited Service," "Residence Hotel," or "Supportive Housing."

Hotel, Limited Service³³⁹

A building or group of buildings providing transient lodging accommodations to the general public for compensation for periods of time not exceeding 30 consecutive days and that is not classified as "Hotel, Full Service" or "Residence Hotel."

Residence Hotel³⁴⁰

Any hotel that offers more than five percent of its guest rooms for stays extending 30 consecutive days or more, or a multi-dwelling unit extended-stay lodging facility consisting of efficiency units or suites with a complete kitchen suitable for long-term (30 days or more) occupancy. Accessory uses include meeting rooms, clubhouse, and recreational facilities intended for the use of residents and their guests. This definition shall not include other dwelling units as defined by this UDC.

Office, Business, Professional, and Personal Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use or provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

Bank or Financial Institution³⁴¹

A federal- or state-regulated facility that provides financial and banking services to individuals and businesses. These services may include deposit banking and closely related functions such as making loans, investments, and fiduciary activities. This definition does not include "Credit Access Business." Accessory uses may include automatic teller machines and offices.

Credit Access Business³⁴²

A credit services organization that obtains for a consumer or assists a consumer in obtaining an extension of consumer credit in the form of a deferred presentment transaction or a motor vehicle title loan, as established in Texas Finance Code, § 393.601, as amended.

Laundromat, Self-Service³⁴³

An establishment providing washing, drying, or dry-cleaning machines on the premises for rental use where the patron may personally supervise the washing and handling of their laundry. This definition includes automatic, self-service only, or hand laundries.

of suites have been relocated to the use-specific standards. Discussion Item: This definition may need to be reconciled with the definition for "hotel" in Chapter 74, Article IV, Sec. 74-101.

³³⁹ New definition, term currently not defined.

³⁴⁰ Replaces "hotel, extended stay or suites." New definition, term currently not defined.

³⁴¹ Consolidates "bank," "bank, office, wholesales office or sample room," "credit intermediation and related activities (bank)," and "monetary authorities central bank." New definition, terms currently not defined.

³⁴² New.

³⁴³ Consolidates "Laundromat," "dry cleaning and laundry service (self-service)," and "washeteria." New definition, currently not defined.

Office³⁴⁴

A building where services are provided and/or business is conducted including administrative, professional, governmental, or clerical operations. Typical examples include fire service, ambulance, judicial court or government offices, post office, real estate, political and philanthropic offices, television and radio broadcasting, call centers, insurance, property management, investment, financial, employment, travel, advertising, law, architecture, design, engineering, accounting, and similar offices. This use includes accessory uses such as restaurants, coffee shops, health facilities, limited retail sales, or other amenities primarily for the use of employees in the business or building.

Personal Services³⁴⁵

Establishments primarily engaged in providing services involving the care of a person or of the care or repair of his or her personal goods or apparel. Personal services usually includes but is not limited to: laundry (including cleaning and pressing service), beauty shops, barbershops, shoe repair, personal copying/shipping services, health spas, photographic studios, tailor/seamstress shop, indoor equipment/party/event rental, tanning salon, bicycle and sports equipment repair, small appliance repair, and similar uses. This definition does not include “Laundromat, Self-Service” or “Commercial Laundry Facility.”

Retail Sales

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

Building Supply Store³⁴⁶

A business involved in the sale, storage, and distribution of building supplies and services including but not limited to lumber, brick, tile, cement, insulation, floor covering, lighting, plumbing supplies, electrical supplies, cabinetry and roofing materials. Accessory uses may include repair or delivery services, outside sale of plants and gardening supplies, and incidental wholesale trade.

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.

³⁴⁴ Consolidated “accounting, tax preparation and payroll services or bookkeeping service,” “advertising and related services,” “agencies, brokerages, and other insurance-related activities,” “business professional, labor, political and similar organization,” “cable networks,” “caterer and wedding service (office only),” “courier and messengers,” “employment service,” “engineering, architectural or related services,” “general services shops for maids, tax preparers, bookkeeping,” “government services, administrative offices,” “information services,” “insurance carriers,” “investigation and security services,” “legal services,” “locksmiths,” “management consulting service,” “news printing and publishing,” “news syndicate,” “office building,” “office (defined under article XXX),” “office/services/showroom,” “other business services,” “other professional services,” “post office,” “professional offices for architect, attorney, engineer and real estate,” “professional, scientific and technical services,” “radio and television broadcasting,” “real estate agents, brokers and management services,” “social advocacy organizations,” “specialized design services,” “tax preparation service,” “telephone (telecommunications) distribution system,” “telephone exchange,” and “travel arrangement and reservation services.” Replaces current definition.

³⁴⁵ Consolidates “barber and beauty shop,” “cleaning and pressing shops,” “cleaning, dyeing and laundry pick-up station,” “consumer goods rental,” “custom tailoring,” “film developing and printing,” “fix-it shops, bicycle repairs, saw filing, lawn mower sharpening,” “furniture repairs and upholstery,” “hair, nail, and skin care services,” “job printing,” “other personal care services,” “other personal services,” “photo finishing,” “photographic services,” “plumbing shop without warehouse facilities,” “pressing, alteration and garment repair,” “print shop,” “printing,” “printing shop,” “quick print service,” “repair, electrical and computer,” “seamstress, dressmaker, or tailor,” “shoe repair shop,” “upholstery shops,” “video equipment and cassettes, sales and rental,” “watch, clock and jewelry repair service,” and “Xerox/copy shop.” New definition, currently not defined.

³⁴⁶ New.

Retail Sales³⁴⁷

Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. This use does not include any form of retail sales or other use listed separately in **Table ---**.

Retail Sales, Less than 15,000 Square Feet GFA

A retail sales establishment with up to 15,000 square feet of gross floor area.

Retail Sales, 15,000 to 50,000 Square Feet GFA

A retail sales establishment with between 15,001 and 50,000 square feet of gross floor area.

Retail Sales, More than 50,000 Square Feet GFA

A retail sales establishment with more than 50,000 square feet of gross floor area.

Transportation, Vehicles, and Equipment

Uses in this category include a broad range of uses including those primarily associated with train, bus, and aircraft facilities or uses for the maintenance, sale, or rental of motor vehicles and related equipment.

Accessory uses may include incidental repair and storage and offices.

Airport, Public-Owned³⁴⁸

A landing area, runway, or other public-owned facility designed, used, or intended to be used for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars, and other necessary buildings and open spaces. This definition includes, but is not limited to the following:

- 1) Areas for other aviation uses;
- 2) Areas used for an airport building or other airport facility or right-of-way, including a building or facility for the shelter, supply, repair, and maintenance of aircraft and related purposes;
- 3) Airport buildings or facilities located on an appurtenant area;
- 4) Facilities for the fueling of aircraft;
- 5) Buildings for office use; and
- 6) Related uses and buildings and other uses and buildings incidental to any of the foregoing.

³⁴⁷ Divided retail uses into four separate categories, based on the gross square feet of building area. Current standards differentiate uses by size between 5,000 and 10,000 square feet and greater than 50,000 square feet. New size thresholds are more in-line with average building sizes for small, medium, and large retailers (i.e., a typical Walgreens/CVS is about 12,000 sq.ft.). New definition, listed terms currently not defined. Consolidated all existing uses ending in "...retail," "...retail sales only," and "...retail" as well as "antique shop," "antique store (used merchandise store) and secondhand goods sales," "any retail establishment or structure in excess of 50,000 GLA," "any retail establishment or structure less than 50,000 GLA," "apparel and accessories," "art dealers," "art gallery," "bakery, retail sales only," "bird and pet shops," "book or stationary store," "bookstore and news dealers (excluding adult bookstore)," "camera shop," "candy, cigars and tobaccos," "drug store," "electrical goods and fixtures for consumer use," "electrical lighting fixtures and supplies for consumer use," "electrical repairing, domestic equipment and retail sales," "electronics and appliance stores," "electronics store," "electrical goods, retail sales," "exterminating company, retail," "florist," "food or grocery store, retail," "frozen food lockers, retail," "furniture and home furnishings stores," "furniture repairs and upholstering, retail sales only," "gallery, for the display and sale of artworks," "grocery store," "hardware, sporting goods, toys, paints, wallpaper, clothing," "home furnishings," "household and office furniture, furnishings and appliances," "jewelry, optical goods, photographic supplies," "meat market," "novelty or variety shop, retail sales only," "novelty or variety store," "paint and wallpaper stores," "photographers and artist studios," "piano and musical instruments," "plumbing fixtures," "plumbing shop, retail sales only," "retail between 5,000 and 10,000 square feet," "retail shop for custom work or the making of articles to be sold for retail on the premises," "retail store or shop for custom work, retail sales only," "retail, wholesale, or retail and wholesale businesses in excess of 50,000 square feet in floor area," "seed store," "shoe repair shop, retail sales only," "shoe stores," "specialty food stores," "studio for the display and sale of glass, China, art objects, cloth and draperies," "telecommunications resellers," and "wearing apparel, including clothing, shoes, hats, millinery and accessories." Did not carry forward definition for "retail use" in current Appendix A, Article XIX.A, Sec. 2.

³⁴⁸ Renamed from "airport" and revised current definition for clarity.

Equipment Sales or Rental³⁴⁹

An establishment engaged in the display, sale, and rental of equipment, tools, supplies, machinery or other equipment used for commercial, industrial, or construction enterprises, such as, but not limited to, trucks, trailers, semi-tractor trailers, farm equipment, bulldozers, cranes, backhoes, rollers, loaders, or lifts. This use includes the selling of farm-specific vehicles such as tractors, tillers, farm trailers, back hoes, graders, boom lifts, and front-end loaders. This definition does not include “Vehicle Sales or Leasing”.

Fleet Services³⁵⁰

A central facility for the storage of licensed and operable vehicles used regularly in business operation, long-term storage of operating vehicles, and where such vehicles are not available for sale or lease. This definition includes but is not limited to couriers, delivery and express services, recreational touring fleets, taxi fleets, limousine services, and mobile-catering vehicle storage.

Parking Facility, Private³⁵¹

As a principal use, the lease, operation, or management of a commercial surface parking lot, above-ground parking structure, or below-ground parking structure in which fees are charged.

Parking Facility, Public³⁵²

As a principal use, the lease, operation, or management of a public-owned surface parking lot, above-ground parking structure, or below-ground parking structure in which fees may or may not be charged.

Transit Terminal or Station³⁵³

As a principal use, a facility where public transit vehicles load and unload patrons, and where patrons may transfer from between public transit lines. This definition includes park-and-ride or ride-sharing facilities but does not include the repair or maintenance of transit vehicles.

Vehicle Fuel Station³⁵⁴

A facility limited to retail sales to the public of gasoline, biodiesel, electricity, ethanol fuel blends, hydrogen, natural gas or other fuels for motor vehicles, as well as motor oil, lubricants, travel aides, and minor automobile accessories. Accessory uses may include convenience food and beverage sales and an automatic free-standing vehicle wash.

Vehicle Repair, Major³⁵⁵

An establishment primarily engaged in vehicle repair, rebuilding, reconditioning, or mechanical servicing of motor vehicle engines, transmissions, frames, including auto body repairs, frame work, welding, and major painting. This definition does not include “Vehicle Fuel Station” or “Vehicle Wash.”

³⁴⁹ New.

³⁵⁰ Replaces “limousine service” and “courier and messengers” and includes a more broad definition to include other similar uses. New definition, currently not defined.

³⁵¹ Consolidates “commercial parking garage or structure,” “commercial surface parking lot,” “parking and parking structures,” “private surface parking lot (for overflow or nonrequired parking as a principal use or located on a separate lot from the main use),” “private parking garage or structure (for overflow or nonrequired parking as a principal use or located on a separate lot from the main use),” and “parking lot without public garage or automobile facilities for the parking of passenger cars and trucks of less than one ton capacity only.” New definition, listed terms are currently not defined.

³⁵² New. Includes “public garage, parking, no repairs.

³⁵³ Consolidates “bus or truck terminal,” “bus passenger terminal,” “bus timed transfer center,” “railroad passenger terminal,” “railway right-of-way and tracks, passenger [and railway passenger] station but not including railroad yards, team tracks or storage yards,” “transit facilities,” and “urban transit system.” New definition, listed terms currently not defined.

³⁵⁴ Consolidates “fuel station,” “fuel station with convenience store,” “and gasoline service stations and/or convenience stores.” New definition, listed terms currently not defined.

³⁵⁵ New. Includes “paint shop.”

Vehicle Repair, Minor³⁵⁶

An establishment primarily engaged in providing minor motor vehicle repair services such as lubrication, oil and tire changes, engine tune-ups, brake repair, tire replacement, interior and exterior cleaning and polishing, installation of after-market accessories such as tinting, anti-theft devices, spoilers, sunroofs, headlight covers, and similar items. This definition does not include engine degreasing or other major repairs included in the definition for “Vehicle Repair, Major.” This definition does not include “Vehicle Fuel Station” or “Vehicle Wash.”

Vehicle Sales or Leasing³⁵⁷

An establishment that specializes in the sale, display, lease, rental, or storage of light motor vehicles, including automobiles, vans, light trucks, light trailers, boats, ATVs, snowmobiles, and recreational vehicles. This definition does not include salvage operations, scrap operations, vehicle impound yards, or private parking facilities available for short-term use.

Vehicle Wash³⁵⁸

A facility for washing, cleaning, drying, and waxing of passenger vehicles, recreational vehicles, or other light motor vehicles. This definition includes a facility that is self-service or attended by an employee.

7.2.4 Industrial

Manufacturing and Processing

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction, or any other treatment of any article, substance, or commodity, in order to change its form, character, or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

Commercial Laundry Facility³⁵⁹

An establishment that cleans clothing, carpeting, drapes, and other cloth or synthetic fiber materials using a chemical process.

Food Production or Processing³⁶⁰

A facility that produces food, including but not limited to candy, baked goods, tortillas, ice cream, or any other food for human consumption in its final form. Such food is then distributed to retailers or wholesalers for resale on or off the premises.

Manufacturing, Artisan³⁶¹

An establishment or business where an artist, artisan, or craftsperson teaches, makes, or fabricates crafts or products by hand or with minimal automation and may include direct sales to consumers. This definition includes but is not limited to small-scale fabrication, manufacturing, and other small-scale low-impact industrial uses and processes such as welding and sculpting.

Manufacturing, Low-Impact³⁶²

Industrial operations relying on the research and development, assembly, distributing, fabricating, manufacturing, packaging, processing, recycling, repairing, servicing, storing, or wholesaling of goods or products, using parts previously developed from raw material. Low-impact manufacturing uses include

³⁵⁶ Consolidates “auto seat covers, covering,” “sales and installation of automotive batteries,” “sales and installation of automotive tires.” New definition, listed terms currently not defined.

³⁵⁷ Replaces “automobile equipment rental and leasing.”

³⁵⁸ Renamed from “auto laundry.” New definition, currently not defined.

³⁵⁹ Renamed from “commercial laundry and cleaning plant.” New definition, currently not defined.

³⁶⁰ Consolidates “bakery” and “frozen food lockers.” New definition, listed terms currently not defined.

³⁶¹ New.

³⁶² Replaces “machine shop” and “beverage container recycling and processing facility.” New definition, currently not defined.

only those uses that will not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, and where such processes are housed entirely within an enclosed building.

Resource or Mineral Extraction³⁶³

The exploration or extraction of natural resources or mineral deposits, including but not limited to hydrocarbon substances, limestone, coal, sand, rock, clay, dirt, gravel, and other materials, and quarry aggregate from their natural occurrences on affected land.

Storage and Warehousing

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

Contractor’s Office³⁶⁴

A building used to store and maintain construction equipment and other materials and facilities customarily required in the building trade by a construction contractor. This use may include showrooms and shops for the display and sale of electrical, plumbing, heating, air conditioning, sheet metal, and other material in connection with contracting services.

Storage, Self-Service³⁶⁵

A building or group of buildings consisting of individual, self-contained units that are leased to individuals, organizations, or businesses for self-service storage of personal property.

Storage, Outdoor³⁶⁶

The storage of any material outside of an enclosed building for a period greater than 24 hours, including but not limited to storage of items awaiting processing or repair. This definition does not include “Parking Facility, Public,” “Parking Facility, Private,” “Fleet Services,” or any outdoor display areas for “Vehicle Sales and Leasing” and “Equipment Sales and Rental.”

Warehouse or Wholesale Facility³⁶⁷

A building or area for storage, wholesale, and/or distribution of goods and materials, supplies, and equipment that are manufactured or assembled off-site, and where all related activities are housed entirely within an enclosed building. This definition does not include the bulk storage of materials that are flammable or explosive or that create hazardous or commonly recognized offensive conditions. Accessory uses may include associated retail and office uses.

Utilities and Communication

Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

³⁶³ Renamed from “rock quarries, sand, gravel, and earth excavations.” New definition ,currently not defined.

³⁶⁴ New. Includes “exterminating company.”

³⁶⁵ Renamed from “self-service storage facility.” Replaces current definition.

³⁶⁶ New.

³⁶⁷ New.

Communication Facility³⁶⁸

Antennas and antenna tower structures including, but not limited to, any towers, equipment enclosures, or other structures intended for use in connection with the wireless transmission or receipt of radio, television, or any other electromagnetic spectrum-based transmissions or receptions. This definition does not include satellite reception dishes less than 39-inches in diameter, wireless communication facilities that are completely located within a structure and that operates with the sole purpose of providing communications within that structure, amateur radio communications, and hand-held wireless communications devices.

Public Utility, Major³⁶⁹

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. This use includes but is not limited to electric substations, natural gas regulator stations, telephone switching stations, water pressure control facilities, and sewage lift stations, regional stormwater drainage facilities, and water and sewer treatment facilities. Major public utilities are of a size and scale found only in scattered sites throughout the Town.

Public Utility, Minor³⁷⁰

A facility used to convert electric power, natural gas, telephone signals, cable/fiber optic communications, and water services from a form appropriate for transmission over long distances to a form appropriate for residential household or commercial use, or vice versa. Minor public utilities are of a size and scale commonly found in all areas of the Town including but not limited to electrical distribution lines, poles, or cables; switch boxes; transformer boxes; relay and booster devices; and well, water and sewer pump stations.

Satellite Earth Station

An accessory structure for the principal use of receiving communications from a transmitter or transmitter relay located in planetary orbit.

Solar Energy System

A device or combination of devices or elements that rely on direct sunlight for the following uses; heating or cooling of a structure or building; heating or pumping of water; or generating electricity.

Wind Energy System, More than 100 kW

A facility or equipment that converts wind energy into electrical power for the primary purpose of sale, resale, or off-site use and that has an output rating greater than 100 kW.

Wind Energy System, Less than 100 kW³⁷¹

A facility or equipment that converts wind energy into electrical power primarily to support the principal use(s) on the same property, that is mounted to the ground or a rooftop, and that has a rated capacity of 100 kW or less.

³⁶⁸ Consolidates “antenna support structure (excluding support structure for amateur radio broadcasting” and “communications tower (excluding antennas or support structures for amateur radio communications.” The “communications tower” use listed in the Belt Line use table references §0600; we are unsure what standard this is attempting to reference. New definition, currently not defined.

³⁶⁹ Divided existing utility uses into separate categories, based on the size and scale of the use. Includes “gas and electrical public utility regulating stations,” “natural gas distribution system,” “water supply reservoir, water pumping plant, tower or artesian well,” “electricity power distribution system,” and “water wells, water storage and pumping facilities owned by the Town of Addison.” Also includes elements from “any installation of public utility, either privately or publicly owned...” New definition, currently not defined.

³⁷⁰ New definition, current not defined.

³⁷¹ Replaces current definition for “wind energy system.” The current definition allows for a system rated up to 10 kW; however, we commonly see the threshold between “small” and “large” established at 100 kW. Additional standards related to height, design, etc. are included in the use-specific standards. New definition ,currently not defined.

7.2.5 Accessory Uses³⁷²

A use that is incidental and subordinate to the principal use of the lot, building, or another structure on the same lot. Specific use types include:

Alcohol Sales, On-Premise Consumption³⁷³

The accessory or incidental sale of alcoholic liquors (including beer, wine, and spirituous liquors) by a licensed establishment for consumption on-site.

Drive-Through³⁷⁴

An establishment, building feature, or equipment that allows an occupant of a vehicle to make use of the principal service or business on the lot without leaving their vehicle.

Drop Box, Self Service³⁷⁵

An accessory or incidental use that serves as a drop-off point for temporary storage for non-hazardous recoverable or recyclable goods such as, but not limited to, newspapers, glassware, plastics, and metal cans. This definition also includes a portable container for the acceptance of nonhazardous donations that can be emptied and readily moved. This definition does not include the on-site processing of such items.

Dwelling, Accessory (ADU)³⁷⁶

A subordinate dwelling unit added to, created within, or detached from a single-family residence, that contains a dwelling that is subordinate to a principal single-family detached dwelling and that provides basic requirements for living, sleeping, cooking, and sanitation. A HUD-Code manufactured home, mobile home, camper, or recreational vehicle shall not be considered an accessory dwelling unit.

Guest Quarters³⁷⁷

A structure, attached or detached to a principal dwelling, used to house guests of the occupants of the principal dwelling, and owned by the owner of the principal dwelling.

Home Occupation³⁷⁸

An activity or occupation carried on within a dwelling by members of the family occupying the dwelling, and where the use of the home as an occupation shall be incidental and subordinate to the use of the home as a dwelling, and are managed in such a way that does not change the character of the dwelling or adversely affect surrounding properties. This definition does not include uses protected by the provisions of the federal Fair Housing Act Amendments of 1988.

³⁷² Did not carry forward "accessory use located on a separate lot or parcel from the main use," "bus parking or storage (accessory to an institutional use)," "community, social, hobby, or laundry facilities, for use by occupants of a development within the district," "garage, community (residential)," "garage, private (residential)," "garages, workshops, and carports," "kiosk, food sales and service," "kiosk, informational," "other uses customarily incidental to permitted uses," "private parking garage or structure (accessory to main use on same lot)," "private surface parking lot (accessory to main use on same lot)," "private swimming pools," "religious organizations or facility (ancillary building)," "satellite television reception dish (39" or less in diameter)," "storage building, swimming pool, hot tub or sauna (private)," "support activities for rail transportation," "tennis court, lighted (private)," "or "tennis court, unlighted (private)." These uses are either not relevant or fall into one or more other accessory use types defined in this UDC.

³⁷³ New definition, term is currently not defined.

³⁷⁴ New.

³⁷⁵ New.

³⁷⁶ New.

³⁷⁷ Replaces reference to "bona fide servant quarters" in the R-1 zoning district and the definition for "servant's quarters." Relocated standards prohibiting rental of the guest quarters to the use-specific standards.

³⁷⁸ Consolidates "home occupations" and "home office." Replaces current definitions; standards regulating home occupations in the current definitions have been relocated to the use-specific standards section.

Valet Parking Service³⁷⁹

A parking service offered to patrons of a businesses where the patron allows their vehicle, bicycle, or other means of travel to be parked for them by an attendant. This definition includes vehicle drop-off and pick-up areas as well as associated attendant desks, podiums, and the like.

Caretaker’s Quarters³⁸⁰

A residential dwelling unit located on the premises of another principal use for the occupancy of a caretaker, security guard, or other person charged with oversight or protection of the principal use.

7.2.6 Temporary Uses

Any use that is established only for a fixed period of time, which must be discontinued upon the expiration of the time limit provided in this UDO, and that does not involve the construction or alteration of any permanent structure as distinguished from the same uses when permitted in full compliance with all applicable zoning, site plan, construction, and permit requirements. Temporary uses shall include uses conducted from tents, trailers, and other temporary structures not erected under the state and city permit processes for permanent buildings. The term "temporary use" shall not include events sponsored by the public on park, right-of-way, or other public lands. Specific use types include:

Construction Support Activities³⁸¹

A temporary modular building located at a construction site which serves only as an office or for security purposes until the given construction work is completed. This includes contractor’s offices, equipment storage, and portable lavatories.

Mobile Food Truck Park, Temporary³⁸²

A temporary use of a lot on which one or more food trucks sell food and/or beverages to the public, and on which the public may consume food and/or beverages.

Mobile Food Vendor³⁸³A motor vehicle or trailer with a current vehicle registration designed and equipped for the preparation and sale of food and/or beverages.

Outdoor Retail and Display³⁸⁴

An area for the outdoor retail and display of goods, produce, plants, handcrafts, and the like that is on the same lot or parcel as the principal business with which such activities are associated. This definition includes merchandise dispensing units placed adjacent to and outside of a business. This definition does not include the display of merchandise customarily found on fuel pumps or fuel pump islands.

Portable Storage Structure³⁸⁵

Any container, storage unit, shed-like container, or other portable structure that can or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements.

³⁷⁹ Includes “taxi stand.” “valet parking service” and “valet parking service stand” are currently defined in several sections of the *Code of Ordinances*, including: Chapter 22, Article V, Sec. 22-201; Chapter 70, Article VII, Sec. 70-320; and Chapter 78, Article IV, Sec. 78-180. We recommend those definitions be replaced with the one proposed in this UDC.

³⁸⁰ Consolidated “dwelling quarters in connection with any industrial plant for watchmen and caretakers employed on the premises and provided further any existing dwelling,” “caretaker or nigh watchman’s,” and “rectory or parsonage (accessory to church on same lot).” New definition, currently not defined.

³⁸¹ Renamed from “temporary buildings to be used for construction purposes only.” Relocated standards from definition to the use-specific standards section. New definition, currently not defined. Last sentence is new.

³⁸² New.

³⁸³ New.

³⁸⁴ Renamed from “outside display.” New definition, currently not defined.

³⁸⁵ From current Chapter 18, Article 3, Sec. 18-134.

Real Estate Sales or Model Home

A dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development within the Town. Before occupancy by a family, a model home may be used as a temporary sales office serving the development in which it is located.

Seasonal Sales³⁸⁶

The temporary sale of goods or products associated with the season or a cultural event, including but not limited to the sale of healthy, nonhazardous, cut or live evergreen trees, wreaths, tree stands, pumpkins, fireworks, and seasonal produce.

Special Event³⁸⁷

A temporary use on public or private property that extends beyond the normal uses and standards allowed by this UDC. "Special event" includes, but is not limited to, fundraising activities, educational, historic, religious, and patriotic displays or exhibits, circuses, amusements, outdoor concerts, festivals, revivals, street fairs, outdoor arts and crafts fairs, and other organized community events.

7.3 Other Defined Terms³⁸⁸

The following words, terms and phrases when used in this UDC, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

Abandon³⁸⁹

With regard to the AA District as defined: (i) in the Airport’s governing documents (including without limitation the prevailing Addison Airport’s Minimum Standards and Requirements for Commercial Aeronautical Service Providers and the Addison Airport’s Rules and Regulations, each subject to amendment from time from time; (ii) any lease, license or permit issued or entered by the Town of Addison, or (iii) by law.

Adult Arcade

Any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

Adult Bookstore or Adult Video Store

A commercial establishment which as one of its principal business purposes openly advertises, displays or offers for sale or rental for any form of consideration any one or more of the following:

- 1) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes or video reproductions, slides, or other visual representations which depict or describe specified sexual activities or specified anatomical areas; or
- 2) Instruments, devices, or paraphernalia which are designed for use in connection with specified sexual activities.

Adult Cabaret

A dance hall, nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- 1) Persons who appear in either a state of nudity or a state of seminudity, or a state of simulated nudity;

³⁸⁶ Renamed from “lots and/or business operating the sale of Christmas trees.” Relocated date limitations to the use-specific standards. New definition is more broad, currently not defined.

³⁸⁷ New.

³⁸⁸ All airport-related definitions will be collected into one section in the Consolidated Draft.

³⁸⁹ Replaced current definition.

- 2) Live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities;
- 3) Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; or
- 4) Dance, drama, opera, musical, lingerie modeling, or other similar live performances presented to the public and which are advertised either on or off the premises as:
 - a) Topless;
 - b) Adult entertainment;
 - c) X-rated;
 - d) Nude;
 - e) Seminude; or
 - f) By other terms calculated to attract patrons with nudity, or seminudity.

Adult Motel

For purposes of sexually oriented business regulations, a hotel, motel or similar commercial establishment which:

- 1) Offers accommodations to the public for any form of consideration, provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas, and has a sign visible from the public right-of-way which advertises the availability of this adult type of photographic reproductions;
- 2) Offers a sleeping room for rent for a period of time that is less than ten hours; or
- 3) Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten hours.

Adult Motion Picture Theater

A commercial establishment which, as one of its principal business purposes, regularly shows for any form of consideration films, motion pictures, videocassettes, slides, or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity, simulated nudity and/or seminudity, or live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

Air Traffic Control Tower (ATCT or Tower)

The facility from which FAA-authorized personnel provide instructions to aircraft and approved vehicles operating on and/or within the vicinity of the airport movement areas via two-way radio communications or light gun signals.

Air Traffic Controller (ATC)

FAA-authorized personnel who are responsible for the control, separation, and movement of aircraft in the air or on ground and to regulate the movement of vehicles, provide instructions to aircraft and authorized vehicles operating on and/or in proximity of the Airport Movement Area via two-way radio communications or light gun signals from the tower.

Aircraft

Any device intended, used, or designed for flight in the air.

Aircraft Maintenance³⁹⁰

The repair, maintenance, alteration, calibration, adjustment, preservation, or inspection of Aircraft airframe, powerplant, propeller, and accessories (including the replacement of parts) as described in 14 CFR Part 43.

Aircraft Parking and Storage Areas

Those hangar and apron locations of the airport designated by the Airport Director for the parking and storage of aircraft.

Airport³⁹¹

The area of land owned by the Town and known as Addison Airport, which is now or hereafter designated and set aside for the landing and taking off of aircraft, and accessory or appurtenant uses, facilities and improvements thereto, and used or to be used in the interest of the public for such purposes.

Airport Director³⁹²

The person (or designee), appointed by the Town that is responsible for the overall administration and day-to-day operation and management of the Airport.

Airport Elevation

The established elevation of the highest point on the usable landing area measured in feet from mean sea level.

Airport Hazard

A structure or object of natural growth that obstructs the air space required for the taking off, landing, and flight of aircraft or that interferes with visual, radar, radio, or other systems for tracking, acquiring data relating to, monitoring, or controlling aircraft.

Airport Hazard Area

An area of land or water on which an airport hazard could exist.

Airport Layout Plan (ALP)

The City Council's most recently accepted scaled drawing of existing and proposed land and facilities necessary for the operation and development of the airport, which has been submitted to the FAA for approval or approved by the FAA.

Airport Operating Area (AOA) Access Training Program³⁹³

The current training class or course offered by the Airport Director (or designee) to provide awareness and teach how an individual shall access and navigate the Airport safely and correctly. Completion of this course or class is required for any person desiring unescorted access to the AOA and/or Airport Common Areas

Airport Operations Area (AOA) or "Airside"

The portion of the airport, paved and unpaved, specifically reserved for the use of the actual operators of licensed aircraft, the aircraft crews, passengers of the aircraft, employees of the Town and of any entity or person that operates and manages the airport for the Town, and such other persons as may be authorized to enter thereon by reason of their official duties in connection with the maintenance, inspection, and operation of the aircraft and airport. Generally, the airport operations area is that portion of the airport which lies inside the airport perimeter security fence giving direct access to any aircraft and its movement area.

³⁹⁰ Replaces current definition.

³⁹¹ Expands current definition.

³⁹² Replaces current definition.

³⁹³ Replaces Ground Vehicle Training Program.

Airport Reference Point

The point established as the approximate geographic center of the airport landing area and so designated.

Airport Zoning Board

The Planning and Zoning Commission appointed pursuant to the comprehensive zoning ordinance of the Town.

Alley³⁹⁴

A minor or secondary right-of-way that provides only a secondary means of access to abutting property and that is used primarily for vehicular service to the back or side of properties that otherwise front on a street.

Approach Surface

A surface longitudinally centered on the extended runway centerline, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 14-123. In plan the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transitional, Horizontal and Conical Zones

The zones as are set forth in section 14-122.

Apron

For purposes of airport regulations, a paved area that is located adjacent to an aircraft hangar door and allows the maneuvering of aircraft to and from the hangar it serves.

Arterial Street

Any street with a functional classification of “arterial” as indicated in the *Addison Master Transportation Plan*.

Authorized Person

For purposes of airport regulations, a person that has successfully completed a Ground Vehicle Training Program and possesses a permit described in Chapter 14, Article 3, Sec. 14-68(a)(1), of the Addison Code of Ordinances, and all persons that have been granted access to the airport by Federal, State, or other law.

Board of Zoning Adjustment

The Board of Zoning Adjustment appointed to hear appeals under the comprehensive zoning ordinance of the Town. Such board shall also hear all appeals and be invested with all authority as provided by TLGC Chapter 241.

Building³⁹⁵

Any structure or building for the support, shelter, and enclosure of persons, animals, possessions, or movable property of any kind, and any additions or changes thereto including, but not limited to, garages, outside platforms, docks, carports, canopies, eaves, and porches and all projections or extensions therefrom. For purposes of airport regulations, the main portion of any vertical structure or fixture constructed on airport land, including but not limited to, the aircraft hangar, hangar doors and any wing pocket for same, attached or detached office, shop, retail or storage facility, shade-port or patio-hangar, as the case may be, protrusion of hangar door, all projections or extensions therefrom.

Building Façade, Primary

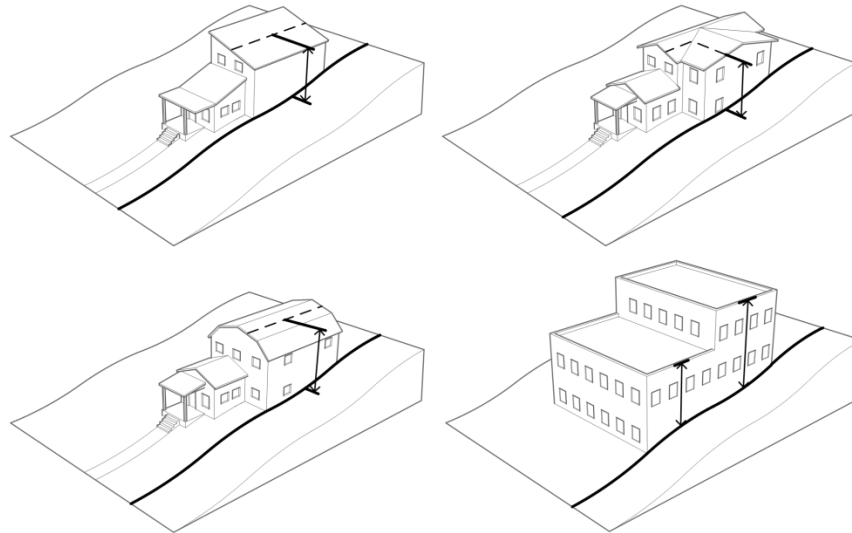
Any façade that faces a public street or open space.

³⁹⁴ Replaces current definition.

³⁹⁵ Expands current definition.

Building Height³⁹⁶

The height of a building measured as the vertical distance above the average finished grade measured to the highest point of the roof of a flat roof or to the deck line of a mansard roof, or to the midpoint of the highest gable of a pitched or hipped roof.



Building Official

The Building Official of the Town of Addison or their designated representative.

Build-to

An alignment establishing a certain distance from the front property line where a building must be constructed.

Business

Any for-profit or non-profit commercial, industrial, or professional operation, occupation, work, or trade, or any other business of any kind, including, without limitation, any sole proprietorship, partnership, limited partnership, joint venture, association, corporation, limited liability company, franchisee, cooperative, or any other entity recognized by law that owns, leases, or occupies any premises.

Church

For purposes of sexually oriented business regulations, a regular place of religious worship.

Collector Street

Any street with a functional classification of “collector” as indicated in the *Addison Master Transportation Plan*.

Commercial Aeronautical Activity (CAA)

The operation of a business enterprise providing aviation-related goods, services, or facilities for a commercial purpose, including but not limited to, any activity by the operator securing earnings, income, compensation, including the exchange or barter of goods or services, and/or profit from said activities, whether or not such objectives are accomplished, to users of the airport and approved by the Town. This definition includes fixed-based operation (FBO), as that term is generally used by the FAA.

³⁹⁶ Did not carry forward last sentence exempting some architectural features, those are addressed in building height exceptions. Replaces current definition, did not carry forward references to the street lot line or average natural ground level. Illustration is new.

Common Area³⁹⁷

For purposes of airport regulations, that portion of the airport, which is now or hereafter considered by the FAA, TxDOT, the Town, or any other regulatory agency with oversight of the airport to be the obligation and responsibility of the Town to operate and maintain for the common use and benefit of the general aviation public. The common area includes, without limitation, any air navigation facility or structure designed and intended to serve the general public not specifically subject to a lease agreement; all runways, taxiways and other common-use paved, graveled or turfed areas and their respective protection zones, safety areas and/or object-free areas; any other facility or facilities at the airport that are eligible for Federal or State grants or subsidies awarded on the basis of their serving the benefit of the public (including runways, taxiways, vehicle streets and alleys, public aircraft aprons/tarmac, vehicle parking areas, and drainage structures); field lighting and associated beacon and lighted wind and landing direction indicators; security, fire, and emergency medical protection; protection of aerial approaches to the airport; directional signs; and perimeter or restricted-access fences. The common area is under the control and management of the Town and may be rearranged, modified, changed or terminated at the Town's discretion. The common area is shown in Appendix 1: *Addison Airport Common Area Map*, which appendix is on file in the office of the Airport Director and which is incorporated into and made a part of this UDC, which identifies the common area as both the red shaded and yellow shaded areas.

Conical Surface

A surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to one for a horizontal distance of 4,000 feet.

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 UDC or the project involving such activity.

Director³⁹⁸

Unless otherwise specified, the Director of Development Services or their designee.

Disabled Aircraft

An aircraft that has become disabled as the result of an incident, accident, mechanical failure, or for any other reason on any portion of the airport.

Dwelling, Manufactured Home (HUD-Code)

A structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or 40 body feet or more in length, or, when erected on-site, is 400 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes plumbing, heating, air conditioning and electrical systems. The term does not include a recreational vehicle as defined by 24 C.F.R. §3282.8(g).

Dwelling Unit

A building or portion of a building which is arranged, occupied, or intended to be occupied as living quarters.

Efficiency Unit

A dwelling unit in a multifamily structure having a combination living and bedroom. (No separate bedroom.)

³⁹⁷ Town staff to provide revised *Addison Airport Common Area Map*.

³⁹⁸ New.

Employee

For purposes of airport regulations, an individual who works for an aircraft owner, and for which the aircraft owner files federal income taxes and tax withholding with the IRS on behalf of the employee.

Entity

For purposes of airport regulations, a person, firm, corporation, partnership, limited liability company, or other entity recognized in law.

Equipment

For purposes of airport regulations, equipment, machinery, tools and other supplies and materials.

Escort

For purposes of airport regulations, a person and/or vehicle authorized to access the AOA who accompanies and is responsible for the actions of another person and/or vehicle that is otherwise not authorized to access the AOA. For purposes of sexually oriented business regulations, A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees to offer to privately model lingerie or to privately perform a striptease for another person.

Escort Agency

A person or business association who furnishes, offers to furnish or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.

Establishment

For purposes of sexually oriented business regulations, includes any of the following:

- 1) The opening or commencement of any sexually oriented business as a new business;
- 2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
- 3) The addition of any sexually oriented business to any other existing sexually oriented business; or
- 4) The relocation of any sexually oriented business.

FAA

The Federal Aviation Administration.

Family

Any number of individuals living together as a single housekeeping unit, in which not more than four individuals are unrelated by blood.

Fuel Farm

A facility located on the airport owned by the Town and leased, in whole or in part, to third parties in which aboveground bulk fuel storage tanks are located and which facility is designed to contain fuel spills or leaks from entering the environment.

Gross Floor Area (GFA)³⁹⁹

The total floor area of all stories of a building or buildings, measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage (including basements), but not including any uncovered or unenclosed porches, patios, or decks.

³⁹⁹ Replaces current definition.

Hangar⁴⁰⁰

Any fully or partially enclosed storage facility for aircraft shelter .

Hazard to Air Navigation

An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height

For the purpose of determining the height limits in the Airport Overlay (AO) zone, the datum shall be mean sea level elevation unless otherwise specified.

Horizontal Surface

A horizontal plane 150 feet above the established airport elevation, the perimeter of which plane coincides with the perimeter of the horizontal zone.

Impervious Coverage⁴⁰¹

Any hard surface, man-made area that does not absorb water, including principal and accessory building roofs, sidewalks, paved parking, driveways, and other paved surfaces.

Landing Area

The surface area of the airport used for the landing, take-off or taxiing of aircraft.

Landmark Building

Buildings that are located on axis with a terminating street or at the intersection of streets. Such buildings shall incorporate architectural features that address height and articulation in order to emphasize the importance of such a location.

Lease

For purposes of airport regulations, a written contractual agreement by and between the Town and an entity granting the entity the exclusive right to use and occupy certain airport land and/or facilities in consideration of the payment of rent and other terms and conditions. In addition, lease also includes a sublease agreement between an airport tenant (who has a legal and authorized lease with the Town) and an entity in which the tenant grants to the entity a right to use and occupy all or a portion of the airport land and/or facilities that the tenant leases from the Town, but only if the sublease was properly contracted, executed and agreed to according to the rules and regulations and was consented to in writing by the Town.

Local Street

Any street with a functional classification of "local" as indicated in the *Addison Master Transportation Plan*.

Lot⁴⁰²

A designated parcel, tract or area of land established by a plat or otherwise permitted by law to be used, developed or built upon as a unit.

Lot, Corner

a lot situated at the junction of two or more dedicated public streets.

Lot, Interior

A lot situated in a block with frontage on only one dedicated public street and specifically not a corner lot.

⁴⁰⁰ Replaces current definition.

⁴⁰¹ Replaces current definition for "lot coverage."

⁴⁰² Replaces current definition.

Lot Area⁴⁰³

The total horizontal area within the lot lines of a lot, said area to be exclusive of street right-of-way.

Lot Depth⁴⁰⁴

The horizontal distance from the midpoint of the rear of lot line to the midpoint of the front lot line.

Lot Lines⁴⁰⁵

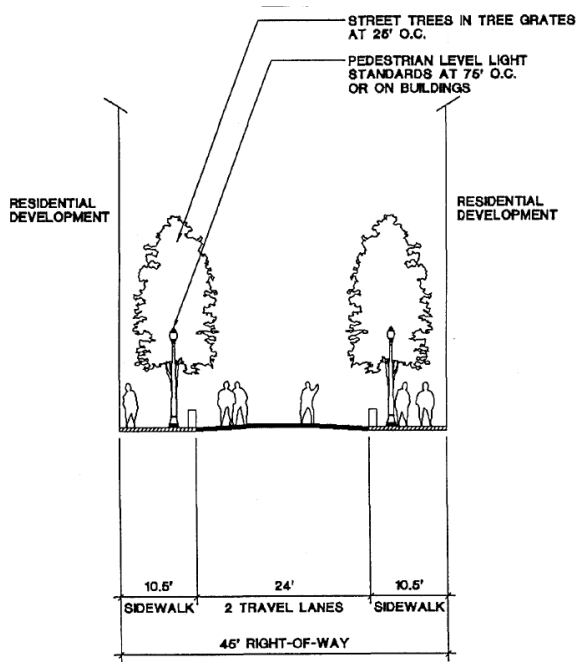
A boundary of a lot. "Lot line" is synonymous with "property line."

Lot Width⁴⁰⁶

The horizontal distance between the side lines, measured at the front property line adjacent to the public right-of-way. The lot width for a corner lot shall be measured along the right-of-way upon which the address is assigned.

Mew Street⁴⁰⁷

Any street conforming to the standards shown in **Figure ---**.



Minimum Standards⁴⁰⁸

The Airport's primary management and compliance document setting forth the minimum qualifications, standards and criteria to be met as a condition for the right to engage in commercial aeronautical activities at the Airport, which may be amended from time to time.

⁴⁰³ Replaces current definition for "area of the lot."

⁴⁰⁴ Replaces current definition.

⁴⁰⁵ Replaces current definition.

⁴⁰⁶ Replaces current definition.

⁴⁰⁷ Revised to include graphic from Ord. 095-019. Discussion Item: The "mew street" category is being carried forward for now, but may be folded into the "alley" category when the development standards chapter is drafted. Requires further discussion.

⁴⁰⁸ Replaces current definition.

Movement Area⁴⁰⁹

For purposes of Airport regulations, that portion of the common area, including taxiways and runways, which is used for takeoff, landing, taxiing, and maneuvering of aircraft, and which requires explicit authorization from the ATC prior to entry or access during the ATCT's hours of operation.

Nonconforming Use

Any pre-existing structure, object of natural growth, or use of land which is inconsistent with the provisions of this article or an amendment thereto.

Non-Movement Area⁴¹⁰

For purposes of Airport regulations, that portion of the common area which is used to provide a path for taxiing and maneuvering of aircraft to a taxiway (such as aprons, taxi lanes, and all other areas within the paved portions of the common area) and does not require prior permission from the ATCT to enter and access. The non-movement area is shown in Appendix 1: *Addison Airport Common Area Map*, which identifies the non-movement area as the yellow shaded area.

NTSB

The Federal National Transportation Safety Board.

Nude Model Studio

Any place where a person, who appears in a state of nudity, simulated nudity and/or seminudity, or displays specified anatomical areas, is provided, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons who pay money or any form of consideration.

Nudity or a State of Nudity

- 1) The appearance of bare human genitals, pubic region, buttocks, anus, female breast; or
- 2) A state of dress which fails to opaquely cover human genitals, buttocks, pubic region, anus, or areola or the female breast.

Obstruction

Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 14-123.

Operates or Causes to be Operated

For purposes of sexually oriented business regulations, to cause to function or to put or keep in operation. A person may be found to be operating or causing to be operated a sexually oriented business whether or not that person is an owner, part owner, employee, independent contractor, agent or licensee of the business.

Park or Parking

For purposes of Airport regulations, to stand an occupied or unoccupied vehicle, other than temporarily, while loading or unloading merchandise or passengers.

Patio Hangar

For purposes of Airport regulations, a hangar that consists of a multiple number of individual T-shaped bays or units, each suitable for the storage of a single aircraft, and each bay or unit of which is not fully enclosed.

⁴⁰⁹ Discussion Item: Town staff is verifying if this reference to the *Addison Airport Common Area Map* is still accurate.

⁴¹⁰ Discussion Item: Town staff is verifying if this reference to the *Addison Airport Common Area Map* is still accurate.

Permittee

For purposes of sexually oriented business regulations, a person in whose name a permit to operate a sexually oriented business has been issued, as well as any individual listed as an applicant on the application for a permit, and each person who must sign the application.

Person⁴¹¹

An individual, assumed name entity, partnership, joint venture, association, corporation, or other legal entity. For purposes of Airport regulations, an individual, corporation, company, association, firm, partnership, society, government, tenant, lessee, concessionaire, passenger, visitor, customer, contractor, and other entities doing business on, employed at, or otherwise using Town property as the context shall deem appropriate. It includes a trustee, receiver, assignee, successor or similar representative of any of them.

Precision Instrument Runway

A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved Airport Layout Plan or any other planning document.

Primary Entrance

The main entry to a building on a block face; any additional building entries may be considered a secondary entrance.

Primary Surface⁴¹²

A surface longitudinally centered on a runway that extends 200 feet beyond each end of that runway; the elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline; the width of the primary surface is 1,000 feet.

Principal Business Purpose

For purposes of sexually oriented business regulations, any business activity which accounts for 15 percent or more of any one of the following:

- 1) Gross revenues of the business;
- 2) Floor area of the business; or
- 3) Inventory.

Recreational Vehicle

Includes motor homes, campers, trailers, boats and other aquatic vehicles, all-terrain vehicles, and other vehicles used for recreational purposes.

Residential District

For purposes of sexually oriented business regulations, a single-family, duplex, townhouse, multiple-family or mobile home zoning district, located within the Town or located within the boundaries of any municipality which adjoins the boundaries of the Town.

Residential Use

For purposes of sexually oriented business regulations, a single-family, duplex, multiple-family, or mobile home park, mobile home subdivision, and campground use.

⁴¹¹ From current Chapter 70, Article VII, Sec. 70-320.

⁴¹² Expands current definition.

Rules and Regulations⁴¹³

For purposes of Airport regulations, a governance document setting forth the rules and regulations for the safe, secure, orderly, and efficient use of the Airport, as may be amended from time to time.

Runway⁴¹⁴

A defined area on an Airport developed and improved for the purpose of accommodating for the landing and takeoff of aircraft.

School

For purposes of sexually oriented business regulations, any public or private nursery, preschool, day care center, learning center, elementary or secondary school.

Seminude or State of Seminudity

A state of dress in which clothing covers no more than the genitals, pubic region, and areola of the female breast, as well as portions of the body covered by supporting straps or devices.

Semi-Public Use⁴¹⁵

A service or facility offered by a not-for-profit organization to the general public for either no charge or a nominal fee.

Service Provider

For purposes of Airport regulations, any person, operator or business on the Airport that has been authorized by the Town to offer a public service to aeronautical users of the Airport for a fee and has met the requirements of the minimum standards.

Setback

The minimum distance between a lot line and a building or structure required by this UDC.

Sexual Encounter Center

A business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- 1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
- 2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or seminudity.

Sexually Oriented Business

An adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio or sexual encounter center.

Simulated Nudity or State of Simulated Nudity

A state of dress in which any device or covering, exposed to view, is worn which simulates any portion of the genitals, buttocks, or pubic region or areola of the female breast.

Specified Anatomical Areas

Human genitalia.

⁴¹³ Replaces current definition.

⁴¹⁴ Replaces current definition.

⁴¹⁵ New.

Specified Sexual Activities

Includes any of the following:

- 1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- 2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- 3) Masturbation, actual or simulated; or
- 4) Excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3) of this definition.

Stand

For purposes of Airport regulations, to halt an occupied or unoccupied vehicle, other than temporarily, while receiving or discharging passengers.

Stoop

A structure that is located approximately at the level of the first floor of the structure and intended to provide access to a residential dwelling unit.

Street⁴¹⁶

Any thoroughfare or public driveway, other than an alley, and more than 20 feet in width, which has been dedicated or deeded to the public for public use.

Structure

An object constructed or installed by one or more persons and includes a building, tower, smokestack and overhead transmission line.

Substantial Enlargement of Sexually Oriented Business

The increase in floor area occupied by the business by more than 24 percent, as the floor area exists on the date of passage of the ordinance from which this article is derived.

Tailgating⁴¹⁷

For purposes of Airport regulations, also referred to as “Piggybacking,” is a form of unauthorized access caused by an unauthorized person following an authorized person or group through an controlled access point onto the AOA.

Taxi Lane

For purposes of Airport regulations, the portion of the apron or non-movement area used by aircraft for access between taxiways and aircraft parking positions.

Taxiway

For purposes of Airport regulations, a portion of the movement area that is used for taxiing aircraft from one part of the Airport to another.

T-Hangar

A hangar that consists of a multiple number of individual T-shaped bays or units, nested together with common demising walls, each suitable for the storage of a single aircraft, and each bay or unit of which can be fully enclosed by a door located within a single door opening.

⁴¹⁶ New definitions for “arterial,” “collector,” and “local” streets, currently not defined.

⁴¹⁷ Replaces current definition.

Tie-Down

For purposes of Airport regulations, the area, paved and designated by the Airport Director, suitable for parking of aircraft, and/or wherein suitable tie-down points have been located.

TLGC

The Texas Local Government Code.

Town

The Town of Addison, Texas, a home-rule municipality. For purposes of Airport regulations, the Town of Addison, Texas. Where approval, enforcement, or other act on the part of the Town is referred to herein, the Town shall act by and through its Town ordinances unless otherwise specifically indicated.

Townhouse⁴¹⁸

An attached single-family dwelling unit located on land owned by the unit owner and situated in a row of three or more similar horizontally attached dwelling units, each unit having its own separate access to the outdoors and its own separate water, sanitary sewer, ventilation and heating system, and inclusive of separate utility service lines and meters.

Transfer of Ownership or Control of a Sexually Oriented Business

Includes any of the following:

- 1) The sale, lease, or sublease of the business;
- 2) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
- 3) The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Transitional Surfaces

Surfaces that extend outward at 90-degree angles to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend 5,000 feet measured horizontally from the edge of the approach surface and at 90-degree angles to the extended runway centerline.

TxDOT

The Texas Department of Transportation or its successor entity.

Unauthorized Access

For purposes of Airport regulations, to gain access to the AOA without properly using an airport-authorized access control method, an escort or explicit authorization from the Airport Director to do so.

Unauthorized Person

For purposes of Airport regulations, a person that has not completed the Ground Vehicle Training Program and is not authorized to be within the common facility without an authorized person.

⁴¹⁸ New.

Vehicle⁴¹⁹

For purposes of Airport regulation, any device that is capable of moving itself, or being moved, from place to place upon wheels; but does not include any device designed to be moved by human muscular power or designed to move primarily through the air.

Yard⁴²⁰

A required open space located on the same lot as the principal structure, unoccupied and unobstructed except for accessory uses and landscaping.

Front Yard

A yard extended across the full width of and situated between the front lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the front yard that adjoins the public or private rights-of-way where the principal entrance is located and the street on which the dwelling address is assigned.

Side Yard

A yard extended across the full width of and situated between the side lot line and the principal structure extending from the front yard to the rear yard. In the case of a corner lot, the corner side yard shall extend from the front yard to the rear lot line.

Street Side Yard⁴²¹

A yard that adjoins the public or private rights-of-way, but does not contain the principal entrance nor the assigned dwelling address and is perpendicular to the front yard.

Rear Yard

A yard extended across the full width of and situated between the rear lot line and the principal structure extending to the side lot lines. In the case of a corner lot, the rear yard shall not extend past the corner side yard.

⁴¹⁹ Replaces current definition.

⁴²⁰ Replaces current definition.

⁴²¹ Replaces current "secondary front yard."

Article 8: Legacy District Regulations

8.1 A – APARTMENT DISTRICT REGULATIONS⁴²²

8.1.1 Use Regulations

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

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

8.1.2 Building Regulations

A. Area of Dwelling Unit

1. The minimum floor area per dwelling unit shall be as follows:

Efficiency	500 square feet
One bedroom	650 square feet
Two bedrooms	900 square feet
Three bedrooms	1,000 square feet

2. The city council may, after receiving a recommendation from the planning and zoning commission, approve a variance to the minimum areas allowed provided they are well assured of additional quality being built into the project. Covenants or restrictions may be used to ensure that these assurances are met.
3. Type of materials. Apartment and accessory buildings shall be constructed of standard masonry construction. Vertical exterior walls shall not contain more than 20 percent no masonry materials, excluding window and door openings. The city council may, after receiving a recommendation from the city planning and zoning commission, approve an alternate architectural design that is equal to masonry in appearance and maintainability.

8.1.3 Height Regulations

- A. No apartment building may exceed two standard stories in height.
- B. The structural height of any apartment building erected on a lot abutting a single-family residential area shall be limited to one story for 150 feet from the single-family residential boundary, inclusive of streets and alleys.

⁴²² From current Appendix A, Article VIII: "A" Apartment District Regulations.

- C. The city council may, after receiving a recommendation from the city planning and zoning commission and after holding a public hearing, approve a height in excess of the above, subject to appropriate safeguards and conditions.

8.1.4 Area Regulations

A. Lot Area and Dimensions

- 1. Lot area. The minimum lot area shall be one acre.
- 2. Lot dimensions. The minimum lot dimensions shall be:
 - a. Minimum width. Two hundred feet.
 - b. Minimum depth. Two hundred feet.
- 3. Lot area per dwelling unit. The minimum lot area per dwelling unit shall be 1,400 square feet for each efficiency, 1,600 square feet for each one bedroom, 1,800 square feet for each two bedroom and 2,000 square feet for each three bedrooms. The maximum lot coverage shall not exceed 35 percent.

B. Front Yard

- 1. There shall be a front yard having a minimum depth of 30 feet; subject, however, to the following exceptions:
- 2. Exceptions to front yard requirements: Along streets already having a uniform building line, new structures shall conform to that so existing. If there is a variance in the depth of those already existing in the same block and on the same side of the street as the lot to be built on, the building line of the new building shall conform to that of the building on its right when looking toward the street. If such new building is to be constructed on a corner lot, the building line shall conform to that of the building nearest thereto on the same side of the street in the same block. In no event shall a building line set back less than 30 feet or more than 50 feet from the front lot line be required.
- 3. On corner lots, the required front yard shall be required on both sides.
- 4. Where lots have double frontage, running through from one street to another, the required front yard shall be provided on both streets.
- 5. No structures shall be located in the required front yard or in a required side yard abutting a street. This includes parking areas, swimming pools, and other recreational facilities, but does not prohibit decorative items such as fountains, sculptures, flag poles or decorative screen walls 30 inches or less in height which are an integral part of a landscaping scene.
- 6. No parking shall be allowed in any front yard area. However, drives of ingress and egress from the public street to the parking area shall be allowed to cross the front yard.

C. Side Yard

- 1. Where the ends of the building are adjacent to and parallel to the side lot line, the side yard shall be not less than 20 feet.
- 2. Where the long sides of the apartment building, other than the ends, are adjacent to or parallel to the side lot lines, the side yard shall be not less than ten percent of the length of the building side adjacent to the side yard, but in no case shall the side yard be less than 20 feet.
- 3. Where the long dimension of such building is parallel to another building in a project, a side yard of 15 feet shall be provided on each side of each building so that the walls of buildings arranged as parallel structures shall be a minimum of 30 feet apart and no balcony or canopy shall extend into such side yard or space for a distance greater than five feet.

D. Courts

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

E. Rear Yard

Each apartment lot shall have a rear yard area extending the full width of the lot of a depth of not less than 25 feet.

F. Unusable Land Areas

No pond, creek or other usable terrain shall be changed without the approval of the Town.

G. Overhang and Fireplaces

The minimum setback requirements shall apply in all cases, except that fireplaces, eaves, bays, balconies, and fireproof outside stairways may extend up to a minimum of 3½ feet into the required front, side or rear yards.

H. Patios and Balconies

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

8.1.5 Parking Regulations

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

A. Number of Spaces

Adequate off-street parking spaces shall be provided to meet the requirements of the residents and their guests in each apartment project, but in no event shall the number of spaces provided be less than one for each efficiency, 1½ for each one bedroom unit, two for each two bedroom unit and 2½ for each three bedroom unit.

B. Area Regulations

1. Locations of parking and loading spaces shall be included on the site plan, and only those locations shall be used for parking or loading.
2. No off-street parking or loading area shall be located in any minimum required side, or rear yard, unless a solid sight-barring fence is erected along the property line.
3. No off-street parking or loading space shall be located within four feet of any building. A curb or equivalent barrier shall be placed to prevent any vehicle from parking within a minimum distance of four feet from a building.
4. No parking space shall be located more than 100 feet pedestrian travel distance from the entrance to the dwelling unit which it is intended to serve. Such parking spaces must be visible from the entrance to the apartment building they are intended to serve.

C. Development and Maintenance

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

D. Storage of Additional Cars, etc.

All complexes must provide an additional parking space for every ten units for the storage of recreational vehicles, boats and additional cars.

8.1.6 Accessory Buildings

Accessory buildings and uses shall be permitted only to the extent necessary and normal to the limited types of uses permitted in this district. All accessory buildings which are not a part of the main buildings shall be separated from the main buildings by a minimum of 15 feet. Final determination of location, height, and arrangement will be made by site plan approval.

8.1.7 Refuse Facilities

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

8.1.8 Recreational Facilities

A. Requirements

Recreational space and facilities shall be provided and maintained on the site at the rate of not less than 400 square feet for each dwelling unit. Such recreational space may include playgrounds, pools, tennis courts and landscaped open spaces. No recreational space or facilities shall be placed in minimum side yards or front yards or between buildings less than 30 feet apart.

B. Swimming Pools

Swimming pools, as an accessory structure to a principal building, shall be subject to approval by the city planning and zoning commission after taking into consideration the location and size of the plot, the site, the detailed plans of such swimming pool and any required accessories; and such other factors as may be required for health, safety and general welfare of the community. In addition, the city planning and zoning commission may require that any swimming pool, including mechanical equipment, be located at such distance from any property line as not to interfere with the peace, comfort and repose of the occupant(s) of any adjoining building or residence. Any lights illuminating such swimming pools shall be so erected as to eliminate direct rays and minimize reflected rays of light on adjoining premises. Gates and fences around the pool will be constructed consistent with chapter 18, article XII of this Code.

8.1.9 Mechanical Equipment

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

8.1.10 Lighting

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

8.1.11 Maintenance

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

8.1.12 Special requirements

Apartment sites of two acres or more will comply with the Town's subdivision regulations.

8.1.13 Site landscaping

All landscaping within the "A" district shall conform to the standards contained in article XXI, landscaping regulations or [of] this appendix.

8.2 PD-TH – PLANNED DEVELOPMENT, TOWNHOUSE/ CONDOMINIUM⁴²³

8.2.1 Purpose of District

Because of the newness of townhouses, condominiums, cluster houses and other such housing concepts in Addison and because such housing does not fall into any existing residential zoning district, the Town of Addison finds that a set of regulations are necessary to set forth the Town's policy and attitude towards these housing types. The Town does encourage new and creative ideas when such ideas are in the best interest of the Town as a whole. Therefore, each application to zone townhouse/condominium must be reviewed individually and judged on its own merits.

8.2.2 Planned Development

In order to provide for individual review, it has been decided that all townhouses, condominiums, cluster housing and other such concepts shall be allowed only under planned development PD zoning. This appendix requires a comprehensive development plan and the development plan "shall become part of the amending ordinance" (see article XV, section 5, of this appendix). Therefore, the following ordinance sets out the Town's expectations regarding these various requirements.

8.2.3 Comprehensive Site Plan

- A. This is to be a graphic plan including all the area under consideration for zoning approval and shall be submitted with the application for such zoning. This plan need not be detailed but must show use areas, land areas for building, principal roadways, parkways, buffers, screening and the number and type of dwelling units. Notes, sketches, photographs and drawings may be attached to the development plan to illustrate the treatment of parkways, parking area, buffer strips, screening, shrubs, roadway design, special subdivision plotting plans and other such ideas which cannot be satisfactorily explained otherwise. Such notes, sketches, photographs and drawings shall be used to evaluate detailed site plans.
- B. If the development plan is only conceptual in nature, the zoning may be granted, but no building permit shall be issued until a detail development plan is approved by the city council.

8.2.4 Detail Development Plan

- A. A detail development plan shall be approved by the city council prior to the issuance of a building permit and shall show locations of buildings, open spaces, parking areas, drives, streets and other accessways, sidewalks, fire lanes, landscaping, buffer strips, use of buildings, floor plans, number of dwelling units, plotting plans, if applicable, diagrammatic utility layouts and other such things which serve to show that the proposed development will be compatible with the surrounding area and will provide a wholesome environment for future residents.

⁴²³ From current Appendix A, Article XVI: *Planned Development, Townhouse/Condominium*.

- B. All required screening walls must be of masonry construction. Fences shall be offset from drives or parking to avoid damage by vehicles.
- C. The detail development plan and the comprehensive site plan may be one-in-the-same if all conditions of both are met. In the event of a multiphase project, it is intended that a detail development plan be submitted only on the area that is proposed for immediate development. Additional plans may be approved as the other phases are ready to be developed.

8.2.5 General Location of Zoning

Each application shall be judged on its appropriateness to its site and to its compatibility with existing development to other proposed development. It is felt that through proper planning it is possible to design townhouse/condominium development to fit all areas of Addison. The master plan sets forth the proposed location of single-family areas. These single-family areas are envisioned to possibly be protected from high intensity land uses and traffic volumes along major thoroughfares by medium intensity buffering areas such as garden office and intermediate density housing.

8.2.6 Permitted Uses

- A. Condominium.
- B. Townhouses.
- C. Community center.
- D. Recreation buildings.
- E. Laundry rooms.

8.2.7 General Conditions

Yard requirements:

- A. There shall be a 25-foot exterior yard in all cases from public streets.
- B. There shall be side yards of ten feet in all cases for one story condominium buildings.
- C. There shall be a side yard of 15 feet for two-story buildings.
- D. Every part of a required yard or court shall be maintained as open space; provided that ordinary projections may extend into a minimum side yard not more than 24 inches.

8.2.8 Townhouse Yard Requirements

Every lot within this district shall have exterior yards of at least 25 feet, a rear yard of at least ten feet and no side yard shall be required. The uniform building code will regulate construction requirements where side property lines intersect with buildings.

8.2.9 Density

Density within this PD zoning district shall not in any case exceed 18 dwelling units per acre.

- A. Maximum lot coverage. No more than 50 percent of the total lot area shall be covered by buildings.
- B. Building; lot ratio. There shall be at least 2,400 square feet of lot area for each dwelling unit built on any lot.
- C. Minimum dwelling unit size. Every dwelling unit, hereafter erected, shall have a floor area exclusive of breezeways, basements, open and screened porches and garages of not less than 750 square feet.

8.2.10 Construction Materials and Design

Condominium developments bring individual behind-the-door owner's side by side in one building with common ownership of other elements of the structure. Therefore, the architectural design and the exterior maintenance are more important in these developments than in detached single-family houses. For this reason, the Town feels that much care must be used in the selection of building materials to reduce long range maintenance problems and protect property values.

- A. The exterior walls shall be 80 percent masonry.
- B. A fire-retardant class C roof covering, meeting uniform building code standard 32-7, will be required on all condominium and townhouse units.
- C. Balconies visible from public R.O.W. must be recessed and screened or covered and screened.
- D. Open guard rails and stair railings shall have intermediate rails or an ornamental pattern such that a sphere six inches in diameter cannot pass between rails.

8.2.11 Parking

- A. Two parking spaces shall be provided for each dwelling unit.
- B. Additional off-street parking, as determined by the council, shall be provided adjacent to all recreational areas.
- C. Fire lanes, as required by the fire code, shall be provided and clearly marked.
- D. Security lighting must be provided to illuminate parking and public areas; placed to reflect the lighting away from adjacent dwelling units.

8.2.12 Streets, Alleys and Accessways

- A. All areas for locating dwelling units shall be platted property and located on dedicated streets; however, private streets may be provided if a homeowner association or other agency has control and maintenance of such private streets. Private streets and alleys must be shown on the subdivision plat.
- B. Paving standards. Private streets shall meet Town of Addison widths and paving standards.
- C. Alley access. Alleys within or abutting a district may be used for ingress or egress to parking and service areas, provided the alley is paved to a width of 20 feet from a street to the parking or service area.

8.2.13 Open Space

In addition to paved parking and driving areas, at least ten percent of the lot shall be maintained in landscaped open area. All parking areas shall be designed and constructed in a manner to include landscaping. All landscaped areas shall have adequate and inconspicuous irrigation systems.

8.2.14 Utilities

- A. Each condominium/townhouse unit shall have its own underground electrical service.
- B. All dwelling units must have washer and dryer connections.

8.2.15 Postal Service

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

8.2.16 Refuse Collection and Storage

Individual curbside refuse collection may be required for each unit in a collection unit approved by the council.

8.2.17 Deed Restrictions and Owner Association Agreements

Agreements shall be approved by the Town of Addison and recorded in the county clerk's office, prior to the issuance of the certificate of occupancy.

8.2.18 Fire Walls Separating Dwelling Units

- A. The common walls and ceiling of each unit must be constructed of materials of one-hour construction.
- B. The attic space must be fire stopped as required by the Uniform Building Code.